

BISHOPS, SAINTS, AND HISTORIANS

Studies in the Ecclesiastical History of
Medieval Britain and Italy

Robert Brentano and edited by William L.
North

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Robert Brentano

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Studies in the Ecclesiastical History
of Medieval Britain and Italy

Edited with an introduction
by William L. North

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INTRODUCTION

Born on 19 May 1926 in Evansville, Indiana, Robert Brentano grew up on the banks of the Ohio River in a town of vivid, Midwestern landscapes, Civil War memories, and diverse but binding religiosity. Scenes, tones, and people from these years and this place, he believed, played a decisive role in the formation of his sensibilities as a historian.¹ He entered Swarthmore College in Pennsylvania in 1943, and a year later was called up for service in the US Army, becoming a specialist in Japanese and serving as a translator at the War Crimes Tribunal in Manila. He returned to Swarthmore in 1947 and completed a BA in history, studying with medievalists George Cuttino² and Mary Albertson who kindled his interest in medieval documents and administration and his pleasure in archives.³ At the same time, however, he also completed a second

¹ For the biographical sketch that follows I have drawn on a number of published interviews and memoirs in addition to Brentano's own writings, esp. "Bishops and Saints" (= no. XXVII here), "The Pleasures of Provincial Archives," in *A Distinct Voice. Medieval Studies in Honor of Leonard E. Boyle, O.P.*, eds. Jacqueline Brown & William P. Stoneman, Notre Dame, IN 1997, 3–13 and "Preferences in History," *Speculum* 75:4 (2000): 787–93 (available through JSTOR). Particularly useful were: "A Conversation with Professor Robert Brentano," *Clio's Scroll* 1:1 (2001): 5–14; Thomas Bisson, "Memoir," *Proceedings of the American Philosophical Society* 149:2 (2005): 244–8 (Stable URL: <http://www.aps-pub.com/proceedings/1492/490209.pdf>); Gene Brucker, Gerard Caspary, Sheldon Rothblatt, & Randolph Starn, "In Memoriam." (Stable URL: <http://www.universityofcalifornia.edu/senate/inmemoriam/robertjamesbrentano.htm>); and Antonio Rigon, "Il colore delle anime: in memoria di Robert Brentano," in *Chiese e notai (secoli XII–XV)*. *Quaderni di storia religiosa* 11, Verona: Cierre Edizioni 2004, pp. 15–22. On the civil war and religion in Norfolk, see his "Identities and National Formation: Does Religion Integrate or Disperse Communities? *Ren tong yu guo jia : jin dai Zhong xi li shi di bi jiao. Identities and National Formation: Chinese and Western Experiences in the Modern World* (= *Zhonghua min guo Taibei Shi Nan'gang: Zhong yang yan jiu yuan jin dai shi yan jiu suo* 83), Nankang, Taipei, Taiwan: Institute of East Asian Studies; UC Berkeley; Institute of Modern History, *Academia Sinica* 1994, 435–37 (no. XVIII here).

² For a brief appreciation of Cuttino's career and scholarship, see E.A.R. Brown, Bryce Lyon, and C.T. Wood, "George Peddy Cuttino," *Speculum* 67:3 (1992): 790–91 (also available through JSTOR).

³ His experiences with Swarthmore medievalists are warmly remembered in Brentano's "Bishops and Saints" (no. XXVII 29–30) and with greater specificity in "Preferences in History," 788.

BA in English, a dual interest about which he later remarked, “When I was at Swarthmore, I was equally committed to medieval history and Victorian poetry. In a way, I am always trying to make the two things meet. It really is a sort of basic tension, and I think it explains, or is at least consistent with, the way I work.”⁴ This interest in Victorian literature later found concrete expression in Brentano’s preparation of a number of entries for the *Grolier Encyclopedia International* on nineteenth-century authors like novelists Jane Austen and the Brontës and poets Arthur Hugh Clough and Alfred Tennyson. Yet his literary sensibilities can also be readily perceived in his frequent allusions to literature and his striking and sustained attention to the complexities of writers and writing in the Middle Ages, not to mention his own very distinctive and deliberate style of prose. Literature helped Brentano think about history because it helped him think about people.⁵

After winning a Rhodes Scholarship to Oriel College, he found an intellectual home among the Oxford community of medievalists. As he looked back to the years 1949–1952, he saw in historians F.M. Powicke, V.H. Galbraith, Kathleen Major, and W.A. Pantin particularly important mentors in both personal and scholarly ways. His deep, and sustained, admiration for Powicke’s qualities as a historian emerges clearly in his assessment of Powicke’s *Thirteenth Century*: “its tight, uncompromising execution of a fantastically elaborate but fully imagined pattern, just at the edge of human comprehension, never cheapened by labeling phrases, but expressed complexly in the reflecting arrangement of exact and exactly described particulars – this it seems to me is the real book of history. . . .”⁶ The contribution of Galbraith⁷ and Major was rather different, for it was their respective insistence on the importance of the “single parchment, perfectly exposed or understood”⁸ and Major’s qualities as a teacher that further inspired and deepened Brentano’s passion for and understanding of medieval documents and the institutions and individuals that produced them.⁹ As he

⁴ “Bishops and Saints,” in *The Historian’s Workshop. Original Essays by Sixteen Historians*. Ed. L.P. Curtis, Jr. New York, NY: Alfred P. Knopf 1970, pp. 25–45 at 26 (no. XXVII here).

⁵ See “Bishops and Saints,” p. 25.

⁶ *Ibid.*, p. 30. He maintained this judgment 33 years later; “Preferences in History,” 792. For an appreciation of Powicke’s life and writings, see R.W. Southern’s memoir, “Sir Maurice Powicke,” *Proceedings of the British Academy* 50 (1964): 275–305.

⁷ On Galbraith, see R.W. Southern’s memoir, “Vivian Hunter Galbraith, 1889–1976,” *Proceedings of the British Academy* 64 (1978): 397–425. Stable URL: <http://www.proc.britac.ac.uk/tfiles/395584A/64p397.pdf>. Galbraith’s almost electric teaching style and intellectually stimulating presence, as described by Southern, resonates strikingly with the experience of being in Brentano’s company.

⁸ Brentano, “Bishops and Saints,” p. 30.

⁹ On Kathleen Major’s life, see G.W.S. Barrow, “Kathleen Major, 1906–2000,” *Proceedings of the British Academy. Biographical Memoirs of Fellows* I 115 (2002; published in 2006): 319–29.

later noted, “The purest excitement I find in history is still, and from that time, looking at a new, strange document in a set of archives,”¹⁰ and evidence of this excitement and fascination with medieval records pervades his monographs as well as his essays.¹¹ Pantin, too, taught Brentano,¹² and when one compares the two men’s works, one cannot help but note the family resemblance between the themes and methods of Pantin’s *The English Church in the Fourteenth Century*¹³ and those that shape much of Brentano’s work.¹⁴ Both grappled with the complexity of the lived reality of the medieval Church and the individuals whose lives shaped and were shaped by it, and both showed a keen awareness of the power of the individual example not to define or to create generalities but to reveal the possibilities of medieval religious life and practice and to crack stereotypes and easy labels. Brentano also shared with Pantin a strong interest in architecture and ability to understand the way in which the built environment often eloquently expressed, even as it powerfully shaped, human character. Most significantly, Brentano and Pantin agreed on the essence of research: “to take a body of texts and documents and find out all one can about them,”¹⁵ an approach Brentano consistently pursued, whether the documents be in York and Durham, Amalfi, Rome or Rieti.

Completing his dissertation on “York Metropolitan Jurisdiction and Papal Judges Delegate, 1279–1296” in 1952,¹⁶ Brentano was hired by the History Department at the University of California, Berkeley to teach courses on the medieval history of England. Save for several years as a visiting professor at Princeton University, Swarthmore College, and Emory University, Brentano devoted the next fifty years to teaching with energy and skill Berkeley’s undergraduate and graduate students. In recognition of this devotion to the life and students of UC Berkeley, Brentano was chosen “California Professor of the Year” in 1986 and in 1991 received from Berkeley’s Academic Senate the

¹⁰ No. XXVII 31. See also, “Preferences in History,” 780–92, where he develops the portrait of Gailbraith and his contrast with Powicke at greater length.

¹¹ See, for example, nos. III, IV, VI, and XXI here.

¹² On Pantin’s life and teaching at Oxford, see the warm memoir of M.D. Knowles, “William Abel Pantin, 1902–1973,” *Proceedings of the British Academy* 60 (1974): 447–58. Stable URL: <http://www.proc.britac.ac.uk/tfiles/382663A/60p447.pdf>.

¹³ Cambridge 1955; repr. as *Medieval Academy Reprints for Teaching* 5, Toronto 1980.

¹⁴ It is important here to note that, although Brentano deeply respected his teachers and saw himself as shaped by them, he nonetheless could be critical of them on general matters and specific points and, likewise, continued to develop as a scholar in different and, sometimes, contrary directions. In his interview with the Berkeley History Department’s undergraduate journal, *Clio’s Scroll*, for example, after noting that Powicke’s *Thirteenth Century* was the “the right way to write history”, he then remarked that he had “spent his life rebelling against that.” (9)

¹⁵ Knowles, “Pantin,” p. 449.

¹⁶ Published as a monograph by University of California Press in 1959.

Clark Kerr Medal for Distinguished Leadership in Higher Education for his dedication to teaching and to bettering the life of the University. At the same time, his experience of teaching at Berkeley – the texts taught year after year, the relationships with students, faculty, and administrators, the opportunity to witness and participate in the lived reality of a powerful institution developing in tension with ideals and material and political realities – provided a fundamental and ongoing stimulus to Brentano’s scholarship. Like a new document or archive, the encounter between an individual mind and a medieval source never ceased to present Brentano with questions and insights that deepened, enlarged, or turned on their heads his own long-considered ideas. As colleagues acutely observed in their memorial to him, “Teaching was neither a sideline nor a surrogate but of a piece with his work as a historian.”¹⁷ For those who taught with him as graduate students, his profound commitment to his undergraduate students was ever visible and transformative.

If Oxford University and the University of California, Berkeley were communities that exercised a decisive influence on Brentano’s development as a historian, a third must be the large community that Brentano himself created through decades of living and working in Italy, visiting its many archives – small and large, secular and ecclesiastical – and getting to know the university scholars, archivists, and local *eruditi* who preserved and revealed the remains of the medieval Italian church.¹⁸ As an outsider and an American, Brentano relied appreciatively on the books, articles, editions, and personal acts of kindness of members of this community to help him to enter into the specific histories of their towns, documents, and ecclesiastical institutions, and he was, especially in his articles, always frank in recognizing these debts.¹⁹ A particularly important element of this community came to be what Brentano saw as the “school” of Paolo Sambin, professor at the Università di Padova, that includes such scholars as Antonio Rigon, Giorgio Cracco, Giovanni De Sandre Gasparini, Fernanda Sorelli, and others. Their names and works fill Brentano’s footnotes; they are regular interlocutors in his own investigations, not least because of the particular ability of their works to “pare away any historiographic rhetoric that might obscure the actual sources that lie in relative abundance” in local and

¹⁷ Gene Brucker, Gerard Caspari, Sheldon Rothblatt, & Randolph Starn, “In Memoriam.” (Stable URL: <http://www.universityofcalifornia.edu/senate/inmemoriam/robertjamesbrentano.htm>). His interest in teaching medieval history through primary sources is also evident in the source collection *The Early Middle Ages 500–1000*, which he edited in 1964.

¹⁸ This variety is well expressed in Brentano’s review essay “Italian Ecclesiastical History: The Sambin Revolution,” *Medievalia et humanistica*. New series. 14 (1986): 189–97 at 192–3 (no. XXVI here).

¹⁹ These experiences are recounted with particular warmth and insight in Brentano’s “The Pleasures of Provincial Archives.”

state archives and their possession of “a kind of pure austerity of vision” and essential “concern with social problems.”²⁰

Over the course of his career, Brentano published four major monographs that track his growing interest and engagement in Italian local history even as they continued to manifest the ongoing importance of medieval English sources, examples, structures, and historians in his thought. His dissertation and first book, *York Metropolitan Jurisdiction and Papal Judges Delegate, 1279-1296*,²¹ seems, at first glance, a straight-forward contribution to medieval English administrative and ecclesiastical history. Circumscribed in time, space, and historical focus, it examines the late thirteenth-century efforts of the archbishops of York, especially William Wickwane and John Romeyn, to organize their archdiocese and to bring its suffragan sees under their closer supervision; the long-running resistance of the see of Durham to these efforts at subordination; and the eventual resolution of the conflict under the auspices of England’s king and his agents. It is a study filled with meticulously tracked and described procedural maneuvers, complex legal arguments, individual people – explicitly named though often only partially known and visible – and intricate networks of influence and rivalry that extend to the papal and royal courts alike. Yet in its refusal to generalize and extrapolate, its embrace of difference, nuance, contradiction, and its careful but constant insistence that, behind every document, every argument, every legal maneuver, there stood people with ideas, dreams, limits, and strengths – however partially they have survived in the historical record – the monograph reveals the most important aspects of Brentano’s historical sensibility. And in its over seventy pages of edited documents included as appendices, *York Metropolitan Jurisdiction* shows the palpable place that Brentano wished medieval documents – their physical form as well as their language – to play in the reader’s understanding of these actions and thoughts. The articles published at this time (nos. I, II, XXI here) bear early witness to both this particular approach to medieval sources and Brentano’s larger fascination with the administrative workings of the medieval church and their potential to reveal with greater sharpness the lives of people and institutions.

His next, and perhaps his best known and most widely read work, *Two Churches: England and Italy in the Thirteenth Century*,²² demonstrated Brentano’s already profound engagement with Italian ecclesiastical history and

²⁰ “Preferences in History,” 792.

²¹ University of California Publications in History 68, Berkeley, CA: University of California Press, 1959.

²² Princeton, NJ: Princeton University Press, 1968; reprinted with his additional essay “Bishops and Saints” Berkeley, CA: University of California Press, 1988. (Stable URL of 1968 edition: <http://hdl.handle.net/2027/heb.01042> (ACLS Humanities E-book subscription required)). I quote from the 1988 edition.

the diverse fruits of more than a decade of painstaking work in archives all over Italy. He once insisted that, in writing this book, he had “wanted to break something,” “to protest against everything ‘vague and arranged and fine’ on the dead surface of contemporary historical writing, to shout like Thomas Carlyle or Gertrude Stein, that life and truth, present or past, are rough, difficult, and to be felt.”²³ Yet it is also clear that he was seeking to create something: a sense of the medieval Italian Church as a whole combined with a sense of the diversity of institutional cultures or styles that shaped and energized the life of the medieval Church and the individuals inhabiting it. He did so, however, not through generalizations, definitions, and illustrative examples. His method was instead to juxtapose carefully chosen examples and, moving his reader around the Italian peninsula, to pile up case upon case, each drawn from the documentary remains of the actions of Italian churches and monasteries and narrated in distinguishing detail. Consequently, far from painting with broad brush strokes and smoothly blended colors, Brentano presented the medieval Italian Church to his reader’s eyes in the manner of a pointillist painter, with each piece of evidence left discrete, with the boundaries of what it says and does not say sharp and visible. Each point, in turn, represented the distilled essence of detailed studies of cases, complaints, disputes, transactions, and people, each conducted in a manner very much like that seen on a grander scale in *York Metropolitan Jurisdiction*. When these points come together in the individual reader’s mind, an image – indeed, a vivid one – of the whole does arise but it is an image that never quite becomes solid itself but rather shimmers and shifts as the points of evidence – still in dynamic tension with each other because distinct – continue to assert their independent presence and indeterminate meaning for the whole. Or, as Brentano himself described it in the conclusion of *Two Churches*:

The two contrasting churches that have been built in this book are not meant to be fixed and permanent structures. Like temporary festa altars, they are for a time and place; and there is about them some of the deliberate hyperbole of impermanence. They are meant to expose the thirteenth-century church without pretending that they expose it more effectively than other comparisons and other approaches could.... These national church buildings can be dismantled, obviously, and the materials which were used to build them reassembled in other combinations.²⁴

²³ “Saints and Bishops,” p. 25; later, in his preface to the paperback edition of *Rome Before Avignon. A Social History of Thirteenth-Century Rome*, Berkeley, CA: UC Press 1974; paperback edition 1990, p. ix, he expressed his own doubts about how bold *Two Churches* had managed to be in the end as a way of explaining, in part, the even more unconventional shape of *Rome Before Avignon*.

²⁴ *Two Churches*, p. 346.

The substantial series of focused, often document-centered, articles that appeared from 1957 until 1967 (including nos. III, IV, XXV here) bears eloquent witness to Brentano's gradual accumulation of his "building materials" in the various archives, large and small, around Italy. His articles also make explicit the kind of meticulous and imaginative analysis of the form, content, and institutional context of the medieval documentary evidence that stands behind each "point" of Brentano's picture of the thirteenth-century Church.²⁵

In explaining his decision to turn, after his dissertation, to investigate the medieval Italian Church, Brentano once remarked that his inability, as an American, to become, or to be allowed to become, a genuine local European historian had led him to pursue the kind of comparative approach and larger questions that one sees in the *Two Churches*.²⁶ Yet in his last two monographs, *Rome Before Avignon: A Social History of Thirteenth-Century Rome*²⁷ and *A New World in a Small Place: Church and Religion in the Diocese of Rieti, 1188–1378*,²⁸ one can see him struggling against this limit and succeeding, in many respects, in becoming a true practitioner of local history, whose value, as he later remarked, "is to show what its historian thinks he knows happened, knows existed, in its one place – to offer that pure to other historians – not to fill in what must have happened, what reasonably would have happened."²⁹ Acutely conscious of the limits of their knowledge, local historians nonetheless find in the tangible reality of their medieval evidence even firmer grounds on which to speak about specific people doing, writing, saying specific things at specific times, that is, to recover fragments, but solid, durable fragments, of a reality as lived and recorded. Bold and experimental in style and structure, *Rome Before Avignon* attempted to do precisely this with the imaginative and spiritual capital of the medieval world. It "tried to recreate, or create, a thirteenth-century Rome in which a reader might feel that life as he or she understood and sensed it could in fact have existed.... What I meant to be writing about was living in thirteenth-century Rome."³⁰ To do this, as he himself noted, Brentano wrote with a heightened attention to the sensory and sensual dimensions of the city, its people, and their documents. He

²⁵ In this context, his reviews of both Peter Herde's *Beiträge zum papstlichen Kanzlei- und Urkundenwesen im 13. Jahrhundert* (1964) and Decima Douie and D.H. Farmer's edition of the *Life of St Hugh of Lincoln* (1964) are also relevant.

²⁶ "Bishops and Saints" (no. XXVII here), p. 33.

²⁷ New York: Basic Books, 1974. Reprint Berkeley, CA: University of California Press, 1990. I cite from the 1990 edition. (Stable URL of 1990 edition: <http://hdl.handle.net/2027/heb.00818> (ACLS Humanities E-Book Subscription required)).

²⁸ Berkeley, CA: University of California Press, 1996. Stable URL: <http://ark.cdlib.org/ark:/13030/ft9h4nb667/> (public access).

²⁹ *A New World in a Small Place*, p. 12.

³⁰ *Rome Before Avignon*, p. ix.

also framed his investigations with basic questions like “what was the city like as a place?” or “who ruled Rome?” or “who were the popes and what did it mean to be pope?” As in the *Two Churches*, Brentano pieced together answers to such questions – partial and provisional even as they were sharp and forceful – from close, sensitive readings of individual sources such as the pilgrimage narrative of Master Gregorius, the *Life of Innocent III*, or the testimony from the posthumous trial of Boniface VIII and the patient accumulation (though never statistical tabulation), analysis, and detailed narration of the human activities and expressed thoughts found in hundreds and hundreds of surviving documents, ranging from account books, to charters, to notarial instruments, to wills and testaments. From this mass of lived detail that encompassed the most mundane as well as the most exalted, Brentano did not create a Rome than could be grasped, controlled, and redeployed in other scholarly campaigns but a Rome whose complexities and contrasts, whose sublime ideals and stark, even grotesque, realities, whose contentious, yet sometimes conjoined, families and *rioni*, constantly defeat attempts to define – even as they foster occasions to experience imaginatively – the place, its people, its rulers, and their experience of religion and life.

Along with his desire to recover fragments of the lived and remembered experience of medieval people and their institutions, in each of his monographic studies and in many of his articles Brentano also sought to discern and articulate the complex yet absolutely real connection between what people did with things and what people did with their hearts and souls. Indeed, when asked by a colleague what he truly sought to discover in the investigation of Rieti that led to his fourth book, he replied: “the color of men’s souls.”³¹ Yet, unlike many historians of the medieval church, Brentano believed that the answer to this question – insofar as there could be an answer – was to be found as much, if not more, in the complex ways in which people acquired, manipulated, distributed and fought over property, rights, and money as in the words of sermons, spiritual treatises, and saints’ lives (though these, too, bear witness to important realities). Thus, implicitly but forcefully, he rejected a strong modern, perhaps post-Protestant, tendency to separate and oppose the material and the spiritual, the religious and the social, that so often led the historian, when confronting a pile of charters documenting a monastery’s lands and revenue, to ask with sly naïveté: “Where’s the piety?” confident of receiving no reply. Instead, his working method and interpretations continually assert that

church and society are here not treated as, or believed to be, two different or separate entities, even ones seen as intricately interlocked... But insofar as a formal separation is imaginable, the material here will show, abundantly and

³¹ *A New World in a Small Place*, pp. 5–6.

unsurprisingly, that ecclesiastical and secular, spiritual and material, body and soul, are very fully absorbed in each other.³²

If in his study of the church in Rieti Brentano articulated most explicitly and developed most fully his own personal vision of historical method, it was perhaps because he found in the surviving richness and particular structure of Rieti's archives a body of material that he, as a non-local local historian, could in the end master.³³ "From the beginning," he noted, "and more so in the beginning, [the city and diocese] suggested a place of which the history, or at least the ecclesiastical and religious history for a century or so, might be controlled by one person, who could observe all the surviving documents and monuments and topography."³⁴ Such control took time, and over the course of the twenty years between the publication of *Rome Before Avignon* and the appearance of his study of Rieti, Brentano used articles, again, often focused on particular texts, to think through specific interpretive problems, such as were posed by the "autobiography" of Peter Morrone.³⁵ He also employed his shorter writings to probe boldly larger questions – like "What can a notarial cartulary tell us about religious sentiment?"³⁶ or "What did female piety look like in Rieti?" – through thought-provoking comparisons, whether with a contemporary Roman saint or heretics in far-off Norwich.³⁷ In the end, however, Brentano's time with Rieti – its documents, its buildings, its views and landscapes – allowed him to see and to show, with remarkable precision and concreteness, the nature of historical change (and implicitly continuity) as it came to be expressed in language, actions, and ideas, recorded in documents and images, and, always, brought into existence by the individual men and women of Rieti, acting alone or collectively.

When he died in the Fall of 2002, Brentano was in his fifty-first year of teaching – a record that is unlikely ever to be surpassed – and at work on his fifth monograph, which was to be an investigation of autobiographical presentations in thirteenth-century chroniclers.³⁸ How did the way in which chroniclers portray, organize, and explain the events and people of their world reveal the living mind of the author? What did chroniclers find worth describing and why?

³² *A New World in a Small Place*, p. 4.

³³ Brentano's experiences during his years of research in Rieti are mentioned in *A New World in a Small Place*, pp. 1–13, and vividly evoked in "The Pleasures of Provincial Archives," pp. 3–13.

³⁴ *A New World in a Small Place*, p. 5.

³⁵ Nos. XVI & XVII here.

³⁶ No. VI here.

³⁷ Nos. XII, XIII, XIV and XV here.

³⁸ "Sulmona Society and the Miracles of Peter of Morrone," in *Monks and Nuns, Saints and Outcasts: Religion in Medieval Society*, edd. Sharon Farmer and Barbara Rosenwein, Ithaca, NY, 2000, pp. 79–96 at 79 n.1 (no. XVII here).

How did the way in which chroniclers write relate to their conception of the locus and nature of truth about God, people, and their world? These were, in many respects, old questions for Brentano and ones he believed should be posed to all sources, documentary as well as narrative, modern as well as medieval. Yet in this last project, Brentano's deep and long-standing interest in the writers and writing of history moved to center stage, with medieval chroniclers and biographers receiving the same kind of meticulous attention as Brentano famously devoted to archival materials. The illuminating studies of Jocelin of Brakelond, Venimbeni da Fabriano, the Amalfitan historian Matteo Camera, William Stubbs, Frederick Maitland, to say nothing of the autobiographical study "Bishops and Saints" gathered together here³⁹ speak eloquently to Brentano's desire to explore the historian's task, both medieval and modern.⁴⁰ They also betray his conviction that the writing of history was ultimately an expression of the imagination, understanding, and creativity of real and complex individuals. And whether in chronicles or saints' lives, in wills or the dusty, seemingly insignificant, documents of dimly lit archives, it was these individuals whom Brentano sought to meet and perhaps to understand a little better through his own historical work.

The essays assembled here have been selected to offer a significant selection of Brentano's research on a variety of themes and problems. In particular, they have been chosen to illustrate the main preoccupations of Brentano's historical work: episcopal rule, diocesan structure and governance, and pastoral care (Bishops); expressions of sanctity and the role of saints in community (Saints); and historical narratives and their authors (History and Historians). Attention was also paid to choosing articles that would complement, rather than duplicate, discussions found in Brentano's monographs and also to making accessible articles published in more local scholarly venues in both the United States and Italy (e.g. nos. II, VIII, XII–XV, XVIII, XXV). This collection is thus intended not only to make Brentano's scholarship on specific issues more readily available to Anglophone and continental scholars but also, more importantly, to help readers understand more fully Brentano's aims and methods as a historian and to hear more distinctly his unique authorial voice.

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September 2007

³⁹ Nos. XIX through XXVII here.

⁴⁰ Brentano's book reviews, in this context, also reveal his interest in modern historians as authors; see the Bibliography of his works in this volume.

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PUBLISHER'S NOTE

The articles in this volume, as in all others in the Variorum Collected Studies Series, have not been given a new, continuous pagination. In order to avoid confusion, and to facilitate their use where these same studies have been referred to elsewhere, the original pagination has been maintained wherever possible.

Each article has been given a Roman number in order of appearance, as listed in the Contents. This number is repeated on each page and is quoted in the index entries.

THE WHITHORN VACANCY OF 1293-94

Henry of Holyrood, Bishop of Whithorn, died on 1st November, 1293. On 10th October, 1294, his successor, Thomas Dalton of Kirkcudbright, was consecrated at Gedling. The intervening vacancy is peculiarly interesting from several points of view.¹ A relatively large number of documents concerning the vacancy survive. They are recorded in the Register of John le Romeyn, Archbishop of York (1286-1296).² These documents illuminate the workings of ecclesiastical administration in an extremely obscure area. They introduce and stir to partial life the figures of a few diocesan officials, and they catch the archbishop and his council, on a February day, shrewdly at work in the archbishop's chapel. In these records an incident in the famous struggle of Bruce against Balliol also appears. A more universal interest is to be found in the light that the documents of this disputed vacancy throw on the general problem of vacancy disputes in the thirteenth century provinces of Canterbury and York. The administration of vacant suffragan sees, like the visitation of suffragan dioceses, was one of the points of sharp conflict in that "persistent and relentless usurpation" which Maitland noted "in every zone of the hierarchy."³ The geographical detachment of Whithorn, the temporal distance of the vacancy of 1293-94 from the preceding vacancy, and the adequacy of the surviving material combine to make this Whithorn vacancy a particularly helpful example in the consideration of a general constitutional problem.

The medieval diocese of Whithorn was in Galloway.⁴ It included the area of modern Wigtownshire and Kirkcudbrightshire west of Urr Water. It was called Whithorn, *Candida Casa*, and Galloway. The one archdeaconry remained coterminous with the diocese. When Fergus, Lord of Galloway, refounded the see in the early twelfth century, it had been

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1. This article is, essentially, part of a study, now in preparation, of the metropolitan jurisdiction of the Archbishops of York in the late thirteenth century, with particular reference to the York-Durham dispute of 1281-86. Portions of the article are, of necessity, more meaningful in terms of the study as a whole. This is notably the case in references to the nature of metropolitan jurisdiction in general, its administration in the province of York, and comparisons of Whithorn with the sees of Carlisle and Durham. The office of metropolitan as it was exercised in Britain is most adequately presented, although only for one province, in Miss Irene Churchill's monumental work, *Canterbury Administration* (London, 1933). Felix Makower's general work, *The Constitutional History and the Constitution of the Church of England* (English Edition, London, 1895), remains a helpful guide. The best treatments of the province of York are scattered through the essays of Professor A. Hamilton Thompson: particularly in his introductions to the registers of Archbishops Thomas Corbridge and William Greenfield (Surtees Society, cxli, cxlv, cil, cli, and cliii); in his article "The Registers of the Archbishops of York" in the *Yorkshire Archaeological Journal*, xxxii (1935), 245-263; and in his essay on "Ecclesiastical History" in the *V.C.H., York*.
 2. *The Registers of John le Romeyn, Lord Archbishop of York, 1286-1296, and of Henry of Newark, Lord Archbishop of York, 1296-1299*, edit. William Brown, Surtees Society, cxxiii and cxxviii (Durham, 1915-16); hereafter cited as *Romeyn*. This seems a generally acceptable edition of Romeyn's register, York Diocesan Registry, R.I.6.
 3. F. W. Maitland, *Roman Canon Law in the Church of England* (London, 1898), 120-1.
 4. A concise history of pre-Reformation Whithorn is to be found in Dr. Gordon Donaldson's article, "The Bishops and Priors of Whithorn," in *Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society*, 3d. ser. xxvii (1950), 127-154; the work of Bishop Dowden is, of course, important (*The Bishops of Scotland*, edit. J. Maitland Thomson (Glasgow, 1912), 353-376), as are the pertinent portions of A. Haddan and W. Stubbs, *Councils and Ecclesiastical Documents*, ii, part I.

defunct for some time, but it inherited the traditions of the missionary St. Ninian and the eighth century Anglian bishops of *Candida Casa*.⁵ Under the refounded see's second bishop, Christian (1154-1186), a Premonstratensian house, the daughter of Souleseat, was established as the chapter of Whithorn.⁶

The chapter seems to have been able to establish and maintain uncontested its canonical electoral rights in the election of only three bishops: the seventh, Thomas Dalton (1293-94); the eighth, Simon Wedale (1321); and the ninth, Michael Mackenlagh (1355). Before this the capitular method of election had not been firmly established, and after it provision was regular. Dalton's election was not uncontested, but the objections took the form of complaints against procedure rather than against the canons as appropriate electors. This canonical form of election had been established after the complex and contested elections of the fifth and sixth bishops: Gilbert, sometime Abbot of Glenluce, and Henry, Abbot of Holyrood.⁷ In the first case (1235) the elect of "the archdeacon, clergy and people of the diocese" rather than the elect of the prior and twenty-one canons of Whithorn was consecrated. In the second case (1253-55) the elect of "the clergy and people" was again consecrated, but he was formally re-elected by the prior and convent of Whithorn, at York.⁸ One of the records of the 1235 election reveals the composition of the chapter.⁹ Of the twenty-two canons seven *seniores* are listed, and beyond them ten priests, three deacons, and two acolytes. The *seniores* mentioned are the prior, the vice-regent, the former prior, the sub-prior, the treasurer, the steward (*provisor*), and the precentor. These men vainly elected a co-canon their bishop. The conflicting forces within the diocese which these contested elections reflect can be seen but dimly. The implication of the great land holding house of Holyrood is suggestive.¹⁰ The connection of specific candidates with the families of Balliol and Bruce is more pointedly revealing.¹¹ This is particularly noticeable in the dispute during the vacancy of 1293-94, a vacancy which, one must remember, lay midway between 17th November, 1292, when John Balliol, Lord of Barnard Castle and Galloway, was proclaimed king (after the rejection of Robert Bruce, Lord of Skelton and Annandale) and 5th July, 1295, when the Scottish breach with England was decisively effected by the Scottish treaty with France.

The inheritance by the refounded see of Whithorn of the traditions of the ancient see of *Candida Casa* helped insure the continued subjection of the see to its metropolitan, the Archbishop of York. This is clearly shown by a short history of the eighth century subjection appended to a twelfth

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5. The connection with St. Ninian was considerably publicized in the middle ages, and on this account Whithorn was a popular place of pilgrimage, as Dr. Donaldson has noted in a short section, "Whithorn as a Place of Pilgrimage," in the article cited; another article interesting in this connection is H. Chadwick's "The Arm of St. Ninian," in *Trans. D. and G.*, 3d. ser. xxiii (1946), 30-5; the connection with the eighth century bishops is emphasized by B. M. Additional MS. 25014, fo. 118b, *de eo quod episcopi candida case esse debeant subiecti archiepiscopo eboracensi*, as noted below.
 6. H. M. Colvin, *The White Canons in England* (Oxford, 1951), 367-8.
 7. Brown seems to have confused these elections: *Romeyn*, ii and xlvi, note on 83 in *Corrigenda and Addenda*.
 8. Cf. Donaldson, *op. cit.*, 134-9; in the election of Dalton the clergy are still mentioned, and Vavasour's not very clear letter just possibly refers to a peculiar sort of customary election, see below.
 9. *The Register, or Rolls, of Walter Gray, Lord Archbishop of York*, edit. James Raine, Surtees Society, lvi (Durham, 1872), 170-3; *Historians of the Church of York and its Archbishops*, edit. James Raine, Rolls Series (London, 1879-94), iii, 144-9.
 10. This implication was first pointed out to me by Mr. G. W. S. Barrow.
 11. Henry of Holyrood's relations with the house of Balliol present a particularly knotty problem.

or early thirteenth century copy of Bede's Ecclesiastical History.¹² The sort of subjection recorded was, of course, less extensive than that demanded by the archbishops of the thirteenth century, but it was a quite full expression of the eighth century metropolitan suffragan relationship. Gilla-Aldan, the first of the twelfth century bishops, went to his metropolitan, Thurstan of York, to be consecrated as Honorius II ordered.¹³ All Gilla-Aldan's successors through Michael Mackenlagh seem to have been consecrated by Thurstan's successors or their representatives.¹⁴ A number of professions of obedience survive. They become increasingly specific and elaborate from Gilla-Aldan's promise of

debitam subjectionem a sanctis patribus institutam et canonicam obedienciam,

to the long professions of Henry of Holyrood and Thomas Dalton.¹⁵ There were no conventional restrictions of the *debitam subjectionem*. As at Carlisle the suffragan was committed to any interpretation of metropolitan jurisdiction that the archbishop could establish as canonical. It was not until the very end of the thirteenth century, with the beginning of the long period of border warfare, that the bonds between York and Whithorn began to weaken and that the relationship became artificial. The formal connection was not severed until 1472 when Whithorn was included in the new province of St. Andrews.¹⁶ Bishop Christian's refusal to attend the legate Vivian's Edinburgh Council of Scottish Bishops, in 1177, because of his claim of subjection to the then legate archbishop of York, is an early indication of Whithorn's separation from the other Scottish sees and its firm attachment to York.¹⁷

By the time of Romeyn's episcopacy, the archbishops of York and their suffragans at Whithorn assumed that *debitam subjectionem* implied certain obligations beyond the submission of the elect of Whithorn to the incumbent of York for approval and consecration. The bishops of Whithorn promised to make an annual visit to the mother church of St. Peter in York. In 1286 Romeyn granted Bishop Henry permission not to make the visit because of his age.¹⁸ The bishops of Whithorn promised attendance at provincial councils when that was proper, and Bishop Dalton was prominent in the famous York council of 1310-11.¹⁹ It should be remembered, however, that the diocese of Whithorn was in Scotland and normally taxable in Scotland.²⁰ York provincial convocations

12. Cf. Note 5, above; the *de eo quod episcopi candide case esse debeant subiecti archiepiscopo eboracensi* (B. M. Additional MS. 25014, fo. 118b), transcribed with a few notes, will appear in the *Scottish Historical Review* for October, 1953 (vol. xxxii).

13. *Historians, Church of York*, iii, 48.

14. John, the third bishop, was consecrated during a vacancy, 1189, of the see of York: Donaldson, *op. cit.*, 140.

15. *Romeyn*, ii, 83-5, no. 1342, and n. 3; this profession which seems to have been the form followed for some time at the change of either see is much like the Carlisle profession. The *propria manu subscribo* of the Carlisle profession, however, is replaced here by: *in cuius rei testimonium sigillum nostrum presentibus est appensus*; the *ab antiquo subditia et suffraganea* reappears; and there is a splendidly feudal clause: *archiepiscopatum et primaciam Ebor. ecclesie adiutor ero ad retinendum et defendendum contra omnes homines, salvo ordine meo*.

16. Raine and Godwin each wrote a curious article about the York-Whithorn relationship: *Historical Papers and Letters from Northern Registers* (hereafter cited as *L.N.R.*), edit. James Raine, Rolls Series (London, 1873, xxxvii-xxxix); *The Records of the Northern Convocation*, edit. G. W. Kitchen, Surtees Society, cxiii (Durham, 1907), appendix xx, 377-8.

17. Haddan and Stubbs, ii, part I, 44; cf. *ibid.*, 150.

18. *Romeyn*, ii, 85, no. 1342; beginnings of that close, locally, bishop suffragan relationship which Whithorn later assumed to York can be seen under Romeyn, e.g., when he was in Rome in 1292; *Romeyn*, ii, 100; this later position which occupied bishops much in the archdiocese was the natural corollary of the disturbed condition of the suffragan diocese.

19. *Records of Northern Convocation*, 19-60.

20. *The Register of John Halton, Bishop of Carlisle, A.D. 1292-1324*, edit. W. N. Thompson and T. F. Tout, Canterbury and York Society (London, 1913), *passim*.

dealing primarily with public affairs of the realm of England need not have concerned Whithorn. The archbishops of York assumed that subjects of suffragan sees might appeal to their court. Romeyn was forced to reprove Bishop Dalton for his delay in obeying a mandate of the court of York in the case of the rector of Kirkcolm.²¹ There was no attempt by a thirteenth century archbishop to visit the diocese of Whithorn. At only one point is there a recorded dispute about the right of the metropolitan in the suffragan see. That dispute centres around the administration of the spirituality of the see during the vacancy of 1293-94.

The metropolitan right of jurisdiction *sede vacante* was an important source of controversy in the province of York in the late thirteenth century. Although the metropolitan's right was docilely accepted in Carlisle, it was resisted with the utmost vigour in Durham. Between the death of Robert of Holy Island, Bishop of Durham, in July, 1283, and the sealing of the York-Durham composition in November, 1286, the opposing parties were involved in violent argument, physical as well as legal. In the end the composition granted the Archbishop diocesan administration during vacancies. This composition, together with the Whithorn capitulation of 1294, temporarily established the position of the archbishops of York as keepers of the spiritualities of vacant suffragan sees in their province. An essentially similar position had been established by Canterbury in its province earlier in the century. The archbishop of Canterbury's activities as keeper were, however, rigidly limited by compact in the four dioceses of Lincoln, London, Salisbury, and Worcester.²²

The vacancy rights of the metropolitan in the later thirteenth century seem to have been peculiar to the English provinces. On the continent practice generally conformed with the assumption of the common law that jurisdiction should fall to the dean and chapter, although there were exceptional cases where it fell to an archdeacon.²³ There is some difficulty in establishing the origin of the English custom. Miss Churchill noted that the resistance to the Archbishop of Canterbury seemed to increase as one probed farther back into the thirteenth century and that the extent to which chapter jurisdiction was once prevalent in England was difficult to ascertain.²⁴ Makower wrote that the twelfth century chapter held the spirituality *sede vacante*.²⁵ Dom Adrian Morey has affirmed this without presenting additional evidence.²⁶ There is a suggestive transcript concerning this matter in the fifteenth century *Cartulary III* of the prior and convent of Durham.²⁷ It is an Honorius III mandate of 13th May, 1217, to the legate Gualo to investigate and decide concerning a petition of the prior and chapter of Durham that their jurisdiction during vacancies be

21. *Romeyn*, ii, 133.

22. Churchill, *op. cit.*, i, 161-240; ii, 41-118. The archbishop's right was not always admitted; in the diocese of Lincoln, John of Schalby wrote, "*Capitulum habet iurisdictionem a iure . . .*": *Lincoln Cathedral Statutes*, edit. Henry Bradshaw and Christopher Wordsworth (Cambridge, 1892-97), ii, lxxvi-lxxvii, n. 1, lxxx; in a note Maitland discusses Schalby's use of Hostiensis.

23. For examples of the assumptions of Decretals and Sext: c. 7, X, i, 3; c. 14, X, i, 33; c. 4, VI, i, 8; Hostiensis speaks of capitular jurisdiction during a vacancy in the *Summa Aurea* under *ne sede vacante*; Paul Fournier, in his *Les officialités au moyen âge* (Paris, 1880), 20, speaks of the chapter's right and of the occasional activity of the archdeacon as at Amiens and Coutances. This general pattern is confirmed by the French, German and Italian sees that I have been able to observe.

24. Churchill, *op. cit.*, i, 161.

25. Makower, *op. cit.*, 316.

26. Adrian Morey, *Bartholomew of Exeter* (Cambridge, 1937), 10, n. 2.

27. *Cartularium tertium*, fo. 155v; the cartulary is described in W. A. Pantin's *Report on the Manuscripts of the Dean and Chapter of Durham* (1939), 23.

confirmed because according to the ancient and approved custom of the Church of England deans and chapters of cathedral churches hold those spiritualities *sede vacante* that the bishop or archbishop would hold *sede plena*. No subsequent legatine action is recorded. The authenticity of the mandate itself is, moreover, dubious, although the cartulary transcript is so careless that it can hardly have been a fresh fabrication. It was, at the very least, conceivable at some time prior to the compilation of the fifteenth century cartulary that a claim that the prior and convent should exercise jurisdiction *sede vacante* could be based upon custom, the particular custom of the church in England. Against this must be cast other evidence. Canon Foster noted a fragment in the archives of the dean and chapter of Lincoln, written about 1240, which would attempt to establish the fact that archdeacons had in the past exercised all manner of episcopal jurisdiction during vacancies, with reference to an instance as late as 1235.²⁸ The Lincoln evidence and the assertions of the old archdeacon of Galloway in the vacancy here under discussion tend to lend substance to each other. Finally, Dr. Wagner observed, and Dr. Heydenreich has recently repeated, that the administration of suffragan sees during vacancies was a prerogative of the metropolitan in the early church, but one lost with the passing of time.²⁹ The origins of the late thirteenth century English position remain obscure. One point, however, is obvious. With the constant growth of ecclesiastical business it became increasingly necessary to establish the location of the authority over spiritualities during vacancies. In late thirteenth century England this authority was administered through a clerk known as the official *sede vacante*.

On 1st December, 1293, a month after Bishop Henry of Holyrood's death, Archbishop Romeyn appointed Ralph de Ponthou his official of Whithorn *sede vacante*. He announced the appointment to "the abbot and convent of the monastery of *Candida Casa*" and to "the other abbots, priors, archdeacons, officials, deans, rectors, vicars, priests, and all the clergy and people of *Candida Casa*."³⁰ On 26th December, 1293, Geoffrey, the Archdeacon of Galloway, wrote to John, Prior, and the Convent of *Candida Casa*, and to all it might concern, from Crossmichael, that the jurisdiction of the vacant see belonged and should belong to him, *ex officio*, as archdeacon:

quia notorium est in dicta diocesi nos et predecessores archidiaconos habuisse et habere tam de jure quam de legitima, approbata et prescripta consuetudine jurisdictionem et potestatem cognoscendi de causis matrimonialibus et aliis, interdicendi, suspendendi et excommunicandi, sequestrandi, visitandi, correccionem et quevis similia faciendi per diocesim antedictam, sicut habent alii archidiaconi vicini in Anglia et in Scotia de jure et hujusmodi consuetudine . . .

The archdeacon emphatically stated that the power was his *ex officio*, that in this matter the prior and convent had no authority, nor had their predecessors ever had any, over the spirituality of the see vacant or full, and that if the prior and convent did not immediately cease to hinder his

28. C. W. Foster, "Institutions to Benefices in the Diocese of Lincoln," *Associated Architectural Societies Reports and Papers*, xxxix (1928-29), 179-216, 183-4. The fragment is D ii 62/1/1a.

29. Peter Wagner, *Die geschichtliche Entwicklung der Metropolitanengewalt bis zum Zeitalter der Dekretalgesetzgebung* (Bonn, 1917), 21; Johanne Heydenreich, *Die Metropolitanengewalt der Erzbischofe von Trier bis auf Baldewin* (Marburg, 1938), 1.

30. Romeyn, ii, 114, no. 1386. "Creacio officialis nostri in diocesi Candide Case sede vacante, set mutatur et revocatur et alius de novo creatur ut infra."

jurisdiction they should be bound by a sentence of excommunication.³¹ On the same day Geoffrey wrote a similar letter to Walter, perpetual vicar of the church of St. Mary, Twynholm, who was it seems the convent's and archdeacon's compromise nominee for the officiality. In this letter the archdeacon stated that his authority *ex officio* should run until the consecration of the next elected bishop:

salva in omnibus sedis Eboracensis consueta reverencia et consuetudine si que sit alia, quod non credimus nec recolimus, nec eciam vidimus in hac parte.

The archdeacon further announced the appointment of Master John Nepos as his vice-gerent in these affairs. He appointed Master John Nepos, a doctor of civil law, he said, on account of his zeal for justice and for no other reason.³² This Master John, called Nepos, was in fact the archdeacon's own nephew.³³

Two days later, on 28th December, John Balliol, King of Scotland, wrote the archbishop asking him for the institution of his clerk, Walter of Darlington, to the church of Parton, the presentation to which had fallen to the king by reason of the vacancy.³⁴ Less than a month later, on 13th January, 1294, the same King John wrote to the archbishop objecting to the election of Thomas of Kirkcudbright to the see of Whithorn, by John, the prior, the convent and other clergy of Whithorn. The election, he said, was by a compromise tainted with simony. He asked the archbishop to delay consecration until he had heard King John's clerks on the matter.³⁵ At about the same time, presumably, Robert Bruce of Annandale wrote the archbishop a letter on behalf of the elect of Whithorn, "dilectus clericus et nutritus noster." This he did, he said, because he understood that "certain sons of iniquity puffed up with the evil spirit" were attempting to have the election quashed.³⁶

On 22nd January, 1294, nine days after Balliol had written from Buittle, near Dalbeattie, the archbishop answered him from Cawood. He acknowledged Balliol's letter, presented by his clerk, and promised to do:

quatenus de jure poterimus vestris precibus annuere, and to examine carefully the validity of the election and the fitness of the elect.³⁷

At approximately the same time the archbishop received a letter from his official of Whithorn *sede vacante*. The office was by then held by Master Robert le Vavasour.³⁸ Vavasour described the discord that arose follow-

31. *Romeyn*, ii, 120-1. This letter and that of the vicar of Twynholm are contained in the transcript of Mgr. John Nepos's admission of the archbishop's claim (no. 1392), discussed below. The position of Walter, vicar of Twynholm, is described in the letter of the official, R. le Vavasour, to the archbishop, *Romeyn*, ii, 116, no. 1389.

32. *Ibid.*, 121-2: "propter zelum justicie quam colere nititur, novit Deus ut credimus, et non ob aliam causam quamcumque."

33. *Romeyn*, ii, 127, no. 1401, an archiepiscopal confirmation of John as curator of the archdeaconry, 7th May, 1294, "magistrum Johannem dictum Nepos, archidiaconi ejusdem nepotem." The archdeacon did not say that John was his nephew.

34. *Romeyn*, ii, 124-125.

35. *L.N.R.*, 104-5. The electors were "Johannes prior Candidae Casae et ejusdem loci conventus, cum caeteris de clero ejusdem sedis et diocesios"; the election, "non per inspirationem vel viam caritativam, sed per quandam compromissionem, quam simoniacam conversationem per aliquas certas personas excogitatem reputamus, et probandum speramus." Cf. *Romeyn*, ii, 115.

36. *Romeyn*, ii, 116, no. 1388; *L.N.R.*, 105; "quidam filii iniquitatis spiritu maligno inflati."

37. *Ibid.*, ii, 115-116, no. 1388.

38. Master Ralph Ponthou would seem never to have reached Whithorn, because both *Romeyn's* and *Vavasour's* letters imply that *Vavasour's* is the first report, *Romeyn*, ii, 116, no. 1389.

ing the death of Bishop Henry. The chapter had claimed the jurisdiction of the vacant see for itself, and the archdeacon for himself. By the consent of both, that the election might not be impeded, a vicar, Walter, had been made official. Master Thomas of Galloway or Thomas Dalton had been elected by the chapter and clergy, as was customary in those parts.³⁹ Thomas had been unable to come to the archbishop, as he had wished, because of certain of his enemies, clerks of magnates, who coveted the dignity to which Thomas had been elected. Vavasour asked the archbishop to think in considering this affair of the many ways in which Thomas and his friends had been helpful to him, Vavasour. Further, he said that he would attempt to fulfil the office given him, with God's help, in spite of the fact that there was already another official.

On 23rd January, 1294, the day after he had written Balliol, the archbishop wrote Vavasour a rather stern reply:

We are quite amazed that you have not written us more expressly about the way in which you were received by the chapter and clergy of the diocese, especially since they had appointed an official before you came, to the grave injury of us and our church, on account of which, there is no doubt, they are cut off by the sentence of major excommunication, solemnly promulgated against those who infringe upon the liberties of our church.⁴⁰

Romeyn ordered Vavasour to proceed wisely against "that official," to silence him and to force from the clergy their canonical obedience in the archbishop's name.⁴¹ He should proceed circumspectly so that the archbishop's rights would be kept intact. He should fully perform all his duties and write frequently to the archbishop and tell him exactly how things were with him. The archbishop enclosed a schedule of vacant benefices the rights of presentation to which, during a vacancy, Vavasour was to investigate. He was to write what he found to the archbishop, very distinctly and clearly.⁴² He was to investigate as secretly and prudently as he was able whether the jurisdiction of the diocese of Whithorn, in the last vacancy of that see, had belonged to Romeyn's predecessor, the archbishop of York, or to the chapter of Whithorn, and who had been made official then, and by what person or persons.⁴³

On 4th February, 1294, near the altar in the chapel of the archbishop's palace at York, Robert Pickering read, and Elias Couton, a notary by papal authority, redacted, Romeyn's formal claim to the jurisdiction of Whithorn *sede vacante*.⁴⁴ The witnesses included John Craucumbe, then Archdeacon of the East Riding, W. Craven, the sub-treasurer, Robert Sleaford, R. Tydolfside, the official of the archdeacon of the East Riding, and two

39. See above, Note 8.

40. *Romeyn*, ii, 116-117, no. 1389: "Miramur admodum quod non scripsistis nobis expressius qualiter a capitulo et clero ejusdem diocesis fuistis admissus, presertim cum ipsi ante adventum vestrum officialem prefererint in nostrum et ecclesie nostre grave prejudicium, propter quod in majoris excommunicationis sententiam, contra infringentes libertates ecclesie nostre solemniter promulgatam, eos non est dubium incidisse."

41. "Agatis, igitur, sagaciter contra illum officialem . . ."

42. "Nobis rescribentes quicquid inveneritis distinctius et aperte."

43. "Ceterum investigetis secrecius et prudencius quo poteritis a jurisdictione Candide Case diocesis in ultima vacatione sedis ejusdem ad predecessorem nostrum archiepiscopum Eboracensem, pertinuit, an ad capitulum Candide Case, et quis et per quem vel quos erat tunc officialis creatus ibidem." The repetition of comparatives (expressius, pocius, frequencius, diligencius, distinctius, secrecius, prudencius) is understandable in the light of Vavasour's previous letter.

44. *Romeyn*, ii, 117-119, no. 1390.

rectors and a vicar. The jurisdiction of the vacant see of Whithorn, the claim states, had belonged to the Church of York and its archbishops *ab antiquo*. In the preceding vacancy (before the consecration of Henry, once Abbot of Holyrood, the last bishop, now dead) Walter Gray, the archbishop, in the name of the Church of York had peacefully exercised the spiritual jurisdiction of the see through his official, as had his predecessors from time out of mind.⁴⁵ After this historical preamble Romeyn's claim stated what he had done and what he intended to do in the matter of the contemporary Whithorn vacancy. When the archbishop had heard of the bishop's death he had taken immediate steps to preserve the rights of the Church of York. He had made Robert le Vavasour his official and sent him to the diocese of Whithorn with letters patent stating his appointment as official *sede vacante* and instructing him to act *viriliter et efficaciter* in that capacity.⁴⁶ The official had found the prior and certain *majores* of the chapter claiming jurisdiction and the archdeacon and his curate also claiming it, and an official appointed. He had cited both parties, either themselves or through proctors, to appear before the Archbishop of York. The archbishop did not intend that there should be any further interference with his jurisdiction. He intended to have his right in spite of all difficulties including those arising "per dicti officialis nostri taciturnitatem, consensum vel connivenciam."⁴⁷

Eight days later, on 12th February, 1294, the appointment of Robert le Vavasour was revoked. Robert Sauthorp, doctor of civil law, was appointed in his place.⁴⁷

On the following day in the archbishop's chapel in his palace at York (now the chapter library), John Nepos, the archdeacon of Galloway's curate, appeared before the archbishop and his council.⁴⁸ The council was composed of "those venerable and discreet men": Master Thomas of Wakefield, the chancellor of York; Master William Pickering, the archdeacon of Nottingham; Masters Thomas Corbridge and Robert Sleaford, canons of York; Master William Blith, sub-dean of York; Master Robert Lacy, official of York; and Master Robert Pickering, canon of Beverley. John Nepos stated at once that the archdeacon wanted to do nothing to the prejudice of the rights of the see of York. He was prepared to revoke all his proceedings if it were possible to establish by means of the register of any archbishop or the statements of any aged persons that the jurisdiction of the vacant see ought to belong to the archbishop in the name of the Church of York.⁴⁹ It had been so long since the vacancy before the election of the late Bishop Henry (1255) that no one in Whithorn could remember who had had the jurisdiction of the vacant see.⁵⁰ After these preliminary statements John displayed the letters he had brought with him. One of the letters was that of 26th December, 1293, from the archdeacon to the prior convent, and others;

45. "Quasi exercendi episcopalem jurisdictionem (et) spiritualem . . ."

46. No mention is made of the appointment of Roger Ponthou.

47. *Romeyn*, ii, 119, no. 1391, with the customary reservations.

48. *Ibid.*, ii, 119-124, no. 1392. Brown dates this document as 13th February, 1294-1295. This is clearly an error. The document is registered immediately after one dated 12th February, 1293-4 under *de anno novo*; Romeyn's itinerary and the day of the week both demand 1293-94. The cause for the error is clearly that the notary was dating according to the Roman year (Christmas), as in no. 1390, which there, Brown himself noted, 117, n. 2; cf. a note in *Transactions D. and G.* (1951-52), xxx, 192-4.

49. ". . . vel si per registrum, alicujus archiepiscopi vel per dicta aliquorum provectorum . . .", *ibid.*, 120,

50. ". . . propter diturnitatem temporis quo primitus dicta ecclesia Candide Case ante creacionem bone memorie, H., ultimi Candide Case episcopi, vacavit, ad quem jurisdictionis hujusmodi pertinere debeat ignoretur in partibus illis . . .", *Romeyn*, ii, 120.

another was that of the same date from the archdeacon to Walter, vicar of Twynholm.⁵¹ When the letters had been read John again protested his and the archdeacon's good will and the reasonableness of their position.

The archbishop asked John to withdraw that he might consult further with his advisers. After some time had elapsed he recalled John to his presence and showed him an instrument which in its centre contained certain letters transcribed from the register of Archbishop Gray. The archbishop ordered the notary to read them. When he had read those parts of the instrument touching upon the state of the church and diocese of Whithorn *sede vacante*, and John had heard them and understood them, John admitted that the episcopal jurisdiction of the church and diocese of Whithorn belonged wholly to the archbishop of York, by reason of the Church of York, by metropolitan right.⁵² John said that when the archdeacon had said that he had had the jurisdiction before the elevation of Bishop Henry, John had asked him whether it was by right of the archdeaconry alone or whether there was a commission also. The archdeacon had replied that he did not know (*ignoravit*) or that he could not remember.

Ad quod dixit dominus archiepiscopus supradictus quod ex quo factum suum proprium erat illud non potuit nec debuit ignorare.

Realizing the prejudice done to the lord archbishop, John offered him as a token his glove, which the lord archbishop "generously accepted," wishing to think about compensation over a longer period of time.⁵³

Two days later, in the archbishop's chapel at Wilton, where the archbishop had gone later in the day, Saturday, of the previous meeting, John again appeared before the archbishop. There were also present the notary Elias, William Blith, sub-Dean of York, Robert Sauthorp, Official of Whithorn *sede vacante*, and four clerks, Robert of Nottingham, Robert of Burton, Jordan of Lincoln, and Hugh of Hereford. John, for himself and the archdeacon, completely revoked everything he had done or attempted to do appertaining to the vacant see. He humbly asked, however, that the jurisdiction of the archdeacon, by reason of his archdeaconry, might remain unharmed. To this the archbishop replied that he had never intended or wished to meddle in any way with this jurisdiction.⁵⁴

After the statement of the proceedings of these two days there is a note in Romeyn's register.

Memorandum quod sunt diverse littere in registro bone memorie W. le Gray, que ad informacionem Eboracensis archiepiscopi jurisdictione sua, sede vacante, in Candide Case diocesi multum valent.⁵⁵

Four days later, on 19th February, 1294, Romeyn wrote John Balliol asking him to give the official two churches attached to the bishop's table. The retention of these, Romeyn wrote, would be particularly unbecoming to King John, because according to the *libertates ecclesiasticas*,

51. See above; *Romeyn*, ii, 120-122.

52. ". . . magister J. auditis ibidem comprehensis, fatebatur et recognovit jurisdictionem episcopalem ecclesie et diocesis Candide Case ad Eboracensem archiepiscopum ratione Eboracensis ecclesie jure metropolitano integre pertinere . . .", *Romeyn*, ii, 123.

53. "Quam dictus dominus benigne admisit . . ."

54. *Romeyn*, ii, 124.

55. *Ibid.*

which John was bound to support, the administration of things spiritual and ecclesiastical is forbidden to secular persons.⁵⁶ On 1st March, the archbishop wrote to the official of Whithorn as to the bishop of Carlisle to pray for the King of England going abroad to engage himself in his and his kingdom's difficult affairs.⁵⁷ On 15th March, the archbishop issued a testimonial stating that the late bishop of Whithorn had been a crusader.⁵⁸

On 8th April, King John presented Peter of Yarn, a clerk, to the church of Kells. (The archbishop's commission to Sauthorp to institute is dated 21st April).⁵⁹

On 11th April, Adam, Abbot of Dundrennan, a Cistercian house in the diocese of Whithorn, came before the archbishop and professed obedience to him in the archbishop's chapel at Alwinton, on the Coquet, in Northumberland. He promised to the archbishop and his successors, "to whom the jurisdiction of the vacant see of *Candida Casa* is known to belong," subjection, reverence and obedience during vacancies, saving his order.⁶⁰ On 21st April, the archbishop commissioned his official of Whithorn to provide the priest Gilbert of Kirkchrist, near Kirkcudbright, to the next vacancy in the diocese.⁶¹

On 7th May, the archbishop commissioned John Nepos his uncle's curate. John had long been styled curate and the archbishop said that the bishop had approved of the appointment. The commission describes the archdeacon as an old man, blind and broken in health.⁶² It is really not difficult to understand why he failed to remember, without the aid of records, exactly what had happened in the vacancy of 1255. The picture of the two old men, bishop and archdeacon, ruling the diocese before Bishop Henry's death is an interesting one. It suggests that the position of John Nepos was important then. The age and condition of the archdeacon also suggests that the actual antagonist of both prior and convent and archbishop was John Nepos himself. On 28th May, John, called here a priest, was instituted to the church of Crossmichael on the presentation of the Abbot and Convent of Sweetheart.⁶³

In May the matter of the contested election was again raised and finally settled. On the first of the month, from Hexham, the archbishop commissioned the Official of York, Robert Lacy, to hear the objections to Dalton's election on Tuesday, 4th May, in the cathedral church of York. The archbishop made Lacy his vice-gerent with canonical powers of coercion. He urged him to hear the pleas of both sides as was just. He particularly granted Lacy the power to prorogue the hearing from Tuesday, 4th May, to the following Saturday.⁶⁴ In the middle of the month Balliol reversed his position. On the nineteenth he wrote to the archbishop consenting to Dalton's election and asking that his case against the elect be dropped. Balliol stated the reason for his change:

preces venerabilium nobilium et discretorum et magnatum.⁶⁵

56. *Ibid.*, ii, 125, no. 1396, from Wilton.

57. *Ibid.*, 124, no. 1393, Thorp. This shows the Scottish diocese asked to pray for Edward I and the official acting in a quasi-episcopal position.

58. *Ibid.*, 125, no. 1395, Ripon.

59. *Ibid.*, 126, no. 1399.

60. *Ibid.*, 125-6, no. 1397. It concludes "et hoc propria manu subscribo."

61. *Ibid.*, ii, 126, no. 1398.

62. *Ibid.*, ii, 127, no. 1401.

63. *Ibid.*, 127, no. 1402.

64. *Ibid.*, ii, 126-7, no. 1400.

65. *Ibid.*, 129-30, no. 1404, Edinburgh.

On 30th May Romeyn issued his mandate of obedience to the elect "Master Thomas of Kirkcudbright, priest." The elect and the election had been examined, approved and confirmed *auctoritate metropolitana*, and Romeyn committed to the new bishop and pastor the spirituality of the diocese.⁶⁶ On the same day he wrote to the Official of Whithorn, Sauthorp, ordering him to turn over to the bishop or his deputy the acts and rolls of the consistory of the diocese and all other things pertaining to the spirituality, without any difficulty. Romeyn added that the official should distinctly and clearly set down in letters patent under his, the official's, seal the arrears of procurations, synodals and other perquisites for the time of the vacancy which belonged to the archbishop and which the elect had faithfully promised to pay.⁶⁷ He wrote, too, to John Balliol asking him to release the temporality.⁶⁸ On the same day, he wrote invitations to bishops, including those of Carlisle and St. Asaph, to the consecration of the bishop elect at Hexham on the Feast of the Assumption, 15th August, following.⁶⁹ On 30th May, the same day, at Cawood, the elect sealed his oath of obedience to the archbishop. He stated in his oath:

ac de manibus predicti archiepiscopi totam jurisdictionem Candide Case diocesis in spiritualibus unacum rotulis, actis et aliis instrumentis consistorii Candide Case, que omnia ad predictum archiepiscopum pertinebant, et penes eum et suos ministros sede residebant vacante, ut est moris, recipi.⁷⁰

The archbishop wrote the bishops of Carlisle and St. Asaph again on 30th June changing the place for the consecration from Hexham to Ripon.⁷¹ Actually Dalton was consecrated on Sunday, 10th October, in the parish church at Gedling in Nottinghamshire. There were present the bishops of Carlisle and St. Asaph, and William Pickering, Robert Pickering, Robert Sleaford, and William Blith.⁷² The new bishop repeated the profession of obedience that Henry, the late bishop, had made after the archbishop's accession in 1286.⁷³ Four days later the archbishop ordered the archdeacon of York or his official to instal the new bishop in his cathedral church.⁷⁴ With this mandate the business of the vacancy really ends. A year later, however, Romeyn was not entirely satisfied with the way that the obedience he had exacted was bearing fruit.⁷⁵ The arrears for the time of the vacancy were still unpaid;⁷⁶ and archbishop found it

66. *Ibid.*, ii, 127-8, no. 1403, Cawood. To the prior and chapter, people and clergy; the election by prior and convent and all clergy had been presented to the archbishop by their proctor.

67. *Ibid.*, ii, 129.

68. *Ibid.*, 128. This states that the licence for electing had been sought and obtained from Balliol.

69. *Ibid.*, 128-9.

70. *Ibid.*, 130, no. 1405.

71. *Ibid.*, ii, 130-1, no. 1406.

72. *Ibid.*, 131, nos. 1406-7.

73. *Ibid.*, ii, 131, nos. 1406-7.

74. *Ibid.*, 131-2, no. 1408; in the province of York, the Archdeacon of York regularly installed bishops elect.

75. *Ibid.*, 133, no. 1411. The letter has lost its date. The botanical figure is Romeyn's.

76. To the seisin conscious thirteenth century mind this was of great importance. It is now generally recognized that in matters of disputed ecclesiastical jurisdiction the financial aspect must always be examined particularly carefully. Economic motives and insistence upon jurisdictional rights are almost inseparable. The connection was not, however, always simple. There was a general feeling that all jurisdictional concessions should be avoided, and hotly disputed points often involved little direct profit. The actual value of early vacancies is rarely recorded, but in 1325 Archbishop Melton received 13 marks st., together with 5 marks for the expenses of his official, the profits of the spirituality during the previous vacancy of Carlisle (Melton, fo. 466v). At any rate, in the particular case of the Whithorn vacancy of 1293-4, the archbishop seems to have established his legal position beyond the shadow of a doubt even if he did not receive all the fruits of the vacancy.

necessary to reprove the bishop for not having obeyed an order of the court of York. On the whole, nevertheless, he could congratulate himself for having ordered the events of the vacancy to his own advantage with some brilliance.

A wealth of recorded incident illuminates the vacancy of 1293-94. Certain reservations must be noted. All the important records are recorded in Archbishop Romeyn's register. Everything was recorded for the use of York administrators. This need not imply partiality. Registers were not compiled for propaganda purposes; but nothing which was not available or interesting to York clerks would be recorded. A register is also a formal record. There are important layers of activity below its notice, to which it is insensitive. There may also be mistakes, as there are omissions, in the original transcript. The 1293-94 series of documents is, nevertheless, strikingly revealing.

At a crucial period of Scottish history, Romeyn's register shows the families of Balliol and Bruce competing for what was more or less the patronage of the see of Whithorn. Neither faction tampered with the formal right of the electors. As in 1255, both sides recognized the archbishop, as metropolitan, as the official who could determine the validity of the election. Romeyn did not squander this recognition. He proceeded cautiously. He was able, in the end, to give a decision apparently legally correct and acceptable to both parties, although this may have been due to the increasing difficulty of Balliol's position in Scotland.

Greenfield's great roll of the metropolitan visitation of Durham *sede vacante* in 1311 shows the exact technicalities of metropolitan and diocesan government during a vacancy.⁷⁷ Seventeen years earlier Romeyn's register reveals glimpses of this sort of administration in the northern province. The officials were appointed at pleasure, with reservations, and they were controlled as closely as possible from York. They were to proceed with sagacity, to use Romeyn's phrase, to exert the greatest possible authority and extract the greatest possible legal profit. The plum of the vacancy was almost undoubtedly the consistory court. Synodals and procurations, however, were available too, particularly if the vacancy were prolonged. Dalton was elected before 13th January, 1294, on which day Balliol protested. Romeyn set the day for the first formal hearing of the case against Dalton on 4th May. This was diplomatic. The problem worked itself out. It was also profitable. There were gifts of livings which might fall to the archbishop, and there were institutions. Romeyn did not take as much as he could at the moment and forget the rights of his see. He strengthened and elaborated the heritage of Gray which had made his success possible.

It is worth noting how Romeyn used Gray's register. Gray was a man of great importance to the see of York.⁷⁸ The two rolls which form his register are the earliest of York registers. In the kingdom only the see of Lincoln had an earlier register. Gray had been the king's chancellor from 1205 to 1214. In 1215 he had attended the fourth Lateran council. As Professor Cheney noted, Gray had seen and had probably assisted in initiating the system of enrollment which began in the Royal chancery

77. York Diocesan Registry, R.I.3.

78. His diocesan activity may have been due, partially, to boredom, as indicated by an amusing letter translated in C. A. F. Meekings, "Six Letters Concerning the Eyres of 1226-8," *E.H.R.*, lxx (1950), 492-504, 501, about the archbishop who delighted in gossip and news of the court.