

REVIEW ARTICLE: ENGLISH EPISCOPAL ACTA AND THIRTEENTH-CENTURY PETITIONS TO THE POPE

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This essay considers the achievement of the English Episcopal Acta series. It draws attention to the some of the uses that the English Episcopal Acta can be put in the study of papal petitioning in the thirteenth century, a topic which has traditionally been neglected by scholars because of a perceived lack of source material.

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The publication of the British Academy's English Episcopal *Acta* series – launched in 1973 to collect and edit English episcopal documents from the mid-eleventh to the end of the thirteenth century – will soon draw to a close as the final volumes are prepared.² The series represents the gold standard of editorial practice and supplies the medieval historian with editions of a vast corpus of source material which the series' editors have hunted down in archives scattered across England and abroad. The *acta* – chiefly mandates, confirmations, grants, and indulgences – fill in the historical blanks for episcopal activity before the institution of bishops' registers, illustrating the day-to-day activities of bishops in administering their sees at a local level, their interaction with the English royal court, and their communication with the papal curia.³ The *acta* have been utilised regularly by historians of medieval England, and have featured in studies on episcopal diplomatic, ecclesiastical government, and the forgery of documents, among other topics.⁴

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² Christopher N.L. Brooke, 'English Episcopal *Acta* of the Twelfth and Thirteenth Centuries', in *Medieval Ecclesiastical Studies in Honour of Dorothy M. Owen*, ed. M.J. Franklin and Christopher Harper-Bill (Woodbridge, 1995), 42. I wish to thank the general editor of the English Episcopal *Acta* series, Dr Philippa Hoskin, for kindly advising me regarding the publication of the final volumes. The latest volume to be published at the time of writing was *English Episcopal Acta 42: Ely, 1198–1256*, ed. Nicholas Karn (Oxford, 2013). There are some dozen volumes forthcoming that will complete the entire series, with two volumes of Coventry and Lichfield *acta* currently going to press, and two planned volumes for Bath and Wells, four for Canterbury, one for Ely, two for Rochester, and one for Winchester. The precise number of remaining volumes is, however, liable to change depending on the amount of material to be edited.

³ Episcopal registration did not begin to take place until the thirteenth century and even then it remained patchy until the end of that century and the beginning of the fourteenth: A. Daniel Frankforter, 'The Origin of Episcopal Registration Procedures in Medieval England', in *Manuscripta*, xxvi, 1982, pp 67–89, at 67–72.

⁴ See for instance: Michael Burger, *Bishops, Clerks, and Diocesan Governance in Thirteenth-Century England: Reward and Punishment* (Cambridge, 2012); Philippa Hoskin, 'Delineating the Development of English Episcopal Chanceries through the Signification of Excommunication', in *Tabularia*, xi, 2011, pp 35–47; eadem, 'Continuing Service: The Episcopal Households of Thirteenth-Century Durham', in *The Foundations of Medieval English Ecclesiastical History: Studies presented to David Smith*, ed. Philippa Hoskin, Christopher Brooke, and Barrie Dobson (Woodbridge, 2005), 124–38; Ian Forrest, 'The Archive of the Official of Stow and the "Machinery" of Church Government in the Late Thirteenth Century', in *Historical Research*, lxxxiv, 2011, pp 1–13; Julia Barrow, 'Why Forge Episcopal Acta? Preliminary Observations on the Forged Charters in the English Episcopal Acta Series', in *Foundations*, ed. Hoskin et al., 18–39; and eadem, 'From the Lease to the Certificate: The Evolution of Episcopal Acts in England and Wales (c.700–c.1250)', in *Die Diplomatie der Bischofsurkunde vor 1250*, ed. Christoph Haidacher and Werner Köfler (Innsbruck, 1995), 529–42.

In F.M. Stenton's famous article of 1929, in which he originally called for the collection and publication of episcopal *acta*, he envisaged the uses to which such documents might be put, among which was the study of pleas for justice from English ecclesiastical authorities.⁵ While episcopal *acta*, which are often concerned with litigation, have been deployed in studies of ecclesiastical legal disputes, little use has been made of them to assess specifically the process of petitioning the pope in the thirteenth century. Various aspects of medieval petitioning have been the focus of recent historiographical attention: a monograph on petitions to the English crown and parliament in the late Middle Ages; an edition of petitions to the crown from religious houses in the same period; an edition of the register of a fourteenth-century curial proctor; and two collections of essays on medieval petitions more broadly.⁶ Fourteenth-century petitions to the pope have attracted more study, and a paper by Barbara Bombi discusses fourteenth-century papal petitions in the context of their twelfth- and thirteenth-century forerunners.⁷ Nevertheless, aside from an essay by Pascal Montaubin, and despite the current interest in medieval petitions, thirteenth-century petitions to the pope remain under-researched.⁸ This is in a large part because so few thirteenth-century petitions survive – if and when a papal letter was granted in response to a petition, the petition itself became worthless; it was not until 1342 that the registration of successful petitions in the *Registra Supplicationum* began under Pope Clement VI (1342–52), thus furnishing historians of the fourteenth century with a readily accessible body of source material.⁹

Because the study of papal petitions has thus far been concentrated on the fourteenth century, English episcopal *acta* have been under-exploited as sources for research into thirteenth-century papal petitioning, for which they represent a largely untapped source. For despite the loss of the original petitions, when episcopal *acta* are combined with papal letters, royal documentation, monastic cartularies, bishops' registers, and chronicle accounts, they can be used to reconstruct thirteenth-century papal petitioning *causae* and their processes in great detail. Such an approach is not new – Christopher Cheney, for instance, rebuilt a small sample of twelfth-century petition *causae* as long ago as the 1950s, and most recently, in 2011 Peter Clarke has thrown light on fifteenth-century petitions to the papal penitentiary through the combination of papal and episcopal documentation.¹⁰ It has not, however, been attempted on a

⁵ F.M. Stenton, 'Acta Episcoporum', in *Cambridge Historical Journal*, iii, 1929, pp 1–14, at 3.

⁶ Gwilym Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford, 2007); *Petitions to the Crown from English Religious Houses, c. 1272–c. 1485*, ed. Gwilym Dodd and Alison K. McHardy (Canterbury and York Society, c. 2010); *Il registro di Andrea Sapiti, procuratore alla curia avignonese*, ed. Barbara Bombi (Rome, 2007), and see also Barbara Bombi, 'Andrea Sapiti: His Origins, and his Register as a Curial Proctor', in *English Historical Review*, cxxiii, 2008, pp 132–48; *Medieval Petitions: Grace and Grievance*, ed. W. Mark Ormrod, Gwilym Dodd, and Anthony Musson (Woodbridge, 2009); *Suppliques et Requêtes: Le Gouvernement par la Grâce en Occident (XII^e–XV^e siècle)*, ed. Hélène Millet, (Rome, 2003). In addition, Matt Phillips is currently completing a PhD thesis at the University of Nottingham entitled 'Church, Crown and Complaint: Petitions from Bishops to the English Crown in the Fourteenth Century'.

⁷ Barbara Bombi, 'Petitioning between England and Avignon in the First Half of the Fourteenth Century', in *Petitions*, ed. Ormrod, *et al.*, 64–81; Patrick Zutshi, 'Petitions to the Pope in the Fourteenth Century', in *Petitions*, ed. Ormrod, *et al.*, 82–98; idem, 'The Origins of the Registration of Petitions in the Papal Chancery in the First Half of the Fourteenth Century', in *Suppliques*, ed. Millet, 177–91.

⁸ Pascal Montaubin, 'L'administration pontificale de la grâce au XIII^e siècle: l'exemple de la politique bénéficiaire', in *Suppliques*, ed. Millet, 321–42.

⁹ P.A. Linehan and P.N.R. Zutshi, 'Fiat A: The Earliest Known Roll of Petitions Signed by the Pope (1307)', in *English Historical Review*, cxxii, 2007, pp 998–1015, at 998; Vatican City, Archivio Segreto Vaticano, *Registra Supplicationum*, 1–265, 479–509, 961–1169. On the evidence for pre-1342 precedents of the *Registra Supplicationum*, see Zutshi, 'Origins', 177–85.

¹⁰ C.R. Cheney, *From Becket to Langton: English Church Government, 1170–1213* (Manchester, 1956), 54–62; P.D. Clarke, 'Central Authority and Local Powers: The Apostolic Penitentiary and the English Church in the Fifteenth Century', in *Historical Research*, lxxxiv, 2011, pp 416–42.

large scale for the thirteenth century, an undertaking which was not viable before the maturation of the English Episcopal *Acta* series. It is precisely because, as Christopher Brooke noted, most surviving episcopal *acta* touch upon the interests of monastic houses and parish churches that they are so useful for the study of petitioning: much of the litigation that petitioners brought to the papal curia concerned the rights of ecclesiastical institutions.¹¹ My intention in this review article is to draw attention to the value of the English Episcopal *Acta* series as an invaluable source for papal petitioning in the centuries before the institution of the Registra Supplicationum, which I plan to develop in a new research project on thirteenth-century papal petitions from England.

I have drawn a sample of *acta* from the last two Norwich volumes edited by Christopher Harper-Bill which cover the years 1266–99 and mark the completion of the series for the Norwich diocese.¹² The sample sheds light on a number of aspects of thirteenth-century petitioning: the interplay between litigation brought before bishops and popes; the reliance of the papacy on the reports of supplicants in making decisions and the appointment of executors to check this information before enacting papal orders; and the subsequent utility and impact of documents after impetration. The Norwich volumes were selected because they were the most recently available at the time of writing, yet the fact that the *acta* of any diocese could be deployed to write a history of petitioning reflects the rich pickings on offer from the series.

On 28 October 1267, Roger Scarning, bishop of Norwich (1266–78), issued a ratification to the monks of St Benet's abbey, Holme, which confirmed their appropriation of three parts of the church of Felmingham.¹³ The document itself and the matters it concerns are commonplace, but the ratification sheds useful light on the processes of petitioning in the thirteenth century because it is one half of a brace of supplications presented at the Roman curia and in England over a five-year period. The case is contextualised with contemporary documentation outlined in the comprehensive notes supplied by Harper-Bill, something which makes tracing thirteenth-century petitioning processes on a large scale achievable with relative ease. The petitions submitted by the monks of St Benet's revolved around money, or rather, their lack of it. In 1262 the abbey submitted a successful petition to Pope Urban IV (1261–4) requesting the appropriation of three parts of the church of Felmingham, claiming that the abbey was in debt and struggling to support itself on account of papal provisions which were a drain on its revenue; the resulting papal indult was issued on 22 September 1262.¹⁴ The monks' claims regarding the burden of papal provisions appear to have headlined their supplication, since it is given as the primary reason for their money troubles in the *narratio* clause of the resulting papal document (the *narratio* summarised a petitioner's version of events leading to the issue of a papal letter).¹⁵ Urban's indult was therefore partially an exercise in *quid pro quo* relations with the abbey to smooth their ruffled feathers, which perhaps explains why an executor (often the local bishop) was not appointed to check the validity of their claims in this instance.

Technically the papal indult should have been the end of the matter, since it

¹¹ Brooke, 'Acta', 47.

¹² *English Episcopal Acta 40: Norwich, 1266–1288*, ed. Christopher Harper-Bill (Oxford, 2012) (hereafter abbreviated to *EEA 40*); *English Episcopal Acta 41: Norwich, 1289–1299*, ed. Christopher Harper-Bill (Oxford, 2012) (hereafter abbreviated to *EEA 41*).

¹³ *EEA 40*, no 153.

¹⁴ Vatican City, Archivio Segreto Vaticano, Registra Vaticana 27, fol. 18r (hereafter abbreviated to Reg. Vat.); *Les registres d'Urban IV (1261–1264)*, ed. Jean Guiraud, 5 vols (1899–1958), i, no 82.

¹⁵ Reg. Vat. 27, fol. 18r; *Registres*, ed. Guiraud, i, no 82.

specifically stated that the monks might take up this grant without the consent of the bishop of Norwich when the present incumbent of Felmingham vacated his position.¹⁶ The very issue of Roger Scarning's ratification in 1267 demonstrates that petitioning the pope was a process that did not end at the papal curia. Like papal provisions, which were a regular source of friction between the English Church and Rome, the flexing of the papacy's hierarchical muscles in Urban's indult potentially rode roughshod over diocesan authority.¹⁷ When the previous incumbent of Felmingham, master Henry Sampson, freely resigned as rector, the monks of St Benet's sought, and received, the bishop's ratification of their grant in 1267 once Scarning had inspected Urban's indult. That the monks deemed it prudent to clear the matter with the bishop first is evidence that petitioners had to negotiate a diplomatic path of least resistance through overlapping authorities even after the successful impetration of papal documents – something which according to the letter of Urban's indult was unnecessary, since the pope had not nominated the bishop of Norwich as an executor. Petitioning the bishop for ratification in 1267 also served to update their papal grant of 1262, whose original issuer, Urban IV, had died in 1264. Seeking the confirmation of Scarning in addition to the papal indult simply smoothed the abbey's path towards appropriating their three parts of Felmingham.

Another episcopal *actum* from Norwich helps illustrate the complexities of the working relationship between episcopal and papal authority where petitions were concerned. Roger Scarning's successor as bishop, William Middleton (1278–88), weighed in to arbitrate between the priest William of Oxwick and master Martin de Castello in a dispute over possession of Colkirk church. The bishop issued a memorandum of his judgement at some point between 1278 x 88.¹⁸ Middleton found that Martin was prevented from executing his cure of souls because of his old age, therefore he pensioned Martin off and awarded the church to William of Oxwick. In making his judgement Middleton precluded either party appealing to the papal curia by renouncing all other litigation regarding this matter, both present and future, and specifically overriding any papal documents already impetrated or to be impetrated. The renunciation of the right of papal appeal before a decision was reached was a common aspect of litigation when parties submitted to episcopal judgement.¹⁹ It was designed to prevent legal cases from dragging on indefinitely by the parties appealing to the pope, but there were still occasions when appeals would be accepted even after the right had been renounced.²⁰ In the case of Colkirk church, however, there was little incentive for the aged Martin to attempt to subvert Middleton's judgement. Given the commonplace nature of submission to episcopal arbitration, a fruitful avenue of research might be to survey the types of petitioners who agreed to waive their right to appeal to the pope, and what the nature of their cases was; presumably those petitioners who were intent on winning their case at any cost would have been unwilling to countenance such a submission.

Episcopal *acta* also shed light on a crucial aspect that lay at the very heart of petitioning the pope: the truthfulness of a supplicant's version of events.²¹ Much of papal government was rescript government because an enormous proportion of its

¹⁶ Reg. Vat. 27, fol. 18r; *Registres*, ed. Guiraud, i, no 82.

¹⁷ Geoffrey Barraclough, *Papal Provisions: Aspects of Church History Constitutional, Legal and Administrative in the Later Middle Ages* (Oxford, 1935), 10–11.

¹⁸ *EEA* 40, no 198.

¹⁹ Jane E. Sayers, *Papal Judges Delegate in the Province of Canterbury, 1198–1254: A Study in Ecclesiastical Jurisdiction and Administration* (Oxford, 1971), 241, 254–60.

²⁰ Damian J. Smith, *Innocent III and the Crown of Aragon: The Limits of Papal Authority* (Aldershot, 2004), 202.

²¹ I am very grateful to Professor Nicholas Vincent for suggesting this to me as a potential avenue for research.

documentary output was determined by input from outside the papal curia in the form of petitions; the documents issued in response were rescripts in the sense that they ‘often simply echoed the wording of the request . . . there was no investigation of facts or even a proper check to make sure whether an incompatible instruction had been issued.’²² As David d’Avray has argued, the papacy did not possess the machinery of government equal to its role as the arbiter of Christendom – it was simply not practical for the popes to investigate backstories and check that every single petition being presented at the curia was grounded in a valid cause.²³ Therefore popes granted petitions and issued rescripts in response to them on the assumption that the supplicant had recounted a truthful version of events, and appointed representatives in the petitioner’s locality (a *commissarius*, or executor – usually the diocesan bishop) to investigate the legitimacy of the cause.²⁴ The proviso was that if the executor found the petitioner’s case to be false then the papal document was not enacted.

On 7 January 1278 Roger Scarning issued an *actum* delegating authority to his official, Thomas of Deopham, regarding a dispute over the vicarage of Yaxley church.²⁵ The document awarded Thomas the authority to decide on all litigation concerning the church, and fits into a context of petitions being submitted in England and at the Roman curia. The monks of Eye priory were petitioning for justice against the vicar of Yaxley, William of Creting, whom they contested was impinging upon their portion of revenues. Thomas made judgement in favour of the monks in a case held on 4 February 1278, which fell a week after Scarning’s death. The resulting document was copied into the Eye cartulary.²⁶ The monks proceeded then to petition Pope Nicholas III (1277–80) for confirmation and enforcement of Thomas’s judgement. Pope Nicholas granted the petition on 13 November 1278 and charged the prior of St Mary’s at Thetford to enforce it, on condition that he found Thomas’s decision to be fair.²⁷ On 15 March 1279, after investigating the case, the prior of St Mary’s found it to be just and enforced it.²⁸ This case also demonstrates the utility of cartularies in rebuilding petitioning cases since Eye priory had copies of all the important documents copied for future reference; there is no other copy, for instance, of the papal document issued by Nicholas III – the monks obviously preferred to keep the original document and make their own copy rather than paying to have it registered at the papal chancery. This behaviour raises the question of whether the priory was confident that any future disputes could be settled by the bishop of Norwich without recourse to the pope, and therefore banked against the necessity of papal registration? Such a question cuts to the heart of the petitioning process: how did petitioners rationalise their interactions with a clearly defined bureaucratic system? Which cases were worth taking to the papal court, and how would one go about it – for instance, would only the poorest supplicants make do without the services of a professional proctor to draft and present petitions? And was Eye priory bucking the trend for papal registration of documents successfully impetrated by petitioners, or was it more common to rely on other systems of record, such as cartularies and episcopal *inspeximus* documents, to back up one’s claims in the future?

The role of bishops as executors of papal orders is also demonstrated in a dispensation

²² Colin Morris, *The Papal Monarchy: The Western Church from 1050 to 1250* (Oxford, 1989), 212.

²³ D.L. d’Avray, *Medieval Religious Rationalities: A Weberian Analysis* (Cambridge, 2010), 135.

²⁴ *Supplications from England and Wales in the Registers of the Apostolic Penitentiary, 1410–1503: Volume I. 1410–1464*, ed. Peter D. Clarke and Patrick N.R. Zutshi (Canterbury and York Society, ciii, 2013), xvi.

²⁵ *EEA* 40, no 104.

²⁶ *Eye Priory Cartulary and Charters*, ed. Vivien Brown, 2 vols (Woodbridge, 1992–4), ii, no 385.

²⁷ *Eye*, ed. Brown, ii, no 386.

²⁸ *Eye*, ed. Brown, ii, no 387.

issued by William Middleton to the rector of Ashby, Nicholas Suffield, on 25 July 1280.²⁹ Suffield had travelled to the curia of Pope Nicholas III earlier in the year to petition for dispensation from his illegitimate birth so as to minister in his orders, advance to higher orders, and take an ecclesiastical benefice. The pope accepted Suffield's petition, and on 11 May 1280 issued a letter ordering Middleton to investigate the matter with a view to granting Suffield's dispensation, should he find him to be suitable. Middleton's resulting dispensation contains a copy of the pope's letter, which is the only form in which it is known to survive. The *actum* reveals that the bishop, to whom the pope's letter was addressed, received the document from the hands of Suffield, who had carried it back from Rome. As Harper-Bill notes, Middleton acted remarkably swiftly on receipt of the papal letter, especially given the journey from Rome to England, which took around six weeks by land.³⁰ A study of the success rates of petitioners in having their papal documents executed by their *commissarius*, the length of time in which this was achieved, and how often false petitions and litigation were detected might offer useful results on petitioning processes and possible variations which might be attributed to the bishops themselves.

Three *acta* of Ralph Walpole, bishop of Norwich (1289–99), illustrate the limitations of the papacy's administrative machinery. Because the popes could not keep track of all the benefits they had issued, d'Avray argues that the papacy made up for its bureaucratic deficiencies with ingenuity, creating a ranking system for its documents in case two candidates should arrive to claim a single benefice, both clutching papal grants.³¹ A poor clerk, Gilbert Lambert of Lynn, successfully petitioned for provision to a benefice in his home diocese of Norwich from Pope Boniface VIII (1295–1303) in a document which was issued on 12 June 1296.³² Unlike Nicholas Suffield, however, for some reason Lambert was slower to receive episcopal assistance in having his papal document executed – Walpole did not send notification to the prior and convent of Norwich, ordering them to provide a benefice for Gilbert and enquiring about the apparently vacant church of Alderford, until 24 November 1297.³³ Soon thereafter, on 12 January 1298, Walpole issued another document providing Lambert to the church of Alderford.³⁴ On the next day the bishop issued another *actum* to the monks of Norwich which protected their right to present the next candidate to Alderford after Lambert resigned or died.³⁵ This last episcopal *actum*, which contained a copy of Pope Boniface's original letter of 1296, illustrates the limitations of papal bureaucracy outlined by d'Avray. Boniface made provision for Lambert on condition not only that the bishop found him suitable, but that he met other provisos, such as: not having received previous papal provision from Boniface before; that the pope had not made the same grant to another; and that Boniface's predecessors had not made the same provision for more than one other person who was still waiting to be beneficed. Petitioners were engaging with an administrative system in which they shouldered almost all the risks: the high costs involved in document production and registration, as well as travel or the employment of proctors; the physical dangers of travelling; and the amount of time it took to journey to curia, go through the petitioning process, and return, perhaps only to find that one's petition got rejected, or that someone else

²⁹ EEA 40, no 295.

³⁰ EEA 40, 214; on the journey time from England to Rome: Robert Brentano, *Two Churches: England and Italy in the Thirteenth Century* (new edn, Berkeley, CA, 1988), 44.

³¹ D'Avray, *Rationalities*, 135, 142–5.

³² Copied in EEA 41, no 347.

³³ EEA 41, no 345.

³⁴ EEA 41, no 346.

³⁵ EEA 41, no 347.

held a papal grant which outranked one's own. The decision to petition the pope over and above the local bishop or the English king was therefore not to be taken lightly.

In this review article I have sought to draw attention to some of the uses that the English Episcopal *Acta* series can be put in the study of thirteenth-century petitions to the popes, a topic which has traditionally been neglected by scholars, primarily because of the perceived lack of source material. Even with only a small sample drawn from a single diocese and a thirty-year period at the end of the thirteenth century it is clear that episcopal *acta* are an invaluable source for research into petitioning before the institution of the papacy's register of petitions, the *Registra Supplicationum*, which only survives from 1342 onwards. Of course, not all the *acta* shine light on petitioning processes – many lack the corresponding papal and royal documentation to contextualise and expand upon the episcopal evidence. One must therefore be selective, but there is clearly enough material to pursue both statistical analysis as well as to rebuild detailed case studies for the best documented examples. Mining the *acta* for evidence of papal petitions to knit back together with papal and royal documents is just one way of utilising the rich corpus of source material presented in the English Episcopal *Acta* volumes, a series which will stand as a permanent monument to the great efforts of the editors over the past forty years to collect and edit episcopal *acta* from English and foreign archives.