

## Original Documents.

### THE RIGHTS OF CHRIST CHURCH, CANTERBURY, ON THE DEATHS OF BISHOPS OF THE PROVINCE.

THE reader of history has often occasion to observe how much the dominant idea of an age exercises an influence beyond its proper scope. The feudal system, which linked together the more active elements of society for purposes chiefly military, developed, if it did not originate, the usage of heriots; by which the lord in many cases became intitled on his tenant's decease to his arms, his best horse, or some other valuable chattel. By a process of assimilation, the mortuary or corse present, whether originally a compensation for offerings omitted, or in the nature of a payment for sepulture—analogous to the modern fee for breaking the ground, assumed a character not very unlike that of a heriot due on the death of a layman to his priest; and was extended in some places to ecclesiastical relations, where one ecclesiastic was subordinate to another. In Wales, on the death of every priest, a mortuary, consisting of some of his best goods, was due to his bishop.<sup>1</sup> In the archdeaconry of Chester, on the death of every priest, his best horse, saddle, bridle, and spurs, certain articles of apparel, and his best signet or ring, belonged to the bishop, as being the archdeacon.<sup>2</sup> The king, in like manner, on the death of every archbishop and bishop, was entitled to his best horse or palfrey with the saddle and bridle, a cloak with the hood (or hat? *capella*), a cup with the cover, a basin and ewer, a gold ring, and the mute or kennel of hounds of the deceased.<sup>3</sup> It will be observed that the quality of the palfrey and ring only is specified; yet we may be sure the other chattels were not to be of an inferior kind. On the deaths of some abbots, if not of all, the king claimed the like.<sup>4</sup> How these rights of the crown originated, it would now probably be hopeless to inquire, for opinions have long been divided on the subject. They existed in the reign of Edward I., and probably earlier.<sup>5</sup> There is reason to think the seals of bishops were generally delivered up to their metropolitans, that they might not fall into the hands of those, who would be likely to make an improper use of them. In the province of Canterbury, indeed, the second best ring of the bishop accompanied his seals; the best was probably the gold one that went to the king. The archbishop seems to have stood in some peculiar relation to the bishops of St. Asaph, Bangor, and Rochester; for on their respective deceases the claim of the primate in some particulars resembled that of the

<sup>1</sup> 21 Hen. VIII., c. 6; 12 Ann. St. 2, c. 6.

<sup>2</sup> 21 Hen. VIII., c. 6; Cro. Car. 237; 28 Geo. II., c. 6.

<sup>3</sup> Coke's 2d Inst. 491.

<sup>4</sup> Prymne's Vindication of the King's Supreme Ecclesiastical Jurisdiction, iii., pp. 930—1.

<sup>5</sup> See Prymne and 2d Inst., *ubi supra*.

king, as if to that extent it were part of the royal rights that had been conferred on him. Occasionally there must have been some difficulty in reconciling conflicting claims. In the Register of Christ Church, Canterbury, B. 2, fo. 426, v<sup>o</sup>., we find the rights of that church on the deaths of Suffragans recorded in a hand of apparently the fifteenth century, and as the document is not without interest as illustrating ancient usages, we give it *in extenso*.

Jura Ecclesie Christi Cantuariensis debita post mortem suffraganeorum suorum.

Memorandum, quod Dominus Archiepiscopus sede plena, et Prior Cantuariensis sede Cantuariensi vacante, de jure et consuetudine Cantuariensis ecclesie debent habere omnia sigilla et anulum secundo meliorem cujuslibet Episcopi Cantuariensis provincie defuncti. Item, de Episcopis Assavensibus et Bangorensibus defunctis iidem Archiepiscopus sede plena, et Prior sede Cantuariensi vacante, debent habere palefridos suos cum freno et sella, et Capam pluvialem cum capello, et similiter omnia sigilla et anulos suos secundo meliores, sicut de aliis Episcopis provincie Cantuariensis defunctis. Item, de Episcopo Roffensi defuncto debet Archiepiscopus sede plena habere palefridum suum, et cuppam suam argenteam, et totam meutam<sup>6</sup> canum suorum currencium ac etiam omnia sigilla sua et anulum meliorem; et similiter custodiam omnium temporalium Episcopatus Rofensis<sup>7</sup> que de archiepiscopo et ecclesia Cantuariensi tenentur. Sede vero Cantuariensi vacante dominus Rex ratione Archiepiscopatus in custodia sua existentis debet habere de Episcopo Rofensi defuncto palefridum suum, et totam meutam canum suorum currencium, et custodiam temporalium tocius Episcopatus Rofensis, et cuppam suam argenteam et anulum suum meliorem: Prior vero Cantuariensis habebit omnia sigilla et anulum secundo meliorem dicti Episcopi Rofensis defuncti, sicut de aliis Episcopis de provincia Cantuariensi defunctis sede Cantuariensi vacante. Item, de Archiepiscopo Cantuariensi defuncto dominus Rex habebit meliorem palefridum suum, et anulum suum meliorem usualem, et totam meutam canum suorum currencium, et cuppam suam. Prior vero Cantuariensis habebit omnia sigilla sua et unum anulum secundo meliorem.<sup>8</sup>

It may readily be supposed that it proved on some occasions difficult to enforce the claims set forth in the foregoing document, and especially in the more remote sees of the Principality. In 1310, on the death of Robert Orford, Bishop of Ely, his pontifical ring not having been delivered up in due course, a mandate was issued by Archbishop Winchelsey, directed to Richard de Oteringham, then administering the spiritualities of the vacant see, to obtain possession of the ring which appeared to have been kept

<sup>6</sup> *Meuta*, *muta*, or *mota*, in French, *meute*, a pack of hounds; Roquefort. This word is derived probably from Lat. *movere*, and it must be distinguished from *muta*, in French, *mue*, a cage or shed in which hawks were kept whilst moulting or changing their plumage, (*mutare*) or more generally where fowls were shut up to fatten. See Roquefort, *v. Mue*. From this term is derived the English word *Mews*. The *mutæ Regis* at Westminster,

where the king's hawks were kept, are mentioned as early as 1300. Lib. Garderobe, 28th Edw. 1.

<sup>7</sup> *Sic* in MS.

<sup>8</sup> The contracted words have here been all printed *in extenso*. In regard to the word written *Cantuar'*—the adjective termination has in each case been supplied; possibly, however, in some instances *Cantuarie* might have been more proper.

back by two of the monks of Ely.<sup>9</sup> It was alleged by them that the deceased prelate had made a gift of this ring in his lifetime to the Prior and Convent, but that having no other pontifical ring, he had retained it for his own uses until his death. The Prior and Convent then had possession of the ring, which they forthwith caused to be affixed to the shrine of St. Ealburga. The two monks incurred the penalty of excommunication; the Archbishop forthwith cited the Prior and Convent to appear before him, and there can be little doubt that the ring was ultimately rendered up. The details of this curious transaction are related in Archbishop Winchelsey's Register, and may be seen in Wilkins' Concilia, vol. ii. p. 403. The ancient registers of the monastery contain other evidence of the pertinacity with which these rights of the church of Canterbury were maintained. The following extracts may not be without interest in connexion with the subject under consideration. In regard to two of the sees in Wales, as it appears by the foregoing document, namely St. Asaph and Bangor, the claim extended to the palfry with bridle and saddle, the *capa pluvialis*, or riding-cloak, and the hat used by the deceased bishop. The seals and second best ring were likewise demanded, as in the case of the other bishops of the Principality, and of the province of Canterbury in general. On the decease of Anian, bishop of Bangor, in 1327, the metropolitan see being at that time vacant, the Prior of Christ Church claimed the ring, seals, and other effects, which had not been rendered up to him in due course. The following entry appears on this occasion:—

“De anulo et sigillis Episcopi Bangorensis restituendis. — Magister Kenewricus Canonicus Assavensis, officialis noster sede Bangorensi vacante, habet literam de anulo secundo meliori et omnibus sigillis bone memorie domini Aniani Episcopi Bangorensis, ac etiam de aliis bonis nobis et ecclesie nostre Cantuariensi de jure et consuetudine antiqua et approbata debitis post mortem ejuslibet Episcopi Bangorensis, que de Magistro Madoco Archidiacono Angles' executore testamenti dicti domini Aniani recepit, nobis absque more majoris dispendio apud Cantuariam transmittendis; necnon de omnibus aliis bonis que ad manus suas sede Bangorensi vacante vel plena devenerunt; et ad certificandum nos infra xx. dies post receptionem presentium quod super premissis duxerit faciendum.” Dated at Canterbury, July 15, 1328. (Register K. 12, f. 157, v<sup>o</sup>.)

These instructions from the Prior to his official seem to have produced no effect. A letter is found subsequently in the same Register (f. 158, v<sup>o</sup>) addressed from Mayfield by Simon Mepham, Archbishop of Canterbury,<sup>1</sup> to Henry Gower, Bishop of St. David's, stating that the demand of the Prior had not been satisfied, and requiring him to obtain restitution of the seals

<sup>9</sup> The mandate recites all the circumstances which had occurred, describing the ring as—“annulum qui pontificalis vulgariter appellatur—qui de jure et consuetudine nostre ecclesie Cantuariensis ad nos dignoscitur pertinere.”

<sup>1</sup> The election of Simon Mepham by the monks of Canterbury as successor to Archbishop Walter, who died Nov. 16, 1327, had taken place on Dec. 8, in that year; the Bull, however, for his conse-

cration bears date June 8, 1328, and it was not until Sept. 29, on his return from the continent, that the temporalities were restored. Godwin, p. 105. At the time of the death of Anian, therefore, Jan. 26, 1327 (the year, it will be remembered, then commencing on March 25) the see of Canterbury was vacant, as likewise when the Prior's letter given above was written, in July following.

and ring which had belonged to the deceased prelate. The matter appears accordingly to have been adjusted without delay, since a formal acquittance is found in the same volume (f. 161, v<sup>o</sup>), by which Henry, Prior of Christ Church, acknowledged to have received from Madoc, Archdeacon of Anglesea, and others, co-executors of Bishop Anian, “quinque marcas sterlingorum pro palefrido, freno, et sella ejusdem Episcopi, de jure et consuetudine—nobis et ecclesie nostre debitis, sede Cantuariensi et Bangorensi simul vacantibus. Sigilla vero, capam pluvialem, capellum, et botas dicti Episcopi—recepimus ab eisdem.” Dated at Canterbury, Feb. 3, 1328.

It may appear probable that the delay on this occasion had been caused solely by a natural excess of caution on the part of the official or the executors, and the uncertainty in which they may have been placed, in a remote part of the realm, as to the see of Canterbury being actually vacant or not; more especially as the convent had proceeded to make their election of Simon Mepham some months previously. All doubt having however been removed by the Archbishop's requisition, the claims of the Prior of Christ Church were speedily satisfied.

A similar occurrence is recorded in the Register, on the decease of David Martyn, Bishop of St. David's, March 9, 1328. His executors had delivered the seals and ring to Master Edmund de Mepham, who had departed this life, and a letter is found from Henry de Eastry, Prior of Christ Church, to Robert Leveye, Edmund's executor, requesting him to render up those objects to which the Prior was entitled. Dated on St. Martin's day, (Nov. 11,) 1328.<sup>2</sup>

The Wardrobe Books and other records would doubtless show that the rights of the crown were constantly enforced on the decease of archbishops and bishops with no less jealous vigilance than those of the Church of Canterbury. In the Wardrobe Book of 28th Edward I., for instance, amongst the “Jocalia remanencia in fine anni 27, de jocalibus datis et post decessum prelatorum Regis (*sic*) restitutis anno 26” (1298—99) mention is made of the silver covered cup of William de Hothum, Archbishop of Dublin, who died in 1298, and of his gold ring set with a sapphire, as also of many silver *ciphi* and gold rings set with various gems, delivered to the king on the decease of several other prelates at that period. In the same record are to be found the gold rings of the Abbots of Glas-tonbury, St. Albans, and Abingdon, lately deceased, in custody of the keeper of the King's wardrobe.<sup>3</sup>

It is deserving of remark, that at an earlier period no claim as regarded the pontifical ring appears to have been acknowledged by the Bishops of Rochester. There is a curious relation in the contemporary life of Gundulph, Bishop of that see A.D. 1077—1108, stating that shortly before his death he sought to lay aside all worldly dignity, and presented his pontifical ring to Ralph, Abbot of l'Essay in Normandy, afterwards cho-en by Archbishop Anselm as Gundulph's successor at Rochester. The narrative also proceeds to relate that Ernulph, Abbot of Peterborough, who succeeded Bishop Ralph on his being raised to the primacy at the death of Anselm, had a vision in which Gundulph appeared and offered him a ring of great weight; and in fulfilment of the presage, being made Bishop of Rochester, Ernulph received, as the biographer observes, that very ring which Gundulph in his

<sup>2</sup> Register K. 12, f. 158.

<sup>3</sup> Liber Garderobe 28 Edw. I., published

by the Society of Antiquaries, pp. 343, 348.

lifetime had given to Ralph in token of his future elevation to the episcopate.<sup>4</sup>

It has been already observed that there is reason to think it was customary to deliver up bishops' seals to their metropolitans, to obviate the risk of their falling into improper hands. One of the constitutions of Cardinal Otho, in the Council of London, A.D. 1237, comprises injunctions regarding the seals of archbishops, bishops, abbots, &c., and the diligent care for their safe custody.<sup>5</sup> It is remarkable that no precaution is enjoined to prevent the improper use of seals after the death of any dignitary or official; and we have not found anything stated by Lyndwood or other writers on subjects of this nature, to show the practice in regard to episcopal seals.<sup>6</sup> A striking evidence of the necessity which must have existed for strict precautions in such matters is presented by the discovery of leaden matrices in the silt of the Thames, which were fabricated, there can be little doubt, for some dishonest purpose. They bear the names of Alexander, Bishop of Lincoln, 1123-1147; William de St. Barbara, Bishop of Durham, 1143-1154; and Robert, Archbishop of Canterbury, either Robert Kilwardby, 1272, or Robert Winchelsey, 1294. These curious reliques appear to be contemporary with the times of those prelates: they are preserved in the Museum of London Antiquities formed by Mr. Charles Roach Smith.<sup>7</sup>

At Durham it was customary to break the bishops' seals on their decease, and to offer them to St. Cuthbert. As early as 1095, on the death of William, first of the name, the record occurs—"audita morte istius statim fracta fuerunt ejus sigilla et sancto Cuthberto oblata."<sup>8</sup> A similar entry is made on the death of subsequent bishops, it being occasionally stated that the breaking of the seals took place on the day of the interment, and it is recorded that of the broken seals of Richard de Bury, who died 1345, a silver-gilt chalice was formed by Richard de Wolveston, the *feretrarius*, and appropriated to the altar of the Baptist. On the under side of the foot was inscribed a distich, commencing thus—"Hic cippus insignis fit Præsulis ex tetra signis." These seals were, it may be supposed, usually of silver.

It is remarkable that although several matrices still exist of the seals of Scotch, Irish, and Welsh bishops, no example has been noticed, as we believe, of the seal of any English prelate, preserved to the present time. Foreign episcopal seals occasionally occur.

W. S. W. AND A. W.

<sup>4</sup> Anglia Sacra, vol. ii. p. 290.

<sup>5</sup> Constitutiones Domini Othonis, Wilkins' Concilia; appended also to Lyndwood, edit. 1679, p. 67.

<sup>6</sup> At the present time the seals of bishops are transmitted, on their decease, to Lambeth, where they are broken up. Maskell, Monum. Ritualia, Vol. III., p. 133. It was the practice to break the

portion of the seal of a deceased Pope which had his name on it. Heineccius de Sigillis, p. 15.

<sup>7</sup> Catalogue of the Museum, p. 145.

<sup>8</sup> Ornamenta Willielmi Episcopi primi. Wills and Inventories, published by the Surtees Society, Part I., p. 1. See other like entries, *passim*.

<sup>9</sup> Ibid, p. 26.