

## Original Documents.

PETITION OF THE PRIOR AND CANONS OF WALSINGHAM, NORFOLK, TO ELIZABETH, LADY OF CLARE. *Circa A.D. 1345.*<sup>1</sup>

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Notices which exhibit unmistakeably the feeling of past ages are among the most valuable contributions to archaeology; and it is with this idea that I bring before the Institute an original Document, hitherto unpublished—the Petition of the Prior and Augustine Canons of Walsingham to Elizabeth, Lady of Clare, imploring her to abandon her project of allowing the Franciscan Friars to settle in their neighbourhood.

The dialogue between the Secular and Regular over the tomb of her mother, Johanna of Acres, at Stoke, in the Chapel of the Augustinians (who must not be confounded with the Augustines) exhibits, in a contemporary form, the ground of the hereditary affection which the Clares ever bore to the Mendicant Orders.<sup>2</sup>

“ De Acris sic dicta Johanna,  
Quā cubat, hanc bellam fundaverat ipsa Capellam.—  
Nupta fuit, necne ?—Fuit immo.—Cui ?—Mihi crede,  
Gilberto Comiti Gloucesteri.—Quis Pater illi ?—  
Alter Gilbertus.—Quis erat, mihi dic, Pater ejus ?—  
Nobilis, et nardus, redolens fuit iste Ricardus ;  
Qui, quos dilexit, heremitas trans mare vexit,  
Ordinis egregii Doctoris, nomen et illi  
Augustinus erat.”

Dominic and Francis of Assisi stand to the middle ages much in the same relation in which Whitfield and Wesley do to our post-reformation times. Ardent and sincere Reformers, they encountered obloquy and opposition from the patrons of those abuses against which they strove. In either case, the enmity engendered was left as a legacy to posterity, long after the first actors had made their exit from the scene. There was only this difference. In one case, the hostility found its expression in an open schism, and so burned itself out : in the other, the flame was smothered. The beginning of the strife was as the letting out of waters; but the Court of Rome diverted them most adroitly into under currents, presenting not unfrequently the outward surface of a smooth sea. The surface was a little ruffled in the case before us ; but the respectful tone of the Petition indicates a latent feeling on the part of the petitioners, that their rivals had secured the favor of the noble Lady to whom they preferred their suite.

<sup>1</sup> Communicated to the Historical Section, at the annual meeting of the Institute, at Bury St. Edmunds, July, 1869.  
<sup>2</sup> Dugdale, Mon. Angl., Caley's edit., vol. vi. p. 1600.

The Petition is addressed—"A lour tres honorable et noble Dame de Clare." Not only was this lady the representative of an ancient family, which had come in with the Conqueror; but individually, she appears as a woman of mark in mediæval history. At the time of receiving the Petition, previous to 21 Edw. III. when she obtained the patent for foundation, she was a widow of some score years, and although she had buried three husbands, she still retains, upon occasion, her maiden name, as holding the honour and castle of Clare, which, with other lands and manors, including those at Walsingham,<sup>3</sup> fell to her on the death of her brother, the last Earl of Gloucester and Hertford, at the disastrous fight of Bannockburn. Then too, her mother, Johanna, was a king's daughter; and she for her own family had secured a royal alliance; inasmuch as her eldest daughter, Elizabeth de Burgh, her namesake, had married her cousin, Lionel, the third son of the third Edward, in whom the extinguished Earldom of Clare, Phoenix-like, revives, and even to modern ears is familiar in the title Clarence,<sup>4</sup> as that of a royal Duke. She had also already endowed a college or hall at Cambridge:—Collegium, sive Domus, sive Aula de Clare; which, together with those of Peterhouse, and Michaelhouse, superseding old-fashioned hostels, made up the University, when other college there was none.

To this noble lady, the Prior and Canons of Walsingham, with much deference, addressed themselves, and they entered in their Priory Register not only the French version, but also the Latin original; for we may assume that the Norman French was the language in which the Petition was ultimately presented.

They advance seven reasons in as many separate paragraphs, why the introduction of the friars was fraught with danger to their monastery. Several of these paragraphs will require separate consideration.

First—a certain amount of tythes would lapse in perpetuity. And this they wisely put forward in the front of their remonstrance, because these tythes, given in the first instance by the founder of the Priory, had been confirmed by various Earls of Clare, almost from the Conquest. It was, indirectly, an appeal to the piety of the Countess, not to do anything which might reverse the intentions of her ancestors, not to take away that which they had given. And this mention of tythes may remind us of the contrast which old Fuller notices between the Saxon and the French fashions. "The Saxons generally endowed with solid and substantial revenues. But the Normans adopted a cheaper way, chiefly bestowing tythes,—often out of distant parishes. Such grants of Tythes were no better than felony;—taking the oil from the wick (the Pastor labouring in his Church) and giving it to the Thief or Waster in the Lamp, to which the idle monks may fitly be compared."

<sup>3</sup> Two peculiar customs of the Walsingham manors are recited in the Inqu. post mortem, which bears date 34 Edw. III. "Item—est quædam custuma vocata Bosage, qua val' per ann. vi. d. Item—est quædam custuma Wrong-sheringselver, qua val' per ann. xiii. s. iii. d." The first was a fixed payment for every head of cattle pastured on

the commons. The second probably an acknowledgment for trimming the "wrongs" or lateral branches of hedge-row timber.

<sup>4</sup> The etymology of the word Clarence has been variously accounted for. Perhaps it is best explained by regarding it as the English form of *Dux Claren sis*.

Passing from the foremost grievance, the Petitioners enumerate others of which they were apprehensive. The Confessional,—Masses for the Dead,—Offerings at Churches and at Burials,—all these were to the Priory and its churches a fruitful source of income, little, if at all, inferior to the tythes themselves. Confession to the Mendicant orders had been a standing grievance for the last 100 years. In the middle of the preceding century, the arrogance of the Friars had already excited the ire of the monkish Chronicler of St. Alban's, as an unusual novelty. In relating a passage of arms between them and his Archdeacon, A.D. 1246 :—“They came” (says he) “into a Parish fortified with Papal Letters, (*privilegia*) as if they had been Legates, or rather Angels of God. They would ask some leading Parishioner: Have you confessed? And when the man replied, I have, to my Parish Priest: they would answer; Who is the Idiot? He has never attended a Course of Divinity, nor studied the Decretals, nor solved a question in Theology !”<sup>5</sup>

“And so,” the historian adds—“Noblemen and the wives of Noblemen despised their Ordinary, and confessed to these Preachers. And very naturally! They preferred to confess to a passing Stranger, who had never been cognizant of their enormities, and whom they were never likely to see again.” The reader of Erasmus will observe in that graphic colloquy, the ‘Funus,’—that the satirist in his vivid picture has been indebted to the older historian.

The petitioners have hitherto dealt with the intrusion of the mendicants, as if it were a private grievance; but they now reinforce their array, by alluding to a controversy which has agitated all Christendom for more than a century. “Juxte la session del ordre des freres menurs ils ne poent riens avoir propre ne commun.” The precise meaning of the word ‘session’ is not quite clear; but Pope after Pope in Council had affirmed that the Rule of St. Francis had most explicitly condemned the holding of any property, individually or collectively. To do the friars justice:—The time had never been that they agreed as a body, to disregard the intentions of their Founder. Some of them, not a few, had always protested. The Pope, by various devices, had endeavoured to keep the peace between contending parties. Nicholas III. in his Decretal, “Exit qui seminat,” A.D. 1278, had permitted nothing more than the use of things necessary for mere food and clothing, the worship of God, and the pursuit of divine wisdom,—but not money. If a legacy were left to them, it must be laid out for them. And as to lands and houses,—he accepted the suggestion of his predecessors, that these, if held at all, could not be held by Francis, but must be held by Peter. This device, however, was far too transparent to satisfy the conscience,—and, in the end, John XXII. formally resigned possession of all that the Papal See, in behalf of the order, had held, and pronounced those heretical, who should say that Christ and his Apostles did not hold in common. Hereupon the Dominican Inquisitors deemed their vocation to commence; and the very year of our Petition witnessed the extirpation of the Beghards, or Tertiary Franciscans, on the Continent of Europe—one of the darkest passages in the darkness of mediaeval times.

But we pass to the next paragraph, the fourth, in the document; and

<sup>5</sup> Matthew Paris, Eng. Hist., vol. ii. p. 138, Bohn's edition.

here we get a glimpse at the social state of Walsingham in our Pilgrim Fathers' days. It runs thus :—For the security of person and property, especially of the various jewels, which have been presented to our shrine by the very honourable Lady and her ancestors, the gates of our Priory are always closed by night, in consequence of the frequent threats of robbers, and their secret as well as open attempts. The pilgrims who arrive late are accustomed next morning to make their offerings, which probably they would not do, if intercepted by the friars. This regulation will account for the multitude of inns and hostelries which once existed in the town ; several of which by tradition may still be identified, or are preserved, as to their site, by local names. We may observe too, that the distinction between rapine and theft is retained by Innocent IV., in a Bull, wherein he confirms the privileges of the Canons. “*Infra clausuras locorum seu grangiarum vestrarum nullus rapinam seu furtum facere audeat.*” The same Bull permits the canons to celebrate mass with closed gates, when the realm was under an interdict.

The next paragraph of the Petition anticipates an unfavorable answer, which might be given to their request supposing that the friars were to propose some form of indemnity. If they do this, say the Canons, it must either be by a bond, or by a Bondsman, or by oath :—“*per pignora, Fidejussores, vel per juramentum*”—such are the Latin equivalents—par serment, ou par gages, ou per plegges.

Judging from the analogy of the ancient Court of Frankpledge, we may venture to assign “plegges” as the equivalent of “Fidejussores.” In that case it represents a personal, as opposed to a valuable security. But the Canons include all under the same category. In a matter of this kind, they declare, no security could avail ; for the claim of the Apostolic See is utterly beyond computation ; no ordinary judicature, nothing but the Pope himself, or his Delegate, could adjudicate ; and the whole revenue of our Church must eventually be swallowed up.

Interesting would it be to trace the progress of this Document, including the feelings of the Chapter from whence it issued. Did hope or fear predominate? They were not quite indifferent to intellectual pursuits. In spite of an occasional barbarism, their Latinity was at least decent. But in all these matters the Franciscan cloister enjoyed a much higher reputation ; and they could not have supposed that a lady, whose views on education already had been so clearly expressed, had not a higher motive than the mere establishment of a second religious house in Walsingham. And so their Petition must have been at best a forlorn hope. And the Friars' House arose in due course before them ;—if not on a scale to rival the magnificence of the older Diana,—still commensurate with the idea and probable intention of its foundress—still existing in its ruins, as a monument of her splendid and pious liberality.

PETITION OF THE PRIOR AND CANONS OF WALSHAM TO THE LADY OF CLARE.

(Register of Walsingham Priory, Cott. MS. Nero. E. vii., f. 152.)

A lour tres honorable et noble Dame de Clare, si la plese, monstront ses humbles Chapeleyns, Priour et chanoyns de sa priourie de Walsyngham, que si nul leu deinz lour parosse de graunde Walsyngham ou petite soit grauntee a les freres menurs, ou as autres freres des ordres mendy-

aunz, a edefier, e en meismes le leu par vertu de cele graunte facent edificacioun, damages et diverses grevaunces avendront a la dite priourie nient<sup>1</sup> noumbrables, sullom ceo que parra en les articles sutzescriptes.

En primes, que en ledificacioun et aparail par les freres avaunditz des mesouns et murs deinz lour parosse avaundites, les fruitz de la terre et du leu, des queux dymes soloyent estre payez a lour priourie avaundite, serront anenties a touz jours, pur ceo que la terre et le leu issint<sup>2</sup> edefiez serront amortiz en tele manere que de cel houre avaunt dymes de celes terres et leu ne avendront. Et issint serra engendree damage et prejudice perpetuelle a lour priourie avauntnomee.

En meisme la manere autre peril tropchargeant avendroit si les avaunditz freres deinz les parosse avaundites fussent edefiez, habitaunz et chauntaunz, quar ils attreroient et aherdroient<sup>3</sup> les parochiens des parosse avaundites apurtenaantz a la dite priourie, et turneroient lour quoers<sup>4</sup> de lours eglises parochiales avaundites, come en messes et confessionis a oyers, issint que la ou meismes les parochiens de lour devocioun quele il portoient devers lours eglises parochiales avaundites, come en messes queles en les dites eglises soloient oyer, et par moultz des maneres des bienfaitz a lour eglises parochiaux succurroient, et a lour chapeleyns parochiaux, a queux cure de lour almes estoit bailliee, furent confes, tout outrement lour devociouns et lour bienfaitz avaundites et autres choses, que de droit a lour eglises parochiales sunt tenuz a faire, guerpiront<sup>5</sup> et retrerront, aherdauntz au ditz freres, a damage de la dite priourie nient numbrable.

En meisme la manere, la ou les ditz parochiens lour messes soloient oyer de jour en jour en lour eglises parochiales avaundites, en les queles eglises purificaciouns des femmes et sepulture des gentz communement eschayront,<sup>6</sup> lour offrendes, queles de lour devocioun en jours de tieles purificaciouns ou sepultures feroyent, par attret des freres avaunditz seroient retretes; de quoi la dite priourie et lour eglises parochiales avaundites encurreroyent damage saunz noumbre, et les almes des ditz parochiens en graund peryl, et auxint moultz des autres droitures parochiaux les ditz freres turneront en lour oeps<sup>7</sup> singuliers, en prejudice des eglises parochiales avaundites. Et juxte la sessiou<sup>8</sup> del ordre des freres menours il ne poent riens avoir propre ne commun.

En meisme la manere les portes dil avaundite priourie pur agait, assaut et manaces des larouns sovent a la dite priourie faites, pur sorte de lour personnes, auxi avaunt come de diverses juels offerz de la tres-honore dame avaundite, et des autres graundz, en honour de nostre dame seinte Marie, et auxi pur sauvacion de lour autres avoires, de nuytz sunt encloses, et en temps de pelegrinage a nostre dame seinte Marie prent soun cours taunt de nuyt come de jour, et quant il sunt venuz au leu avaundit prenot lour repos taunte al jour pur lour devociouns

<sup>1</sup> Nient numbrables—innumerable.

<sup>2</sup> "Issint, thus, so." Kelham, who gives also "issuit," in such manner. Issi, isite, ainsi, sic, ita." Lacombe.

<sup>3</sup> "Aherder, aherdre, s'attacher, enlever, saisir." Roquefort and Lacombe.

<sup>4</sup> "Quoer, queor, &c., cœur, esprit."

<sup>5</sup> "Guerpir, laisser, se separer, abandonner." Roquefort.

<sup>6</sup> "Eschure, eschever, to avoid." Kelham. See also "Roquefort, v. Eichever, eviter, exempter."

<sup>7</sup> "Oeps, oes, use, benefit." Kelham.

<sup>8</sup> In the Latin "juxta assercionem." Probably the declaration set forth in the Rule of the Order, and by assent of a synod or general assembly. See Duange, *v. Actiones*.

faire a la chapele nostre dame avauntdyte, queles choses et ne feroyent point de leger, si au ditz freres porroyent par quecunque voie succours avoir.

En mesme la manere plese au treshonoree dame avauntdite entendre que touz les biens temporels ete spirituels par ses auncestres ou par autres gentz donez al avaundit priour et covent ne suffireyont mie a les charges de lour dite priourie supporter par un dimy an, si des oblacions et devociouns des bones gens ne fuosson eydez et succuruz, que a tout le poeir des freres avaunditz serroient retretes.

En meisme la manere fait asavoir que si les freres avaundytz dyont<sup>1</sup> que il voilliont eschure<sup>2</sup> les damages le ditz priour et chanoyns en les choses avaundites, ceo serroit par serment, ou par gages, ou par plegges; et tieles caucions en cel cas a la value des ditz damages ne poent en nule manere suffire, pur ceo qe les droitures de seinte eglise ne poent estre estimateez. Et estre ceo,<sup>3</sup> les ditz freres sunt personnes exemptz, issint qe tout feust tiele surte par eux faitee de les caucions avaundites, les dits priour et covent de ceo ne averoyent avauntage ne succours par nule ordinarie, si noun par le pape sul ou soun delegat; et ceo serroit chose impossible au ditz priour et covent a faire de chescune grevaunce faite a lour eglise en les choses avaundites, de suire al pape ou soun delegat, quar les fruitz ne les issues de toute lour eglise a tieles seutes faire ne suffiroient mie en cele partie, et issint lour eglise saunz remedie a touz jours.

En meisme la manere il piert ben que les freres avaunditz ne covettont pas soulement de enhabiter le leu avaundit pur lour proffyt, sil ne fust plus a graund arreryssement<sup>4</sup> et destruccion dil avaundite priourie, pur ceo que a Brunham, quatre lewes de Walsyngham, a une part, iliadz une mesoun des freres Carmerers tout pleyne, et a Sniterle, cynk lewes de Walsyngham, de autre part, une autre mesoun des freres Carmerers qui assetz occupent celes parties, par quoi a Walsyngham par nule voie ne poeit habitacioun des freres estre au proffyt ne avauntage de eux, sil ne tournaist a lavaundite priourie a perpetuel damage.

De queles damages et grevauncies avaundites et autres par chaunce de les avaundites edificacioun et habitacioun des ditz freres avenyrs, plese au treshonoree et noble dame avaundite, dil avauntnomee priourie patronne et avowee, par voie de charite regard avoir, et sa priourie avaundite en ses droitures, fraunchises et commoditez graticusement eyder et meyntener, sicome avaunt adz estee eydee et meyntenuer par ses auncestres et par lui, taunge en cea. Et humblement la priont ses chapeleyns avaunditz priour et chanoyns de sa dite priourie, ne la desplesie, que si tiele novele charitee des ditz freres en le leu avaundit edefier en volonte eyt conceue, que a si horrible prejudice et damage de sa dite priourie turnereyt, la quele priourie de plus anxiene charite et par tro graunde devocioun des auncestres la treshonore dame avaundite est fundee, que ele voillie de sa bone grace de cel purpos novel des ditz freres sa pensee nettement retrere en eyde et sauvacioun de sa dite priourie a touz jours.

<sup>1</sup> "Diont, may say." Kelham.

<sup>2</sup> Eschure, to avoid. Kelham. See the note on "Eschayront," *supra*.

<sup>3</sup> "Estre ceo, besides this." Kelham.

<sup>4</sup> "Arreryssement, hindrance, annoy-ance." Kelham.

Egregie et venerabili domine de Clare, si placeat dominacioni sue, monstrant sui sacerdotes humiles Prior et Canonici prioratus sui de Walsyngham, quod si aliquis locus infra parochias eorundem de Walsyngham Magna vel parva fratribus minoribus vel quibuscumque aliis ordinibus mendicancium concedatur ad edificandum, et illi ibidem virtute illius concessionis edificant et inhabitent, dampna inde et gravamina predicto prioratu contingent innumerabilia, ut in articulorum subscriptorum inspecione patencius iminebit.

Primo advertendum est quod in edificacione et construccione domorum et murorum infra parochias predictas fructus terre et loci ex quibus decime solvi consueverunt consumantur. Ac dicti locus et terra sic edificati confundentur, adeo quod de cetero decime in ea parte non pervenient, et sic generaretur perpetuum prejudicium ecclesiis parochialibus antedictis.

Item advertendum est aliud periculum et magis ponderandum, quod dicti fratres infra dictas parochias sic edificantes, habitantes et celebrantes attrahent sibi parochianos earundem ecclesiarum et pervertent corda eorum ab ecclesiis suis parochialibus predictis, ut in missis et confessionibus audiendis; sic quod ubi iidem parochiani, ex devocione quam gerebant erga ecclesias suas parochiales, missas in eisdem ecclesiis audire solebant, et multis beneficiis ea occasione eisdem ecclesiis subveniebant, et se capellanis suis parochialibus, quibus cura animarum suarum committitur, confitebantur, ipsos ecclesias et capellanos parochiales in premissis et aliis quibus iidem parochiani dictis ecclesiis tenebantur et tenentur omnino relinquunt.

Item advertendum est quod ubi dicti parochiani solebant audire missas suas quasi singulis diebus in ecclesiis suis parochialibus, quibus purificaciones mulierum et sepulture hominum communiter accidebant, et oblationes suas ex devocione in hujusmodi purificacionibus et sepulturis faciebant, per allepcionem ac verba blandicia et deceptibilia dictorum fratrum ecclesiis suis parochialibus predictis hujusmodi subtrahent, et sic dicte ecclesie parochiales eisdem et consimilibus defraudentur.

Item advertendum est quod dicti fratres occasione premissa multa alia jura parochialia convertent in usus suos singulares et communes, in prejudicium dictarum ecclesiarum parochialium, cum iidem fratres nichil proprium aut commune habere poterint juxta assertiōnē eorundem.

Item advertendum est quod porte monasterii dictorum Prioris et Canonorum de Walsyngham, propter incursum latronum et minas eisdem quamplurimes illatas, pro securitate tam personarum quam rerum, de noctibus clauduntur, quibus temporibus nocturnis, tempore peregrinationis durante, populi habetur accessus, qui quidem populus tempus diurnum pro oblacionibus faciendis expectat, quod verisimiliter non faceret, si ad loca fratrum recursum haberet.

Item advertendum est quod omnia bona spiritualia et temporalia eisdem Priori et Conventui collata non sufficient per medietatem anni ad onera supportanda, prout nunc, si dictis oblacionibus in futurum carerent.

Item advertendum est quod si fratres predicti dicant se velle cavere de indemnitate premissorum hoc esset per pignora, fidejussores vel per juramentum, et iste cauciones in hoc casu non sufficiunt pro eo quod jura ecclesiastica sunt inestimabilia, et ad hoc dicti fratres sunt persone exemptae. Et si cauciones predictae essent commissae non succurreretur predictis Priori et Conventui nec alicui Rectori ecclesie per aliquem ordi-

narium, nisi per solum Papam vel ejus delegatum, et esset impossibile dictis Priori et Conventui vel Rectori pro quolibet gravamine ecclesie sue in premissis et circa ea illato prosequi. Nam fructus et proventus ecclesie sue non sufficerent in ea parte, et sic eadem ecclesia sine remedio in ea parte remaueret imperpetuum.

Item advertendum est quod dicti fratres non possunt sibi adquirere nova loca absque licencia sedis apostolice. Et si fecerint sunt excommunicati, et ideo de hoc caveatur.

Item advertendum est quod dicti fratres locum infra dictas parochias seu earum alteram edificare et inhabitare non solummodo ad commodum suum intendunt, immo magis ad deterioracionem et confusionem ecclesiastarum parochialium predictarum et prioratus predicti, quia apud Brunham, per iiiij<sup>or</sup> leucas a dictis parochiis de Walsyngham ex una parte distantem, constat habitacio fratrum Carmelitarum fratribus repleta, et apud Sniterle, ex altera parte per v. leucas ab eisdem parochiis distantem, alia habitacio fratrum ejusdem ordinis, qui satis occupant partes propinquas, unde nullo modo possent fratres de novo in locis premissis edificare ad eorum commodum, nisi verteretur predicto prioratu in infinitum dispendium.

De predictis igitur dispendiis et gravaminibus et aliis per edificationem et inhabitacionem dictorum fratrum in prefatis parochiis casu-aliter superventuris, placeat illustri domine predicte prenotati prioratus venerabili patrone caritatis intuitu respectum habere, et prioratum suum predictum in juribus, libertatibus et commoditatibus suis gracie auxiliari et manuteneret, sicut per illam et antecessores suos hucusque manutentus et auxiliatus extitit, ne in edificacione fratrum predictorum nove caritatis presumpcio, dicti prioratus summa caritatis devocione prius fundati perpetua generetur consumpicio. Et si talem nove caritatis devocationem predicta domina venerabilis mente conceperit, que in perpetuum prejudicium dicti prioratus sui verteretur, ut in edificacione fratrum predictorum in locis predictis concedenda, suppliciter hanc rogant sui sacerdotes humiles Prior et Canonici prenotati, ut caritative propositum illud revocare dignetur.