

## THE WILL OF MASTER WILLIAM DOUNE, ARCHDEACON OF LEICESTER.<sup>1</sup>

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The last will and testament of an archdeacon has formed the subject of at least one paper read before the Institute. At one of its earliest annual meetings some account was given of the will of Richard Ravenser, the famous archdeacon of Lincoln in the reigns of Edward III and Richard II.<sup>2</sup> The document with which the present paper is concerned is even more remarkable for the light which it throws upon the character and habits of another of the archdeacons of the church of Lincoln, belonging to the generation preceding that of Ravenser.<sup>3</sup> Only one copy of this will appears to be extant, and this unfortunately lacks its beginning and end. It is contained in a thick volume of miscellaneous documents, common forms, papal bulls, patterns of formal correspondence, drafts of legal processes, model harangues and sermons, and other useful material for the use of an ecclesiastical lawyer, which found its way into the diocesan registry at Peterborough in the sixties of the last century. The book appears to have been bought by the late Mr. Gates, then diocesan registrar, at a second-hand book-stall in the market-place. It was examined by the late bishop Jeune and Mr. H. O. Coxe, then Bodley's librarian, in 1866, and, being in a very tattered condition, was mended and bound. No suggestion has hitherto been made, within the knowledge of the present writer, as to its origin.<sup>4</sup> It was compiled for the most part early in the fifteenth century. The bulk of the documents which it contains, drawn from a variety of sources, belong to the period between 1380 and 1402, and none appears to be much later than 1405. On one of the last leaves are the *comperta* of a visitation of the rural deanery of Rochford in Essex,

<sup>1</sup> Read before the Institute, 3rd Nov. 1915.

<sup>2</sup> See *R.A.I. Lincoln* vol. 1848, pp. 312-27.

<sup>3</sup> Ravenser did not become archdeacon of Lincoln until 1368, some years after

William Doune's death. He died in 1386 (Le Neve, *Fasti*, ed. Hardy, ii, 44).

<sup>4</sup> It has been examined within the last few years by Dr. R. L. Poole. The tentative conclusions here suggested as to its origin are the present writer's own.

held at a date not given; and from these, evidently noted hastily upon a spare leaf, and from the fact that the larger part of its contents consists of documents relating to the ecclesiastical business of the southern dioceses of the province of Canterbury, it may have been compiled in part by or for Richard Prentys, archdeacon of Essex from 1400 to 1420.<sup>1</sup> This is put forward merely as a suggestion which is as incapable of being fully proved as it is of being rejected.

Large portions of the first third of this register, amounting to more than a hundred leaves, have entirely disappeared. Fo. 153, now numbered fo. 55, concludes a curious series of medical prescriptions, partly in French and partly in Latin. The next three leaves are gone, and on fo. 157, now fo. 56, we arrive at the middle of a sentence in a will, the only document of the kind in the book. The detailed nature of its legal provisions shews that it was regarded by the compiler of the volume as a model of its kind. It occupies six closely-written leaves, twelve small folio pages, and as fo. 163 [62] is missing, breaks off abruptly again in the middle of a sentence, to give place to elegant letters of condolence upon the death of a bishop and other persons of consequence, which may be recommended to those whose stock of unction, whether from overmuch use or natural defect, is apt to run dry on such occasions. The testator's name and place of burial are thus wanting, together with the date of the will and the place and date of probate, and the missing portions amount to nearly a quarter of the document. On reading the will, however, it soon becomes clear that the testator was an archdeacon of Leicester, and, on going somewhat further, it is obvious that the archdeacon in question was William Doune, who held the

<sup>1</sup> The career of Richard Prentys is somewhat complicated by the fact that there was a contemporary clerk of the same name, probably his uncle, canon of Salisbury and prebendary successively of Stratford and South Grantham, who died in 1416 (Lincoln epis. reg. xiv, f. 83: cf. Jones, *Fasti Ecc. Sar.* 386, *Cal. Pat.* 1416-1422, 49). Newcourt, *Repertorium*, i, 72, shews that the archdeacon exchanged his archdeaconry for the church of Winfrith Newburgh, Dorset, in September, 1420. One of the few documents in the register

relating to the northern province is concerned with the chapter of Southwell (ff. 168, 169), of which the elder Richard Prentys was a member, holding the prebend of Dunham, c. 1410-16 (Le Neve, iii, 419). A large number refer to the dioceses of Winchester and London, and Salisbury and Worcester dioceses furnish many; but the evidence is too general to prove more than that the book belonged to a clerk, most likely an archdeacon, in one of the southern dioceses, probably London.

office in the middle of the fourteenth century. If any doubt remains, it is cleared by one of the marginal notes in which his name is mentioned; and, on testing the details of the will by the corroborative evidence afforded by the Lincoln and Exeter registers, this becomes certain. After transcribing the document, which was copied somewhat mechanically and is not free from a good number of small textual errors, the present writer examined those sources with the result that it is possible to fix the date of the original will in the early part of the year 1361 and to co-ordinate some hitherto unnoticed facts relative to the life of the testator. Neither at Lincoln, Exeter, nor at Worcester, the centres of the three dioceses with which William Doune was connected, is there any copy of the document, nor is there one among the early wills at Somerset house or in the archiepiscopal registers at Lambeth. It is probable therefore that, wherever he obtained it, the care of a later clerk, who desired to model his own will on similarly thorough and careful lines, has been the sole preservative of this memorial of a dignitary of whom the few notices are singularly barren and inaccurate.

Some notes upon this will, with extracts, have already formed the subject of a paper in the *Associated Architectural Societies' Reports* for 1904, by the late Mr. A. Percival Moore, to whose researches in the Peterborough registry antiquaries are greatly indebted.<sup>1</sup> While, however, his notes, as became an excellent lawyer and antiquary, are of considerable value, he made no attempt to do anything more with regard to the testator himself than repeat the information given by Nichols, Le Neve and others, assuming that his name was Donne and that he lived till 1385, and, in spite of the abundant evidence of the will regarding his Devon origin, was inclined to think that he was a Buckinghamshire man. Mr. Moore's extracts, moreover, were evidently made hurriedly and are sometimes little more than an abstract, occasionally inaccurate, of the original, which the printers have further clouded by a multitude of small typographical errors. With characteristic modesty, Mr. Moore disclaimed any attempt to give his notes a complete and

<sup>1</sup> *Assoc. Archit. Soc. Reports*, xxvii, 503-524.

final form, and, in giving the result of his own independent work upon the document to the Institute, together with a transcript the accuracy of which he has recently put to the closest test, the writer is aware that there are several points which await fuller investigation.

It is clear that William Doune was a native of Devon and that he was of gentle birth; but the actual place of his origin is uncertain. His father may have been Thomas Doune or Estdoune, who presented to the rectory of East Down, between Barnstaple and Combe Martin, in 1339<sup>1</sup>; but William refers to his father's son and heir by the name of Thomas, whereas the patron who presented to the same living in 1363, not long after William's death, is called Philip Doune.<sup>2</sup> Down Thomas, in the parish of Wembury, south Devon, is another possible place to which he may be assigned.<sup>3</sup> During the early part of the fourteenth century, there were several clerks of his name beneficed in the diocese of Exeter. John and Richard Doune were successive rectors of Lympstone, a church in the gift of the Courtenays of Powderham, earls of Devon.<sup>4</sup> Robert Doune was rector of Ringmore, on the south coast of Devon, in 1328-29,<sup>5</sup> and about the same period Thomas Doune held the living of St. John's-in-Cornwall, on the west side of Plymouth sound.<sup>6</sup> None of these can be connected with any certainty with William, and all of them apparently belonged to an older generation. Whoever his father was, it appears from a papal dispensation obtained by William in 1343 that he was illegitimate.<sup>7</sup> His mother, whether at the time of his birth or later, was the wife of a member of the family of Fitzwaryn, which held property in north Devon. Her son was Aymer Fitzwaryn, who seems to be identical with the escheator in Devon c. 1349-54, sheriff of the county at a later date,<sup>8</sup> and owned the advowson and part of the manor of Quainton, Bucks, in

<sup>1</sup> *Exeter epis. reg. Grandisson*, ed. Hingeston Randolph, iii, 1324.

<sup>2</sup> *ibid.* iii, 1494. For a notice of this family see Polwhele, *Hist. Devon*, iii, 399.

<sup>3</sup> John Pipard was lord of 'Doune Thomas' in 1316 (*Feudal Aids*, i, 381). Isabel Pipard, whose name figures largely in the will, was certainly a near relation of William.

<sup>4</sup> *Reg. Grandisson*, ut sup. i, 475, 523; iii, 1330.

<sup>5</sup> *ibid.* i, 470.

<sup>6</sup> *ibid.* iii, 1289. Others occur *ibid. Reg. Stapeldon*, as rectors of Stoke Climsland, Goodleigh and Heanton Punchardon.

<sup>7</sup> *Cal. Papal Letters*, iii, 112.

<sup>8</sup> *Cal. Close Rolls*, 1360-64, 460.

1349. She also had a daughter Alice, who married one Robert Marchaunt and lived at Exeter. In addition to Thomas, already mentioned, William Doune refers to Thomas, son of Joan atte Pitte,<sup>1</sup> as his brother by blood. Three sisters, as well as the half-sister Alice, occur in the will, viz. Alice, married to one Bozoun of Dartmouth, by whom she had two sons; Thomasine Lovecok of Oxford<sup>2</sup> and Joan Waryn, each of whom had one son. All these three were dead when William made his will. His father's sister, Joan Lynham, was at that time still alive and had a son John and two daughters, Thomasine and Margaret.

It is probable that William Doune was born early in the fourteenth century, that he studied at Oxford and was a member of Merton college,<sup>3</sup> and that he became attached to the household of John Grandisson, or, as his contemporaries called him, Graunson, a few years after he became bishop of Exeter in 1327. As one of the bishop's clerks he became familiar with the procedure of the episcopal chancery, and among his bequests to the notary master Thomas Pepir, to whom he left his silver pen and inkhorn, was 'a quire [of paper] covered outside with white leather containing commissions made out in the court of Rome, letters apostolic, the procedure and terms used in causes in the court of Rome, propositions, articles and much other useful matter written almost entirely with my own hand, and containing in part a membrane of parchment wherein are written letters or copies of letters of commission and other letters of bishops, and certain other things which I got together in the days of my youth, when I was in the service of my lord bishop of Exeter.' The first mention of his name in Graunson's register is found in November 1332, when he was appointed in conjunction with the vicar of Sidmouth to hold a commission of inquiry into the vacancy of the church of Rockbeare.<sup>4</sup> He is here called 'donzel' (*domicellus*), which implies his gentle birth, and *literatus*, meaning that he had proved himself by examination of some

<sup>1</sup> Bishop Graunson appointed one John 'dictus atte Pitte' to act as his attorney in chancery in 1334 (*Reg. Grandisson*, ut sup. ii, 747).

<sup>2</sup> Her husband, John Lovecok, seems to be mentioned as of Oxford in the will. See text below.

<sup>3</sup> This appears from a bequest in the will. Mr. Moore (see above) noted, from Brodrick, *Memorials of Merton college*, 176, the record of a pension of 20s. paid by the sub-warden to master William Downe in 1351.

<sup>4</sup> *Reg. Grandisson*, ut sup. ii, 664.

capacity in letters. From this time onwards he is mentioned frequently as in attendance upon the bishop, attesting probate of wills and accompanying him upon his journeys. In July 1336, for example, he was with Graunson on his visit of reconciliation to the church of St. Buryan near Penzance, where the bishop addressed the penitent parishioners who had opposed his jurisdiction from the text 'Ye were as sheep going astray, but are now returned unto the Shepherd and Bishop of your souls.'<sup>1</sup> About 1340 he received his commission from the apostolic see as notary public and appears as Graunson's registrar. It is dated 17th June, 1340.<sup>2</sup> He signed the probate of the will of Hugh, earl of Devon, in February, 1340-41, as 'clerk, of the diocese of Exeter, notary public, and scribe of my lord of Exeter.'<sup>3</sup> While still in minor orders he began to receive the benefices which were the reward of a promising ecclesiastical lawyer. On 12th May, 1342, he was admitted to one of the portions in the church of St. Endellion, a sinecure without obligation of residence.<sup>4</sup> Soon after, on 27th June, he obtained a dispensation from the pope empowering him to hold an extra benefice,<sup>5</sup> and on 4th July, 1343, another dispensation permitted him, notwithstanding his illegitimacy, to hold three compatible benefices.<sup>6</sup> On 4th November, 1344, he obtained a cure of souls, being instituted to to the church of Georgeham, a few miles west of East Down, on the presentation of Sir Robert Cruwes and Jordan Vautord, the lords of Over and Nether Ham and Pickwell.<sup>7</sup> It seems that this institution was revoked until he had proceeded to further orders; for he was again instituted on 20th April, 1345, when we hear of him for the first time as a deacon. He had leave of absence for some eighteen months in order to study,<sup>8</sup> and, as this dispensation was renewed year after year till 1348,<sup>9</sup> during which time we hear little of him at Exeter, the fruits of the church of Georgeham, a remote parish unfavourable to the ambitions of a rising jurist, probably served to support its rector's legal studies at Oxford.

<sup>1</sup> *ibid.* ii, 821.

<sup>2</sup> *Cal. Papal Letters*, ii, 549.

<sup>3</sup> *Reg. Grandisson*, ut sup. ii, 940.

<sup>4</sup> *ibid.* iii, 1335.

<sup>5</sup> *Cal. Papal Letters*, iii, 67.

<sup>6</sup> *ibid.* iii, 112.

<sup>7</sup> *Reg. Grandisson*, ut sup. iii, 1345.

<sup>8</sup> *ibid.* ii, 992.

<sup>9</sup> *ibid.* ii, 1002, 1009, 1031, 1068.



Such an arrangement, unnatural in our own day, was then a common practice. William Doune no doubt paid a curate a small stipend to look after his flock, and the curate, being necessarily in priest's orders, could perform the duties of his cure more satisfactorily than an erudite deacon.

Although his will gives a prominent place to Georgeham, he seems to have quitted the living about 1349. He had now graduated at Oxford as licentiate in civil law. During the great pestilence of 1349 the church of Quainton in Buckinghamshire, which was in the gift of his half-brother Aymer Fitzwaryn, fell vacant. He was presented to the living and instituted on 1st September at Thame in Oxfordshire.<sup>1</sup> Although he had been instituted to Georgeham as a deacon, he now appears only as an acolyte. On 18th October following he received papal provision of a canonry of Exeter, in which his church of Quainton and portion in St. Endellion are mentioned, but Georgeham finds no place.<sup>2</sup> The provision of the canonry, as regards a prebend and stall in quire, was merely expectative and does not seem to have taken full effect, as there is no further mention of it after the earlier part of 1351.<sup>3</sup> At Quainton Doune was in the diocese of Lincoln, and his merits as a lawyer received recognition from bishop Gynewell. Soon after 1349 he proceeded to his doctor's degree in civil law and to priest's orders. His long experience of diocesan routine at Exeter qualified him for the post of official of the bishop of Lincoln, which he obtained somewhere between 1349 and 1354. A papal indult of 16th June, 1351, excused him from residence in his benefices for five years, while studying at a university or residing at the Roman court or elsewhere; and on the same day he had licence to hold another benefice with his cure of souls, in extension of the dispensation of 1343, or even to be elected bishop.<sup>4</sup> There was no immediate sequel to this new licence; but he probably took advantage of his leave of non-residence to proceed to his doctorate in canon law; for, on 10th February, 1353-4, when his fellow-countryman, Reynold Brian, bishop of Worcester, created him his official, he is called LL.D.<sup>5</sup> He combined

<sup>1</sup> Lincoln ep. reg. ix, f. 240.

<sup>2</sup> *Cal. Papal Letters*, iii, 345.

<sup>3</sup> *ibid.* iii, 415.

<sup>4</sup> *ibid.* iii, 427, 432.

<sup>5</sup> Worcester ep. reg. Brian, i, f. 7.

this new office with that of official of Lincoln, but was never beneficed in Worcester diocese. On 12th May, 1354, Gynewell appointed him to the archdeaconry of Leicester, then vacant by the death of Henry Chaddesden.<sup>1</sup> The office, however, had been reserved by the pope, from whom Doune received a provision ratifying Gynewell's action on 12th October following.<sup>2</sup> Meanwhile, the archdeaconry was claimed by a clerk of the diocese of Bazas, Arnould de Gavarret, and, while the dispute continued, Doune, on 11th December, 1354, was dispensed to hold Quainton with the archdeaconry till All Saints' day, 1355.<sup>3</sup> Eventually, by papal letters of 10th December, 1355, the dispute was concluded in his favour.<sup>4</sup> He had already begun to exercise his jurisdiction as archdeacon, for his name appears on 24th March, 1354-5, second among the four archdeacons of Richmond, Leicester, Lewes and Stafford, who witnessed the foundation of the new college at Leicester by Henry, duke of Lancaster.<sup>5</sup> It does not appear that, beyond his formal connexion with him as archdeacon of Leicester, he ever came into close relationship with the duke of Lancaster, the most powerful magnate in the archdeaconry; nor did he ever obtain service, like so many clerks, under the Crown. His activities were devoted to the service of prelates; and to him might be applied the character given of himself in 1366 by his friend Roger Otery: '*industriosus in temporalibus et spiritualibus, et potissime circa correccionem et reformationem morum subditorum episcoporum iuxta morem ecclesie Anglicane et Wallie, prout experientia docet et docuit iam multis annis.*'<sup>6</sup>

Of his tenure of the archdeaconry, which included the county of Leicester, then divided into rather more than 200 parishes, there is little to record beyond what is contained in his will. He held it for some seven years from the time of its collation to him by Gynewell. Instead of resigning Quainton in 1355, he continued to hold it with the archdeaconry till 1359-60. The church of Swalcliffe, Oxon. then fell vacant by the death of Richard Whitewell, canon of Lincoln. Doune now

<sup>1</sup> Lincoln ep. reg. ix, f. 319 d.

<sup>2</sup> *Cal. Papal Letters*, iii, 517.

<sup>3</sup> *ibid.* iii, 524.

<sup>4</sup> *ibid.* iii, 566.

<sup>5</sup> Lincoln ep. reg. ix, f. 282 d.

<sup>6</sup> Lambeth archiep. reg. Langham, f. 26.



resigned Quainton and, accepting Swalcliffe instead, at the presentation of Thomas Logis, vicar of Pinchbeck, Lincs. was instituted on 16th February, 1359-60.<sup>1</sup> He held this living for about eighteen months. In 1361 there was a return of the great pestilence, which, though the mortality was not so great as before, worked havoc in the midlands.<sup>2</sup> It was probably about the beginning of this second pestilence that Doune made his will. The date cannot be limited within a narrow period, but he had evidently been rector of Swalcliffe for some little time. Its careful provisions and its general tone indicate that he was in fair health but in some apprehension of the immediate future. He died before 9th August, 1361, when the institution of his successor to Swalcliffe is recorded.<sup>3</sup> With regard to the archdeaconry it is disappointing that no record remains. His career, though little more can be recovered of it than barren facts and dates, is that of the typical ecclesiastical lawyer of the middle ages, rising in the service of a bishop, studying in a university upon the fruits of his benefices, and obtaining the reward of his ambition in an archdeaconry which might lead, as it led in the case of Graunson and Gynewell, to a bishopric.

It may be said at this point that the functions of a mediaeval archdeacon, though nominally spiritual, required little more of him than that he should be a practical man of affairs, expert in legal and financial matters. The more valuable English archdeaconries, especially in the later thirteenth and early fourteenth centuries, were frequently perquisites of cardinals and well-born satellites of the papal court; and at all times it was not uncommon for an archdeacon, especially if he were occupied, as was often the case, in the royal chancery or other offices at Westminster, to perform his duties exclusively through an official and the official's clerks. William Doune, however, was, as we have seen, one of those archdeacons who, beginning their career in the service of a diocesan bishop, devoted his attention to diocesan as distinct from national

<sup>1</sup> Linc. ep. reg. ix, f. 224 d. His successor at Quainton was instituted on 17th May, 1360 (ibid. f. 270 d.)

<sup>2</sup> For some account of this pestilence in another part of England see *The Pestilences of*

*the fourteenth century in the diocese of York*, by the present writer, *Archaeol. Journ.* lxxi, 97-154.

<sup>3</sup> Linc. ep. reg. ix, f. 228.

administration. The duties of an archdeacon, as defined by canon law,<sup>1</sup> were practically uniform in all dioceses. In the sphere of his jurisdiction he was *oculus episcopi*, the bishop's eye, charged with a vigilant watch over all that was in need of correction or reform. The same book into which William Doune's will was copied contains a copy of an appeal by Richard Ravenser against bishop Buckingham's sequestrator, which defines the jurisdiction of the archdeacon of Lincoln and applies to the other archdeacons of the same church.<sup>2</sup> To Ravenser belonged, as of established custom, the primary hearing and decision of all cases coming under the cognisance of the ecclesiastical court in his archdeaconry, and the correction and punishment of offenders. He was empowered to appoint, admit and depose his various rural deans and other officers,<sup>3</sup> to prove wills and demand, audit and acquit the accounts of executors. He had to visit his archdeaconry yearly, and, in so doing, collected the procurations or fees which constituted the staple emoluments of his office.<sup>4</sup> Ravenser

<sup>1</sup> Decretal. Greg. IX, i, tit. xxiii, especially cap. 7, *Ad bec*, which contains the constitution of Innocent III, relative to the office of archdeacon.

<sup>2</sup> ff. 200 d. 201: 'Quodque de antiqua legitime prescripta et obtenta hactenusque pacifice observata consuetudine omnium causarum et negotiorum siue ex officio siue ad instanciam parcium in dicto archidiaconatu ad forum et cognicionem ecclesiasticam spectancium primaria cognicio ipsarumque causarum ac negotiorum diffinio et decisio, criminumque et excessuum omnium dicti archidiaconatus subditorum ad forum et cognicionem premissa pertinencium correctio [et] punicio, decanorum ruralium dicti archidiaconatus apparitorum et aliorum ministrorum deputacio et admissio ac ab huiusmodi officio amocio iuxta ipsius archidiaconi officiariorumve suorum arbitrium, testamentorumque quorumcunque infra dictum archidiaconatum decedencium probacio et approbacio eorundemque insinuacio, racioninorum siue calculorum de et super administratione bonorum dictorum defunctorum exaudicio ac finalis acquietancie super calculo huiusmodi faccio et concessio, emolumentorum exinde proveniencium percipcio, ecclesiarumque et beneficiorum ac personarum eiusdem archidiaconatus visitacio archidiaconalis de anno in annum debite facienda et ea occasione procuracio

debita et consueta, ad dictum dominum archidiaconum ipsiusque precessores (sic) qui pro tempore fuerint solum et insolidum et nullatenus ad episcopum Lincolniensem eiusve officarios seu ministros notorie pertinuerunt, pertinent et pertinere consueuerunt, visitacione dicti domini episcopi de triennio in triennium in dicto archidiaconatu facienda dumtaxat excepta.'

<sup>3</sup> Decretal. i, xxiii, 7, ut sup. § 6. defines the appointment, etc. of archpriests or rural deans as belonging to the bishop and archdeacon in common.

<sup>4</sup> Decretal. i, xxiii, cap. 6, *Mandamus*, forbids an archdeacon to visit more than once a year. Ibid. iii, xxxix, cap. 23, *Procuraciones*, requires the visitation to be personal: otherwise the archdeacon has no right to demand procurations, which must be moderate. The constitution of the legate Otho *De archidiaconis* orders 'ecclesias autem non grauent superfluis expensis, sed procuraciones exigant duntaxat, cum visitent moderatas.' Their chief duties as visitors are set forth in the provincial constitutions of archbishops Langton *Ut archidiaconi*, Peckham *Eisdem eciam temporibus*, and Reynolds *Sint ecclesiarum rectores et Archidiaconi*, as well as in the legatine constitution above mentioned. Procurations were understood to be paid in victuals and lodging, excluding the expense of the visitor's

does not mention the examination of presentees to benefices or their induction after institution.<sup>1</sup> In some cases at any rate, when a benefice fell vacant, the archdeacon was entitled to a share in its fruits during its vacancy.<sup>2</sup> It is obvious that the fees which fell to his share in connexion with all these duties were considerable. The emoluments of the great archdeaconry of Lincoln were estimated at an average varying from 300 to as much as 600 marks a year, an enormous sum in money of our day.<sup>3</sup> The archdeaconry of Richmond, whose holders enjoyed the right of institution to benefices and other quasi-episcopal privileges, was probably even more valuable.<sup>4</sup> There was no ecclesiastical office in which a man was more able to make money or was less hampered by purely spiritual considerations. The popular character borne by archdeacons two centuries before William Doune's day was expressed in famous words by John of Salisbury, who writes to a correspondent: 'There was, as I remember, a class of men, who in the church of God are counted by the name of archdeacons. From these your discretion used to complain that the whole way of salvation was utterly barred, for, as you were wont to say, they love gifts, they follow rewards, they give a prize to injustice, they rejoice in false accusations, they feed upon the sins of the people. Their living is by rapine, so that no host is safe from his guest.'<sup>5</sup> This account, which paints the mediaeval archdeacon in his least amiable light, is corroborated from other sources, and we shall see that

horses and carriages, and Gregory X at the council of Lyons forbade procurations in money: these, however, were permitted by Boniface VIII (Sexti decretal. iii, xx, cap. 3, *Felicitis*) and were regulated by Benedict XII in 1336 (Extravag. Commun. ii, x, *Vas electionis*). The visitation programmes of 1441 and 1442 in York archiep. reg. Kempe show that, save in certain special cases, the archbishop and his commissaries rated their procurations at 100s. a day.

<sup>1</sup> This is ordered, e.g. in Decretal. i, xxiii, 7, § 5, where induction is defined as *institutio corporalis*.

<sup>2</sup> Another document in the Peterborough book (f. 206) states this of the archdeacon of Surrey, who claimed a moiety of the fruits of benefices during vacancy.

<sup>3</sup> In 1366 William of Wykeham returned

the average annual value of the archdeaconry of Lincoln, which he then held, as £350 sterling, i.e. 525 marks (Lambeth archiep. reg. Langham, f. 12 d). But estimates vary at different times.

<sup>4</sup> For the special privileges of the archdeacon of Richmond see *Hist. Ch. York* (Rolls ser.), iii, 248-250.

<sup>5</sup> Ep. 156, quoted by Ducange, s.v. *Archidiaconus*. 'Erat, ut memini, genus hominum, qui in ecclesia Dei archidiaconorum censentur nomine, quibus vestra discrecio omnem salutis viam querebatur esse preclusam; nam, ut dicere consuevistis, diligunt munera, sequuntur retributiones, ad iniurias premium faciunt, calumniis gaudent, peccata populi comedunt quibus vivitur ex raptis, ut non sit hospes ab hospite tutus.' The last sentence is, of course, a quotation from Ovid, *Met.* i, 144.

William Doune was acutely conscious of the temptations of his office and its unpopularity.

The defective state of the will prevents us from estimating the full value of the archdeacon's estate. No statement of his real property is given, the bequests dealing purely with property of a personal nature. His relations, servants and personal friends received a number of small legacies. His half-brother and sister, Aymer Fitzwaryn and Alice Marchaunt, were probably well provided for already. To Alice he left three marks (£2), to Aymer twenty marks (£13 6s. 8d.), and to each twelve silver spoons. His own brother Thomas had four pounds and four silver spoons. His aunt Jane Lynham had three marks and six silver spoons: her son had three marks. Of his nephews the Bozouns, Robert, the elder, had ten pounds towards his studies at a university, while the younger brother had five pounds: to these legacies there was an addition of which mention will be made later. The nephew at Oxford, already studying there, received another ten pounds. Another nephew, Thomas Waryn, received five marks. To the two daughters of Jane Lynham he left ten pounds and five pounds respectively in aid of their marriage portions, and to a certain Isabel, daughter of Margaret Pipard, who was born in Exeter and lived there with his sister Alice Marchaunt, he left the generous sum of £40 to the same end. The most interesting features of these legacies are the stringent conditions attached to some of them. Aymer Fitzwaryn had a doubtful reputation in the law-courts for false swearing and the offence of barrettry.<sup>1</sup> The archdeacon left him twenty marks 'on condition that he shall never in his lifetime stand on any jury, or take an oath before the king's justices or any other secular persons or be one of twelve jurors, or ever induce any one to be such, but,

<sup>1</sup> Barrettry is 'the offence of frequently exciting and stirring up suits and quarrels between his majesty's subjects, either at law or otherwise' (Blackstone). See Ducange, s.v. *Baratum*: 'Baraterii sunt qui nimis pretorium frequentant . . . *Cbicanears*, vitiligitores . . . Italis Barattieri dicuntur, qui ex sordido lucro vitam agunt, vel qui iudices pecunia corrumpunt, atque ideo ipsi iudices corrupti . . . Barretors . . . Anglis a *Barretour*

*appellantur vitiligitores, litium querellarumque communium fotores.*' Dante condemned *barattieri* to the fifth *bolgia* of the eighth circle of the *Inferno* (*Inf.* xxii). The offence of barrettry is well described by Crabbe in the characters of the two Swallows, *The Borough*, letter vi; and cf. the character of Richard Monday, *The Parish Register*, part i:

In all disputes, on either part he lied,  
And freely gave his oath on either side.

abandoning and giving up such abuses of law, of which he is gravely suspect, to say nothing further, shall serve God as a Christian man and faithful and repent worthily of his past deeds, and find sufficient surety touching this to my executors . . . Otherwise, if he make not sufficient surety touching the fulfilment of such condition, concerning which it should be carefully noted that his lands be not bound, charged upon, or made over to Thomas Missenden,<sup>1</sup> for example, or any other by the statute of merchants or other means, he shall wholly and altogether go without such legacy.' Isabel Pipard's £40 were also carefully hedged about with conditions which indicate that the archdeacon was anxious for her welfare.<sup>2</sup> Her future husband, when the time came, could receive the money only by entering into a bond with the executors which, if he were under the disadvantage of a previous contract of marriage or under any other impediment, would be *ipso facto* null and void, but, in case he ill-treated her after marriage, would remain in full effect. On the other hand, if, in certain circumstances, she should not be able to make a good marriage, but became the wife of some abject and mean person whose goods did not amount to 100 shillings, she would lose two-thirds of the £40; while, if her behaviour was such that she should neither want to marry nor be worth marrying, the legacy was reduced to forty shillings. Similarly, in leaving her some clothes and his great red bed with all its furniture, the archdeacon provided that, in case of her misconduct, she should forfeit them. The bequests forfeited in this way were to be used in aid of the dowry of honest unmarried women, preferably of the testator's own blood.

Among legacies to persons not of his kin to whom the archdeacon was bound by ties of gratitude are three pounds to William Stanley of Stamford and Agnes his

<sup>1</sup> Thomas Missenden or Cophouse had bought an estate in the manor of Quainton from the co-heirs of Robert Mallet (d. 1347). In 1351 he had acquired a third of the manor and the advowson of the church from Aymer Fitzwaryn and Isabel his wife, who was apparently a daughter of Robert Mallet. He subsequently acquired the whole manor. When William Doune resigned Quainton church in 1360, his successor was presented by Missenden's

attorneys. Missenden himself died shortly after: his widow Isabel, daughter of Bernard Brocas, married Sir John Golafre of Sarsden, Oxon, who at his death (1379) was seised of the manor and advowson *jure uxoris* (Lipscomb, *Hist. Bucks.* i, 394).

<sup>2</sup> Her relationship to him is nowhere stated; but the prominent place which she occupies in the will suggests the inference that she was his own daughter.

wife, with whom some of the archdeacon's clothes and furniture were stored,<sup>1</sup> forty shillings to William their son, eight pounds to be divided among the three sons of John Deneys of Gidcote, and five pounds to his daughter in aid of her dowry. Walter Asche, his donzel and notary, and Simon Bulkington, his serving-man, had five marks each; and Walter Achym, another serving-man, had three marks. Richard Saunders, his bailiff at Swalcliffe, had two marks or the same amount in spices or wheat. Small legacies of three marks each were left to some of his clerical friends in Devon and Cornwall, John Sharesnull, precentor of Exeter,<sup>2</sup> Richard Norys, canon of Exeter,<sup>3</sup> John Oldestowe, rector of St. Mabyn,<sup>4</sup> Benet Paston, formerly one of the portioners of St. Probus,<sup>5</sup> and the

<sup>1</sup> His actual connexion with Stamford is nowhere stated. It was not, of course, in his archdeaconry; but he must have been there frequently on his way from the south to Lincoln or in his capacity as bishop Gynewell's official. Stamford lay on the great trade route from London to Boston and to the north of England, and it is probable that the archdeacon made his purchases of cloth and other goods at Stamford fair, which continued to be one of the leading English annual markets till a much later date (cf. Shakespeare, 2 *H. IV.* iii, ii, 42-43), and stored them in the town. The geographical and commercial importance of Stamford was no doubt the main reason for the spasmodic migrations from Oxford and Cambridge which had taken place there.

<sup>2</sup> Sharesnull, who probably took his name from Shareshill, Staffs. near Wolverhampton, exchanged the church of Wraysbury, Bucks. for the precentorship of Exeter with the well-known Adam Murimuth in 1337. His institution to Wraysbury is not recorded, unless he may be identified with John Staunton, priest, instituted 13th October, 1323 (Lincoln ep. reg. iv, f. 329 d). The exchange was effected by the bishop of Lincoln, 1st September, 1337 (ibid. ff. 349 d, 350), and Sharesnull was installed at Exeter on 25th September following, William Doune being one of those present (*Exeter ep. reg. Grandisson*, ut sup. iii, 1318). He also had collation of a canonry and prebend of Exeter, 19th June, 1338, which he quitted for another on 15th December, 1340 (ibid. iii, 1321, 1329). He held the precentorship for 35 years, dying in 1372 (Le Neve, i, 410).

<sup>3</sup> Master Richard Noreis, clerk, was instituted rector of Inwardleigh, near

Okehampton, 21st July, 1317 (*Exeter ep. reg. Stapeldon*, ut sup. 224), and appears as subdeacon in the following March (ibid. 515). He was at a later date rector of Ugborough, near Totnes (ibid. *Grandisson*, i, 507; ii, 774); but there seems to be no record of the date at which he obtained this or his canonry at Exeter. He must have died soon after William Doune, for his canonry was filled by a new collation on 3rd February, 1361-2, in consequence of his death (ibid. iii, 1475).

<sup>4</sup> John Aldestowe was instituted to the church of St. Ruan Lanihorne, near Truro, on the presentation of Sir John Lercedekne, 13th November, 1340 (ibid. iii, 1328), but resigned it on being presented shortly after by dame Maud Lercedekne to St. Mabyn, near Bodmin, to which he was instituted 9th January, 1340-1 (ibid. iii, 1329). He obtained a prebend in the church of Glasney, near Penryn, 3rd May, 1349 (ibid. iii, 1386), holding this with St. Mabyn till his death, which took place before 27th April, 1362 (ibid. iii, 1482: cf. 1484).

<sup>5</sup> Master Benet Paston obtained the church of Blockley, Worces. by papal provision, 30th September, 1310 (Nash, *Hist. Worces.* i, 104). He vacated it by 17th January, 1330-1, and appears soon after to have transferred his energies to the diocese of Exeter, where he had collation of a prebend in Probus church, 10th February, 1332-3 (*Exeter ep. reg. Grandisson*, ut sup. iii, 1292), and became chancellor of Exeter after 1335, apparently resigning before 25th March, 1346 (Le Neve, ii, 418). He resigned his prebend by 1st May, 1352, when it was collated to Halford (*Reg. Grandisson*, ut sup. iii, 1422-3).



archdeacon's kinsman, Ralph Halford, who had succeeded Paston in his benefice in 1352.<sup>1</sup> Walter Bokelond, one of the canons of Missenden abbey, had thirty shillings, Alexander Sporman, chantry priest of St. Anne in all Saints', Oxford,<sup>2</sup> a pound; while the vicar of Sleaford<sup>3</sup> had three shillings. These smaller legacies probably covered the expense of masses for the testator's soul.

By far the greater amount of the archdeacon's money was left for religious purposes. Two sums of £40 each were left to the building of the chancels, for which as rector he had been responsible, of Georgeham and Quainton churches. In each case the present rector was obliged to bind himself to the executors for double the amount to use the money within a certain time for the prescribed purposes, under pain of excommunication. If he failed to enter into the bond within six months of receiving notice of the legacy, it was to be applied to other purposes. The £40 bequeathed to Georgeham was in this case to be divided thus: five sums of ten marks each were to be given, one to the fabric<sup>4</sup> or repair of the nave and churchyard wall at Georgeham, one to be divided among the poorer and more infirm folk of the archdeaconries of Totnes, Barnstaple and Exeter, one to the fabric of the Cistercian abbey of Newenham near

<sup>1</sup> He vacated his prebend by death before 4th April, 1362 (*ibid.* iii, 1480). St. Probus, near Truro, was one of those churches, common in the west and south-west of England, which are often reckoned as collegiate, but were more properly churches of which the rectory was divided among a number of portioners. St. Cranstock, St. Teath and St. Endellion are kindred examples in Cornwall; Chulmleigh, Tiverton and the castle chapel at Exeter in Devon. An instructive document explaining the technical difference between such churches and collegiate churches occurs in *Hereford ep. reg. Gilbert* (Cant. and York Soc.) 60, 61, relating to the similar churches of Bromyard and Ledbury. Gnosall, Staffs. and Darlington, Norton and others in co. Durham, may be cited in the same connexion. It is noteworthy that of all the collegiate and quasi-collegiate churches in Exeter diocese only one besides Exeter, viz. the royal free chapel of St. Buryan, near Penzance, had a dean. At Crediton, Glasney and Ottery St. Mary, collegiate foundations in the ordinary sense, the bishops appear to have reserved to them-

selves an honorary and purely nominal headship of the chapter, akin to the relationship of the archbishop of York to his deanless chapters of Beverley, Ripon and Southwell.

<sup>2</sup> Doubtless identical with Alexander of St. Albans, instituted to this chantry 23rd September, 1351, on the presentation of John Falle, John Cary and John Langerusche, executors of Richard Cary (Lincoln ep. reg. ix, f. 204 d). The chantry, for the soul of Nicholas Burcestre, citizen of Oxford, had been ordained on 26th June previously (*ibid.* ff. 199-200 d). There is no further mention of Alexander: the next institution took place on 27th February, 1369-70, on the resignation of John Clerc of Castelacre (Reg. x, f. 347 d).

<sup>3</sup> Probably John Whittlegh, instituted 10th August, 1349 (Reg. ix, f. 13). Sleaford castle was one of the residences of the bishop of Lincoln, which Doune would have visited in discharge of diocesan business.

<sup>4</sup> *Fabrica* in this and similar contexts generally signifies a permanent fabric fund and does not necessarily imply that building was in actual progress.

Axminster, another to the fabric of the priory of Austin canons at Launceston, and the fifth to be distributed among the poorer scholars of the university of Oxford. Of the remaining ten marks, five were to be devoted to the fabric or repair of the Greyfriars church at Exeter, and five to the like uses of the black friars and other friars throughout England. In the case of Quainton, ten marks were to go to the fabric or repair of the nave or its windows or to the making of a stone wall or a good hedge of quick-thorn round the church, five marks to the poorer parishioners, five marks to poor priests who could not celebrate, five marks to the repair of the church and cloister of St. Frideswide's at Oxford, with ten marks more for its necessary buildings, five marks to the similar uses of the abbey of Austin canons at Nutley in Buckinghamshire, and five marks to each of the four orders of friars at Oxford.

At Swalcliffe, with its chapelries of Epwell, Shutford and Lee, villages on the elevated ground to the south of Edgehill, the archdeacon, during his short tenure of the living, had spent money freely, and even, in his opinion, excessively upon the rectory house and its buildings. To further work of this kind, however, he left forty marks (£26 13s. 4d.), requiring a sufficient bond from the rector for its proper application within one or two years. The rector was also to bind himself in 100 marks to the executors not to harass or sue them or the executors of Doune's predecessor, Richard Whitwell,<sup>1</sup> for dilapidations, but to absolve them of any responsibility.

Ten pounds were bequeathed to the church of St. Endellion for the fabric or repair of the chancel. If the rector or portioner who held the cure of souls and his fellow portioners failed to enter into the requisite bond, five pounds were to be applied to the nave of the church and the remaining five to buying clothes for the poorer and more wretched parishioners of the same church. Towards books and vestments for St. Endellion the archdeacon left three marks, with similar legacies to Quainton and Georgeham of ten and five marks respectively.

<sup>1</sup> Richard Whitwell or Whitewell was canon of Lincoln, with the prebend of Empingham (Le Neve, ii, 146). His will, dated 11th December, 1359, is trans-

lated in *Lincoln Wills*, ed. Foster (Lincoln Record Soc.), i, 7-11, where details of his career will be found.

A further legacy of 100 marks (£66 13s. 4d.) to be distributed for the repair of the chancels of the churches in the archdeaconry of Leicester recalls the fact that an archdeaconry was regarded canonically as a benefice with a cure of souls.<sup>1</sup> An archdeacon was morally responsible for the spiritual welfare of his archdeaconry, and Doune's legacy was intended to relieve in some degree the rectors and appropriators over whom he was set of their legal responsibility for part of the fabric of their churches. Ten pounds of this sum were to be set apart for the chancels of churches appropriated to the abbey of St. Mary of the Meadows by Leicester,<sup>2</sup> and five marks for those appropriated to the priory of Austin canons at Laund, in the highlands of south-east Leicestershire.<sup>3</sup> Thus he secured a place in the prayers of these two convents. Further, he left twenty marks to the repair of the nave of the poorer churches, and ten marks to the upkeep and enclosure of their churchyards, with a sum of twenty pounds to the purchase and repair of books and vestments in churches standing most in need of them. His archdeaconry thus benefited by his will to the amount of £106 13s. 4d. which may have been approximately equivalent to its value to the archdeacon in a good year.<sup>4</sup> Some of its individual incumbents also profited by bequests of varying amounts and kinds, the vicar of Melton Mowbray,<sup>5</sup>

<sup>1</sup> See Decretal. 1, xxiii, cap. 1, taken from the *Ordo Romanus*: 'Ut archidiaconus post episcopum sciat se vicarium esse eius in omnibus, et omnem curam in clero, tam in urbe positurum, quam eorum, qui per parochias habitare noscuntur, ad se pertinere; sive de eorum conversacione, sive de honore et restauracione ecclesiarum, sive doctrina ecclesiasticorum vel ceterarum rerum studio, et delinquentium rationem coram Deo redditurus est.'

<sup>2</sup> These were Barrow-on-Soar, Lockington and Shepshed in Akeley deanery; the churches of All Saints, St. Clement, St. Leonard, St. Martin, St. Mary, St. Michael, St. Nicholas and St. Peter in the deanery of the Christianity of Leicester, Eaton and Thorpe Arnold, in Framland deanery; Billesdon, Evington, Theddingworth and Thurnby in Gartree deanery; Belgrave, Humberstone, Hungarton and Queniborough in Goscote deanery; Bitteswell, Cosby and Enderby in Guthlaxton deanery; and Thornton in Sparkenhoe deanery.

<sup>3</sup> Abkettleby in Framland deanery; Welham in Gartree deanery; Ashby Folville, Frisby, Loddington and Tilton in Goscote deanery; and Oadby in Guthlaxton deanery. In Lincoln ep. reg. iii, f. 295, there is a ratification by bishop Dalderby, 20th Jan. 1313-1314, of letters patent of bishop Gravesend, 29th Nov. 1260, confirming the appropriation to Laund priory of the churches of Frisby, Loddington, Tilton and Welham with those of Ashby St. Ledgers and Weston-by-Welland in Northants.

<sup>4</sup> It was taxed in 1291 at £80 (*Tax. eccl. Nich. IV* [Rec. Comm.]); but this was probably on a very loose reckoning.

<sup>5</sup> Robert Scothorn, rector of Asfordby 5th October, 1337 (Lincoln ep. reg. iv, f. 150). He exchanged Asfordby for the vicarage of Melton Mowbray, in the gift of the prior and convent of Lewes, 10th October, 1353 (*ibid.* ix, f. 314 d). It does not appear when or how he quitted this benefice.

the rectors of Kibworth<sup>1</sup> and Nailstone,<sup>2</sup> and a priest who, though called rector of Shackerstone, had not legally obtained the benefice.<sup>3</sup> One clause of the archdeacon's will shews that these large legacies were in the nature of an *amende honorable*. An archdeacon's attitude to his cure of souls was not wholly benevolent, and there is abundant evidence for the fact, stated in very succinct terms by Chaucer,<sup>4</sup> that his procurations and other dues were often levied extortionately by himself and his officers.<sup>5</sup> Doune prays the clergy whom he mentions specially by name 'and any others soever in my archdeaconry of Leicester that they forgive me those sums which I have unduly received of them by myself or my servants. And, for the love of God,' he proceeds, 'let there be made within a month after my death, especially in my archdeaconry of Leicester, and then in the whole diocese of Lincoln, a general proclamation that whosoever shall have felt at any time that he has been unduly oppressed or vexed by me, or can say or shew, at any rate with probability, that I have extorted or taken anything from him contrary to justice and good conscience, excepting only my procurations as archdeacon, which I have sometimes taken in the aforesaid archdeaconry without performing the office of visitation,<sup>6</sup> on account

<sup>1</sup> Kibworth Beauchamp. Giles, the rector mentioned in the will, does not appear in the Lincoln registers.

<sup>2</sup> Peter Ayleston exchanged the church of Welford, Berks. for Nailstone, 26th July, 1337 (Linc. ep. reg. ix, f. 148 d). He died by 10th November, 1361 (ibid. ix, f. 334).

<sup>3</sup> His name was Alexander. The legal occupant of the church, however, was Bartholomew Wendovere, instituted 16th July, 1349 (Lincoln ep. reg. ix, f. 297), who exchanged it for Besthorpe, Norfolk, 16th August, 1384 (ibid. xi, f. 197).

<sup>4</sup> "Purs is the erchedeknes helle," seyde he' (*Cant. Tales*, A. 658).

<sup>5</sup> Various unjust exactions are noted and forbidden in Decretal. i, xxiii, cap. 6, *Mandamus*. See also the constitution of Otho *De archidiaconis*: 'Cum autem visitent, corrigan, aut crimina puniant, aliquid ab aliquo recipere non presumant, nec sententiis aliquos involvant iniuste, quod ab eis possint pecunias extorquere: cum enim hec et talia symoniacam sapiant pravitatem. Decernimus, ut qui

talia agere presumpserint, sic extorta in duplum erogare in pios usus arbitrio episcopi compellantur, salva nihilominus alia pena canonica contra eos.' In spite of the provision of the same constitution against exorbitant charges at visitations (see note 4 on p. 242 above) and a special clause, 'non ducant secum extraneos, sed modeste se habeant tam in familia quam in equis,' their retinue and equipage were often serious sources of expense to their clergy. See, e.g. a complaint of the clergy of the deanery of Holderness, c. 1281, to archbishop Wickwane against the large train of officers and carriages brought by the archdeacon's official on visitation. 'Hodie non solum est [ecclesia] ablactata immo verius adicata et abjecta, exactionibus novis et oppressionibus insolitis onerata, et vix est qui consoletur eam ex omnibus curis ejus' (*York archiep. reg. Wickwane*, ed. Brown [Surtees soc.] 248-9).

<sup>6</sup> For the obligation of personal visitation, see note 4 on p. 242 above. Papal dispensations absolving archdeacons from

of which I have above ordained other devout works of piety and alms to be done in the same archdeaconry, in such recompense as I can at present make—if (I say) he can shew probable evidence of such wrongful and unlawful extortion and receipt, and swear that his affirmation in this behalf is true, then my executors shall restore and make good, so far as is honest and right, all and sundry the sums so extorted and received unlawfully, in so far as my goods not bequeathed in the present will to other uses or to persons certain or uncertain may suffice herein. And, touching the value or otherwise of such evidence and oath or their sufficiency or insufficiency, I wish it to be determined at the will and by the conscience of my executors, weighing and considering the quality of the persons and the amount of the sums, inasmuch as at present no such matter in special occurs to me excepting certain sums received by my servants, as they have told me, from the vicar of Melton Mowbray,<sup>1</sup> in recompense for which I have made bequests to him above of a considerably greater value, and, because I perhaps extorted from the same vicar against the honesty of my conscience a bond of ten pounds, I have remitted it to him above and do remit it. And I pray him to forgive me therefor, for that I now bitterly consider in myself that many who are in authority do bear themselves very ill with them that are set under them, yea, they do slaughter them, and of the number of these I have been and am one, God of his unspeakable pity be merciful to me for it!’<sup>2</sup>

We have seen that the archdeacon acquired a claim to the masses and prayers of the canons of Leicester and of Laund. He was lavish of special benefactions to other religious houses for the same purpose. These bequests were made chiefly to the fabric funds of the various houses.

this duty are common. See, e.g. indults (30th November, 1414) granted for seven years to John Stone, archdeacon of Northampton, and to Richard Elvet, archdeacon of Leicester, to visit by deputy, even three or four churches a day, and to receive procurations in ready money, even where the desire is expressed to pay in victuals (*Cal. Papal Letters*, v, 496).

<sup>1</sup> See note 5 on p. 249 above.

<sup>2</sup> The avarice of ecclesiastical lawyers is denounced by Dante, *Par.* ix, 133 sqq.

who says that their study of canon law is devoted to the quest of *il maladetto flore*, ‘the accursed florin’:

Per questo l’Evangelio e i dottor’ magni  
Son derelitti, e solo ai Decretali  
Si studia sì che pare ai lor vivagni, etc.

Against this condemnation of the misuse of legal studies may be set his admiration of Gratian:

che l’uno e l’altro foro  
Aiuto sì che piace in paradiso.

(*Par.* x, 104-5).

Laund priory received three pounds towards the fabric of its cloister,<sup>1</sup> but no other religious house within the archdeaconry of Leicester is mentioned. Of houses in Devon, Newenham abbey benefited to the extent of ten marks, Torre abbey to that of five pounds, Ford abbey and Plympton priory five marks each, Tavistock abbey, two pounds. Of three Gloucestershire houses, Winchcombe abbey and Llanthony priory—the second Llanthony, hard by Gloucester—had five pounds each, and Cirencester abbey five marks. Spalding priory in Lincolnshire had five marks. Nutley abbey in Buckinghamshire had three pounds, Missenden abbey two pounds. Of the monasteries in and round Oxford, the archdeacon left ten pounds to St. Frideswide's priory, ten marks to Eynsham abbey, five pounds each to Abingdon abbey and Bicester priory. Of the prior of Bicester<sup>2</sup> and the abbot of Winchcombe<sup>3</sup> he entertained some suspicion, charging his legacies with the condition that they should not be pocketed by these gentlemen. He made the same provision regarding the prior of St. Frideswide's.<sup>4</sup>

For two monasteries, Launceston priory and Oseney abbey, he seems to have had a special affection, leaving twenty marks to each of them. The legacy to Oseney was divided proportionately between the abbot<sup>5</sup> and canons, with a further three marks to their household. That to Launceston was appropriated to the fabric fund, with additional gifts of half a mark to each canon, and a whole mark to one David Hole.<sup>6</sup> The abbot and convent of Oseney had in their keeping certain strong-boxes and chests which contained money, books and silver cups, with other belongings of the archdeacon; and their legacy was conditional upon their safe custody of this property according to the terms of an indenture made

<sup>1</sup> This special bequest suggests that the cloister was being rebuilt at this time; but see note 4 on p. 247 above. The site of the cloister is now covered by the mansion called Laund abbey, partly constructed of the material of the priory buildings, for a notice of which see J. A. Gotch, F.S.A. *The Renaissance in Leicestershire* (*Assoc. Archæol. Soc. Reports*, xxvii, 496-502).

<sup>2</sup> Robert Blaket, prior 1354-83 (*Monasticon* vi, 433).

<sup>3</sup> Walter Winforton, abbot 1359-95 (*ibid.* ii, 298).

<sup>4</sup> Nicholas Hungerford, prior 1349, resigned 1362 (*ibid.* ii, 137-138).

<sup>5</sup> Thomas Cudelyngton, abbot 1330-73 (*ibid.* vi, 249).

<sup>6</sup> The prior of Launceston at this time was probably Thomas Bourdon, elected 1346 (*ibid.* vi, 211).



between them and the owner. He also remitted to them a debt of £20 which they had borrowed from him and the arrears of an annual pension of £2, with the interest, asking them to enrol him in their *martilogium*<sup>1</sup> among the benefactors of the house and to remember him for ever in their prayers. The abbot<sup>2</sup> and convent of Ford also held some of his goods. If they did not account satisfactorily for these, his executors were empowered to sue them in the secular court for eleven years' arrears of a pension of two marks and a yearly suit of clothes, for which his executors would find a bond in the great strong-box deposited in the dorter at Oseney. He remitted to them a debt of ten marks for which there was a bond in the same place. While the executors were to deal mercifully with them in circumstances over which the abbot and convent had no control, the terms of this legacy and acquittal were safeguarded by conditions which made it difficult for the abbot and convent to evade the fulfilment of their duty.

In leaving the large sum of two hundred marks for the endowment of two perpetual chantries for himself, his parents, his benefactors, those to whom he was in debt and those whose goods he had justly or unjustly received, he apparently wished that such chantries should be served by secular priests in cathedral or parish churches or a chapel. In case, however, the foundation should be difficult, the executors were instructed to found one in Launceston priory and the other in Oseney abbey, or, in default of these, at Nutley, Torre, or wherever they should see fit, augmenting the sum, if necessary, out of the residue of his goods not included in his various bequests.<sup>3</sup>

To poor friars throughout England he left twenty marks, ten for the raiment and habits of 'friars who are old and weak and of mean condition and small reputation

<sup>1</sup> The *martilogium*, properly *martyrologium*, was the volume containing the calendar of saints' days and the rule of the order, with the names of benefactors and the dates of their obits, from which a selection was read daily at the beginning of a chapter. Occasionally not merely notes of benefactions, but the charters themselves were copied into it: thus

an agreement between the abbeys of Kirkstead and Bardney relating to meadowland on the bank of the Witham was inscribed in the *martilogium* of Bardney (Cotton MS. Vesp. E. xx, f. 272 d).

<sup>2</sup> Adam, elected 1354 (*Monasticon* v, 377).

<sup>3</sup> There seems to be no record of the foundation of these chantries.

among them, and yet are honest and devout, wherever such may most be found in England,' and ten for the repair and roofing of the churches and buildings of the more necessitous houses. Some churches of secular canons are also mentioned. Five marks were to go to the fabric fund of Exeter cathedral, or at any rate to the glazing of a window in his memory in the church or cloister,<sup>1</sup> while the fabric funds of the collegiate churches of Crediton, Ottery St. Mary, and Glasney in Cornwall<sup>2</sup> received forty shillings each, and that of Lincoln cathedral five pounds. Various bequests were made to the poor priests and clerks of Lincoln and Exeter cathedrals, and to the household and chaplains of the bishops of Exeter, Lincoln and Worcester.<sup>3</sup> To the warden and

<sup>1</sup> The fabric of the nave of Exeter cathedral was probably finished c. 1351: the cloisters, however, which no longer remain, were finished and glazed in 1380-1 (Oliver, *Lives of the Bishops of Exeter*, 386, quoted by P. Freeman, *Archit. Hist. of Exeter Cath.* new ed. 1888, 89).

<sup>2</sup> The three collegiate churches as distinct from churches of portioners in Exeter diocese: see note 1 on p. 247 above.

<sup>3</sup> In this connexion may be noted Doune's mention of 'a book of very small [money] value that belonged to master Roger Otery, who abides with my lord of Worcester.' Roger Otery was one of the clerks of Devonian origin who, like Doune himself, were introduced into the diocese of Worcester by bishop Reynold Brian. An interesting personal declaration of his benefices, a passage from which has already been quoted (p. 240 above), survives among the returns of pluralists in Lambeth archiep. reg. Langham, f. 26. Between 1342 and 1344 bishop Graunson had appointed him to the prebend of St. Cross in Crediton, in consequence of a papal reservation of benefices for poor clerks, and subsequently had given him the eighth prebend in Ottery St. Mary. No record of these collations remains in the Exeter registers. He was in the service of bishop Brian, probably at St. David's and certainly at Worcester. On 18th June, 1358, he was instituted to the church of Syston, near Bristol (Worces. ep. reg. Brian, i, f. 25). In 1361 John Brian, rector of Hatfield, Herts. and prebendary of Goodringhill in Westbury-on-Trym, was appointed by his relation the bishop to the rectory of Bishop's

Cleeve, Gloucesters. and resigned the church of Bledlow, Bucks, to which Otery was presented by the Crown, 25th April, 1361 (*Cal. Pat.* 1361-4, 4). He was instituted on 14th May (Lincoln ep. reg. ix, f. 317 d). Lipscomb, *Hist. Bucks.* ii, 117, gives the date as 1344 without a shadow of evidence. Bishop Brian, shortly before his death, gave Otery a prebend in Westbury-on-Trym, and on the same day, 10th November, 1361, collated to him or granted him the custody of the vacant vicarage of Henbury, Gloucesters. (Worces. ep. reg. Brian, i, f. 40). These entries are both imperfect. The prebend would appear to be that known as Henbury, but from Otery's own statement and from other sources we know that before Brian's death, a month later, he had obtained Weston St. Lawrence prebend in Westbury; so that either the entry in the register is a mistake, or the bishop shortly afterwards gave him one prebend instead of the other. As he was only a subdeacon and had another benefice with cure of souls, he was disqualified from holding a vicarage, and any connexion he had with Henbury ceased by 2nd January, 1361-2 (*Worcester reg. sed. vac.* ed. Willis-Bund [*Worc. Hist. soc.*], p. 205). The present writer has not noticed when he vacated Syston. After Brian's death, Otery passed into the service of Lewis Charlton, bishop of Hereford, by whom he was ordained deacon at Bromyard, 16th April, 1362 (*Hereford ep. reg.* L. Charlton [Cant. and York soc.], 83). Subsequently he became Charlton's chancellor, obtaining from him the prebend of Hunderton in Hereford, 24th December, 1363 (*ibid.* 66), a priest-prebend in Holdgate, Salop, 14th July,

scholars of Merton hall, for their common uses other than victuals, he left five marks; while ten pounds were to be divided among notably poor masters in arts and theology at Oxford, the masters in theology to receive a double portion.

The remainder of the legacies consist of clothes, plate, furniture and books. Though it would be too much to call the archdeacon a dressy man, he had an abundant supply of useful clothes, some at Swalcliffe, others stored at Stamford and elsewhere. Some thirteen robes or suits of clothes are mentioned, consisting of tunic, supertunic, tabard long or short, and one or two tippets to match.<sup>1</sup> Some of these were perquisites or liveries which the archdeacon obtained from his patrons or from religious houses, to whom he had doubtless proved useful.<sup>2</sup> Thus to the vicar of Melton Mowbray he bequeathed a suit furred with the expensive fur called

1364 (Eyton, *Antiq. Shropshire*, iv, 73) and Middlecourt or Middleton portion in Bromyard, 10th January, 1364-5 (*Reg. Charlton*, ut sup. 67). In his return of benefices in 1366 (see above) he describes himself as priest and LL.B. His benefices at Hereford and Bromyard were at this time in dispute (cf. *Reg. Charlton*, ut sup. 66 as regards Hunderton preb.) and on 3rd November, 1369, he received new grants of them from the Crown during the vacancy of the see of Hereford (*Cal. Pat.* 1367-70, 317). In 1370, on the promotion of Thomas Brantyngham to the see of Exeter, and the revocation of a grant to Henry Wakefield, afterwards bishop of Worcester, he obtained the deanery of Bridgnorth from the Crown (*ibid.* 1367-70, 401). He seems to have vacated his prebend in Holdgate in 1372 (Eyton, ut sup.), but to have held his deanery with Bledlow and his Westbury prebend till his death, which took place before 24th September, 1387 (Lincoln ep. reg. xi, f. 387; cf. *Cal. Pat.* 1385-9, 361). A document in Worces. ep. reg. Whittlesey, f. 1 and d, printed by Dr. H. J. Wilkins, *John de Wycliffe*, etc. 1915, 18-26 (f. 1 d is photographed as a frontispiece of the same volume), testifies to his neglect of his prebend at Westbury. He was a benefactor in 1362 to the chantry of our Lady in Kempsey church, near Worcester (*Cal. Pat.* 1361-4, 237).

It is interesting to note that a John Doune had collation of Hartlebury church,

Worces. from bishop Brian, 5th May, 1361, but exchanged it for St. Helen's, Worcester, on the same day (Worces. ep. reg. Brian, i, f. 33).

<sup>1</sup> cf. the foundation statutes of Elsing spital in the city of London, *Monasticon* vi, 706: 'ita, viz. quod quilibet de quatuor presbyteris dicti hospitalis habeat unam robam integram, viz. tunicam, supertunicam, longum tabardum et capucium cum furrura ad supertunicam et capucium.' In the revised statutes of the Newarke college at Leicester, issued by bishop Russell in 1490, occurs the prescription, 'Vtantur eciam [sc. canonici] supertunicis, id est togis talaribus tunicisque congruentibus et decentibus honestati clericali,' etc. (Lincoln ep. reg. xxii, f. 108).

<sup>2</sup> Nothing is more common in episcopal injunctions to religious houses than the mention of the corrodies, liveries or pensions with which the common fund was charged to outsiders. Doubtless the bishops of Lincoln and Worcester undertook to find their official in a suit of clothes every year as part of his salary; and Doune's *liberate* from monasteries were probably annual. *Liberata* implies a payment of any kind, and the word 'livery' in this sense does not imply that the archdeacon's clothes were of any special cut or colour, but merely that they were given him by the persons mentioned. The will mentions that the abbot and convent of Ford owed him a pension of two marks and a 'robe' yearly.

pelure,<sup>1</sup> consisting of a closed or buttoned supertunic a tabard, two furred tippets, and a furred garnage or over-mantle<sup>2</sup> of the livery of the bishop of Worcester. Isabel Pipard became the possessor of an almost new suit furred with pelure, with a long tabard and a furred hood of the livery of the bishop of Lincoln. This was at Stamford, but at Swalcliffe there was a remnant of two ells of new cloth from the piece out of which the robe had been made. Another suit with a tippet furred with good pelure, and a long cloak of the same suit furred with grey fur were also left to Isabel. Such clothes might be more easily adapted to a lady's use than the clerical clothes of our own day. The archdeacon's aunt was provided with a handsome 'robe' well furred with good pelure, with a long furred tabard, a closed supertunic, a furred and a lined tippet, which after her death was to be divided among her married daughters. Alice Marchaunt had one of her half-brother's summer suits, lined with blue cambric, with a long tabard and two tippets, one lined, the other unlined. A piece of new cloth, not cut, for a 'robe' of the livery of the abbot of Oseney was left to the archdeacon's nephew at Oxford, while one of his Dartmouth nephews had a similar piece of the livery of the abbot of Torre, who, it may be remembered, was the rector of Townstall, the parish in which Dartmouth is situated. If the younger of these nephews went to Oxford, he was to have a coat furred with black fur and a lined tippet of the same suit, which otherwise was to belong to his elder brother.

The description of all these garments is somewhat similar. Their colour is not often stated. A new blue robe furred with pelure and a long cloak furred with vair of the same suit were bequeathed to Alexander Sporman, the chantry priest of All Saints', Oxford,<sup>3</sup> on condition that he paid the furrier, Nicholas Garland, or his servant Henry a bill of fifty shillings. Robert Saundres, the archdeacon's bailiff at Swalcliffe, would find a red robe

<sup>1</sup> In *Vision of Piers Plowman*, passus xix (ed. Wright, l. 13793), pelure is spoken of as a fur appropriate to cardinals: 'And we clerkes, whan thei come, For hir comunes paieth, For hir pelure and hir palfreyes mete, And pilours that hem folweth.'

<sup>2</sup> See Ducange, s.v. *Garnachia*. It was a long sleeveless mantle worn over the other clothes. A French account of 1351, cited by Ducange, defines it as 'une garnache, ou long mantel fendu a un coste.'

<sup>3</sup> See note 2 on p. 247 above.

furred with pelure in the keeping of master Richard Medmenham, the rector of Upton-on-Severn.<sup>1</sup> John, vicar of All Saints', Stamford,<sup>2</sup> was to have a blue overmantle furred, with a tippet not furred of the same; while one Adam Snarteford had a similar legacy of red colour. The archdeacon's favourite fur was pelure, but some of his suits and coats were furred with the grey fur known as gris.<sup>3</sup> William, a chaplain in Oseney abbey, had a suit furred with this material. A long coat left to a poor chaplain and a coat and tippet left to the vicar of St. Andrew's, Stamford,<sup>4</sup> were similarly furred. The executors were to present a blue robe furred with gris to any poor rector in the archdeaconry of Leicester, while a poor vicar in the same was to have a cloak furred with gris and a lined tippet. To Henry, the vicar who served the cure of souls at Swalcliffe,<sup>5</sup> was bequeathed a robe lined with red cambric or lawn, while a furred tunic and supertunic with two tippets, furred and lined, of the bishop of Worcester's livery, came to the share of the chaplain

<sup>1</sup> Medmenham was, as will be seen, one of Doune's executors. He was probably an Oxford friend of the archdeacon's, as, on 22nd January, 1351-1352, he was instituted to the free chapel of Kibworth Harcourt, Leices. at the presentation of the warden and scholars of Merton hall (Lincoln ep. reg. ix, f. 354 d). His resignation is not recorded. Bishop Brian collated the church of Alvechurch to him, 8th April, 1359 (Worces. ep. reg. Brian, i, f. 26 d), but he exchanged it for Upton-on-Severn on 2nd May following (ibid. f. 27). On 5th May, 1361, he exchanged Upton for St. Helen's, Worcester (ibid. f. 33), and this church he exchanged on the same day with John Doune (see note 3 on p. 254 above) for Hartlebury (ibid.). He appears to have died before 16th October, 1361, when a vacancy at Hartlebury was filled up (ibid. f. 38 d). It will be noticed that the year of pestilence, 1361, was fatal to many of Doune's friends as well as to himself. Nash (*Hist. Worces.* ii, 448) omits Medmenham's name from his list of the rectors of Upton.

<sup>2</sup> John, son of Roger Wadyngworth, was instituted 19th April, 1360 (Lincoln ep. reg. ix, f. 92). John Normanton, probably the same person, vacated the vicarage by death before 12th July, 1361 (ibid. f. 98 d).

<sup>3</sup> cf. Chaucer's monk, *Cant. Tales*, A, 194: I seigh his sleeves purfild at the hond With gryns, and that the fyneste of a lond.

<sup>4</sup> John Castreton, instituted 1st May, 1359 (Lincoln ep. reg. ix, f. 88). He died by 5th January, 1363-4 (ibid. x, f. 5).

<sup>5</sup> Henry Wryght of Tichmarsh, priest, instituted to the vicarage on the presentation of Richard Whitewell, rector (see note 1 on p. 248 above), 30th January, 1349-50 (ibid. ix, f. 198 d). The next institution to the vicarage was on 10th March, 1379-80: no reason of vacancy given (ibid. x, f. 370). The vicarage, which had long existed (cf. *Rotuli Hug. Welles* [Cant. and York Soc.] ii, 9), was a presentable benefice with a fixed endowment out of the fruits of the living, and the vicar could not therefore be removed at the will of the rector: cf. Decretal. i, xxviii, cap. 3, *Ad. bec.* It should also be noted that, although there was a vicar at Swalcliffe, who held his office at the presentation of the rector, the rector was not thereby wholly absolved from the cure of souls. Lyndewode, commenting upon Peckham's constitution *Preterea*, distinguishes in such cases as Swalcliffe, where the church was not annexed to a prebend or dignity but was an independent benefice, between the cure of souls incumbent on the rector *habitu et quoad proprietatem*, and that incumbent on the vicar *quoad exercitium et effectum*.

at Epwell. More exceptional is the coat lined with Irish hare-skins left, with other clothing, to the archdeacon's servant, Walter Achym. Another robe furred with pelure, with a long tabard and two tippets, one furred, the other lined, was left to some devout priest unbeneficed, a student in theology at Oxford, even if he happened to be domiciled in some 'perpetual hall' in that university or was a bachelor of theology. Generous provision was made for the poor. Thirty ells of linen cloth deposited at Stamford and  $63\frac{1}{4}$  ells of canvas cloth with more of the same were to be divided among weak and impotent poor folk. The poorer of these were to have at any rate enough to make them a small linen sheet, a shirt and breeches, while the distribution to the others was to be regulated in proportion to their poverty. Similarly all his own body-linen and all linen clothes not already bequeathed were left for division among the poor. In this distribution his old parishioners at Quainton were to have the preference. His partiality for Stamford<sup>1</sup> is again shown in his bequest of a red Irish mantle to some poor old man of that place.

It is rather significant of his calling that he left no vestments for use in church, unless these appeared in one of the lost portions of his will. An archdeacon was a busy man of affairs, little to be distinguished from a lay lawyer except that he was in holy orders and was chiefly concerned with the ecclesiastical side of his profession. It is even now necessary to remind people that the mediaeval clergy did not walk about the streets in copes and chasubles, and that the mitre was not the only head-gear of a bishop. Master William Doune's clerical career is seen purely in its legal and worldly aspect, and it is evident that he did not take the trouble to amass those costly collections of chapel furniture, altar-hangings, service-books, and vestments, which are features of the wills and inventories of some of the higher clergy and nobility of his day. The ornaments of his everyday dress were sparing, and all that he mentions in this connexion are three girdles—his best girdle of black silk with silver gilt ornaments, fastened by a clasp in the middle

<sup>1</sup> For the possible reasons of this see note 1 on p. 246 above.



with an enamelled pendant, a second best one with harnessings unspecified, and a third of silk harnessed with silver engraved with figures of birds.

We have seen that Doune disposed of his silver spoons to his relations. Of the rest of his plate and jewels, he left to the prior of Launceston a silver cup, which had belonged to his father, with a cover which he himself had had made for it. On the foot of the cup was his father's shield. To the abbot of Eynsham, the original donor, he left a silver-gilt and enamelled cup, the foot of which he had broken. With this cup went a cover and finger-bowl to match. Master John Belvoir,<sup>1</sup> one of his executors, was to choose the best mazer for himself; master Richard Medmenham, the other, was to have the second best; Belvoir also was to keep a knife with an ivory handle which he had given to the archdeacon, and a cup of fine glass. All the other silver cups and vessels were to be broken up and made into chalices, of which three were to be given to the churches of Quainton, Georgeham and St. Endellion respectively. Of six rings, the bishop of Exeter was to have the best, the bishop of Lincoln the second, the bishop of Worcester the third best: the remaining three were to go to the executors. A 'nouche'<sup>2</sup> with a ring which was in the great coffer in the dorter at Oseney was left to the Cistercian abbey of Dore in Herefordshire, for reasons which it is difficult to divine, as it lay outside the region of his activities.

<sup>1</sup> John Belvoir (Johannes de Belvero), Doune's official and executor, was instituted to the church of Faldingworth, between Lincoln and Market Rasen, 27th September, 1352 (Lincoln ep. reg. ix, f. 116). This he exchanged for Bratoft, near Spilsby, in September, 1353 (ibid. f. 58), exchanging this in the same month (no day is given) for Kirkby Mallory, Leices. (ibid. f. 314 and d). He resigned Kirkby Mallory by 18th December, 1361 (ibid. f. 334 d), having been instituted to Charlton-on-Otmoor, Oxon. on 12th October previously (ibid. f. 277 d). On 25th January, 1361-2, he had collation of St. Botolph's prebend in Lincoln (ibid. f. 446 d), which he vacated by death before 6th August, 1391 (ibid. xi, f. 435). He had collation of Crick, Northants. 13th March, 1368-9 (ibid. x, f. 174 d). It is probable that he resigned Charlton-on-Otmoor in 1368. At any rate, on 9th

May, 1368, bishop Buckingham commissioned the abbot of Leicester to effect an exchange of the churches of Lutterworth and Charlton between the rector of the first of these and John Belvoir (ibid. xii, f. 59). There is no record that this was accomplished; but Giles Cloune, previously rector of Lutterworth, resigned Charlton in 1369 (ibid. x, ff. 245 d, 336), and Belvoir may have resigned Lutterworth on obtaining Crick. He exchanged Crick and his Lincoln prebend for the subdeanery of Lincoln, 6th May, 1378 (ibid. x, f. 210 d), which he may have vacated shortly afterwards (Le Neve, ii, 39), but probably kept till his death in 1391 (Lincoln ep. reg. xi, f. 435).

<sup>2</sup> i.e. a clasp or other setting for a jewel. cf. Chaucer, *House of Fame*, 1350: 'nouchis Fulle of the fynest stones faire, That men rede in the Lapidaire.' See also Exodus xxxix, 6: 'onyx stones inclosed in ouches of gold.'

Neither the plate and jewels nor the furniture make a very imposing list. The archdeacon's new 'dorser,' the tapestry hanging behind his chair in the rectory at Swalcliffe,<sup>1</sup> with three 'bankers,'<sup>2</sup> or coverings for benches to match, were to pass to his successor in that benefice. Bed-furniture at Swalcliffe, consisting of a coverlet and tester or canopy of the same suit, with two 'whyrels' or blankets and two linen sheets in indifferent condition, was left to his nephew Thomas Waryn. His best bed—that is to say, the coverlet and tester—worked with saffron-coloured roses, became the property of his brother Thomas. This appears to have been one of the three beds deposited with the Stanleys at Stamford. Another of these, dark blue in colour, was bequeathed to William and Agnes Stanley; while, as already stated, the great red bed formed part of Isabel Pipard's conditional legacy. An old coverlet without a tester, also at Stamford, was left to Emmot Skilyngton, a poor woman of that place, whose son became the owner of a small piece of russet cloth. Possibly these two were William Stanley's servants. A few other blankets and linen sheets, left to Walter Achym and others, concludes the furniture mentioned in the will. It is possible that other pieces occurred in the missing portion at the end, and we know that the usual inventory of goods and furniture was attached to the original document.

The archdeacon's dispositions regarding his books form one of the most interesting portions of the will. There is possibly no more extensive list of the working library of an ecclesiastical lawyer, or one which gives so much evidence of the owner's industry in the pursuit of his chosen study. The foundation of his library was, of course, the texts which compose the corpus of the civil and canon laws. The names of these are well known to all students of mediaeval history and law. The *Codex* of imperial constitutions issued by Justinian, the *Pandects* or *Digest*, which was the result of the collation of the

<sup>1</sup> Doune's predecessor at Swalcliffe, Richard Whitwell, bequeathed to master John Carlton, rector of Sutton, his *aula* or halling of Jesse with dorser (*dosserium*) and costers or side-hangings (*Lincoln Wills*, ut sup. 9).

<sup>2</sup> Geoffrey Scrope, canon of Lincoln, bequeathed to Thomas his chamberlain his Norfolk bed worked with birds, with its carpets and 'banquers' (*ibid.* 17).

various text-books of the Roman common law,<sup>1</sup> the Institutes or summary of law for students, and the *Novellae* or imperial constitutions of Justinian and some of his immediate successors, formed the body of civil law. The division of the canon law was also fourfold, consisting of the *Decretum* of Gratian, the Decretals codified by Gregory IX (1227-41), with the sixth book added by Boniface VIII (1295-1305), the Clementine constitutions issued by Clement V at the council of Vienne (1311), and the Extravagants or additional constitutions.<sup>2</sup> To these a multitude of mediaeval jurists had added glosses or comments which, to lawyers practising in the ecclesiastical courts, were of equal value with the original texts; and of these commentaries or digests the archdeacon possessed a considerable number. His copy of the *Summa* of Azo of Bologna, the most celebrated mediaeval text-book of Roman law, composed early in the thirteenth century, had been borrowed from Torre abbey, and he held a book of decretals in pawn from the abbot of Eynsham. These, with several other borrowed books, he restored to their owners. The rest of his books were disposed of as follows. To young William Stanley of Stamford he bequeathed a book of decretals with an apparatus or commentary, the sixth book of the decretals with a like supplement and the gloss of the cardinal—that is, the commentary of Henry of Susa,<sup>3</sup> cardinal bishop of Ostia, on the decretals—all in one volume, together with a corrected copy of the similar commentary of Innocent IV,<sup>4</sup> in the beginning of which the archdeacon had written with his own hand his directions for its disposal. A set of volumes of civil and canon law profusely annotated by himself were left for the use of one of his nephews, either Robert Bozoun or the

<sup>1</sup> The Digest was usually divided in three sections, viz. (1) *Digestum vetus*, comprising tit. i-xxiv. 2; (2) *Digestum infortiatum*, tit. xxiv. 3-xxxviii; (3) *Digestum novum*, tit. xxxix-1 (Hunter, *Exposition of Roman law*, 101).

<sup>2</sup> Now divided into the twenty *Extravagantes* of John XXII (1316-34) and the *Extravagantes communes* of various popes, embracing decretals issued after the date of the *Liber sextus decretalium*.

<sup>3</sup> Henri de Suze (Henricus de Segusio),

bishop of Sisteron 1241-50, archbishop of Embrun 1250-62, cardinal bishop of Ostia 1262-71, known as *fons et splendor juris*. His chief work, *Summa utriusque juris*, was commonly known as the *Aurea summa Hostiensis*.

<sup>4</sup> *Solennis apparatus Innocentii pape quarti super quinque libros decretalium*. Innocent IV (Sinibaldo de' Fieschi) was pope 1243-54. Richard Ravenser left a copy of the fifth book of the commentary (*R.A.I.* Lincoln vol. ut sup.).

young scholar Lovocok at Oxford. Within four years after his death, his executors and the abbot of Oseney were to decide which of the two was the fitter and more promising student. They were then to supply the young man with a little volume of civil law, and, when he had mastered this, he was to have copies, variously described, of the Codex and Digests. After studying in civil law for five years, he would receive a volume of the decretals, an 'Innocent,' a sixth book of the decretals with three glosses or commentaries, with which were bound up the commentary of Dino da Mugello<sup>1</sup> and part of the *Novellae* of Giovanni di Andrea of Bologna,<sup>2</sup> and a volume containing the Clementine constitutions with five glosses and the Extravagants with one gloss. He was not, however, to become the owner of these volumes. He must give surety, in case he could or would not use them or any of them, or in case he did not prosper in his studies, to return them to the real proprietors. In any case, when he reached the age of sixty, or, if he did not live to that age, some time, allowing that this were possible, before his death, or at any rate within a month after his death, the books were to be given up. Meanwhile he must keep and preserve them safe, untorn, unbroken, untrodden on, without deterioration or the possibility of it, so far as he was able; nor must he alienate, pawn, or lend them. The permanent proprietorship was left to the abbot and convent of Oseney under these conditions. If neither of the boys proved apt for the study of law, or if neither received the books, or both died within the prescribed time, the books were to be sold by the abbot, and the money employed for pious uses, a hundred

<sup>1</sup> Professor of law at Bologna and one of the assistants of Boniface VIII in the redaction of the *Liber sextus decretalium*. He died in 1313.

<sup>2</sup> Johannes Andreae, perhaps the most famous fourteenth-century canonist, called *eximius et monarca doctor* and *subtilissimus pontificii juris interpres*, who taught at Bologna 1303-48. His *novellae* formed part of his commentary on the decretals. The portion referred to here is the commentary on the *Titulus de regulis juris*, which forms the concluding section of the *Liber sextus*. Among Ravenser's books was a *Liber sextus*

with the gloss of John (i.e. Giovanni di Andrea), and the gloss of Dino upon the title *De regulis juris*, while in the same book was a copy of the Clementine constitutions with Giovanni's gloss. See *Test. Ebor.* (Surtees soc.) i, 324, for a bequest of a copy of 'Joannis Andree in Novella super Decretalibus et sexto' in three vols. At the end of a long manuscript list of jurists written in 1552 by one Henry Gybbons at the beginning of a legal note-book, which is preserved at Lincoln, occurs the note, 'Joannes Andreas in iure canonico et Bartolus in iure civili, numquam errare aut rarius quam ceteri interpretes.'

shillings of it being reserved to the common uses of the monastery. But if the provisions regarding the use of the books by one of his young kinsmen were fulfilled, then, after the use or usufruct prescribed by the terms of the will had expired, the books were to be given in the same way to another young student of the archdeacon's blood. As each usufruct expired, the books were to be handed on upon the same terms to other kinsmen of his own blood or of the blood of either of his parents until the sixth usufruct was concluded. Then the usufruct and proprietorship were to be consolidated and the books were to remain to the abbot and convent for ever, to be applied to their common use. In order, however, that the proprietors might obtain some immediate benefit from this bequest, each student who enjoyed the usufruct must guarantee to pay forty shillings to the abbot within a month after the books were returned, and promise to give counsel and aid to the monastery as long as he lived.<sup>1</sup> The archdeacon had already left £10 to each of the nephews in question. The one who should go to the university was bequeathed £7 in addition. This sum, with the original £10, was to be placed in the hands of the abbot of Oseney, who, after paying the student £3 to begin with, was directed to supply him at the rate of £2 a year during the seven years covered by his legal studies. It is possible that Robert Bozoun was the eventual beneficiary in the matter of the books and seven pounds: there is at any rate some reason to connect him with the Robert Bozoun who was chancellor of Exeter from about 1383 to 1388.<sup>2</sup>

The abbot of Oseney was also the final depository of the books the usufruct of which was left by the archdeacon to his executors, master Richard Medmenham and master John Belvoir, his official, then rector of Kirkby Mallory.<sup>3</sup> Medmenham's books included a copy of Giovanni di Andrea's commentary upon the old decretals,<sup>4</sup> a text of the sixth book of the decretals, a text of

<sup>1</sup> The remarkable ingenuity of these provisions, which are uncommon, if not unique for their date, is worthy of notice.

<sup>2</sup> He was chancellor in 1383-4 (*Exeter ep. reg. Brantyngham*, ed. Randolph, 516), but general information as to his career seems to be wanting, and the dates of his

obtaining and quitting the chancellorship are not known.

<sup>3</sup> See notes 1, p. 257, and 1, p. 259 above.

<sup>4</sup> i.e. his *Summa* upon the first five books of the decretals.

the Clementine constitutions in the archdeacon's own hand, the provincial constitutions of the archbishops of Canterbury,<sup>1</sup> the legatine constitutions of Oddo and Ottobuono, the statutes of the court of arches, various copies of bulls and other documents very useful for a pleader in the ecclesiastical courts. Medmenham also had the use of two of the archdeacon's commonplace books, repertories of forms similar to the book in which the copy of the will exists. One of these is described as 'a great and very thick book containing many reasons and allegations of advocates in causes at issue in the apostolic palace, and many things of high advantage to a pleader, especially in the court of Rome.' The other was 'the great quire or book which I was wont to carry about with me, written partly on parchment and partly on paper, wherein I have noted and arranged the matter under headings, as it were alphabetically; and here will be found the sayings of Innocent and of the archdeacon *in rosario*<sup>2</sup> and the matters written in the said thick book, and I make frequent reference to my own speeches and lectures written on paper, the which I also leave to him.' These books, at the expiry of Medmenham's tenure, were to be sold by the abbot, who was to keep 40s. out of the profits for himself, and 40s. for the common uses of the monastery.

Master John Belvoir's books were the *Summa* of the cardinal of Ostia, the commentaries of Mandegodus, who, like the cardinal, had been archbishop of Embrun,<sup>3</sup> both well corrected and annotated by the archdeacon, and a book of sermons which had been a present from master John himself. These also were to revert to the abbot, who after the sale was to keep a mark for himself. The

<sup>1</sup> The subordinate relation of the text-books of English canon law mentioned here to the vast body of juristic literature to which they are a small supplement for local use has been pointed out by Maitland, *Canon Law in England*. It should be noted that a very considerable proportion of the decretals are founded upon precedents relating to the affairs of English dioceses which came before the popes. Thus four out of six chapters of i, tit. xxviii, *De officio vicarii*, and eight out of eighteen of tit. xvii, *De filiis presbiterorum ordinandis vel*

*non*, are primarily concerned with English cases.

<sup>2</sup> i.e. the *Rosarium*, a commentary on the decretals, by Guido da Baiso, archdeacon of Bologna in the later part of the thirteenth century. This gloss of the archdeacon *par excellence* was one of the most famous treatises of canon law: Ravenser, e.g. left a copy of *Archidiaconus in Rosario super decretalibus*.

<sup>3</sup> Guillaume de Mandegot, one of Boniface VIII's assistants in compiling the *Liber sextus*.



same conditions of reversion and sale applied to the commonplace book which has been already described as compiled by William Doune while in the service of the bishop of Exeter, and to a copy of the *Novellae* of Giovanni di Andrea upon the sixth book of the decretals, which were left to master Thomas Pepir, apparently the archdeacon's notary. This *Novellae* lacked the portion dealing with the title or division *De regulis juris*, which had been left with the other law-books to the young student. The lectures of Clynus on the old digest<sup>1</sup> and *Petrus super inforciato*<sup>2</sup> were left to master Richard Medmenham, if he became an inceptor in civil law: otherwise they were to pass to master John Derworth, without any condition of reversion. Clynus on the codex, however, was left for the use of master John Derworth,<sup>3</sup> as long as he studied at a university or practised in the papal court or the court of Canterbury; after which it was to be returned to the abbot of Oseney and to be sold by him, retaining half a mark for his own use. The archdeacon's books of sermons were left to Robert, prior of Oseney, with reversion to the monastery.

A few other books were directed to be sold by the executors, all good volumes with corrections. These were two copies of the *Decretum*, the *Rosarium* of archdeacon Guy, the *Lectura* of the cardinal of Ostia in two volumes, the *Speculum juris* of Guillaume Durand, bishop of Mende,<sup>4</sup> and the *Addiciones* or supplements of Giovanni di Andrea to the old decretals. The money from these was to be devoted to the fulfilment of the purposes of the will, and especially to the foundation of the two chantries. But, if this could be done out of his

<sup>1</sup> Clynus is an author difficult to identify. The word *Clyni*, misread by Mr. A. P. Moore as *olym*, is perfectly clear in the original. Probably it is a mistake either for *Cyni*, in which case the author is the famous jurist and poet, Cino da Pistoia, or for *Dyni*, i.e. Dino da Mugello, who, however, is also referred to in the will as 'Dignus.'

<sup>2</sup> The *Petri Exceptiones legum Romanarum*, dedicated to Odilo, 'Valentine civitatis magistro magnifico,' was a compilation of legal cases founded on the *Corpus juris civilis*. The authorship and date are uncertain: 'on the whole, the weight of

argument seems to favour Italy and a date not far from 1075' (H. O. Morgan, *The Mediaeval Mind*, 1911, ii, 232). The *inforciatum* is the second portion of the Digest: see note 1, on p. 261 above.

<sup>3</sup> The writer has discovered nothing relating to this clerk.

<sup>4</sup> Guillaume Durand de Saint-Pourçain, born 1232, bishop of Mende 1286-96, best known to-day as the author of the famous *Rationale divinarum officiorum*. The *Speculum juris*, also called *Speculum judiciale*, was one of the chief repertories of canon law. The indefatigable Giovanni di Andrea wrote *addiciones* to it.

other goods, as he hoped, the executors were ordered to apply the money at their discretion to pious and meritorious uses. For his pains as executor Medmenham inherited ten pounds, and Belvoir ten marks.

Those who have studied such invaluable collections of wills as the *Testamenta Eboracensia*, which we owe to the Surtees Society, know of what value these documents are for the illustration of mediaeval life. The Institute has lately been able to appreciate the fulness of the information which can be gleaned from them upon one subject alone in the extracts gleaned from Northamptonshire wills by Mr. Serjeantson and Mr. Longden.<sup>1</sup> But William Doune's will, in addition to the numerous details which it contains relating to clothes, books and the testator's other possessions, was composed with a revelation of personal character which comparatively few wills contain. It belongs to the earliest period at which English wills begin to be plentiful. While such wills often help, especially in the case of the higher clergy, to add to our knowledge of the testators, there is none which does this with equal fulness, and certainly none which so thoroughly fulfils its ultimate use, after five and a half centuries, of bringing before us the man in his habit as he lived. We can only regret that the document is in so fragmentary a condition; it is much to be hoped that by some fortunate chance a perfect copy may be found to exist. The careful inclusion of the text in a book compiled some fifty years after the testator's death leads one to think it possible that other clerks thought a copy worth preserving. Perhaps the most curious incident in the history of the document is the unexplained chance which brought the book to Peterborough and into the registry of the diocese in which the archdeaconry of Leicester is at present included.

The account here given of William Doune's bequests does not exhaust the contents of the will, which may be studied at length in the text which follows. To this,

<sup>1</sup> See *Archaeol. Journ.* lxx, 217-452: *The Parish Churches of Northamptonshire: their dedications, altars, images and lights.* Mr. R. Garraway Rice, F.S.A. has also collected much information from wills with regard

to Sussex churches, and Mr. Leland L. Duncan, F.S.A. has published similar information relating to West Kent churches in the *Transactions of the St. Paul's Ecclesiological Society.*

where necessary, additional notes have been appended. The writer desires to express his thanks to the officials of the diocesan registry at Peterborough, and especially to Mr. A. Hill, for the facilities given him for access at all times to the valuable volume in their custody. Mr. G. G. Coulton has also aided him in the interpretation of some of the more obscure passages.

### TEXT OF THE WILL.

The full Latin text of the document is added here. The marginal notes of the names of legatees have in part disappeared, owing to the damage which the book has suffered, but can easily be restored where they partially remain. In its present state the will begins abruptly as follows:<sup>1</sup>

[Fo. 157] in vsum ad quem legantur conuerti faciet fideliter et insolidum applicari, vel saltem se obliget in duplo simpliciter executoribus meis, recepta eorum defesancia,<sup>2</sup> vt de religiosis premisi, vel ad ultimum iuret vt predixi; et eciam sub pena late excommunicacionis sentencie quam incurrat si hoc non fecerit ipso facto, ad conuertendum et applicandum dictam partem legatam in vsum construccionis cancelli infra dictum tempus per iudicem competentem ecclesiasticum condempnetur, et ab ea non possit absolui donec ipsa tota pecunia fuerit in vsum huiusmodi insolidum applicata; et possit, eo non vocato nec audito, ad solam assercionem eciam verbalem eciam vnus executorum meorum dicentis alicui seu cuicumque iudici ecclesiastico quod dictus rector condempnacioni huiusmodi non paruerit, excommunicatus publice eciam vbicumque in Anglia nunciari; et ad premissa consenciat expresse et iuret ea non impedire, et super hiis habeantur publica documenta. Si vero vltra annum dimidium a die notificacionis dicti legati et adempcionis quam infra faciam et formis<sup>3</sup> ac modis vtriusque earum<sup>4</sup> facte dicto rectori, eciam per relacionem litteralem vel verbalem eciam vnus executorum meorum,<sup>5</sup> securitatem talem facere distulerit et quilibet eorundem, ex nunc prout ex tunc et e conuerso huiusmodi legatum reuoco, subduco, et volo in illum euentum quod x marce de ipso legato sic adempto in fabricam seu reparacionem nauis ipsius ecclesie de Hamme et clausuram cimiterij sui, x marce inter pauperiores et debiliores presbiteros archidiaconatum Tottonie, Barnestapolie et Exonie in ecclesia Exoniensi, x marce ad fabricam monasterij ecclesie<sup>6</sup> de Niweham, Exoniensis diocesis, et x marce ad fabricam ecclesie monasterij Lancestonie, quinque marce ad fabricam seu reparacionem ecclesie fratrum minorum Exonie, et quinque ad vsus similes predicatorum et abiectorum

<sup>1</sup> The opening obviously refers to a legacy of 60 marks (£40) towards the construction of the chancel of Georgeham church.

<sup>2</sup> i.e. the executors were bound, as their part of the contract, to execute a deed of defeasance, rendering the rector's obligation

null and void in case of their own failure to fulfil the conditions.

<sup>3</sup> Sic: *sub formis* is needed.

<sup>4</sup> Sic: *earum* refers to *legati et adempcionis*, taking the gender of the second word.

<sup>5</sup> Writted *meum* in original.

<sup>6</sup> Sic: for *ecclesie monasterii*.

fratrum mendicantium vndecumque fuerint in Anglia, et x marce inter pauperiores scolares vniuersitatis Oxoniensis conuertantur et eciam distribuuntur.<sup>1</sup>

*Cancell' de  
[Que]ynton'.*

Item eodem modo per omnia lego xl li. ad construccionem noui cancelli in dicta ecclesia de Queyntone, soluendas sub condicione et modo predictis<sup>2</sup> adiectis in consimili legato relicto ad vsum similem, vt premisi. Et eodem modo adimo hoc legatum sicut a quo et quali ademi illud; in quem euentum adempcionis volo quod x marce ex ipso legato ad fabricam seu reparacionem nauis seu fenestrarum nauis ipsius ecclesie vel ad facturam muri lapidei vel fossate spinee bone circa cimiterium ipsius ecclesie, item quinque marce inter pauperiores parochianos eiusdem, et v marce inter pauperes presbiteros nequeuntis celebrare, quinque marce in reparacionem ecclesie et claustrum monasterij sancte Fredeswyde, et x marce ad fabricam seu reparacionem<sup>3</sup> domorum necessariarum eiusdem, v marce ad vsum consimilem monasterij de Nottle, v marce ad vsus similes fratrum minorum Oxonie, v marce ad vsum similem fratrum predicatorum, v fratrum carmelitarum, et relique v marce ad vsus similes fratrum Augustinensium Oxonie conuertantur et eciam applicentur.

*Swalcl' [vve].*

Item lego ad construccionem et reparacionem domorum necessariarum ac clausurarum rectorie de Swalcl'ue<sup>4</sup> et de Eppelwell', Shutford et la Lee, non obstantibus sumptibus eciam excessiuis et vtilibus per me oppositis in hac parte, xl marcas sterlingorum soluendas, si et vt rector eiusdem ecclesie de Swalcl'ue pro tempore meus successor sufficienter caueat de tota huiusmodi pecunia in vsus huiusmodi infra annum vel biennium ex causa tantummodo et insolidum applicanda, et sic caueat infra dimidium annum a die notificacionis huiusmodi legati sibi facte sub forma quam de notificacione facienda rectori ecclesie de Hamme superius expressaui. Sufficienciam vero huiusmodi caucionis volo per executorum meorum arbitrium declarari, et non sicut in iure cauetur, qui consideracionem habeant ad condicionem et qualitem persone ipsius rectoris, et alias iuxta discrecionem eis adeo datam. Huic eciam legato hanc condicionem appono, videlicet, si et dummodo ipse rector executores meos absoluat et quietet super defectibus pretensis seu pretendendis forte per eum inueniendis in dictis locis et domibus et clausuris tempore mortis mee, et non vexet eos nec conueniat super eis aut eorum occasione [fo. 157 d], et si et dummodo caueat sufficienter, saltem litterali obligacione c marcarum simplici, recepta correspondenti et conuenienti defesancia, vt in talibus superius explicaui, quod executores testamenti domini Ricardi de Whitewell' predecessoris mei occasione huiusmodi defectuum suo tempore iminencium seu contingencium non vexabit nec conueniet, nec agat quomodolibet contra eos nec aliquem eorundem, set ipsos eciam consimiliter absoluat et quietet; et tunc huiusmodi obligacio c marcarum nullius penitus sit momenti: alioquin in sua plena remaneat firmitate.

*Endeliente.*

Item lego x li. sterlingorum ad fabricam seu reparacionem cancelli dicte ecclesie sancte Endeliente, si et dummodo rector curatus ipsius ecclesie et sui comporcionarij ibidem sic securent,

<sup>1</sup> Written *distribuntur*.

<sup>2</sup> Written *predictos*.

<sup>3</sup> Here follow in the original copy the

words *de Nottle v marce*, with *vacat* interlined in the usual way.

<sup>4</sup> Written *Swalcl'ue*.

prout de rectore de Hamme superius prelibau: alioquin pars istius legati in reparacionem et vsum nauis ipsius ecclesie, et alia dimidia pars in empcionem pannorum pro pauperioribus et miserabilioribus parochianis ipsius ecclesie conuertantur.

Item lego ad emendacionem et reparacionem cancellorum<sup>1</sup> ecclesiarum archidiaconatus Leycestrie c marcas sterlingorum iuxta arbitrium executorum meorum in periculo animarum suarum distribuendas; de quibus x li. in cancellorum, videlicet tectorum, murorum et fenestrarum cancellorum huiusmodi ecclesiarum vnitarum monasterio beate Marie de Pratis iuxta Leycestriam infra eundem archidiaconatum, et quinque marce in vsus similes cancellorum ecclesiarum sic vnitarum<sup>2</sup> monasterio de Landa, eiusdem archidiaconatus, precipue conuertantur. Item lego ad reparacionem nauium ecclesiarum pauperiorum dicti archidiaconatus xx marcas, et ad emendacionem et clausuram cimiteriorum ecclesiarum huiusmodi x marcas. Item ad empcionem et reparacionem librorum et vestimentorum ecclesiarum in quibus maior defectus talium iam existit, xx li.

[H]amme Item ad vsum similem ecclesie de Hamme quinque  
Queyntone marcas, et ad vsum similem ecclesie de Queyntone pre-  
[E]ndeliente pro dictarum x marcas, et ad vsum similem<sup>3</sup> ecclesie sancte  
[i]bris et Endeliente predicte xls.  
uestimentis.

[Presbiter]is et Item pauperioribus presbiteris celebrantibus in ecclesia  
clericis in Lincolniensi deuotis et honestis indigentibus c s. vt pro  
[ecclesia] me orent, et pauperibus clericis deuotis et castis ministrantibus  
Lincolniensi. in eadem xls. sub modo simili.

[Ex]oniensi Item talibus presbiteris celebrantibus in ecclesia  
monasterio.<sup>2</sup> Exoniensi xls. et consimilibus clericis in eadem ministrantibus  
xx s. sub modis similibus. Item presbiteris non promotis  
[Capellans] capelle domini mei Exoniensis xls. distribuendos secundum  
episcopi arbitrium suum. Item familie sue lxs. distribuendos eodem  
Exoniensis. modo.

[Clericis] Item presbiteris non promotis clericis et familiaribus  
episcopi ceteris domini mei episcopi Lincolniensis iuxta eius arbitrium  
Lincolniensis. distribuendas<sup>5</sup> quinque marcas, et specialiter domino  
Henrico capellano capelle sue xxs. qui in legato generis<sup>6</sup> non concurrat.

[Clericis] Item presbiteris non promotis et familie domini mei  
episcopi Wygorniensis quinque marcas; et inde specialiter domini  
Wygorniensis. Edwardus Hunt xs. et Augustinus presbiteri capelle sue  
xs. de legato generali huiusmodi habeant et percipiant.

[I]n theologi- Item lego pauperibus notabiliter magistris in artibus  
[studentib]us et aliqua liter pauperibus talibus magistris in theologia  
Oxonie. Oxonie studentibus x li. ita quod ipsi in theologia duplum  
respectum percipiant regencium in hoc cauendum.<sup>7</sup>

<sup>1</sup> huiusmodi follows, expunged.

<sup>2</sup> Written *vnitarum*.

<sup>3</sup> Written *simile*.

<sup>4</sup> The word is also used below with reference to Lincoln in the general sense of 'minster.' Exeter and Lincoln were of course churches of secular canons.

<sup>5</sup> Written *distibundas*.

<sup>6</sup> Sic: *generali* is meant, though *generis* is not impossible.

<sup>7</sup> This is a curious passage and is probably corrupt. The words *in bo cau'* (*in hoc cauendum*) look as though they may be a copyist's error for *in iure can[onico]*. Mr. A. P. Moore noted the difficulty among his extracts from the will, but without commenting upon the textual error. Dr. Andrew Clark suggested to him that the double allowance was left to cover 'the expense of a compulsory entertainment

- Neweham*  
*monasterio.* Item lego priori et conuentui monasterij Lancestonie ad fabricam monasterij sui xx marcas, et abbati et conuentui monasterij de Neweham ad vsum similem x marcas. Item priori et conuentui Plymptonie ad vsum similem, v marcas.
- [*Tor*]re. Item abbati et conuentui monasterij de Torre ad fabricam claustrum sui ibidem, cs. Item abbati et conuentui de Tauystok ad vsum similem, xls. Item abbati et conuentui monasterij Abyndonie ad vsum similem, cs. Priori et conuentui de Burcestria ad vsum similem, si et dummodo prior ibidem pecuniam non imburset, set in solidum in vsum huiusmodi conuertatur, cs. Abbati et conuentui monasterij de Wynchecombe ad vsum similem et sub condicione et modo similibus, cs.
- [*Wync*]becombe. [Fo. 158] Abbati et conuentui monasterij de Nottele ad vsum similem, lxs. Priori et conuentui de Landa ad vsum similem, lxs.
- Nottele.*  
*Landa.*
- Cirencestre.* Item abbati et conuentui<sup>1</sup> monasterij de Cirencestria, Wygorniensis diocesis, ad vsum communem et necessarium eorum, v marcas.
- Lantony.* Item priori<sup>2</sup> bono et grato ac conuentui monasterij de Lantony ad reparacionem claustrum sui ibidem, cs.
- Spaldyng.* Priori et conuentui de Spaldyng ad fabricam ecclesie monasterij sui, v marcas.
- Eynesbam.* Abbati et conuentui de Eynesbam ad vsum ecclesie, claustrum, dormitorij et rectorij, x marcas.
- Sancte*  
*Frydeswyde.* Item priori sancte Fredeswyde ad fabricam seu necessariam reparacionem ecclesie, claustrum, rectorij, dormitorij et officinarum necessariarum ibidem, si et dummodo frater Nicholaus ibi prior pecuniam huiusmodi non inburset nec in alios vsus applicet, et de hoc securitatem faciat executoribus meis, x li.
- Forde.* Item abbati et conuentui monasterij de Forde, Exoniensis diocesis, ad vsus communes ipsius maius<sup>3</sup> necessarios, quinque marcas, et liberacionem omnium que michi debeant,<sup>4</sup> dumtaxat si fideliter custodierint et liberauerint executoribus meis<sup>5</sup> bona mea ibidem deposita, de quibus habeo indenturam sub sigillo abbatis ibidem : tunc et non aliter habeant hec legata et eis gaudeant, et alias non, set executores mei eos conueniant in curia seculari pro duabus marcis annue pensionis et j roba omni anno per xj annos aretro existentibus<sup>6</sup> et non solutis, que<sup>7</sup> obligacio sub sigillo suo communi est inter alias in magna coffra mea stante in dormitorio Oseneye. Lego vero eisdem de Forde abbati et conuentui liberacionem x marcarum eis alias mutuo datarum per me, de quibus est eciam in dicta coffra obligacio qui<sup>8</sup> ille mihi, vt estimo,
- given by a new D.D. on the occasion of his admission to Regency (technically called Inception)'; and this explanation, rejected by Mr. Moore, who took *respectum* in a wrong sense, has been suggested independently to the present writer by Mr. Coulton.
- <sup>1</sup> de expunged.  
<sup>2</sup> et conuentui expunged.  
<sup>3</sup> Sic: for *magis*.  
<sup>4</sup> Sic: for *debeant*.  
<sup>5</sup> Written *meas*, probably by incomplete alteration from *meos*.  
<sup>6</sup> Written *exisibus*.  
<sup>7</sup> Written *quo*.  
<sup>8</sup> The passage down to *solute* is printed as it stands in the manuscript, but the original copyist evidently made a mistake. The proper reading would be 'quod ille mihi, vt estimo, sunt soluend': this is, at any rate, the reading which comes nearest to the words in their present form.



sunt solute. Volo vero eosdem abbatem et conuentum per et propter casus fortuitos incendiij cuiuscumque et qualitercumque prouenientes, et furti latronum et rapine, siue fraude et culpa abbatis et conuentus eorundem seu alicuius persone singularis eorum si euenerint, a restitutione dictorum bonorum, et vt legatis huiusmodi non careant propter non liberacionem, fore totaliter excusatos: aliam eciam partem dicti debiti sui in quo mihi tenentur remittere valeant eis dicti executores, prout pro anima mea viderint expedire, quia reuera eis nichil vel modicum deseruiui. Set volo sentire quod si indentura super bonis depositis non sufficiat ad recuperacionem nec illam timeant, ad restitutionem eciam illorum cogantur per obligacionem, et sic pensio et roba huiusmodi ab eis, si male fidei fuerint, exigantur.

*Oseneye.*

Item lego fratri Thome, abbati, et conuentui monasterij Oseneye ad vsus communes necessarios ipsius, xx marcas conuertendas iuxta discrecionem abbatis, et abbati eiusdem monasterij xls, et cuilibet canonico ipsius monasterij vnam marcam, et priori, fratri videlicet Roberto, ij marcas, et Ricardo de Comerore xxs, et Henrico de Elsham xls, et fratri Willelmo de Westone, canonico ipsius monasterij, dimidiam marcam; qui Ricardus, Henricus et Willelmus in dicto legato generali, quo singulis vnam marcam reliqui, debeant comprehendere. Item lego familie eorundem abbatis et conuentus xls. distribuendos iuxta discrecionem abbatis. Hec legata abbati et conuentui de Osney, singulis personis et canonicis ac familiaribus suis iam relicta, et quecumque alia eis facta, per me volo dumtaxat solui eis, et alias non nec alicui eorum, si videlicet et dummodo abbas et conuentus ipsi fideliter custodierint et plene ac fideliter liberauerint pecuniam, libros, ciphos argenteos et alia bona mea penes eos deposita, sicut saltem patet in genere in indentura sigillo suo communi signata, et secundum quod ea fideliter specifico<sup>1</sup> in memoriali siue inuentario in hac parte per me facto et in presenti testamento infixio et incluso, et secundum exigenciam dicte indenture in qua bona huiusmodi non specificantur, set ciste et coffre sigillantur sigillo meo et serantur cum clauibus quas habeo. Item lego eisdem abbati et conuentui liberacionem xx li. quas mihi debent ex causa mutui et cuiusdam annue pensionis xls. que pro iiij vel iiij annis est a retro, et omnium que michi debent ex mutuo vel ex causa dicte pensionis sub condicione predicta, et non aliter neque vltra, et vt inter ceteros benefactores domus sue me irrotulent in martilogio et me ascribant, et imperpetuum pro me vt pro talibus orent.

*Mertone balle.*

[Fo. 158 d] Item lego custodi et scholaribus de Mertonhalle in vsus communes alios quam ad victum, v marcas.

*Criditone.*

Item ad fabricam vel reparacionem ecclesie collegiate sancte Crucis Criditonie, xls.

*Exoniensi monasterio.*

Item ad vsus similes, vel saltem ad vnam fenestriam<sup>2</sup> vitream in ecclesia seu claustro ecclesie Exoniensis in memoriam meam faciendam, v marcas.

*Lincolniensi monasterio.*

Item ad fabricam seu reparacionem ecclesie Lincolniensis, cs. Item ad vsus similes ecclesie collegiate sancti Thome martiris Glasneye in Cornubia, xls. Item ad vsum magis vtilem ecclesie collegiate sancte Marie de Otery in Deuonia, xls.

*Glasneye.*

*Otery.*

<sup>1</sup> Written *specifice*.

<sup>2</sup> Sic.

*Remissio pensionum.* Item lego omnibus et singulis religiosis et aliis qui<sup>1</sup> michi tenentur in aliquibus pensionibus liberationem omnium arreragiorum et reliquorum que michi debent ex causa huiusmodi pensionum, exceptis abbatibus et conventibus monasteriorum de Oseneye et de Forde predictorum, de quibus specialiter in hac parte supra disposui nominatim; quos non volo propter condiciones<sup>2</sup> in legatis eis relictis per me appositas in presenti legato generali comprehendendi, set volo quod ille condiciones omnino stent et in sui vigore remaneant et subsistant.

*Alicia Marchaunt.* Item lego Alicie Marchaunt vxori Roberti Marchaunt in Deuonia, sorori mee vterine, si me superuixerit, xls. sterlingorum et xij coclearia argentea.

*Almarico fitz Waryn.* Item lego Almarico fitz Waryn, fratri meo vterino, sub condicione si numquam tempore vite sue stet in aliqua iurata, nec iuret coram iusticiariis regiis vel aliis secularibus personis, nec sit aliquis de xij iuratis, nec vnquam aliquem inducet,<sup>4</sup> set dimissis et derelictis talibus baratariis, de quibus est multum suspectus, ne aliter loquar, sicut christianus et fidelis Deo deseruiat, et de preteritis digne peniteat, et de istis sufficientem securitatem reperiat executoribus meis, xx marcas sterlingorum et xij coclearia argentea. Alias si de implecione condicionis huiusmodi sufficientem non fecerit securitatem, de qua est valde cauendum ne terre sue sint vtpote Thome de Missendene vel alij per statutum mercatorum vel alias ligate, onerate et affecte, huiusmodi legato ex toto careat et omnino.

Item lego Isabelle filie quondam Margarete Pipard, [*Isabelle Piparde.* que Isabella nata fuit in ciuitate Exonie et iam moratur cum prefata Alicia sorore mea, ad maritandum eam, xlii. sterlingorum. Et est aduertendum quod quicumque cum ea matrimonium contraxerit et dictam pecuniam pro oneribus ferendi<sup>5</sup> matrimonij huiusmodi recipere voluerit, securitatem reperiat quod non precontraxerat cum aliqua alia, nec precognouerat aliquam dicte Isabelle consanguineam, et quod nullum ex parte ipsius mariti futuri impedimentum subfuit vel subest, propter quod matrimonium inter eum et Isabellam eandem subsistere non valeret, et quod eam eciam maritali affectione pertractabat,<sup>6</sup> et quod simpliciter per statutum mercatorum vel obligationem de compoto super duplo quasi ex mutuo recepto vel ad mercandizandum sibi traçito se obliget solempniter executoribus meis, recepta ab eis defesancia; quod si premissa existant et ipse obligans ea obseruet, nulla sit huiusmodi obligacio, set vacua et inanis. Alioquin si huiusmodi matrimonium propter precontractionem cum alia vel impedimentum aliud ex parte viri eueniens vel contingens aut subsistens resoluatur et non procedat, vel si maritus ipse per maliciam suam ipsam Isabellam male pertractauerit contra effectiorem<sup>7</sup> et vinculum federis coniugalis, ipsa obligacio in pleno suo remaneat robore et vigore. Et si ipsa Isabella propter fornicacionem quam commisit uel committit antequam in vxorem ducatur nullum uirum ualentem habere

<sup>1</sup> Written *que*.

<sup>2</sup> *omnino stent* expunged.

<sup>3</sup> *Sic*.

<sup>4</sup> *Sic - fr inducat.*

<sup>5</sup> *Sic: ferendis* is evidently meant.

<sup>6</sup> *Sic: for pertractabit.*

<sup>7</sup> *Sic: for effectum* or possibly for *affectionem*.

possit, uel si ab aliqua abiecta et modica persona, c solidos in bonis propriis non habente, in vxorem ducta fuerit, xl marcas de toto huiusmodi legato sibi relicto eoipso perdat. Si autem, pro eo quod meretrix esse elegerit et fuerit, in vxorem duci non uoluerit nec ualuerit, xl habeat tantum solidos de legato huiusmodi sterlingorum. In quos euentus quicquid ad vsum ipsius Isabelle in hac parte solutum de xl li. huiusmodi non fuerit in vsus maritagiorum honestarum mulierum, et presertim ac maxime de meo sanguine, conuertatur.

*Filio Alicie<sup>1</sup>  
Bozoun.*

[Fo. 159.] Item lego Roberto Bozoun filio quondam Alicie Bozoun quondam<sup>2</sup> sororis mee<sup>3</sup> iuxta Dertmuthiam in Devoniam, scolari, x li. ad iuuandum eum ad expensas suas in studio litterarum.

*Louecok.*

Item lego fratri suo minori cs. Item lego filio quondam Thomesie Louecok, vxoris Johannis Louecok de Oxonia, scolari,<sup>4</sup> ad iuuandum eum in expensis suis ad studendum, x li.

*Filio Ricardi  
de la Lee.*

Item lego partui qui est ad presens in ventre Alicie, vxoris Ricardi de la Lee de parochia de Swalclif, si nascatur masculus et vocetur post me Willelmus, xls.

*Willelmo  
Steanly.*

\* Item lego Willelmo de Stanley et Agneti vxori sue de Stamfordia, lxs. sterlingorum, et lectum quendam, uidelicet vnum couerlet cum testere qui deponitur apud eos nigrum blodium, qui est minoris valoris quam aliquis de duobus aliis lectis consimiliter depositis penes ipsum Willelmum. Item Willelmo filio eorundem, xls. et vnum librum decretalium apparitatum, et sextum librum decretalium cum glosa cardinalis in vno volumine, et Innocencium antiquum correctum, in quo in principio ipsius libri scripsi manu mea et feci de voluntate mea in hac parte mencionem. Hec autem legata Willelmo patri et eius vxori ac Willelmo eorum filio sic relicta dari et prestari volo sub condicione si ipse Willelmus pater et Agnes fideliter custodierint bona mea penes ipsum Willelmum deposita, et plene ac fideliter liberauerint executoribus meis secundum exigenciam indenture inter ipsum Willelmum et me de bonis huiusmodi facte, cuius altera pars sigillo ipsius Willelmi sigillata penes me remanet, et secundum quod bona huiusmodi quasi in totum specifico in memoriali siue inuentario supradicto.

*[Pro] cantariis  
perpetuis  
fundandis.*

Item lego pro duabus cantariis perpetuis habendis, faciendis et fundandis pro animabus mea et parentum et benefactorum meorum et illorum quorum sum debitor et quorum bona iuste vel iniuste recepi, cc marcas sterlingorum; et si aliter cito vel commode fieri non possit, in domibus religiosis possessionatis cantarie huiusmodi habeantur. Et vellem quod vna in monasterio Osneye, et altera in monasterio Lancestonie predictis haberentur. Et si non possint ibi haberi, alibi, vt in monasteriis de Nottele, Torre, seu vbi executores mei magis securum et vtile viderint, procurent et faciant eas fieri et firmari. Et si pro tanta summa non possint haberi, plus addatur de bonis meis, quatenus sufficere poterunt non legatis.

<sup>1</sup> Written *Aic*.

<sup>2</sup> *uxoris* expunged.

<sup>3</sup> Written *me*.

<sup>4</sup> The sense may be *de Oxonia scolari*, referring to young Lovecok, but the order of the words justifies the punctuation adopted above.

- Reparacio pon[cium] et viarum.* Item lego ad reparacionem poncium et viarum ac itinerum in locis ubi magis meritorium fuerit, x marcas.
- Lanceston.* Item lego cuilibet canonico monasterij Lancestonie dimidiam marcam, et domino Dauid at Hole canonico ultra porcionem eum inde contingentem vnam aliam dimidiam marcam. Item lego domino Rogero de Dorset, diacono, ipsius Dauid consanguineo, portiforium meum seu manuale quod est in coffra siue cista maiori apud Forde. Item lego
- Lanceston.* priori monasterij Lancestonie quendam ciphum argenteum qui fuit quondam patris mei, qui est Stamfordie penes dominum<sup>1</sup> Willelmum de Steanley, in cuius ciphi fundo exterius sculpitur tantum vnum scutum siue scohoune patris mei, vna cum cooperculo quod ego feci fieri cippo huiusmodi correspondenti, remansurum imperpetuum in prioratu Lancestonie penes priorem qui ibidem fuerit pro tempore, ita quod extra prioratum non accomodetur nec impignoretur<sup>2</sup> nec alienetur, nisi maior et inuitabilis et indissimilata vtilitas vel necessitas alienacionem ipsius fieri suaderet, cogeret et vrgeret. Item lego domino meo abbati monasterij de Enesham<sup>3</sup> ciphum illum argenteum deauratum et deamelatum cum pede suo per me fracto et cum cooperculo de eadem secta, et lauatorium de eadem secta de dono eiusdem domini abbatis, ita quod remaneat ipsi monasterio imperpetuum, et non alienetur nec impignoretur,<sup>4</sup> vt supra de alio cippo argenteo premisi, nisi maior necessitas quam<sup>5</sup> fieri exposceret, requireret et artaret.
- De anulís.* Item lego meliorem anulum meum domino meo Exoniensi et secundo meliorem domino meo Lincolnensi et tercio meliorem domino meo Wigornensi episcopis, et executoribus meis tres alios anulos.
- Dore.* Item lego monasterio de Dora vnum nouche [qui]<sup>6</sup> est sub anulís in dicta magna coffra stante in dormitorio Oseneye.
- Ricardo Cleangre.* Item lego magistro Ricardo Cleangre zonam meam sericam harshiatam cum argento in quo aues sculpuntur in tota zona, que est Staunfordie.
- Lanteney.* Item bibliam pulcram quam<sup>7</sup> habui ex acomodato prioris de Lanteney<sup>8</sup> prope Gloucestriam, et alios libros quos in eorum principio scripsi seu intitulaui ipsius monasterij fore, eidem post mortem meam volo et rogo restitui indilate.
- Enesham.* Item decretales quos olim impingnorauit mihi frater Nicholas de Vpton, tunc abbas monasterij de Enesham,

<sup>1</sup> Probably for *dictum*.

<sup>2</sup> Written *impugnoretur*.

<sup>3</sup> *Enesham* below is certainly Eynsham, as Nicholas Upton, elected abbot 1338, deprived 1344, and abbot again c. 1349-54, belonged to that monastery. Geoffrey Lamburn was abbot at the time when the will was made (*Monasticon* iii, 2). But the word in this case may be *Euesham*, e. Evesham, locally in the diocese of

Worcester, though exempt from the bishop's jurisdiction. The abbot of Evesham at this time was William Boyce, 1345-67 (*ibid.* ii, 6).

<sup>4</sup> Written *impugnoretur*.

<sup>5</sup> Sic.

<sup>6</sup> Omitted in original.

<sup>7</sup> Written *quemq<sup>u</sup>*: possibly a careless error for *quam quondam*.

<sup>8</sup> Sic.

eodem modo restitui volo et idem fiat amore<sup>1</sup> statim de libris aliorum,  
*Torre.* vt de summa Azonis que est monasterij de Torre, ij libros<sup>2</sup>  
*Teukesbury.* sermonum qui sunt monasterij de Teukesbury, ij libros<sup>3</sup>  
*Forde.* sermonum qui sunt monasterij de Forde, de epistolis Petri  
 Blesensis que sunt domini episcopi Exoniensis, et sic de ceteris. Tales  
 tamen pansi sunt aliorum nisi sicut signantur et explicauit in memoriali  
 siue inuentario predicto per me scripto et facto, vno et alio scripto in papiro  
 per notarium meum predictum et per me digesto et approbato et facto,  
 vt textus Inforciati et vnus alius liber minimi precij qui  
*Rogerus Otery.* fuit magistri Rogeri de Otery, qui stat cum domino meo  
 Wygorniensi.

[Fo. 150d.] Item lego tribus filiis Iohannis Deneys  
*Filiis Iohannis* de Gydecote, inter quos heredem ipsius non volo numerari  
*Deneys.* nec eciam comprehendere, xij marcas sterlingorum, videlicet  
 cuilibet eorum iij marcas, et vni de filiabus suis non maritate in subsidium  
 maritagij sui, cs. sterlingorum, quos cs. veto in alium vsum applicari.

Item lego Johanne Lynham quondam sorori patris  
*Johanne Lynham* mei, si ipsa me superuixerit, xls. et vj coclearia argentea,  
*et filiabus eius.* et Johanni filio suo, xls, et Thomasye filie sue in subsidium  
 maritagij sui, x li. et Margarete filie sue in vsum similem, cs.

Item lego Waltero Asche, domicello et notario meo,  
*Walterus Asche* v marcas, Simoni de Bulkyngtone seruienti meo, v marcas,  
*et ceteri seruientes* et Waltero Achym seruienti meo, xls, si michi vsque ad  
*W. de Doune.*<sup>4</sup> mortem meam fideliter seruierint et in meo seruicio  
 remanserint, et ad uel in mortem meam non conspirauerint<sup>5</sup> nec eam  
 procurauerint: alioquin illo<sup>6</sup> et quicumque qui secus fecerit vel de seruicio  
 meo recesserit huiusmodi legato sibi relicto careat penitus et ex toto. Item  
 lego W. filio dicti Simonis xxs.

Item lego domino Johanni de Oldestow, rectori ecclesie  
*Johanni Oldestowe.* sancte Mabene in Cornubia, xls.

Item Roberto Mustarde de Lancestonia, si me super-  
*Roberto Mustarde.* uixerit, xxs.

Item magistro Ricardo Norys canonico Exoniensi,  
*Ricardo Norys.* si me superuixerit, xls; et sibi restitui volo antiqua sua<sup>7</sup>  
 reportoria<sup>8</sup> in ij magnis quaternis in coffra mea stante in dormitorio meo<sup>9</sup>  
*Oseneye.*

Item lego magistro Johanni de Shareshulle, precentori  
*Job. Sbaresulle.* ecclesie Exoniensis, si me superuixerit, xls.

Item Thome de Doune, filio Johanne atte Pitte, fratri  
*Thome Doune.* meo consanguineo se<sup>10</sup> ex parte patris mei, cs.

Item magistro Benedicto Pastone, xls. Item domino  
*[Benedictus* Radulpho consanguineo meo, porcionario in ecclesia sancti  
*Radulphus* Probi in Cornubia, xls. Item magistro Johanni Derworthe,  
*ector sancti Probi.* xls. et v coclearia argentea.  
*[Derworthe.]*

<sup>1</sup> Sic: *amore Dei* may be meant; but  
 it seems more likely that *amore* was written  
 instead of *amodo*.

<sup>2</sup> Sic.

<sup>3</sup> Sic.

<sup>4</sup> This marginal note makes the identity  
 of the testator certain.

<sup>5</sup> Sic: for *conspirauerint*.

<sup>6</sup> Sic: for *illi* or *ille*.

<sup>7</sup> Written *suo*.

<sup>8</sup> Sic: for *repertoria*.

<sup>9</sup> Sic: for *mon'* (i.e. *monasterii*).

<sup>10</sup> Sic: *gerenii* probably omitted.

*Downe.* Item Thome de Doune, filio quondam<sup>1</sup> et nunc heredi quondam patris mei, sex marcas sterlingorum et quatuor coclearia argentea, et meliorem lectum meum cum rosis croceis.

*Waryn.* Item Thome Waryn, filio quondam Johanne sororis mee, v marcas et lectum, videlicet couerlet cum testerio de eadem<sup>2</sup> secta, et ij whytels et ij debilia lintheamina; que omnia excepta pecunia huiusmodi sibi legata sunt apud Swalclyue.

*Alexandro Sporman.* Item lego domino Alexandro Sporman, presbitero cantarie sancte Anne in ecclesia omnium Sanctorum Oxonie, xs. et domino Waltero de Bokelonde canonico ad presens monasterij de Mussendene, xxxs. Et ipsi monasterio ad fabricam vel reparacionem ecclesie sue<sup>3</sup> eiusdem monasterij et domorum suarum necessariorum, xls.

*[Fratr]ibus mendicantibus.* Item lego ad distribuendum inter fratres mendicantes, videlicet, pro vestibus et habitibus senium fratrum et debilium et abiectorum et minoris reputacionis inter eos, honestorum tamen et deuotorum, vbicumque in Anglia tales magis reperti fuerant<sup>4</sup> indigentes, x marcas. Item pro reparacione et coopertura ecclesiarum et domorum necessariorum talium fratrum magis indigencium, vbicumque verisimilis<sup>5</sup> tales fuerint<sup>6</sup> in Anglia, x marcas.

*[Vica]rio de Meltone [ano] iuoray.* Item lego robam meam furratam cum pelura, habentem supertunicam clausam, tabardum et duo capicia furrata, atque garnagium furratum de liberata dicti domini Wygorniensis, domino Roberto vicario ecclesie de Meltone Moubray, si me superuixerit; et eciam sibi lego<sup>7</sup> liberacionem omnium que mihi debet per quandam litteram obligatoriam, seu alias qualitercumque sinodalibus<sup>8</sup> et denariis sancti Petri. Si vero idem Robertus me<sup>9</sup> premoriatur, tunc lego tunicam, supertunicam et vnum capicium furratum domino Philippo, nuper capellano de Worthorpe iuxta Stamfordiam,<sup>10</sup> qui per prius fuit capellanus de Tynewelle, si me superuixerit: alias alicui seni et debili et non valenti se iuuare honesto capellano; colobium vero, garnagium et alterum capicium [Fo. 160] furrata dicte robe lego alicui alteri pauperi presbitero honesto et impotenti, vel non valenti propter debilitatem, infirmitatem vel senectutem celebrare vel se iuuare.

<sup>1</sup> Sic: should have been expunged.

<sup>2</sup> Written *easdem*.

<sup>3</sup> Sic.

<sup>4</sup> Sic: for *fuerint*.

<sup>5</sup> Sic: for *de verisimili* or *verisimiliter*.

<sup>6</sup> Written *fuerant*.

<sup>7</sup> The words 'vnam tunicam, supertunicam et capicium furratum domino Philippo, nuper capellano de Worthorpe,' taken from below, are added here in the original copy, with *vacat* interlined in the usual way.

<sup>8</sup> *Pro sinodalibus* is needed.

<sup>9</sup> Written *ne*.

<sup>10</sup> Wothorpe in the parish of St. Martin, Stamford. There was a small nunnery here which came to an end after the pestilence of 1349, and was united to the priory of St. Michael by Stamford, also on the Northants side of the Welland. Tinwell is in Rutland, west of Stamford. It is impossible to identify sir Philip, a *capellanus conductivus* of a type which was common in most English parishes, with certainty. The chaplain who served the chapel of Epwell in Swalcliffe parish, mentioned below, is a similar case.



*Pro vicario  
Staunfordie.  
S. Bulkyntone.* Item lego vnum garnagium de blodeo furratum cum capicio non furrato de eadem secta domino Johanni vicario omnium Sanctorum Staunfordie. Item lego Simoni de Bulkyngtone predicto, sub condicione sub qua sibi superius legauī, vnum garnagium furratum cum capicio et curto tabardo furratis de eadem secta que sunt apud Staunfordiam.

*Eppewelle.* Item lego capucium linitum eciam de eadem secta, quod est ibidem eciam, et tunicam et supertunicam furratas et capucium furratum de illa secta que sunt apud Swalclyue domino Johanni, capellano<sup>1</sup> de Eppewelle, si ibi michi et pro me seruerit anno futuro<sup>2</sup>: alioquin illi capellano qui ibi deseruiet.

*Capellanus  
Oseneye.* Item lego vnam robam furratam cum griseo et curto tabardo et capucio furrato domino Willelmo, capellano celebranti infra abbaciam Oseneye, vel alteri deuoto pauperi et impotenti capellano sub eleccione abbatis ibidem.

Item lego quamdam cotam longam furratam cum gryseo, que est penes magistrum Ricardum de Medmenham, alicui valde pauperi et honesto ac impotenti capellano iuxta arbitrium et conscienciam eiusdem Ricardi.

*Vicario  
Staunfordie.* Et cotam furratam ac capucium eciam furratum cum griseo que sunt Staunfordie, lego vicario ecclesie sancti Andree Staunfordie, qui dudum fuit capellanus celebrans, vt estimo, in prioratu sancti Michaelis prope Staunfordiam,<sup>3</sup> qui est aliquantulum antiquus.<sup>4</sup>

*Waltero Achym  
Thome Waryn.* Item lego quamdam cotam furratam per se cum pellibus leporinis yberniciis Waltero Achym, et capucium linitum et longam clocam de secta ipsius cote lego Thome Waryn.

*Vicario Lafforde.* Item vicario ecclesie prebendalis de Lafforde alias dicte de Sleforde, tres solidos sterlingorum.

*Snartefor[de].* Item lego vnum garnagium rubeum furratum et capucium non furratum de eadem secta predicto Ade de Snarteforde, sub condicione sub qua sibi superius legauī.<sup>5</sup>

*Emma<sup>6</sup>  
Skilyngtone.* Item vnum antiquum couerlite sine testerio quod est Staunfordie Emmote de Skilyngtone, pauperi mulieri de Staunfordia, et vnum pannum modicum grossum de russeto qui est eciam ibi filio eiusdem.

Item lego quamdam robam quasi nouam, furratam cum *Isabelle P[iparde].* pelura, cum longo tabardo et capucio vnico furrato de liberata modo et pro nunc vltima<sup>7</sup> domini Lincolnensis, que sunt apud Staunfordiam, et j remenaunt quantitatis ij vlnarum de nouo panno eiusdem secte qui est apud Swalclyue; item vnam robam cum tunica, supertunica, colobio curto et vno capucio furrato cum pelura bona,

<sup>1</sup> The words 'qui ibi deseruiet. Item lego vnam robam furratam cum griseo,' taken from below, are added here in the original copy, with *vacat* interlined as before.

<sup>2</sup> This clause seems to show that Doune was in no immediate expectation of death when the will was made. The chaplain, as usual in such cases, was appointed and removed at the will of the rector.

<sup>3</sup> See note 10 on p. 276 above.

<sup>4</sup> Written *antiquus*.

<sup>5</sup> This refers to a legacy in the earlier part of the will which has disappeared.

<sup>6</sup> Sic.

<sup>7</sup> This phrase corroborates the statement as to the regular payment of a *liberata* in clothing by the bishop of Lincoln made in note 2, p. 255 above.

et vnam longam clocam de secta ipsius robe furratam cum griseo, que sunt Staunfordie; ac etiam maiorem lectum meum rubeum cum toto suo apparatu, si per ribaldos plures vel vnum cognita hactenus vel donec in vxorem ducta fuerit per aliquem competentis status virum cognita et violata non fuerit, lego dicte Isabelle, que moratur cum dicta Alicia sorore mea. Si autem sic cognita fuerit, tunc sibi adimo totum hoc legatum et relinquo aliis mulieribus honestis non maritatis de sanguine meo non corruptis in subsidium maritagiorum suorum, videlicet, vni earum vnam robam et alteri alteram cum suis parcellis<sup>1</sup> et tercię<sup>2</sup> dictum lectum. Si autem tales reperte non fuerint, tunc panni et lectus huiusmodi vendantur in<sup>3</sup> pecunia ex eis redigenda in sustentacionem et vesturam pauperum applicetur.

Item lego vnam robam linitam cum sindone rubeo *Alicie Marchaunt*. cum ij capuciis, vno linito et alio non linito, que est apud Staunfordiam, dicte Alicie sorori mee.

Item lego vnura remenaunt de albo panno qui est *Waltero Achym*. Staunfordie non taliatum Waltero, notario et domicello meo, et j whitel et j par lintheaminum nouorum.

Item lego mantellum meum rubeum de Hibernia alicui seni vel pauperi notabiliter de villa Staunfordie.

Item lego j whitel dicto Ade et aliud whitel dicto Waltero Achym, et vtrique eorum par lintheaminum sub condicione [Fo. 160d] quam supraposui in legato per me seruientibus meis relicto.

Item lego xxx vlnas panni linei qui est Staunfordie et *De panno lineo pro pauperibus.* ix vlnas et tres et i quarteriam noui caneuciij de came<sup>4</sup>

et totum nouum pannum de caneuciacio qui est Staunfordie ad diuidendum inter euidenter pauperes, debiles et impotentes, videlicet impotencioribus, ad faciendum eis vnum paruum saltem lintheamen et camisiā et braccas, et aliis iuxta modum indigencie eorundem. Et eodem modo lego distribuendos inter pauperes et etiam impotentes omnes pannos meos lineos pro corpore meo, et omnia lintheamina superius non legata.

Item lego Roberto Saundres balliuo meo apud Swalcluye *Roberto Saundres.* robam illam meam rubeam furratam cum pelura, longo tabardo cum capucio furato, que est penes magistrum Ricardum Medmenham, et xls. in pecunia vel in aliis speciebus seu bladis bonorum meorum, si fideliter se habuerit et responderit executoribus meis et de bonis meis custodie et administracioni sue commissis: alioquin omni careat legato, et fiat sibi rigor omnis ita quod iusticiam<sup>5</sup> rigoris asperitas non excedat.

In distribucione vero facienda inter pauperes in dictis *Pauperes de Queynton.* pannis lineo et de caneuciacio parochiani ecclesie predicte de Queyntone ceteris preferantur; ita videlicet quod a toto principio distribucionis huiusmodi aliqua notabilis quantitas inibi parciatur.

Item lego mappam meam meliorem cum tuella sibi *Abbati Oseneye.* correspondenti abbati monasterij Oseneye, sub condicione in legatis sibi et confratribus suis per me factis apposita et adiecta.

<sup>1</sup> Written *pclis*: possibly an error for *pertinenciis*.

<sup>2</sup> Written *tercio*.

<sup>3</sup> Sic: *et* is needed instead.

<sup>4</sup> *Came* appears to be a place, but its identity is not clear.

<sup>5</sup> Written *iusticia*. The copyist probably meant *iusticie rigorem*, but muddled his words and cases.

*Roba distribuenda pauperi rectori vel capellano archidiaconatus Leycestrie.* Item lego robam meam blodeam furratam cum griseo, videlicet tunicam, supertunicam, curtum tabardum et capucium furratum alicui seni pauperiori rectori seu capellano<sup>1</sup> et indigenciori archidiaconatus Leycestrie, ita quod paupertas et indigencia a casu et non culpa sua, videlicet

si propter hoc quod concubinarius et fornicator fuerit, vel tabernarius aut gulosus pauper extiterit, nichil percipiat, processerint et procedant. Et hanc determinacionem, modificacionem et restriccionem<sup>2</sup> facio et pro factis haberi volo in omnibus et singulis legatis pauperibus et indigentibus superius vel inferius relictis et eciam relinquendis.

*Clocam et Capucium [di]tribuenda modo predicto.* Item lego clocam furratam cum griseo de eadem et capucium linitum de eadem secta alicui pauperi vicario eiusdem archidiaconatus.

*Jobanna Lynham.* Item lego robam meam bonam bene furratam cum bona pelura, habentem longum tabardum furratum, supertunicam clausam et capucium vnum furratum et aliud linitum de eadem secta dicte Johanne de Lynham, si me superuixerit: alioquin inter filias suis non maritatas pro rata diuidendam.

*Alicie Marchaunt.* Item lego robam meam linitam cum cyndone blodeo, cum longo tabardo et vno capucio linito et alio non linito, prefate Alicie Marchaunt sorori mee.

*Alexandro Sporman.* Item lego domino Alexandro Sporman predicto nouam robam blodeam furratam cum pelura, cum curto tabardo et vno capucio furrato et alio non furrato, et clocam longam. furratam cum medio vario de eadem secta, si soluerit pellipario Nicholao Gerlande seu Henrico famulo suo quinquaginta solidos vel saltem tantum quantum petitur pro furrura ipsius<sup>3</sup> cloce et pro furneatura ipsius robe, de quo petito et existente a retro feci eidem Henrico memoriale sub manu mea quod habet.

*[Roba reliqua alicui studentis in [theol]ogia.* Item lego alteram robam furratam cum pelura, habentem longum tabardum et vnum capucium furratum et aliud linitum de eadem secta, que<sup>4</sup> est penes eundem<sup>5</sup> Alexandrum, alicui deuoto presbitero non promoti Oxonie in theologia, eciam si fuerit in aliqua aula perpetua ibidem et eciam si fuerit bacallarius in theologia.

*Rube [de secta] eadem [negata].* Item lego robam meam linitam cum cyndone viridi cum garnagio in omnibus suis garnamentis alicui pauperi magistro<sup>7</sup> vel bakallario in theologia non promoti Oxonie. *[Thome] Waryn.*<sup>6</sup> Item lego longam clocam meam linitam cum panno et capucium eiusdem secte eodem modo et eodem panno linitum que sunt apud Swalcluyue Thome Waryn predicto.

*Vicario de Swalcluyue.* [Fo. 161.] Item robam meam linitam cum cyndone rubeo que est ibidem domino Henrico vicario meo ibidem.

*Filio Thomasie.* Item lego pannum nouum pro vna roba non cissum de liberata abbatis Oseneye dicto scolari filio quondam sororis mee Thomasie.

<sup>1</sup> Written *capellani*.

<sup>2</sup> Written *restruccionem*.

<sup>3</sup> *ipsius* written a second time by mistake.

<sup>4</sup> Written *ques*.

<sup>5</sup> Written *eandem*.

<sup>6</sup> This marginal reference cannot be recovered exactly.

<sup>7</sup> Written *magistri*.

*Aquebaiulo de Swalclyue.* Item clerico pauperi aquebaiulo<sup>1</sup> de Swalclyue vnum album corsetum qui est apud Swalclyue, et quinque solidos sterlingorum ad orandum pro me. Item lego pannum nouum pro roba michi facienda non cissum de liberata de Torre qui est apud Swalclyue predicto Bozone quondam filio sororis mee.

Omnes vero legatarios predictos et infrascriptos onero et rogo vt pro me orent.

*Johanni Mannyng.* Item cotam meam de skarleto cum capucio eiusdem secte Johanni Mannyng.

*Rectori de Swalclyue.* Item lego nouum dorserium meum cum tribus bankeriis eidem quasi fere corespondentibus futuro successori meo rectori de Swalclyue, sub condicione et modo quam et quem in legato xl marcarum ad reparandum domos rectorie et alias ac clausuras ipsius ecclesie superius expressaui.

*Pro fratre Roberti Bozone.* Item lego vnam cotam furratam cum nigra furrura et capucio linito de eadem secta, que sunt apud Swalclyue, dicto fratri prefati<sup>2</sup> Roberti Bozone, si ad scholas iuerit et scolaris fuerit vel esse voluerit: alioquin eidem Roberto.

*Kibbeworthe.* Item lego domino Egidio ad presens rectori ecclesie de Kibbeworthe, x marcas. Item magistro Petro rectori ecclesie de Naylestone, vj marcas. Et domino Alexandro, credo vocato rectori ecclesie<sup>3</sup> de Shakestone, xxs. sterlingorum. Et rogo eos et quoslibet alios archidiaconatus mei Leycestrie quod michi remittant ea que per me et meos ministros ab eis indebite recepi.

*de proclamacione facienda.* Et amore Dei infra mensem post mortem meam fiat precipue in archidiaconatu meo Leycestrie et ex tunc in tota diocesi Lincolniensi proclamacio generalis, quod quis-cumque vilo tempore senserit se fuisse indebite oppressum per me vel grauatum, vel dicere potuerit et ostendere, saltem probabiliter, quod ab eo aliquid contra iusticiam et bonam conscienciam extorsi vel recepi, exceptis dumtaxat procuracionibus archidiaconalibus, quas in archidiaconatu predicto recepi aliquociens visitacionis officio non impenso, propter quod alia pietatis et elemosinarum obsequia in recompensacionem talem qualem ad presens possum facere superius in eodem archidiaconatu facienda ordinaui, si de extorsione et recepcione iniuriosis et illicitis huiusmodi ostendant<sup>4</sup> probabiles evidencias, et iuret id verum esse quod asserit in hac parte, super quarum evidenciarum et iuramenti valore vel non valore vel sufficiencia seu insufficiencia, attentis et consideratis qualitatibus personarum et quantitate summarum, stari volo arbitrio<sup>5</sup> et consciencie executorum meorum, pro eo quod ad presens in specie tale aliquid non occurrit, exceptis per ministros meos quibusdam receptis de vicario, vt dixerunt,<sup>6</sup> de Meltone Moubray, pro quibus sibi superius legauim ad valorem notabilem vltra ea, et quia forte contra bonum consciencie extorsi ab eodem vicario quamdam obligacionem x librarum, eam sibi superius remisi et remitto, et rogo quod ipse michi remittat, quia iam amare recogito quod valde male multi superiores versantur, immo grassantur, cum subditis, de quorum numero fui et sum

<sup>1</sup> The *aquebaiulus* is the 'water-carrier,' i.e. the clerk who carried holy water on Sundays in the parish church.

<sup>2</sup> Written *profratre*.

<sup>3</sup> *ecclesie* repeated by mistake.

<sup>4</sup> Sic: for *ostendat*.

<sup>5</sup> Written *arbitrio*.

<sup>6</sup> Written *dixerunt*.

vnus, Deus mihi indulgeat pro sua ineffabili pietate, tunc executores mei restituant et resarciant<sup>1</sup> quatenus bonum et equum fuerit omnia et singula sic extorta illicite et recepta, quatenus bona mea in presenti testamento ad vsus ceteros seu personis certis vel incertis non legata possint sufficere in hac parte.

Item lego vsum seu vsufructum, saltem talem qualem<sup>2</sup> *Bozone de . . .* inferius describetur, librorum meorum corporis iuris ciuilib, videlicet parui voluminis digesti veteris, codicis, digesti noui et inforcia, necnon decretalium meorum et Innocencij et libri sexti decretalium cum tribus glosis, et Digno, ac Johanni<sup>3</sup> Andree in nouellis super titulo de regulis iuris in vno volumine, necnon Clementinarum cum quinque glosis et Johanninarum<sup>4</sup> cum vna glosa in vno volumine, in quibus libris multa scripsi manu [Fo. 161 d] mea, Roberto Bozone predicto, quondam filio Alicie sororis mee, seu predicto scolari, quondam filio Thomasie alterius sororis mee, videlicet vni ipsorum qui aprior et morigeracior executorum meorum vel vnus eorum et abbatis monasterij Oseneye arbitrio infra quadriennium a tempore mortis mee repertus fuerit ad studendum in iure; ita quod illi qui electus fuerit in hac parte primo paruum volumen, et deinde libri alij iuris ciuilib, prout oportunum et vtile fuerit, successive, et post quinque annos postquam ille in iure ciuili studuerit, libri ceteri iuris, videlicet canonici, predicti tradantur eidem per proprietarios eorundem, si et dummodo sibi cautionem et securitatem possibiles faciat et repperiat, quod cum libris huiusmodi seu aliquo eorum pro vsu persone sue proprie vti efficaciter non voluerit vel non potuerit, vel in eis efficaciter non studuerit, eos et quemlibet eorum, quibus seu quo sic vti non voluerit vel non potuerit, vel in quibus seu quo efficaciter non studuerit, proprietariis eorundem restituet plene et integre infra mensem, et nichilominus quod, quandocumque ad etatem sexaginta annorum peruenerit, et alias, si tanto tempore non vixerit, ante mortem suam, si fuerit sibi possibile hoc, vel saltem infra mensem a tempore mortis sue, ipsos libros omnes et singulos, casibus fortuitis incendij, furti et rapine dumtaxat exceptis, plene restituet seu restitui faciet cum effectu, et preterea quod omnes libros dum apud ipsum fuerint custodiet et conseruabit saluos et non dilaceratos nec fractos, conculcatos nec deterioratos seu etiam deteriorandos, quatenus fuerit sibi possibile, et quod eos seu aliquem eorum non alienabit nec impignorabit, nec etiam extra manus suas acommodabit.

*Oseneye.* Proprietatem vero librorum ipsorum lego abbati et conuentui monasterij de Oseneye et ipsi monasterio predictis, si et ita, et modo ac forma infrascriptis, quod si videlicet neuter consanguineorum meorum predictorum habilis, aptus seu ydoneus ad studendum in iure repertus fuerit in hac parte infra tempus predictum, vel dictos libros non receperit, vel si ambo eorum decesserint infra dictum tempus, tunc et exnunc prout ex tunc et e conuerso tam legatum, vsus seu vsufructus quam etiam proprietates<sup>5</sup> dictorum librorum huiusmodi adimo et reuoco penitus ac subduco; et ex tunc omnes libros, quos dicto abbati statim post mortem meam liberari volo, vendi volo per abbatem dicti monasterij qui tunc fuerit et pecuniam inde redigendam in pios vsus per manus ipsius abbatis in consciencia sua distribui et conuerti, ita quod ex ea cs. tantum

<sup>1</sup> Written *resarceant*.

<sup>2</sup> Sic: for *qualis*.

<sup>3</sup> Sic: for *Johannis*.

<sup>4</sup> Sic: for *Johanninarum*, i.e. the *Extravagantes* of John XXII.

<sup>5</sup> Sic: for *proprietates*.

in vsus communes et vtiles sui monasterij valeat applicare. Finito vero vsu seu vsufructu dictorum librorum simul vel separatim in persona alterius consanguineorum meorum, in casu quo alteruter eorum ipsos recepit, vt est dictum, tunc libri predicti modo predicto alteri de sanguine meo quo ad vsum seu vsufructum similem tradantur et per proprietarios liberentur, modis et formis ac condicionibus, modificacionibus et qualitatibus supradictis. Et extunc finito vsufructu seu vsu in persona ipsius qui ydoneus fuerit atque aptus, alteri tali de eodem sanguine et sic de ceteris de sanguine meo et parentum meorum ex vtroque latere vsque ad sex personas tantummodo inclusiue. Ex tunc vero finito vsu seu vsufructu huiusmodi in sexta persona huiusmodi, vsufructus huiusmodi formalis insimul cum proprietate consolidetur et expiret ex toto huiusmodi vsufructus formalis, que proprietate sic cum vsufructu consolidata et cum suo, vt sic loquar, vsufructu causali abbati et conuentui dicti monasterij Oseneye et ipsi monasterio remaneat imperpetuum in vsus proprios communes et vtiles conuertenda. Et nichilominus, ne huiusmodi proprietate dictorum librorum saltem interim dicto monasterio inutilis penitus videatur, caueat et securet quilibet qui vsum seu vsufructum predictum receperit seu habebit eorum, saltem quo modo sibi possibile fuerit, quod finito vsu seu vsufructu huiusmodi in persona sua, xl solidos sterlingorum dabit et per se vel alium soluet abbati ipsius monasterij qui fuerit pro tempore infra mensem, et quod consilium et [Fo. 162] auxilium suum dabit quoaduixerit et prestabit eidem monasterio vbicumque sibi proficere poterit seu valere.<sup>1</sup>

*Boszone.*

Illi<sup>2</sup> pretereā qui dictos libros recipiet et vsum seu vsufructum illorum habebit de dictis duobus filiis sororum mearum lego, vltra id quod superius legauī, vij li. ad expensas suas in studio, quas et eciam x libras sibi supra legatas post mortem meam solui volo abbati monasterij, et per manus suas quolibet anno de vij annis quibus in iure studuerit eidem xl solidos liberari, et sexaginta solidos prius.

*Ricardo*

*Medmenham.*

Item lego magistro Ricardo de Medmenham, rectori ecclesie de Vptone super Sabrinam, Wygorniensis diocesis, vsum seu vsufructum saltem modo qui sequitur libri mei Johannis Andree in nouellis super antiquis decretalibus, et cuiusdam magni libri et spissi valde continentis questiones multas et allegaciones aduocatorum in causis vententibus in palacio apostolico, et multa summe vtilia pro factista et presertim in Romana curia. Item magnum quaternum, immo librum quem solebam mecum cariare scriptum in parte in percameno et in parte in papiro, in quo signaui et remisi per dicciones quasi per alphabetum, vbi reperientur dicta Innocencii et Archidiaconi in rosario et materie scripture in dicto libro spisso, et sepe remitto ad repetitiones meas proprias et lecturam meam scriptas in papiro, quas eciam sibi lego et eciam vsufructum cuiusdam libri continentis textum sexti libri.<sup>3</sup> Item textum Clementinarum scriptum manu mea et constitutiones prouinciales et legatorum et statuta curie de Arcubus et copias bullarum iudicialium et graciosarum,<sup>3</sup> inhibitionum, articulorum et multa vtilia pro factista, si et ita quod postquam idem Ricardus ipsis libris vti non potuerit<sup>4</sup> vel non voluerit pro persona sua propria, vel si eis vsus fuerit vsque ad mortem suam, tunc eos et quemlibet

<sup>1</sup> Written *valar*.

<sup>2</sup> Written *illi*.

<sup>3</sup> The distinction is between bulls delegating commissaries to try disputed cases

or involving definitive decisions of the curia in such cases, and bulls granted as graces or indulgences.

<sup>4</sup> Written *poterint*.



eorum liberet abbati predicti monasterij de Osney qui tunc fuerit; qui abbas ipsos libros vendat et pecuniam redigendam distribuat in pios vsus, et xxs. ex ea in vsus persone et xls. ex ea in vsus communes et necessarios monasterij sui tantum conuertere valeat et non vltra. Item lego eidem Ricardo zonam meam secundo meliorem harshiatam et vnam de mappis meis, videlicet tercio meliorem, cum tuella sibi corespondente, et vnum ciphum de ciphis meis de mesero,<sup>1</sup> videlicet secundo meliorem, et quem postquam magister Johannes de Beluero elegerit duxerit eligendum, et x li. sterlingorum vltra expensas rationabiles quas facturus est circa complecionem presentis testamenti, et sub condicione ista, videlicet si fideliter custodierit bona mea apud eum deposita et de eis responderit et ea restituerit, saluis et exceptis casibus fortuitis incendij, furti et rapine.

Item lego magistro Johanni de Beluero, rectori ecclesie *Johanni Beluero.* de Kyrkby Mallory, officiali meo, vsum seu vsufructum saltem talem qui sequitur libri mei Hostiensis in summa et Mandegodi mei quem bene correxii et in quo multa scripsi vtilia, et librum quemdam sermonum quem habui ex dono suo, et quemdam cultellum cum manubrio eburneo quem habui ex dono suo, et zonam meam meliorem de serico nigro harshiatam cum argento deaurato, et in medio barratam et pendentem amelatam, et ciphum meum de berillo et mappam meam secundo meliorem cum tuella sibi corespondente, et x marcas sterlingorum vltra omnes expensas rationabiles quas facturus est circa complecionem presentis testamenti et administracionem bonorum meorum. Et onero eum coram Deo quod, quatenus sciuerit et poterit, fidelitatem michi faciat in fructibus et prouentibus atque bonis receptis per eum de archidiaconatu meo vel racione ipsius archidiaconatus ad me pertinentibus et que deberent pertinere et michi debentur, sicut spero pro certo quod fecit et faciet satis fideliter atque grate, vsufructum seu vsum dictorum librorum sibi lego et ita quod, postquam eis non potuerit vel non voluerit vti pro persona sua propria, vel si eis vsus fuerit vsque ad mortem, tunc eos liberari faciat cum effectu abbati dicti monasterij de Osney qui tunc erit, qui abbas eos vendat et pecuniam ex eis redigendam distribuat in pios vsus pro anima mea secundum conscienciam suam bonam, et [fo. 162 d] vnam marcam ex ea in vsum persone sue proprie tantummodo conuertere

*Vendicio  
librorum.*

valeat et non vltra. Item libros meos alios omnes et singulos superius non legatos, exceptis illis quos statim legabo priori monasterij Osene et magistro Thome Pepir, videlicet quo ad vsufructum seu vsum personalem pro temporibus eorundem, videlicet decreta mea apparitata et bona, et vnum alium textum decretorum, archidiaconum Guidonem in rosario, bonum Hostiensem in lectura in duobus voluminibus, Speculatorem<sup>2</sup> et Johannem Andree in additionibus siue suplecionibus super antiquis decretalibus, qui sunt omnes libri optimi et correcti, per executores meos vendi volo et pecuniam ex eis redigendam conuerti, si opus fuerit, ad complecionem presentis testamenti et maxime ad opus dictarum duarum cantuarum perpetuarum. Si vero bona mea aliunde sufficiant, sicut spero quod faciant, tunc pecunia huiusmodi que ex vendicione dictorum librorum redacta fuerit in pios et meritorios vsus iuxta executorum meorum arbitrium et in eorum consciencia celerius quo fieri poterit applicetur.

<sup>1</sup> i.e. one of his mazers.

*Speculum iuris.* See note 4, on p. 265

<sup>2</sup> i.e. Guillaume Durand, author of above.

*Thome Pepir.*

Predicto vero magistro Thome Pepir lego vsum seu vsufructum libri mei Johannis Andree in nouellis super vj<sup>to</sup> libro decretalium, toto excepto titulo de regulis iuris, et lego eidem quendam quaternum coopertum cum albo corio exterius continentem commissiones factas in curia Romana et litteras apostolicas et practicam et terminos in causis in Romana curia et posiciones et articulos et multa alia vtilia scripta quasi insolidum manu mea et in parte continentem membranam percameni in qua<sup>1</sup> scribuntur littere seu copie litterarum commissionum et alia episcoporum et quedam alia que recollegi tempore iuuentutis mee quando steti in obsequiis domini episcopi Exoniensis. Item lego eidem Thome pennarium meum argenteum cum cornu. Item legatum vsufructus seu vsus dicti<sup>2</sup> libri Johannis Andree sibi volo solui et prestari, si et dummodo postquam ipso libro vti non potuerit vel non voluerit pro persona sua propria, vel si eo vsus fuerit forte vsque ad mortem suam, tunc ipsum librum dicto abbati Osneye modis omnibus infra mensem,<sup>3</sup> qui abbas ipsum librum vendat et de pecunia ex eo reddenda faciat vt superius de libris aliis quorum vsufructum seu vsum legau i dictis magistris Ricardo et Johanni pro anima mea superius prelibaui. De et super impliceone tamen condicionum et modorum in istis legatis vsufructuum seu vsuum librorum predictorum relictorum eisdem Ricardo, Johanni et Thome caucio, securitas aut obligacio quam<sup>4</sup> bona fides et consciencia eorundem minime exigatur.

*Medmenham.*

Item lego repeticiones Clyni super digesto veteri magistro Ricardo Medmenham si inceperit in iure ciuili, et Petrum meum super inforciato : alioquin magistro Johanni de Beluero.<sup>5</sup>

*Johanni  
Derworthe.*

Item lego<sup>6</sup> vsum seu vsufructum sic vt sequitur Clyni mei super codice magistro Johanni de<sup>7</sup> Derworthe vt quam diu idem Johannes studuerit in vniuersitate seu studio generali<sup>8</sup> vel dum in curia Romana fuerit, vsum dum taxat habeat eius nudum, et si ac dummodo sufficienter caueat quod postquam desierit in loco tali studere vel in curia Romana non fuerit vel moram non traxerit ibidem, seu si et quando in curia Cantuariensi non fuerit aduocatus, ipsum librum liberabit abbati dicti monasterij Oseneje, qui abbas postquam receperit illum vendat et pecuniam exinde redigendam distribuat in vsus magis pios secundum conscienciam suam cicius quo poterit bono modo, et de pecunia huiusmodi retineat in vsum persone sue dimidiam marcam et non vltra.

Item lego fratri Roberto priori monasterij Osneye vsum<sup>9</sup> seu vsufructum omnium librorum meorum propriorum sermonum, aliquibus superius aliis legatis exceptis, et proprietatem eorum eidem monasterio. [De c]iphis Item omnes et singulos ciphos meos argenteos per me argenteis superius non legatos et omnia alia vasa mea argentea frangi [con]flandis. volo et conflari et ex eis calices fieri, quorum vnum lego et dari volo ecclesie predicte de Queyntone, alium ecclesie de Hamme et terciam ecclesie sancte Endeli [ente].

At this point the will ends, as the next leaf is missing.

<sup>1</sup> Written *quo*.

<sup>2</sup> Written *dicto*.

<sup>3</sup> Sic : *restituat* appears to be omitted.

<sup>4</sup> Sic : *nulla quam* is needed.

<sup>5</sup> *Derworthe vi quamdiu* expunged.

<sup>6</sup> Written *lego*.

<sup>7</sup> V expunged.

<sup>8</sup> Written *generari*.

<sup>9</sup> *sum* expunged.