

T. W. SMITH

PAPAL EXECUTORS AND THE VERACITY OF PETITIONS  
FROM THIRTEENTH-CENTURY ENGLAND

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## PAPAL EXECUTORS AND THE VERACITY OF PETITIONS FROM THIRTEENTH-CENTURY ENGLAND\*

In 1261 the bishop of Exeter, Walter Bronescombe, deprived the prior and convent of Plympton of the church of Dean Prior, along with a number of other possessions. Facing a challenge from another party over their right to the church, the community of Plympton had brandished papal documents supporting their claim to Dean Prior, which, upon inspection, turned out to be based upon a tissue of lies.<sup>1</sup> To deprive Plympton, Bronescombe simply cited the clause in their privilege obtained from Pope Alexander IV in 1260, which had confirmed the convent's right to the church, provided that the existing facts given were true.<sup>2</sup> Plympton's right thus foundered on this basic principle because they had acquired their papal privilege "per falsi suggestionem". The bishop elaborated that the guilty community had deceived "the pope's understanding as through an ambush", drawing atten-

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<sup>1</sup> *The Register of Walter Bronescombe, Bishop of Exeter, 1258–1280*, O.F. ROBINSON (ed.), 3 vols. (CYS 82, 87, 94), Woodbridge, 1995–2003, vol. 1, p. 132–133 (n° 389).

<sup>2</sup> "... ut veris existentibus supradictis ...": VATICAN CITY, ARCHIVIO SEGRETO VATICANO, Registra Vaticana 25, f° 247r; calendared in *Les registres d'Alexandre IV*, C. BOUREL DE LA RONCIÈRE, J. DE LOYE, P. DE CENIVAL, and A. COULON (eds), 3 vols. (Bibliothèque des Écoles françaises d'Athènes et de Rome, 2<sup>nd</sup> series), Paris, 1902–1959, vol. 3, p. 114 (n° 3122).

tion to a difficulty faced by the papacy in its administration of the Church.<sup>3</sup> The geographical distance of the curia from the localities and the sheer volume of petitions being submitted meant that the papacy could not check the veracity of the claims made by every supplicant at the curia.<sup>4</sup> Instead, documents were issued on the assumption that the petitioner's version of events was accurate, but with provisos. In order to defend against fraudulent claims, the papal curia employed a set of formulaic expressions in its documents which nullified their validity in the event of fraud being discovered, such as *si ita est* or *si preces veritate nitantur*. These clauses enshrined the (potential) doubts of the pope in every document that bore them—and were to be assumed in all others, according to Pope Alexander III—effectively creating a workaround for the problem of fraud.<sup>5</sup>

<sup>3</sup> *Register of Walter Bronescombe...* [see n. 1], vol. 1, p. 132–133 (n° 389).

<sup>4</sup> On papal petitioning, see most recently Barbara BOMBI, *The Roman Rolls of Edward II as a Source of Administrative and Diplomatic Practice in the Early Fourteenth Century*, in *Historical Research*, 85 (2012), p. 597–616, which includes a comprehensive overview of the historiography on petitioning in Europe during the thirteenth and fourteenth centuries. Readers should also begin with: EAD., *Petitioning between England and Avignon in the First Half of the Fourteenth Century*, in *Medieval Petitions: Grace and Grievance*, W. Mark ORMOD, Gwilym DODD, and Anthony MUSSON (eds), Woodbridge, 2009, p. 64–81; Patrick ZUTSHI, *Petitions to the Pope in the Fourteenth Century*, in *ibid.*, p. 82–98. On the course of petitions through the papal chancery, see Barbara BOMBI, *Der Geschäftsgang der Suppliken im ersten Viertel des 14. Jahrhunderts: Einige Beispiele anhand des Registers des Kurienprokurators Andrea Sapiti*, in *Archiv für Diplomatik*, 51 (2005), p. 253–283. For a clear recent overview of English petitioners and the papacy in the fifteenth century, which contains much of relevance for the earlier period, see Peter D. CLARKE, *Petitioning the Pope: English Supplicants and Rome in the Fifteenth Century*, in *The Fifteenth Century XI: Concerns and Preoccupations*, Linda CLARK (ed.), Woodbridge, 2012, p. 41–60 (41–44).

<sup>5</sup> On the granting of petitions and *si ita est* clauses, see, most recently: ZUTSHI, *Petitions to the Pope...* [see n. 4], p. 97; ID., *Petitioners, Popes, Proctors: The Development of Curial Institutions, c. 1150–1250*, in *Pensiero e sperimentazioni istituzionali nella 'Societas Christiana' (1046–1250)*, Giancarlo ANDENNA (ed.), Milan, 2007, p. 265–293 (286); D.L. D'AVRAY, *Medieval Religious Rationalities: A Weberian Analysis*, Cambridge, 2010, p. 145. On Alexander III's order, see: Othmar HAGENEDER, *Die Rechtskraft spätmittelalterlicher Papst- und Herrscherurkunden "ex certa scientia", "non obstantibus" und "propter importunitatem petentium"*, in *Papsturkunde und europäisches Urkundwesen: Studien zu ihrer formalen und rechtlichen Kohärenz vom 11. bis 15. Jahrhundert*, Peter HERDE and Hermann JAKOBS (eds) (*Archiv für Di-*

With supplications for papal graces, such as dispensation from illegitimate birth or provision to a church benefice, the papacy then appointed executors, known as *commissarii*, to scrutinize the truthfulness of the original petition. The executor was usually the supplicant's bishop or one of that bishop's officials. If the petition was found to be grounded in fact, the executor would enact the issued papal document, thus finally granting the supplicant their request in actuality. Without enactment by the executor, the papal document carried little authority.<sup>6</sup> This flexible system proved well suited to the papacy's position as the highest ecclesiastical court of appeal and the most sought after fount of grace in Christendom.<sup>7</sup> As such, the papal executor was the linchpin of the papal provisions system, yet in spite of the importance of the office, it is one of the aspects of the system that has traditionally remained "obscure".<sup>8</sup>

plomatik Beiheft, 7), Cologne, 1999, p. 401–429 (404). Still of great value is Geoffrey BARRACLOUGH, *The Executors of Papal Provisions in the Canonical Theory of the Thirteenth and Fourteenth Centuries*, in *Acta Congressus Iuridici Internationalis Romae, 12–17 Novembris 1934*, vol. 3, Rome, 1936, p. 109–153 (129–131).

<sup>6</sup> On executors, see recently: *Supplications from England and Wales in the Registers of the Apostolic Penitentiary, 1410–1503: Volume I. 1410–1464*, Peter D. CLARKE and Patrick N.R. ZUTSHI (eds) (CYS 103), Woodbridge, 2013, p. xvi; P.D. CLARKE, *Central Authority and Local Powers: The Apostolic Penitentiary and the English Church in the Fifteenth Century*, in *Historical Research*, 84 (2011), p. 416–442 (421, 441–442); Pascal MONTAUBIN, *L'opposition des clercs et des laïcs du royaume de France à la centralisation pontificale: l'exemple de la politique bénéficiale (1225–1303)*, in *Schismes, dissidences, oppositions: la France et le Saint-Siège avant Boniface VIII*, Bernard BARBICHE and Rolf GROSSE (eds) (Studien und Dokumente zur Gallia Pontificia, 7), Paris, 2012, p. 225–251 (226–228); D'AVRAY, *Medieval Religious Rationalities...* [see n. 5], p. 143; Kerstin HITZBLECK, *Exekutoren: Die außerordentliche Kollatur von Benefizien im Pontifikat Johannes' XXII.* (Spätmittelalter, Humanismus, Reformation 48), Tübingen, 2009. Still of the greatest utility (despite Hitzbleck's sustained and aggressive criticism of his work in her *Exekutoren*) is the insightful BARRACLOUGH, *Executors of Papal Provisions...* [see n. 5], esp. p. 132–133, 150, 151.

<sup>7</sup> ZUTSHI, *Petitioners, Popes, Proctors...* [see n. 5], p. 287.

<sup>8</sup> Patrick ZUTSHI, *Review of Kerstin Hitzbleck, Exekutoren: Die außerordentliche Kollatur von Benefizien im Pontifikat Johannes' XXII.*, in *Journal of Ecclesiastical History*, 65 (2014), p. 177. Hitzbleck assesses the 14<sup>th</sup>-century Avignon Papacy in her study of executors, when the juristically-complete system of provisions was operated somewhat differently from that of the 13<sup>th</sup> century, primarily because of the loss of income from the

This article explores the roles of papal executors in investigating the veracity of petitions from 13<sup>th</sup>-century England—something which has not been attempted before.<sup>9</sup> Despite the recent detailed investigation of Kerstin Hitzbleck into the executors of the 14<sup>th</sup>-century Avignon Papacy, the 13<sup>th</sup> century still requires further research, since, as she herself notes, the 13<sup>th</sup>-century system was not juristically-complete, and therefore differed in its operation.<sup>10</sup> The results of the present article have a bearing on the nature of the papacy's relationship with the English Church—one of the most controversial aspects of 13<sup>th</sup>-century English history—and they also shed further light on the key aspect in the operation of the papal provisions system in 13<sup>th</sup>-century Christendom.

The connection between the papacy and England has often been interpreted as exploitative, with popes and their curialists interfering in the affairs of the English Church in order to secure their own ends. The most obvious manifestation of this perceived exploitation was papal provision to English benefices, whereby the pope nominated clerics (who were often, but not always, foreign) to be appointed to church livings in England.<sup>11</sup> The famous 13<sup>th</sup>-century chronicler Matthew Paris, whose *Chronica Majora* underpin the study of this period of English history, was one of

Papal State and the dominance of the French at the curia. Aside from some very brief examples, she does not focus on England; see, for example: HITZBLECK, *Exekutoren...* [see n. 6], p. 235–238, 279–280.

<sup>9</sup> Some light is thrown on the topic from a theoretical and legal perspective in BARRACLOUGH, *Executors of Papal Provisions...* [see n. 5]. On litigation, but not petitions for grace, in the 12<sup>th</sup> century, and with a focus on the papal curia rather than executors in the localities, see Stanley CHODOROW, *Dishonest Litigation in the Church Courts, 1140–98*, in *Law, Church, and Society: Essays in Honor of Stephan Kuttner*, Kenneth PENNINGTON and Robert SOMERVILLE (eds) (The Middle Ages), Philadelphia PA, 1977, p. 187–206.

<sup>10</sup> "Das päpstliche Benefizialsystem, das Barraclough schon auf dem Exekutoreninstitut des 13. Jahrhunderts hat aufbauen wollen, hat es in der Form auch zu dieser Zeit noch nicht gegeben. Die rechtlichen Überlegungen sind auch zu Beginn des avignonesischen Papsttums noch größtenteils diffus, sind Einzelfallentscheidungen, die eine Struktur in weiten Teilen vermissen lassen." HITZBLECK, *Exekutoren...* [see n. 6], p. 553.

<sup>11</sup> For an introduction to the historiography and main debates surrounding papal provisions across the West in the High Middle Ages, see: Thomas W. SMITH, *The Development of Papal Provisions in Medieval Europe*, in *History Compass*, 13 (2015), p. 110–121.

the most vociferous critics of papal authority and influence in England. Paris was a xenophobe who wasted no opportunity to lambast Italians in possession of English benefices, or the papacy in general, and perceived almost every papal act with a bearing on England "as an attempt at extortion."<sup>12</sup> From Matthew Paris comes the notion that Italian clergy beneficed in England were draining the kingdom of its wealth. He records that these clerics, installed by the papacy fraudulently and by force, were carrying off an outrageous sixty thousand marks a year from their livings: supposedly more than the king himself.<sup>13</sup> Although Matthew Paris's prejudices against the Roman clergy (and foreigners in general) are now well known,<sup>14</sup> his vitriol against this group subsequently helped to shape the views of some historians, who echoed his xenophobic polemic and thought that unrelenting papal provisions served only to appoint swathes of alien clergy who were greedy, ignorant, and worthless.<sup>15</sup> This legacy has cast a long shadow, and the notion that the papal curia operated the provisions system in a predatory manner, not just in England but across Europe, remains prevalent in the historiography.<sup>16</sup> Rela-

<sup>12</sup> Richard VAUGHAN, *Matthew Paris* (Cambridge Studies in Medieval Life and Thought, new series, 6), Cambridge, 1958, p. 141.

<sup>13</sup> Matthew Paris, *Chronica Majora*, Henry Richards LUARD (ed.), 7 vols., RS 57, London, 1872–1883, vol. 4, p. 419. Paris later revised this figure upwards to 70,000 marks: *ibid.*, vol. 5, p. 355. See also: *ibid.*, vol. 4, p. 441–444; vol. 5, p. 256–257. For Paris's views against the foreign favourites of Henry III, see: *ibid.*, vol. 5, p. 229, 316–317.

<sup>14</sup> VAUGHAN, *Matthew Paris*... [see n. 12], p. 141; Robert BRENTANO, *Two Churches: England and Italy in the Thirteenth Century*, rev. ed., Berkeley CA, 1988, p. 5.

<sup>15</sup> Matthew Paris, *Historia Anglorum*, Frederic MADDEN (ed.), 3 vols., RS 44, London, 1866–1869, vol. 3, p. xxxi; Hugh MACKENZIE, *The Anti-Foreign Movement in England, 1231–1232*, in *Anniversary Essays in Mediaeval History by Students of Charles Homer Haskins*, Charles H. TAYLOR (ed.), Boston MA, 1929, p. 183–203 (183, 189–190, 192, 202).

<sup>16</sup> See, for example: Guillaume MOLLAT, *La collation des bénéfices ecclésiastiques sous les papes d'Avignon (1305–1378)*, Paris, 1921, p. 1–2, 322; MACKENZIE, *Anti-Foreign Movement*... [see n. 15], p. 186, 188, 189; Bernard GUILLEMAIN, *La Cour pontificale d'Avignon (1309–1376): étude d'une société* (Bibliothèque des Écoles françaises d'Athènes et de Rome 201), Paris, 1962, p. 104, 106; Walter ULLMANN, *A Short History of the Papacy in the Middle Ages*, London, 1972, p. 245–246; Christopher HARPER-BILL, *The Diocese of Norwich and the Italian Connection, 1198–1261*, in *England and the Continent in the Middle Ages: Studies in Memory of Andrew Martindale*, John MITCH-

tively recently, Christopher Harper-Bill has even proposed that Matthew Paris's fulminations should be treated with more credibility: "The chronicler's rhetorical outbursts against foreign exploitation of English benefices have frequently been discounted, but recent work has suggested that the situation may have been almost as serious as contemporary English critics claimed."<sup>17</sup>

There is now a general consensus that while papal provision certainly represented a problem in England, especially from the mid-13<sup>th</sup> century onwards, the situation was not as bad as Matthew Paris claimed, and some suggest that it may even have had some small beneficial impact on the English Church.<sup>18</sup> Paris's assertion that the foreign clergy were stripping the country of sixty thousand marks a year has been re-estimated at a more realistic sixteen thousand marks—a significant amount, nevertheless,

ELL (ed.) (Harlaxton Medieval Studies, 8), Stamford, 2000, p. 75–89 (87); Pascal MONTAUBIN, *L'administration pontificale de la grâce au XIII<sup>e</sup> siècle: l'exemple de la politique bénéficiaire*, in *Suppliques et requêtes: le gouvernement par la grâce en occident (XII<sup>e</sup>–XV<sup>e</sup> siècle)*, Hélène MILLET (ed.) (Collection de l'École française de Rome, 310), Rome, 2003, p. 321–342 (342).

<sup>17</sup> Christopher HARPER-BILL, "Above all these Charity": *The Career of Walter Suffield, Bishop of Norwich, 1244–57*, in *The Foundations of Medieval English Ecclesiastical History: Studies Presented to David Smith*, Philippa HOSKIN, Christopher BROOKE, and Barrie DOBSON (eds) (Studies in the History of Medieval Religion), Woodbridge, 2005, p. 94–110 (100). Evidence of widespread Italian possession of benefices in Norwich is given in ID., *Diocese of Norwich*... [see n. 16], p. 78–88 (78, 87). In ID., *Career of Walter Suffield*... [see *supra*], p. 100 n. 43, and ID., *Diocese of Norwich*... [see n. 16], p. 89, Harper-Bill cites *The Letters and Charters of Cardinal Guala Bicchieri, Papal Legate in England, 1216–1218*, Nicholas VINCENT (ed.) (CYS 83), Woodbridge, 1996, p. LXVII–LXXIV in support of his position. My reading of Vincent's argument, however, is that while he acknowledges that papal provision was significant, resulting in the alienation of around 10% of England's ecclesiastical income, he does not agree that it was as monumental as Matthew Paris would have us believe.

<sup>18</sup> Geoffrey BARRACLOUGH, *Papal Provisions: Aspects of Church History Constitutional, Legal and Administrative in the Later Middle Ages*, Oxford, 1935, p. 10, 56–58, 90; C.H. LAWRENCE, *The Thirteenth Century, The English Church and the Papacy in the Middle Ages*, ID. (ed.), London, 1965, p. 119–156 (148, 149); Colin MORRIS, *The Papal Monarchy: The Western Church from 1050 to 1250* (Oxford History of the Christian Church), Oxford, 1989, p. 548; Katherine HARVEY, *Episcopal Appointments in England, c. 1214–1344: From Episcopal Election to Papal Provision* (Church, Faith and Culture in the Medieval West), Farnham, 2014, p. 134.

roughly equivalent to the sum that the pope could expect from England when levying the crusade tax of a tenth.<sup>19</sup>

While it is far beyond the scope of this essay to examine the extent of papal provision generally, it is clear that the executory system *could* indeed provide a check on uncontrolled papal provision to English benefices when it was operated properly, by weeding out unsuitable candidates seeking advancement through curial nepotism. This article seeks to demonstrate that while there was some abuse of the executory system, and that there were a number of problems inherent in the processes of investigation, a variety of executors carried out their roles more seriously and effectively than has been assumed. The result is to nuance the resilient, indeed resurgent, idea in the historiography that the papacy was able to intrude incompetent foreign clergy to English livings on a monumental scale. In particular it is established that a number of prelates refused papal provision mandates, drawing into question the analysis of Hermann Baier on executors, who portrayed them as aggressive enforcers of papal provisions who would simply be replaced if they failed to bring about the desired outcome.<sup>20</sup>

We begin with a good example of a successful executorial process from the diocese of Norwich at the very end of the 13<sup>th</sup> century, when the bishop of Norwich, Ralph Walpole, provided Gilbert Lambert of Lynn to the vacant church of Alderford.<sup>21</sup> Walpole had received a papal mandate from Boniface VIII dated 12 June 1296 which made provision for Gilbert to a benefice belonging to Norwich cathedral priory.<sup>22</sup> The mandate was issued in response to Gilbert's submission—in person—of a petition at the Roman

<sup>19</sup> F.M. POWICKE, *King Henry III and the Lord Edward: The Community of the Realm in the Thirteenth Century*, 2 vols., Oxford, 1947, vol. 1, p. 278–279.

<sup>20</sup> "Oft genügte es nicht einmal, Exekutoren zu bestellen. Wenn die ersten, was eigentlich hätte geschehen müssen, nicht zum Ziele kamen, so wurden andere bestellt, die versuchen sollten, die Sache zum gewünschten Ende zu führen. Wenn die ersten Exekutoren dem päpstlichen Willen nicht zur Geltung verhelfen konnten, so lag die Schuld zumeist an ihnen." Hermann BAIER, *Päpstliche Provisionen für niedere Pfründen bis zum Jahre 1304* (Vorreformationgeschichtliche Forschungen, 7), Münster, 1911, p. 174. See also *ibid.*, p. 173–174, 179.

<sup>21</sup> For an extremely detailed analysis of the 14<sup>th</sup>-century execution process, see HITZBLECK, *Exekutoren...* [see n. 6], p. 133–245.

<sup>22</sup> EEA, vol. 41, p. 248–251 (n° 347).

curia for a grant *in forma pauperum*, that is, for poor clerks without a living, which were issued for minor benefices.<sup>23</sup> From the second half of the 13<sup>th</sup> century, when a petitioner presented himself in person seeking such a grace, his level of literacy would be assessed at the curia, although it is clear from the examples given below that these tests were also conducted *in partibus*.<sup>24</sup> Boniface wrote that Gilbert's literacy (*litteratura*) had been examined by two papal chaplains and a Franciscan friar and had been found satisfactory.<sup>25</sup> Clerical literacy tests demanded more than merely a rudimentary understanding of Latin. As William Dohar explains of the requisite learning at the time of ordination for positions with the cure of souls: "The cleric had to know the language of ritual, liturgy, and law in order to do the basic work required of his order."<sup>26</sup> Similarly, Kirsi Salonen and Jussi Hanska have concluded that "candidates had to know enough Latin, they had to be literate, and capable of singing and speaking clearly."<sup>27</sup> Examiners had to ensure though that a candidate "understood what he read in the sacramentary, lectionary, or song book and was not merely parroting prayers and liturgical formulae he had memorized."<sup>28</sup>

Whilst the literacy test had been conducted at the papal curia in Anagni, it was up to the bishop to put in the real effort if Gilbert were to be provided to a living. Boniface ordered Walpole to examine Gilbert's life and morals (*vita et conversatio*)—a stand-

<sup>23</sup> W.A. PANTIN, *The English Church in the Fourteenth Century*, Cambridge, 1955, p. 48–49; HITZBLECK, *Exekutoren...* [see n. 6], p. 184–192.

<sup>24</sup> Pascal Montaubin has found the first reference to such examinations at the papal curia during the pontificate of Alexander IV (1254–1261): MONTAUBIN, *L'administration pontificale de la grâce...* [see n. 16], p. 338.

<sup>25</sup> "quem per dilectos filios magistros Bartholomeum decanum Pictavensem et Raynaldum de Medio Lano, canonicum Laudunensem, capellanos nostros, ac fratrem Amanenn' de Mota, ordinis minorum, examinatores super hoc deputatos a nobis de litteratura fecimus diligenter [examinari]": EEA, vol. 41, p. 249–250 (n° 347).

<sup>26</sup> William J. DOHAR, *Sufficienter litteratus: Clerical Examination and Instruction for the Cure of Souls*, in *A Distinct Voice: Medieval Studies in Honor of Leonard E. Boyle, O.P.*, Jacqueline BROWN and William P. STONEMAN (eds), Notre Dame IN, 1997, p. 305–321 (311).

<sup>27</sup> Kirsi SALONEN and Jussi HANSKA, *Entering a Clerical Career at the Roman Curia, 1458–1471* (Church, Faith and Culture in the Medieval West), Farnham, 2013, p. 196.

<sup>28</sup> DOHAR, *Sufficienter litteratus...* [see n. 26], p. 311–312.

ard test—in order to establish whether he was indeed a suitable candidate for provision.<sup>29</sup> The bishop was also to ensure that no papal letters of provision had previously been issued on behalf of Gilbert; that the pope had not issued a similar provision to another petitioner; that there was not more than one other candidate already waiting to receive a cathedral priory benefice as a result of papal provision; and that Gilbert was not appointed to a prebend belonging to the cathedral or a collegiate church worth more than twenty five marks, or a prebend in a parish church or any benefice worth more than forty marks. It took almost eighteen months from the issue of the papal mandate for Walpole to take action and enquire with the prior and convent of Norwich about the vacant church of Alderford, which he did on 24 November 1297,<sup>30</sup> before providing Gilbert to the church shortly thereafter on 12 January 1298.<sup>31</sup> Because Gilbert had satisfied the terms of the papal mandate both regarding his literacy and his life and morals, Walpole had thus been able to execute Boniface's order and provide him to a living.

This case study offers a number of insights into the wider system of papal provisions in the 13<sup>th</sup> century. It is apparent that almost all of the investigation of the papacy's doubts about the suitability of a candidate for a particular benefice was delegated to the executor, and that the examination conducted at the papal curia was only perfunctory. Because the papal curia did not practise total registration of its outgoing documents, it was also left to the executor to find out whether previous papal documents had been issued which affected the new grant.<sup>32</sup> This confirms Geoffrey Barraclough's argument that the enactment of the mandate was dependent upon the character of the executor.<sup>33</sup> That it took a relatively long time for Walpole to pursue the execution of the mandate could be explained in a number of ways, although it certainly would not have been the result of tardiness on the part of

<sup>29</sup> Boniface's document lacks a catchall *si ita est* clause or variant, and instead uses: "si eum vite laudabilis et honeste conversationis esse repere-ris": *EEA*, vol. 41, p. 250 (n° 347). For the tests carried out at the curia and *in partibus*, see also HITZBLECK, *Exekutoren...* [see n. 6], p. 184–185.

<sup>30</sup> *EEA*, vol. 41, p. 246–247 (n° 345).

<sup>31</sup> *Ibid.*, p. 248 (n° 346).

<sup>32</sup> See D'AVRAY, *Medieval Religious Rationalities...* [see n. 6], p. 135, 142–145.

<sup>33</sup> BARRACLOUGH, *Executors of Papal Provisions...* [see n. 5], p. 126.

Gilbert. As Hitzbleck has commented, it was in the best interests of the provisor (that is, the candidate to be provided) to present the papal rescript to the appointed executor as soon as possible on account of competition from other candidates.<sup>34</sup> Either Walpole was negligent in fulfilling his office then, or, much more likely, he waited to hear of a vacant benefice before seeking to enact the papal mandate. This appointment also took place against a background of great turbulence in the relationship between the Church and Edward I over clerical taxation to fund the royal war machine, which resulted in the king outlawing the clergy on 30 January 1297.<sup>35</sup> This could very well have caused interruptions to Walpole's execution of his diocesan duties. In any case, despite the delay, the process was remarkably smooth. This case also reinforces the point that the system of papal provisions was used successfully by Englishmen as well as foreign clergy: it was just one means among many to secure a living.

Otherwise successful petitions for papal grace could have codicils attached to negate the grant in the event that the supplicant subsequently proved himself unworthy of it. Illegitimate birth was a rather common obstacle to forging an ecclesiastical career, and it was one that supplicants sought to overcome through papal grace. It was Pope Gregory IX who, in a decision which was included in the *Liber Extra* of 1234, had reserved the papacy's right to issue dispensations from illegitimate birth for benefices with cure of souls.<sup>36</sup> Papal chancery regulations reveal that, even before the time of Pope Gregory X (1271–1276), such cases of dispensation from illegitimate birth (*super defectu natalium*) were being handled by the cardinal penitentiary, who dealt with mat-

<sup>34</sup> HITZBLECK, *Exekutoren...* [see n. 6], p. 148.

<sup>35</sup> Elizabeth GEMMILL, *The Nobility and Ecclesiastical Patronage in Thirteenth-Century England* (Studies in the History of Medieval Religion, 40), Woodbridge, 2013, p. 140, 144.

<sup>36</sup> On illegitimacy and "defect of birth" in the Late Middle Ages, see especially: *Illegitimität im Spätmittelalter*, Ludwig SCHMUGGE (ed.) (Schriften des Historischen Kollegs, Kolloquien, 29), Munich, 1994. For Gregory IX's reservation of the right to dispense, see: Peter LANDAU, *Das Weihehindernis der Illegitimität in der Geschichte des kanonischen Rechts*, in *ibid.*, p. 41–53 (51–52); Kirsi SALONEN and Ludwig SCHMUGGE, *A Sip from the "Well of Grace": Medieval Texts from the Apostolic Penitentiary* (Studies in Medieval and Early Modern Canon Law, 7), Washington DC, 2009, p. 57.

ters relating to sin.<sup>37</sup> A number of examples from the register of Walter Bronescombe demonstrate that clerical petitioners who were children of clergy and unmarried women were granted papal dispensation from their defect of birth in common form, but on the condition that they did not slip into the same incontinence as their fathers—behaviour which would invalidate the dispensation.<sup>38</sup> Despite the papacy's reservation of power to issue such dispensations, here we see the policing of the terms of the grant in the future, as well as the establishment of the veracity of the original facts, again being devolved to the executors.

While historians have often railed against the papacy's operation of the system of provision as voracious, Barraclough—who approached the matter from a legal and theoretical perspective—raised the question: "Did not the judicial examination before the executor, and the possibility of appealing from his decision as from that of a judge, offer ample safeguards against the provision of unsuitable persons?"<sup>39</sup> A number of cases can indeed be found of a range of executors refusing candidates for papal provision, which suggest that executors could utilise these safeguards to block papal nepotism or to protect the quality of pastoral care in their diocese. There is the well-known instance of Robert Grosseteste's refusal of a canonry in Lincoln to one of the nephews of Pope Innocent IV.<sup>40</sup> About twenty years later, Walter Bronescombe wrote a letter to Gregory X in December 1273 refusing that Pope's request to dispense two clerks from their defect of birth. Bronescombe explained his reasoning that "while wishing diligently to give effect to your command, [I] have found them to be begotten of a deacon and different unmarried women, and to be insufficiently lettered, and incapable of proving that their orders were conferred on them according to proper usage."<sup>41</sup> The bishop also remarked that the number of unworthy men seeking to enter orders only to pursue a worldly existence "stirs and

<sup>37</sup> Filippo TAMBURINI, *Die Apostolische Pönitentiarie und die Dispense "super defectu natalium"*, in *Illegitimität...* [see n. 36], p. 123–132 (123–124); *Supplications from England and Wales...* [see n. 6], p. XLIII.

<sup>38</sup> *Register of Walter Bronescombe...* [see n. 1], vol. 2, p. 100 (n<sup>o</sup> 1183, 1184), p. 118 (n<sup>o</sup> 1267).

<sup>39</sup> BARRACLOUGH, *Executors of Papal Provisions...* [see n. 5], p. 152.

<sup>40</sup> LAWRENCE, *Thirteenth Century...* [see n. 18], p. 119.

<sup>41</sup> *Register of Walter Bronescombe...* [see n. 1], vol. 2, p. 64 (n<sup>o</sup> 966).

stings my conscience".<sup>42</sup> He summed up: "dreading to burden my protesting conscience by dispensing the aforesaid [clerks] ... I have thought fit to send back these clerks to the apostolic see."<sup>43</sup>

When Pope John XXI ordered the bishop of Hereford, Thomas Cantilupe, to investigate the character of Peter de Llanrothal, a cleric of illegitimate birth, in 1277, Thomas found Peter inadequate, and ordered him to study singing for an entire year, the implication being that his singing was simply not good enough to preside at liturgical services.<sup>44</sup> In May 1282, the archbishop of Canterbury, John Peckham, wrote a letter to the curialist Benedict, cardinal deacon of S. Nicola in Carcere, explaining obsequiously and in detail that he had been unable to appoint Bartholomew of Ferentino to a benefice because he could neither speak English, nor read and write Latin.<sup>45</sup>

It must be borne in mind that prelates may have rejected candidates out of their own, ulterior motives—disputes between prelates, popes and kings over provision to benefices were, after all, not uncommon.<sup>46</sup> Prelates must surely have sought to reduce the number of papal providees to the benefices in their dioceses, so as to preserve their own valued rights of collation. For instance, on 5 March 1246, Innocent IV replied to a request of Roger of Weasenham, bishop of Coventry and Lichfield, granting him the power to refuse candidates for papal provision, notwithstanding those provision requests which made specific mention of Innocent's grant.<sup>47</sup> A number of insights can be gleaned from this document. First, without legal grounds to reject a provisor, the executor was burdened with the obligation to secure them a benefice—therefore it was certainly in the best interests of executors to conduct stringent tests of the candidate's *vita et conversatio*. Secondly, it is a further piece of evidence that prelates were not

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> "inunctum est ei ut per annum continuum discat cantum." *Registrum Thome de Cantilupo, Episcopi Herefordensis, A.D. MCCLXXV–MCCLXXXII*, R.G. GRIFFITHS and W.W. CAPES (eds) (CYS 2), London, 1907, p. 124.

<sup>45</sup> "non solum linguae Anglicanae inscius est, verum etiam satis literatiter loqui nescit": *Registrum epistolarum Fratris Johannis Peckham, Archiepiscopi Cantuariensis*, Charles Trice MARTIN (ed.), 3 vols. (RS 77), London, 1882–1885, vol. 1, p. 351 (n<sup>o</sup> 266).

<sup>46</sup> PANTIN, *English Church...* [see n. 23], p. 61, 80.

<sup>47</sup> EEA, vol. 43, p. 267 (n<sup>o</sup> 227).

afraid to defend their rights of patronage against the papacy; it is perhaps significant that this request came in the immediate wake of English complaints about provisions at the First Council of Lyons in 1245.<sup>48</sup> Thirdly, whilst this papal grant appears generous at first glance, its true value to Roger was questionable, since the Pope inserted a common workaround: future papal provision requests which made special mention of Innocent's indult could simply override Roger's privilege.<sup>49</sup>

There were also more prosaic grounds to reject provision requests. In order to protect the financial integrity of Salisbury cathedral, the bishop of Coventry and Lichfield, Alexander of Stainsby, quashed a papal execution on 24 May 1238 which had appointed Master Albert de Castro Sepio, an alien, to the prebend of Calne.<sup>50</sup> Yet this suppression was not issued because Albert was a foreign national—rather it was because the prebend of Calne had been annexed to the treasury, and it had been granted to Albert in error.<sup>51</sup> This was not a matter of discrimination against aliens. The previous prebendary of Calne, Master John of St Quentin, had himself been appointed to this benefice and the treasurership through papal provision.<sup>52</sup> And Albert was subsequently granted another provision to the prebend of Brixworth (albeit one which involved him in litigation and which can be considered almost as unsuccessful as his failed provision to Calne).<sup>53</sup>

The grounds given in the records above for the refusal of provisors, however, revolve primarily around pastoral care. The reforming principles of these bishops as expressed in the documents should be taken seriously, and Philippa Hoskin has recently demonstrated the importance of such reforming tendencies in quotid-

<sup>48</sup> BARRACLOUGH, *Provisions...* [see n. 18], p. 11.

<sup>49</sup> On such clauses in papal documents, see D'AVRAY, *Medieval Religious Rationalities...* [see n. 5], p. 142–145.

<sup>50</sup> EEA, vol. 43, p. 168 (n° 149); *Fasti Ecclesiae Anglicanae 1066–1300, IV: Salisbury*, Diana E. GREENWAY (ed.), London, 1991, p. 58.

<sup>51</sup> "Verum quia audivimus quod prebendam de Kalna pro qua scripsimus venerabilis frater episcopus Sar' eius ecclesie [sic] thesaurie consolidaverat cum onere assignato, eiusdem ecclesie capitulo concurrente [sic – should read 'concurrente'] consensu": EEA, vol. 43, p. 168 (n° 149).

<sup>52</sup> *Fasti IV...* [see n. 51], p. 58.

<sup>53</sup> *Ibid.*, p. 56.

ian episcopal administration.<sup>54</sup> Indeed, given that Bartholomew of Ferentino clearly enjoyed the support of powerful figures at the papal court, Peckham's refusal would only have met with renewed pressure from the curia and a flurry of recriminating correspondence if his justification had been unfounded. It seems that while executors were quite within their rights to conduct stringent tests of provisors, unfair treatment might have achieved little for the prelates—petitioners could always appeal to the papal curia and seek the appointment of a different executor (if they could afford to continue the process), and alien provisors with close ties to cardinals could exert more pressure and potentially damage the curial network of the executor in question. Peter Clarke and Patrick Zutshi note that supplicants could ask for an executor other than their diocesan bishop if they "doubted his impartiality", but that it was "more unusual" for petitioners to request another executor on grounds of their diocesan bishop's "excessive severity".<sup>55</sup> This suggests that executors were, and felt themselves to be, accountable to some extent.

This series of refusals also draws into question the efficacy, or at least the consistency, of the literacy tests conducted at the curia (and demonstrates that, in addition, prelates were performing their own examinations *in partibus*), but the main conclusion to take from this evidence is that executors *did* have control over who was appointed to benefices in their dioceses, and that a variety of bishops could and did refuse unsuitable candidates. Whether the executors would dare to refuse all unsuitable candidates for papal provision, however, when the successful prosecution of their own business at the curia was heavily dependent on friendly relations with the pope and his cardinals, is a question beyond the scope of this article. That Peckham wrote a letter at all strongly suggests that some English bishops felt under considerable pressure to grant curial wishes, and it has been suggested that even when there were legal grounds to reject provision requests, in reality bishops went along with papal wishes.<sup>56</sup> While this was not

<sup>54</sup> Philippa HOSKIN, *Robert Grosseteste and the Simple Benefice: A Novel Solution to the Complexities of Lay Presentation*, in *Journal of Medieval History*, 40 (2013), p. 24–43 (42–43).

<sup>55</sup> *Supplications from England and Wales...* [see n. 6], p. xvi–xvii.

<sup>56</sup> MORRIS, *Papal Monarchy...* [see n. 18], p. 549; HARVEY, *Episcopal Appointments...* [see n. 18], p. 133–134.



always the case, as the examples above have demonstrated, the *quid pro quo* nature of papal diplomacy clearly influenced executorial decisions.

A desire to curry favour at the papal curia appears to have had some influence on the decisions of executors regarding papal provision, and the register of John Peckham once again reveals his strong desire to maintain close ties with the pope and his cardinals. For example, one month after his apology to Benedict, in June 1282, he wrote another fawning letter to a different cardinal, Girardus Blancus, cardinal bishop of Sabina, to inform him that he *would* grant a benefice to Simon de Cruce.<sup>57</sup> These friendly networks of contacts compromised the role of the executor as an impartial investigator: the very fact that Peckham was issuing letters to cardinals on the matter is proof of that. Furthermore, in making his promise to Girardus, the archbishop showed concern that the youthful Simon should brush up on his grammar, "which so far does not exceed the early training of adolescence."<sup>58</sup> It appears that in this case Peckham was indeed bending the rules in order to win the cardinal's favour. The archbishop nevertheless showed concern for pastoral care, albeit motivated by the selfish desire to reduce his own risk in making the appointment ("volentes ut nostro periculo ordinetur").<sup>59</sup> Yet his previous refusal to provide Bartholomew of Ferentino demonstrates that, despite being willing to connive with cardinals in the furtherance of their nepotistic aims, even the most agreeable executors might resist the provision of papal kinsmen to benefices with cure of souls if they were clearly incompetent of rendering pastoral care to the local populace.

<sup>57</sup> *Registrum epistolarum Fratris Johannis Peckham...* [see n. 45], vol. 1, p. 369–370 (n° 285).

<sup>58</sup> "Proinde, reverendissime domine, etsi cessaret titulus majestatis vestrae, quam tenentur omnes Catholici revereri, quem etiam Deus conservet ad sui nominis gloriam et honorem, nos tamen essemus parati, novit Altissimus, vestris beneplacitis famulari, et idcirco clericum vestrum Simonem de Cruce, bonae indolis juvenem, ut videtur, recollegimus in gratiam, intendentes ei ob vestri reverentiam in competenti beneficio providere; volentes ut nostro periculo ordinetur et proficiat in aliquo ampliori lumine literarum, qui adhuc non transcendit puerilia rudimenta.": *ibid.*

<sup>59</sup> *Registrum epistolarum Fratris Johannis Peckham...* [see n. 45], vol. 1, p. 370.

The problem with the examples of refusals presented here is that they are relatively few in number. Whilst they clearly illustrate that executors exercised significant power over papal provisions, they beg broader contextualisation through statistical analysis in order to ascertain how common such resistance might have been. Unfortunately this is hampered by the somewhat patchy survival of 13<sup>th</sup>-century episcopal registers. Far more registers survive from the end of the century than the beginning, and those registers that have survived are not complete records of all issued documents.<sup>60</sup> Similarly, whilst an incredibly large volume of episcopal acta are extant in the original or in copies, survivals tend to be weighted towards privileges and the settlement of legal disputes—the documents which religious houses wanted to hang on to.<sup>61</sup> As a result it is not possible to draw any meaningful statistical conclusions from the letters of executors which refused papal provision orders alone. One can, nevertheless, turn to other surviving episcopal documents in order to gain an idea of how many papal providees successfully took possession of benefices, in comparison with those pursuing collation through native systems of patronage.

Considering the Institution Rolls of Hugh of Wells, bishop of Lincoln (1209–1235), C.H. Lawrence noted that "of some 2,400 institutions to benefices, only 31 are in favour of aliens, of whom 16 are members of the Roman Curia or relatives of cardinals."<sup>62</sup> Such figures make the impact of papal provision seem insignificant in the extreme, although the situation would naturally have

<sup>60</sup> For the surviving registers, readers are directed to: *Guide to Bishops' Registers of England and Wales: A Survey from the Middle Ages to the Abolition of the Episcopacy in 1646*, David M. SMITH (ed.) (Royal Historical Society Guides and Handbooks, 11), London, 1981. On the incomplete nature of episcopal registers, see: *Id.*, *Thomas Cantilupe's Register: The Administration of the Diocese of Hereford 1275–1282*, in *St Thomas Cantilupe, Bishop of Hereford: Essays in his Honour*, Meryl JANCEY (ed.), Hereford, 1982, p. 83–101 (84–85).

<sup>61</sup> Christopher N.L. BROOKE, *English Episcopal Acta of the Twelfth and Thirteenth Centuries*, in *Medieval Ecclesiastical Studies in Honour of Dorothy M. Owen*, M.J. FRANKLIN and Christopher HARPER-BILL (eds) (Studies in the History of Medieval Religion, 7), Woodbridge, 1995, p. 47.

<sup>62</sup> LAWRENCE, *Thirteenth Century...* [see n. 18], p. 149. The rolls of Hugh of Wells are printed in *Rotuli Hugonis de Welles, Episcopi Lincolnensis, A.D. MCCIX–MCCXXXV*, W.P.W. PHILLIMORE, F.N. DAVIS, and H.E. SALTER (eds), 3 vols. (CYS 1, 3–4), London, 1907–1909.

fluctuated across the country and across the century. Lawrence also drew attention to the list of prebendaries of Salisbury cathedral, made at some point between October 1226 and February 1227.<sup>63</sup> From the list of 52 prebendaries, he noted the presence of three French abbots, which "is explained by the structure of the chapter's estates", and five Italians—a little less than ten-percent of the total.<sup>64</sup> Whilst Lawrence considered this "a more serious problem" than the situation in Lincoln diocese, a total of five prebends of not insignificant value, whilst certainly a small financial burden, does not appear especially exploitative.<sup>65</sup>

Lawrence's examples are taken from the early 13<sup>th</sup> century, and scholars all state that the system of provisions developed throughout that century, reaching its pinnacle in the 14<sup>th</sup>.<sup>66</sup> It is therefore worth taking a sample from the very end of the 13<sup>th</sup> and beginning of the 14<sup>th</sup> centuries, and the register of Richard of Swinfield, bishop of Hereford, furnishes the scholar with a long list of institutions to benefices (and their patrons) from 1283 to 1317.<sup>67</sup> Richard's register records exactly 600 institutions, of which only two are the result of papal provision.<sup>68</sup> This exceptionally low figure correlates well with those pointed out by Lawrence. Yet whilst extremely suggestive, the headline figures can only tell us so much, and it must be noted that the 600 institutions of Richard of Swinfield also contain appointments where the patron is not named. These could be papal provisions, although most appear to be English candidates rather than aliens. Whilst in need of a more detailed analysis that is beyond the scope of the present article, the small number of papal providees suggests that English bishops may have exercised their right to refuse provision re-

<sup>63</sup> Originally printed in *Vetus Registrum Sarisberiense alias dictum Registrum S. Osmundi Episcopi*, W.H. Rich JONES (ed.), vol. 2, RS 78 (London, 1884), p. 70–75; reprinted in *Fasti IV...* [see n. 50], p. 139–141.

<sup>64</sup> LAWRENCE, *Thirteenth Century...* [see n. 18], p. 149.

<sup>65</sup> *Ibid.*

<sup>66</sup> See SMITH, *Development of Papal Provisions...* [see n. 11].

<sup>67</sup> *Registrum Ricardi de Swinfield, Episcopi Herefordensis*, A.D. MCCLXXXIII–MCCCXVII, William W. CAPES (ed.) (CYS 6), London, 1909, p. 524–544.

<sup>68</sup> Amedeus fitz-Peter de Marnay: *Registrum Ricardi de Swinfield...* [see n. 67], p. 533, and John Goty: *ibid.*, p. 537.

quests more often than has been recognised.<sup>69</sup> This evidence from the diplomatic sources illustrates the dangers of taking narrative sources such as Matthew Paris at face value.

Turning our attention back to problems with the system of investigation, there were others besides nepotistic chicanery. In addition to technical errors with mandates of execution, and hostility from ordinary collators, investigation for the enactment of papal graces could also be rendered ineffective by inaction on the part of the executors or their officials.<sup>70</sup> In 1305 the archbishop of Canterbury, Robert Winchelsey, issued a dispensation to John Everard, a clerk of Faversham, allowing him to take orders and receive a benefice with cure of souls.<sup>71</sup> Everard had a troubled conscience over his peripheral role in the condemnation to death of two women who had murdered his sister. After petitioning Pope Nicholas IV in 1290, Winchelsey's predecessor as archbishop, John Peckham, was ordered to investigate. The commission ordered by Peckham had no effect, and Everard had to petition once more (this time the recipient of the petition was Winchelsey) in order to bring about a result. The unfortunate John Everard was therefore forced to wait fifteen years before finally being dispensed. The personality and conscientiousness of individual executors could therefore be instrumental in determining the experiences of petitioners, who had to show a certain amount of tenacity and persistence in order to see their case through the system successfully.

Although the Plympton case referenced at the beginning of this essay was given as a good example of a bishop taking firm action in response to the uncovering of deceit, it is in itself proof that the claims of Plympton priory were not properly investigated when they first took possession of Dean Prior. Another case that Walter Bronescombe had to deal with also stemmed from

<sup>69</sup> I plan to conduct such a research project on papal provision in 13<sup>th</sup>-century England.

<sup>70</sup> See MONTAUBIN, *L'opposition à la centralisation pontificale...* [see n. 6], p. 227.

<sup>71</sup> *Registrum Roberti Winchelsey, Cantuariensis Archiepiscopi, A.D. 1294–1313*, Rose GRAHAM (ed.), 2 vols. (CYS 51–52), Oxford, 1952–1956, vol. 1, p. 494–496. The classic study of Winchelsey (although focused on Church-State relations) remains Jeffrey H. DENTON, *Robert Winchelsey and the Crown, 1294–1313: A Study in the Defence of Ecclesiastical Liberty* (Cambridge Studies in Medieval Life and Thought, 14), Cambridge, 1980.

inadequate enquiries by the initial executors of papal mandates. In 1271 he witnessed a voluntary renunciation by Master Roger de Campden, who admitted to lying about being collated to a canonry and prebend in Exeter cathedral by Pope Clement IV (1265–1268) and then subsequently taking possession.<sup>72</sup> It seems therefore that the safeguards supplied by diplomatic clauses such as *si ita est* were only as effective as the executor of the mandate. Bronescombe appears to have been particularly diligent in fulfilling his role, but it is clear that some of his peers were not, and that they fell victim to the fraudulent behaviour of some petitioners *per falsi suggestionem*.

A good example to illustrate the problem of fraud in the papal petitionary system—and the effective operation of the safeguards built into that system—dates from the pontificate of Gregory IX. In this instance, the plaintiff's cause was not only flimsy, but based on bald-faced lies. Laurence, chaplain of St Nicholas in the Shambles, London, presented a petition to the pope in 1234 for redress regarding an annual pension of sixty shillings which he paid to the dean and chapter of St Martin-le-Grand.<sup>73</sup> Laurence claimed in his petition that the pension that he was required to pay had been increased without his consent, in contravention of canon 32 of the Fourth Lateran Council.<sup>74</sup> On the face of it, the pope was presented at his curia with a poor chaplain who was allegedly the victim of extortion. Gregory appointed Roger Niger, bishop of London, as judge delegate to hear the case. The outcome of the case upon investigation in 1236 was surprisingly straightforward. Laurence admitted that the pension had not been increased as he had claimed, and he swore to pay it in future and to surrender any further right of appeal on pain of immediate deprivation by the dean and chapter.<sup>75</sup> The bishop also ordered Laurence to hand over the two years' worth of pension arrears that had gone unpaid while the case was underway.

<sup>72</sup> *Register of Walter Bronescombe*... [see n. 1], vol. 2, p. 50 (n° 859).

<sup>73</sup> *EEA*, vol. 38, p. 25–27 (n° 36).

<sup>74</sup> *Decrees of the Ecumenical Councils*, Norman P. TANNER (ed.), 2 vols., London, 1990, vol. 1, p. 249–250.

<sup>75</sup> "Laurencius, saniori ductus consilio et veritate super hiis diligenter inquisita, in iudicio constitutus sponte conficiendo recognovit dictam pensionem sexaginta solidorum esse prefatis decano et capitulo ab ecclesia santi Nicolai in Macell' Lond' ab antiquo de iure debitam et in nullo contra Lateran' concilium augmentatam": *EEA*, vol. 38, p. 26 (n° 36).

Laurence had brought an entirely fabricated case to the Roman curia that lacked any basis in fact whatsoever, and he had also lied in person to the papal officials. That Laurence achieved absolutely nothing through making his false appeal, and that his deceit was uncovered, indicates that the safeguards in the papal petitionary system could, and did, function adequately. It is possible that this was an instance of the type of appeal signaled by Christopher Cheney, that litigants might take advantage of the delays caused by the distance between England and Rome to create frustratory delays when they were certain of defeat.<sup>76</sup> It seems plausible that Laurence engaged in this false litigation simply to buy himself time to raise the money and pay the pension, thus avoiding deprivation from his benefice. In the end, of course, Laurence gained absolutely nothing, for the judge delegate gave his sentence ordering the payment of arrears, while the cost of travelling to the papal curia to present the petition must have been considerable.<sup>77</sup> Other cases of fraud in the award of papal graces, however, could go undetected until more careful attention was paid to the claims made in the original petitions, such as the case of Plympton and the church of Dean Prior, or until the perpetrator confessed, such as the case of Master Roger de Campden.

In concluding, it is worth reiterating Barraclough's point that the efficacy of the executorial system was heavily influenced by the conscientiousness of individual prelates, who were essentially gatekeepers to English livings.<sup>78</sup> There can be no denying that successive popes and their cardinals exerted pressure on executors to appoint their kinsmen to English benefices, that they were often successful and that this caused resentment, which manifested itself in the venomous jibes of Matthew Paris. Yet, contrary to the arguments of Baier, and those who have exaggerated the voracious

<sup>76</sup> C.R. CHENEY, *From Becket to Langton: English Church Government 1170–1213*, Manchester, 1956, p. 63.

<sup>77</sup> On judges delegate, the classic study is Jane E. SAYERS, *Papal Judges Delegate in the Province of Canterbury, 1198–1254: A Study in Ecclesiastical Jurisdiction and Administration* (Oxford Historical Monographs), London, 1971. See most recently, Barbara BOMBI, *The Role of Judges Delegate in England: The Dispute between the Archbishops of Canterbury St. Augustine's Abbey in the Thirteenth Century*, in *Legati e delegati papali: Profili, ambiti d'azione e tipologie di intervento nei secoli XII–XIII*, Maria Pia ALBERZONI and Claudia ZEY (eds), Milan, 2012, p. 221–259.

<sup>78</sup> BARRACLOUGH, *Executors of Papal Provisions*... [see n. 5], p. 126.

attitude of the papacy in the operation of the provisions system, the executors were not powerless to oppose this encroachment. The refusal of Peckham—who always worked hard to ingratiate himself with the cardinals—to collate Bartholomew de Ferentino is a strong indication that the basic standards had to be met before a cleric was beneficed. The claims by Matthew Paris and subsequent historians that vast swathes of those beneficed as a result of provision were incompetent and unworthy therefore appear to be hyperbole—it was in the executors' best interests to block such unworthy provisors, so as to defend their own valuable powers of patronage and to ensure good standards of pastoral care in their dioceses. One fruitful avenue for further research would be to assess in greater detail the nature of the friendship networks that existed between bishops and the papal curia, and to what extent nepotistic promotion through papal provision was enabled by the English episcopate. Another could be to investigate how the pope, chancery and penitentiary divided their work, as well as the question of why it was that the pope sometimes instructed the executors, and at other times the cardinal penitentiary.

While the processes were not without their problems, evidence can be found for the conscientious fulfilment of the office of executor by a range of the English episcopate in the 13<sup>th</sup> century. The thoroughness of executors was heavily dependent on the individuals in question, some of whom were more effective than others. Yet even on the occasions when a deceitful supplicant succeeded in beating the system, or prelates failed in their duties, a just outcome at some point in the future always remained a possibility given time, a different set of investigators, and persistence on the part of the aggrieved. *Si ita est* and its equivalents were by no means foolproof, but these diplomatic safeguards proved broadly effective, and played a key role in the administration of papal grace in medieval Christendom.

Trinity College, Dublin  
College Green  
Dublin 2  
IRELAND

Thomas W. SMITH

*Summary.* — This article is the first to analyse the role of papal executors in scrutinising the veracity of petitions for papal graces (such as provision to a Church benefice, or dispensation from illegitimate birth)

in 13<sup>th</sup>-century England. It sheds light on the office of executor—the linchpin of the papal provisions system—which has traditionally remained obscure for this period. By demonstrating that executors could and did refuse papal mandates for provision, this article draws into question the arguments of scholars who claim that swathes of illiterate foreign providees were crippling English pastoral care and exporting huge sums of ecclesiastical revenue from England.

*Résumé* — Cet article est le premier à analyser le rôle des exécuteurs pontificaux dans le contrôle de la véracité des pétitions pour grâces papales (comme la collation d'un bénéfice ecclésiastique, ou la dispense en cas de naissance illégitime) au 13<sup>e</sup> s. en Angleterre. Il met en lumière la fonction d'exécuteur — le pivot du système de collations papales — qui est toujours restée obscure pour cette période. En démontrant que les exécuteurs pouvaient refuser les mandats pontificaux pour la collation — et le faisaient à l'occasion —, cet article remet en question les arguments de chercheurs qui prétendent que des bandes de bénéficiaires étrangers analphabètes paralysaient la pastorale anglaise et exportaient d'énormes sommes de revenus ecclésiastiques hors d'Angleterre.

*Zusammenfassung.* — Dieser Artikel ist der Erste, der die Rolle der päpstlichen Exekutoren in England im 13. Jhdt. analysiert (beispielsweise die päpstlichen Provisionen oder Dispense). Der Artikel beleuchtet das Amt der Exekutoren (der Dreh- und Angelpunkt des Systems päpstlicher Provisionen), dass traditionell undurchsichtig für diesen Zeitraum geblieben ist. Weiterhin demonstriert der Artikel, dass Exekutoren die Befehle für päpstliche Provisionen ablehnen konnten. Dieser Aufsatz kritisiert die Argumente der Wissenschaftler, die behaupten, dass viele fremde Kleriker keine richtige Seelsorge in England betrieben haben und dass sie viel Geld von England exportierten.