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AN ANNOTATED TRANSLATION OF THE LETTERS OF JOHN OF SALISBURY
LETTERS 107-135

by

Clare Rooney

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ON THE STYLE OF THESE LETTERS

"Multa renascentur quae iam cecidere, cadentque
Quae nunc sunt in honore vocabula, si volet usus,
Quem penes arbitrium est et ius et norma loquendi."¹

The letters in this group were written during the last years of the period in which John of Salisbury was secretary to Archbishop Theobald of Canterbury, who was suffering from an illness so severe that he had to leave his correspondence to his secretary. Of these twenty-nine letters, the twenty-one in Theobald's name are as truly of John's composition as the eight in his own name. The letters include a number on business connected with the diocese of Canterbury; several to King Henry and to Thomas Becket, who were on the continent, begging them to return to England; some resumes of cases-at-law; the archbishop's last will and testament-- of which John was to be an administrator; and a few personal letters of John's. They are all real letters, written to be dispatched, and fascinating in the side lights they throw on the history of the time.

The affairs of western Europe in this period were chaotic. Frederick Barbarossa was struggling to control the papacy. In the earlier letters John and his friends are disturbed at the situation in which Alexander III, the legitimately-elected pope, supported always by John, is opposed by Frederick and his puppet-pope, called Victor IV. No one is certain of the attitude of the English Henry II, who seems to be won over by the Emperor. John's reflections on Frederick and his Germans, who have caused the upheaval general in Christendom, today seem surprisingly up to date:

¹ Ars Poetica, Horace

Quis Teutonicos constituit iudices nationum? Quis hanc brutis et impetuosis hominibus auctoritatem contulit, ut pro arbitrio principem statuunt super capita filiorum hominum?

The uncertainty regarding the papal throne confused the archdiocesan affairs of which John was in charge. The letter regarding the Abbess of Barking shows how she seems to be taking advantage of the situation to appropriate the tithes of a neighboring church. Even after Alexander has been recognized as pope, conditions are still disturbed. Henry II and Archdeacon Thomas Becket remain on the continent, despite Theobald's pleas that they return to England, where they are needed. The tone of Theobald's letters regarding his last will and testament is not at all confident that the king's officers will permit the stipulated distribution of his goods to the poor of his archdiocese.

At this time, the middle of the twelfth century, the vernacular languages of western Europe were well-developed, even boasting the beginnings of literatures; but the language of the Church and of scholarship continued to be Latin. As both churchman and scholar, John wrote in Latin, medieval Latin, which had behind it by this time a very long life. Since life necessitates change, what change had it imposed upon the Latin of John's day in the thousand years since the classical period? Just as the conditions of the people who use it have changed amazingly, so has the language which they use to express themselves changed amazingly. There are new ideas to express and new forms to express them: Vocabulary has changed. Here are new words. Sometimes the new wine has been poured into old bottles, and here are the old words with strange new meanings. Change in syntax has

come, too, removing it forever from the province of Caesar. Word order is different. Sentences are shorter. If Cicero's stately periods could express more delicate nuances, these new, far less complicated sentences are easier to understand. If the new sentences offer less, they make less demand in sustained application and close attention to detail. Sometimes, perhaps, they offer more, for a new spirit has appeared in literature. Medieval Latin is, to be sure, not so far from the sermo cotidianus, which existed even in classical times, as it is from the classic expression; its development had not avoided vulgarity by avoiding the vulgus, as classic Latin did. Moreover, in all its changes-- in vocabulary, syntax, construction-- medieval Latin is still Latin, and though the classicist may wince at some of it, he must admit its Latinity.

But no classicists need wince at John of Salisbury's Latin. Indeed, some of them declare that his letters are like Cicero's and that his Latin is, too; and they are right-- in a sense. John's letters are like Cicero's in being real letters, written to be sent, usually to men prominent in their day; but many of them are totally unlike Cicero's in kind-- the legal resumes for example-- and all of them are unlike Cicero's in spirit. Cicero's letters are swift, volatile, spontaneous; John's letters are deliberate, substantial, measured. It would be possible to build up antitheses between the two sets of letters almost indefinitely, but in a brief paper such as this, it is probably enough to say that they are the necessarily differing products of radically differing personalities. And one more difference-- an important one: Cicero's are letters of genius; John's are not.

If the manner and the content of John's writings are not Ciceronian, neither is the letter. Although John, like Cicero, was a humanist-- he even fought on the side of the humanists in that battle between educators and educationists which every age beholds, which the educators may not win but must not lose, in which humanists must always fight, because this battle is part of the war between the flesh and the spirit-- he did not, like later Humanists ape the exact letter of the classics. He wrote good medieval Latin: Here are new words and expressions: ius feodi; episcopari; papa; here are old words with new meanings: dux, comes, auditorium. Here is new syntax: quod - and quia - clauses instead of indirect discourse according to Caesar; the indefinite they: dum eum contraversarentur. John knows that he sometimes evades the old rules. He jokes about the young man qui grammaticae praeceptis invigilat and finds John napping. Perhaps sometimes John was careless; but he was also too sensible to constrict his Latin to the ancient molds, like the bishop we may hear ordering his tomb in St. Praxed's. He was not like those later humanists who froze their expression to an ancient beauty, which became, inevitably, the beauty of death. They made Latin a dead language; John's Latin is alive.

John was a rhetorician. He was an educated man in an age when rhetoric was one of the seven liberal arts, not suspected, unjustly, of the evil wrought by its misuse, but respected duly, for what it is: an aid to effective verbal expression. His letters clearly evidence many uses of the rhetorician's art, too clearly, sometimes. Many of them begin with a preliminary statement summing up what is to follow: "Habent a capite membra

ut vigeant; et a sancta Romana ecclesia, Deo auctore, salus est omnium ecclesiarum," (letter 110); and "Optatos mihi successus fortuna invidet et pio affectui saepissime impia reluctatur" (letter 113). He plays on words, as Cicero does (though never with Cicero's lightness of touch): In a letter begging King Henry to come home, he plays on Christus and christus, in the passage beginning: "Det mihi Christus videre christum suum---" He often uses the rhetorical question, in the letter in which he berates Frederick Barbarossa, for example. He often uses repetition, as in this passage from a letter beseeching King Henry to return: "Moveat vos devotio populi; moveat affectus liberorum; He has one mannerism which violates our English sense of emphasis; in an enumeration, he often puts the most important word first: "quod persona Alexandri honestior est, prudentior, eloquentior"-- (letter 125); and "ut nec Deo nec legato mandante. . . ." (letter 135). He uses metaphor and simile often-- they frequently occur in the passages he quotes from the Vulgate: "ipsaque ecclesia fortior, gratior et gloriosior Sponsi reddatur amplexibus" (letter 115). For the spiritual and the temporal power he uses the metaphor later to be so common: "materialem gladium imperator in eundem Romanus pontifex spiritualem gladium excoeret. (letter 125).

A marked characteristic of the style of these letters is quotation and allusion. The wide range of John's reading from the classical Latin writers down through the fathers of the Church until his own day can be traced in the ready and apt allusion and quotation which characterize his style. Often a savor of some classical author can be detected in a passage which

may not be a quotation. There is something of Plato in the one from letter 132 beginning: "Singuli pro suo loquuntur arbitrio sed penes Unum est generalis et necessaria interpretatio--" Letter 132 is almost a cento, much of the quotation from the Vulgate.

In all of the letters the style is suitable to the content. The letter rebuking Bishop Richard for not giving Adelicia a hearing is dignified, emphatic without being rude. Theobald's letters to Henry II and Thomas Becket are the pathetic pleas of an old man, sick and weary, the short sentences broken off with emotion. The legal resumes are well-organized, direct, accurate. Latin is still the language of law-- canon law now. John's personal letters are sincere and kindly. One has a touch of humor. His range is wide.

The style of a writer has its roots in all that he is. John was sober and restrained; his style is sober and restrained. John was reflective; his letters are reflective, in passages which sometimes wear a wistful, poetic color, like the one in letter 127 beginning "Cum omnia quae sub sole sunt lubricae sortes vanae versentur in alea--", for John was a poet. One might continue at length; but, to close: John was a medieval man and his style is medieval. Here in the most minute of minutiae we find a significant mark: The frequent occurrence in these letters of such expressions as Deo iuvante, Deo protegente, Christo propitio stamps them as belonging to an age whose faith never wavered that God is in His Heaven, even if all is not well with the world-- and never will be. The spirit of this faith colors the style of all medieval writings-- even the wildest songs of the wandering scholars--

to puzzle readers familiar only with ancient and modern literatures, which are alike in being different in spirit from the medieval. John of Salisbury's style is the style of the best Latin scholar in England's twelfth century.

107. ARCHBISHOP THEOBALD TO BISHOP RICHARD OF LONDON

SUMMARY: Theobald remonstrates with the bishop of London for his reported procedure in the case of Adelia of Valonges, orders him to follow the correct procedure, and informs him that he will soon be in London to attend the synod. The mention of the synod to be held in London may give the clue to the date of this letter. On October 28, 1159, Barbarossa had sent a letter to Henry II asking him to send churchmen to the council to be held at Pavia on January 13, 1160, to support the anti-pope Victor. cf. Constit. et Acta Publica, 1, 254 f. in the Momm. Germ. Hist. Theobald would have had to call a synod to consider the situation, and R. L. Poole in Studies in Chronology and History argues that this synod must have been held in late November, 1159. cf. op. cit., p. 280. This letter would have been written about the middle of November, 1159. For the synod cf. letters 109, 115, 126.

Proceedings which deviate from the right order rarely or never chance upon a happy outcome. There is established, moreover, in cases at law an order preëminently correct: that examination precede sentence; and then, and then only, is an individual legitimately punished, when he is incapable or disdainful of protecting his innocence. However, if the complaint of Adelia of Valonges¹ is justified, you are disposed to condemn her contrarily to the established order; and, denying her audience with you, are closing all avenue of defense to her. We recall, of a truth, that in regard to this matter we have written you on another occasion to summon her at suitable time to a suitable place and to deal with her in the order prescribed by canon law; and we have counseled and enjoined that whatever must be decreed against her have the support of a judgment not precipitate but mature. But she, on her side, complains that from that time on she has been dealt with more harshly. As for us, we are not wishful to stand in the way of religion's purpose; but we are eager that with justice leading the way, which goeth

¹Valonges, France.

ever before the face of the wise man, this purpose be fulfilled without scandal to our office. Hence it is that once more we command your devotion to proceed in the aforesaid case according to legitimate order, so that those who hear of the zeal which you have in the Lord may rejoice that wisdom, too, is with you. Accordingly, we enjoin upon you to grant her the audience which is her due and that then the case may come to a fitting close according to God. With God as sponsor, our brethren will soon convene with us in London, so that, if it have pleased you to exercise diligence in discharging your duty, you may with benefit of their counsel more safely bring the case in hand to an end.

108. JOHN TO BISHOP HILARY OF CHICHESTER

SUMMARY: An answer to a protest by the Bishop of Chichester against a decision of John, who was acting as judge in a case affecting the dioceses of Canterbury and Chichester. At this time Theobald was very ill, and with the archdeacon, Thomas Becket, in France, with Henry, most of the work of the archdiocese devolved on John. This letter must have been written late in November, 1159, for John cautions the bishop to see Theobald before the council, which is believed to have been held in London at the very end of November. cf. R. L. Poole, Studies in Chronology and History, p. 280.

From the letter which your Serene Highness has directed to me, it is clear that by suggestion of maligners your prudence has been circumvented into a disbelief in my uprightness. Now those men whom you declare to be your parishioners have often been summoned to appear by my lord archbishop, through deans and through his other officials, and since they were found to be persistent in their stubborn disobedience, notice was served upon them under pain of anathema to make themselves accessible at synod. In their absence, then, or to say better, in their stubborn absenting of themselves, there were present officials of the archdeacon, through whom they had been cited many a time and oft. And when the case concerning the citations and the obstinate response of those absenting themselves had been established through them, I believed that the matter should be submitted to the consultation of my lord archbishop, even if the synod should counsel otherwise. For almost the entire synod was in opposition to me, and some there were who disparaged me, saying that I was making mere pretence of justice toward the Church of Canterbury and my lord archbishop out of regard for your favor, who, seizing upon the time of his sick languor, have decided to rise up against him by surprise, invade the bounds of the Church

of Canterbury, and out away from it those holdings it has possessed in quiet for a hundred years. Moreover, they were all aghast at the unrestrained impertinence of such colossal daring, since either five or seven parishes lying between, so they say, make evident to good faith endowed with eyesight that the domain under question in no way appertains to the Church of Chichester. There were present, also, clerics who complained that force and grievous insult had been directed against them, and it stood evident to all neighbors that our priests have been ministering all the divine rights to these same parishioners for the entire year. These and many more details, partly against my will, were carried to my lord archbishop and there was such a clattering of tongues on all sides that I gave no cause for suspicion of delaying action. He, therefore, grasped time by the forelock in subduing his contumacious parishioners - yours as the deacon and the synod urge - by anathema. The following day, in the hearing of others, I announced his decision to the deacon mentioned, just as it had been enjoined upon me. And this is that pronouncement of mine which your discretion has caught up and rebuked as proceeding from ignorance of the law. As for me, in address and savoir faire I own that I am untutored, one insufficient to offer defense against whatever you might wish to impugn. For who is suitable for such enterprise? But I do not know whether this situation has arisen from your prudence: that those persons who have always been subject to our jurisdiction, assuming a spirit of knowingness altogether too grandiose, have disdained the summonings to present themselves of one to whom they were subject, if not according to episcopal, at least according

to metropolitan law, to the end that they utilized the excuse of venue. For I know this has proceeded from deep-laid design. I do not, however, proffer this to excuse myself, if you should pronounce me to be at fault, because I should wish rather to beg your forgiveness than to make use of the ramifications of law or to put forward the command of my lord and the necessity of obedience. In regard to the remaining matters, response shall be made under separate cover. I do advise, however, that you see my lord before the council.

109. ARCHBISHOP THEOBALD TO KING HENRY II

SUMMARY: Theobald briefly reports that the findings of the synod held at London in November, 1159, at the king's bidding, are in Pope Alexander's favour, and that the bearers of the letter will give all the details. According to R. L. Poole's calculations as to the date of the synod, this letter must have been written early in December, 1159. Cf. Studies in Chronology and History, p. 280. See summary of letter 107.

In that condition, preeminently, does the glory of the Christian prince flourish and prevail, if he render pious servitude to God, from whom is every principate; and to him is perpetuated the heritage of peace, exultation, and glory, who composes the storms of the laboring church and in faithful, felicitous obedience procures that the exultant bride may cleave to the coveted embrace of the Spouse. But upon himself he provokes the almighty hand of the Most High who does not gather up in full compassion the shipwrecked of Christ, who either contrives or neglects the collisions of the church, and, abusing the power granted him by consent, fans the evil which he neither checks nor extinguishes. The clashing of peoples is a veritable subversion of kings, truly, a torch of schism forecondemned by our Lord, and the index of a principate long, long tottering. We hope, however, in the Father of Mercies, in the Author of Consolations, that your throne shall remain stable in perpetual benediction and that your children and your children's children shall inherit the seat of kingdom which you have received from Him and are disposing felicitously in salutary administration, since among your subjects, with God Himself lending favor, we have come upon such unity of concord that it rests established upon the most manifest and reliable proofs that their faith in the rock of the church has been made

solid. For when at your command the English church had come together, there was proposed in the ears of wise men an inquiry, on the course of which the sincerity of your faith, as was befitting, has deigned to consult the nobles of your realm. There has been collected hither and yon a plenitude of material in which each of the two parties was able to defend its view or, so be, its error. Then was brought into light a rule of faith, a yardstick of administration which is found in the sanctions of the fathers, this: that as the face of each cause should be known to all, so would it be possible more aptly to define a position toward it; and in God's favor developments have reached the point where faith stands illumined through the declarations of the parties, since witnesses appearing before us unforewarned built up her case, and the accursed works of the schismatic were being proclaimed abroad with evil report as their herald.

And accordingly: in regard to the matters which have been uncovered, judgment has not been pronounced, of course, since it would not have been legal; resolution has not been passed in prejudice of royal power, since it would not have been fitting; but, what was legal, what was fitting, what counsel the bidding of your majesty has exacted, with God as witness and judge, has been formulated, what the faithful prudence of subjects would have owed it to indicate to a true prince, even if not commanded. And that counsel accordingly-- since, in justice, priority in favor is due to you, as is also due the glory of the work carried out to the point you have enjoined-- we have had sealed, without full publication, books of conscience, which we have ordered to be opened for you by the bearers of these presents: Master

Bartholomew, Archdeacon;¹ and William de Ver,² our chaplain. For the aforesaid archdeacon was present at all our scrutinizings and deliberatings and with us probed the oaths of each and all. Doubt not that what you will hear from him has proceeded from our heart. These men we commend to you, begging, so be it please you, that you regard their persons with much care and that you admit kindly our petitions, which are in their hands.

¹Archdeacon of Exeter and later, Bishop of Exeter, 1161-1184.

²Later, Bishop of Hereford, 1186-1199.

110. ARCHBISHOP THEOBALD TO POPE ALEXANDER III

SUMMARY: Archbishop Theobald reports the progress of the quarrel between the bishop of Llandaff and Robert, who claims to have a papal mandate requesting the bishop of Worcester to decide the case in his favour. Theobald suspects that the mandate is forged and is sending it to the papal court for inspection. The letter is placed at the end of 1159, for the reason that Theobald mentions that he may not live to see the litigation terminated unless the pope intervenes. Now Theobald fell into his last illness in the autumn of 1159. Moreover, Bishop Alfred of Worcester lived only two years after his consecration, from 27 March, 1158, until 27 March 1160. Hence the date assigned fits both cases. The two following letters are placed here simply for the reason that they happen to be addressed to Bishop Alfred, whose tenure of office was comparatively short, and because the letters themselves offer no evidence for more accurate dating.

The members draw their vigor from the head; and from the holy Roman church, with God as her mover, is the well-being of all churches. Hence all needs must go back to you, the close bond of necessity impelling, which they are of themselves unable to loose. There rests, then, before us a passing difficult case, between our venerable brother, the Bishop of Llandaff¹ and Robert, the son of his predecessor, which, unless the apostolic authority intervene, we do not believe will reach an end during our days. We were harassed in this matter too long; but by no means of correction were we able to bridle the audacity of the aforesaid Robert to the end that his latest deeds, just as they were being carried to us, were not consistently worse than those that went before.² For to pass over in silence his physical uncleanliness -- full many a one continued reporting to us conflagrations,

¹Nicholas de Gurgant, Bishop of Llandaff, 1148-1183. Nicholas' predecessor was Uthrid, 1140-1148.

²See Matthew, 12.45.

pillagings, and various kinds of wrong doings on his part. Just so often as we patched up a peace between him and his adversaries, with mighty energy and exceeding labor, just as often did the rent and mended peace fall away from him. At length, excommunicated by his bishop, he approached your Majesty, but whether he has merited the grace of absolution we know not. However, he brought back an apostolic letter, in which our venerable brother, the bishop of Worcester,³ was enjoined to show justice to him and certain of his accomplices over the bishop of Llandaff and his archdeacon. Thereafter, a few days having elapsed, his adversaries brought us a letter from your Holiness, commanding that the case be brought to a due close without subterfuge of appeal, the rescript which Robert won by stealth from your clemency notwithstanding. When the parties were summoned before as then, in accord with the apostolic mandate, the opponents of the aforesaid Robert set up against his petitions a mighty number of crimes by way of exception, in which they even concurred in accusing him of treason, charging that he had committed forgery in the letter ascribed to you which he was putting forward. To us, indeed, and to our brethren who were there present, the letter, which he appeared to have fabricated skillfully, because of a difference in style is altogether suspect, to the end that it has seemed best to us to remit it to the scrutiny of your Holiness. He, nonetheless, steadfastly declared that he received it from you and of all the matter which is contained in the letter he lauds the Roman pontiff as author. Hence is it that having

³Alfred was bishop of Worcester at the time of Theobald's last illness. The see was vacant for four years after his death, 27 March, 1160.

taken counsel of our brethren and having received from him bond under oath that he will abide by your mandate, we are sending it to you by our beloved son Ralph, archdeacon of Llandaff, begging that you hearken to his just petitions and look with the eyes of your propitiation upon the miseries of the Church of Llandaff, which he will set forth before you. Moreover, if it please you, write back to us with what manner of punishment forgers of your letters should be visited. For difficult it is, in regard to individual instances of this kind which do crop up, to wait upon the counsel of Your Majesty.

111. ARCHBISHOP THEOBALD TO BISHOP ALFRED OF WORCESTER

SUMMARY: Theobald pronounces judgment in the case of a priest who is discovered to have married at the time he was a sub-deacon (as he alleges). Later abandoning his wife, he is ordained to the priesthood. She remarries and bears children to her putative husband, and then meets her first husband, whereupon she carries her tale to the bishop of Worcester. The priest is laicized, commanded to pay back the dowry, and the wife must leave her second husband, who is free to marry. For the date of the letter of. letter 110. Alfred was elected bishop of Worcester March 27, 1158, and died on the same day and month, 1160. The letter lies within these two dates.

Theobald, Archbishop by the grace of God and Primate of all England, to his venerable brother and friend Alfred, Bishop of Worcester, greeting:

From your testimony we have learned that the bearer of these presents, abandoned by a clerk to whom she had been joined in wedlock, married another man and by him had children. But the clerk, sojourning at length in foreign parts, was promoted to the priesthood; and returning, and contemning the wife whom he had wedded, he began to minister in the priesthood. However, since from the confessions of these persons as well as from the sworn statements of witnesses it is established that she contracted marriage with the clerk, it is evident that she may not thereafter cleave to a second husband. In regard to the clerk's affirmation that he was a subdeacon at the time he contracted the marriage: since this cannot be proved it carries weight only to the extent that he be deemed unworthy the order which he has treated lightly and be not allowed to minister in that state which he as a married man presumed upon by illicit usurpation. For, truly, it rests established from other councils as well as from the second Council of Toledo¹ that those

¹See Gratian, Dist. 28, c. 5; ed. Friedberg, Corpus Juris, 1, 101.

who advance to the sub-diaconate should promise continence. And, likewise, from the Council of Arles² it is clear that no married man should be taken into the priesthood unless he have promised conversion. Therefore, were the wife not electing the continence which she is willing to vow, she should beyond doubt be restored to the first man, and he, deprived of his ministry of the priesthood, should submit the use of his body to his wife, according to the holy apostle. This the blessed Eugenius, too, had defined in a like case as follows: "One who, abandoning his wife, had advanced to the presbyterate, expelled from the altar, was to return to his conjugal duty until his wife should be willing to promise continence."³ In the case in hand, however, since the priest has vowed continence in ordination, and the wife, through love of chastity and hope of fruitful penance, is holding agreeable and binding the oath of her husband, there falls upon each the obligation of continence; and licence of administering the sacraments is for the present precluded to the priest. For he who has advanced to the presbyterate may not dissemble the vow of chastity, since in accord with the decree of Pope Martin, it is shown to be included in the vow even of deacons, either explicitly or implicitly."

For says he: "Whoso is elected deacon, if he shall have answered for receiving matrimony and have said that he is unable to remain in chastity, he shall not be ordained; and if he shall have remained silent in ordination

²See Gratian, Dist. 38, c. 6: ed. Friedberg, Corpus Juris, 1, 102.

³See Gratian, C. 27, q. 2, c. 23; ed. Friedberg, Corpus Juris, 1, 116.

and have been ordained and afterward have desired matrimony, let him be divorced from the ministry and alien from the clergy".⁴ With this, Leo, too, the trumpet of heaven, agrees, who forbids carnal marriage to sub-deacons and imposes upon all holy orders a flawless purity of continence.⁵

These people, then, though separated, will be husband and wife and will be stationed in marriage as though not possessing marriage; and they shall ever remain single, the vow of continence by which they are bound forbidding them the one to the other. What if, perchance, they return to the practice of carnal intercourse, if their vows of continence are broken between themselves or with others? In this case the presumption of the priest would not be extenuated by your having received from him an oath which sets forth in sufficient detail that he was a sub-deacon at the time of contracting marriage, since he is alone in making this avowal and since, as you write, he subsequently confessed in the presence of my lord of Chichester⁶ that he had taken the oath, so that no faith must be reposed in him, either affirming or denying, except that his confession is enough to condemn him. For if he was a sub-deacon, he ought to be punished as a despiser of his order; if he was not, he ought equally to be punished as a violator of conjugal fidelity, the more severely indeed on this count: that he appeared to have furnished

⁴See Gratian, Dist. 27, c. 1; ed. Friedberg, Corpus Juris, 1, 98.

⁵See Gratian, Dist. 32, c. 1; ed. Friedberg, Corpus Juris, 1, 116.

⁶Hilary, Bishop of Chichester, 1147-1169.

cause for the second marriage, if, in sooth, it can be called a marriage. For the blessed Augustine says in his book on Adulterous Marriages: "If you abstain without the will of your wife, you give her the license of fornication and her sin will be reckoned against you."⁷ What then, accordingly, if you run away? What if, returning, you ignore your wife and make false show of celibacy or even pass over to the embraces of another? Therefore, in logic, practically the whole fault is that of the priest; that of the woman is proportionately light, except insofar as she consented to a second union when she knew the partner of the first to be living. That of the second man is either non-existent or, in any event, extremely slight, unless, perchance, he was aware of the earlier marriage. Since, then, what appeared a second marriage was no marriage at all, let the second man, if he is unable or unwilling to remain continent - which would, indeed, be more expedient, because of the children - marry whom he will, so it be in the Lord.⁸ But the priest, who has given cause for a separation, is held to restitution of dowry to his wife, particularly since in your presence on his word of honor, which carries more weight on the lips of a priest than any other form of covenant, he has promised to restore its estimated value. If, however, any inspiration from our Lord shall have shone upon your charity more sincerely and more practicably, fulfil it in accord with your duty.

As for us, we have enjoined upon the Bishop of Lincoln,⁹ without prejudice

⁷See Gratian, C. 27, q. 2, c. 24; ed. Friedberg, Corpus Juris, 1, 1070.

⁸See 1 Corinthians, 7. 39.

⁹Robert de Chesney, Bishop of Lincoln, 1147-1168.

of a wiser pronouncement the following: "The priest, who, it is established, contracted marriage with the bearer of these presents, because he has given cause for adultery and, abandoning his wife, has usurped the priesthood, must be driven from the priesthood which he has presumed upon; and, since his wife has elected continence, it is illicit for the priest to return to the marriage which he has held lightly. Since the oath of continence is included in holy orders, either explicitly or implicitly, it avails not the priest that he, alone, has sworn, my lord of Worcester presiding and questioning, that he was a sub-deacon at the time of the contract, since he himself, the bishop of Chichester cross-examining, confessed that he had taken the oath. Therefore, if he contracted the marriage as a sub-deacon, he is unworthy of an order despised and profaned; if as an acolyte, he is unworthy, equally, of a priesthood contemned and usurped. But, since he has furnished cause for separation, he is held to restitution of dowry to his wife, especially since, in the presence of my lord of Worcester, he has bound himself by an oath. And, accordingly, we bid you compel him to restore what he promised in the presence of my lord of Worcester as the estimated value of the dowry or as much more as good judgment may exact, so be his resources are enough for this."

112. ARCHBISHOP THEOBALD TO BISHOP ALFRED OF WORCESTER

SUMMARY: Theobald rebukes Bishop Alfred of Worcester for failing to grant a wish of the pope and the king and queen in regard to the disposal of a certain church. For the date of this letter cf. summary of letter 111.

We cannot marvel enough at the quality of your discretion, which, setting aside our counsel and that of our brethren, or, rather, disdaining it, seems to provoke upon itself the indignation of nearly all the superior powers. The supreme Pontiff,¹ the most serene prince,² the illustrious queen are earnestly craving from your fraternity a trifle in which there is more thought to your reputation and security than to their advantage. Certainly, if anyone of these people, individually, were asking a thing of great import he should by best of all right be heard. For the present, let silence hold in regard to us and our brethren, who, had you so decided, should not have held lowest place in your counsel. I am fearful, my most dearly beloved brother, I am fearful, that your counselors have given you rash and fruitless advice, while they have striven to be preferred over all of us. All, in agreement, advise that in accord with the will of the rulers, the churches which are known to have come under the control of Godefried and William pass to Master Salomon. Were it not better not merely to have complied with a wish so praiseworthy but even to have anticipated it?

A man of character and of letters they wish to commend to your favors, and, while you will be conferring the boon of your liberality, to do this

¹Pope Adrian IV, 1154-1159.

²King Henry II and Queen Eleanor.

lest the words which have proceeded from the lips of a bishop be rendered invalid. He should have been taken, in consideration in his literary attainments and his character and by right of an association of long standing, this even with no one making demand. Is not he, in his opportunities, unworthy the advice of his brethren who spurns it so lightly? Do not his prayers deserve to be excluded who admits not the pious wish of his princes? To remain silent about others, who, nonetheless, ought of merit to have most weight with you - the will of our lord Pope should have been interpreted with more abundant good will. It is of custom said in all parts and accepted in full faith that the wish of the Supreme Pontiff is law. And, verily, in framing statutes and in deciding cases, insofar as it is believed to obtain, whenever it becomes known it imposes upon the devotion of all who love him an inevitable course of action.

But perhaps you say that Master Salomon has deserved this, who has stirred the heart of the queen to disbelief in your integrity. What else is this than to make the queen, who has exonerated him in your hearing, defendant on the charge of falsehood? And since we doubt not that the will of our lord the Pope has become known to you, we charge you by the contents of these presents to carry it out, preventing anything in opposition to it to be renewed in regard to his churches. We bid you make a copy of the letter which Archdeacon G.³ has delivered concerning this. Your discretion understands what followeth him who knoweth and who worketh not the will of his lord.

³Godfrey, Archdeacon of Worcester, 1148-1167. See Le Neve, Fasti, 3, 73.

113. JOHN TO ABBOT PETER OF CELLE

SUMMARY: John writes to a friend imploring to be consoled. R. L. Poole conjectures that this may be the letter which was answered by Peter of Celle (cf. Migne P. L. ccii, letter 71) late in 1159 or early in 1160, when John was in disgrace with Henry II. Cf. Studies in Chronology and History, p. 270.

Fortune begrudges me the pleasant events I have longed for and all too often sets herself unkindly against my kindly affections. In your parts has the treasure of my heart long been stored; in your house - and I count this the most precious blessing in all my world - I have a plenitude of faithful friends. If, however, I have been deceived, this error on the part of my very weak and credulous mind is none the less grateful. For judgment on the characters of friends should be respectful and reverent, always; and it is the mark of a perverted nature to judge them lightly and incorrectly. I am right in using the word plenitude, too, from the circumstance that as friend to many I am confident of being loved in turn by many. I am confident, I say, never wavering from a hope quite free from doubt; and I know that such hope as this does not confound, since charity knows not an end of confusion by merit of helpful grace and perfect virtue. What, accordingly, is sweeter than to visit such treasure often, where the soul is made joyful and where it makes others participants in its joy? "Where is thy love",

quoth he, "there is the eye;¹ and where is thy treasure there is thy heart also."²

What is more bitter, then, than to be cut off from the contemplation of that which the heart has set free or which it yearns for beyond all else and toward which the glance of the eye ever turns? Long since, then, was this bitterness mine, and a bitterness exceeding bitter: that I was permitted to see not one of my friends in your household, when - my conscience as witness - I allowed myself to be driven of late, in order that I might minister to this poverty of mine, so that I went down to a friendly people but an unfriendly cause. I came near to you, indeed; but thereupon was my grief made heavier, fuller, sharper. For when, fleetingly and by night, I had beheld your longed-for face, by my wonted ill fortune it was swept from me too swiftly, so that I was not allowed to see it again in the morning

¹"UBI AMOR IBI OCVLVS, UBI DOLOR IBI DIGITVS".

See Augustine, Migne P. L. 34. 496, comment on Genesis 39.7: "Et misit uxor domini eius oculos suos in Joseph: solet et apud nos vulgo esse usitata locutio pro eo quod est 'amavit eum'".

Peter Chrysologus: sermo 147, Migne P. L. 52. 595, "amor quod amat non potest non videre".

Greg. Mor. 2. 10, Migne P. L. 75.564: "Nos nempe quod amamus respicimus; quod vero aversari volumus, ab eo faciem declinaverimus".

Bede Hom. 3166: Migne, P. L. 94.410: "Videre enim Dei eligere vel amare est - et nos quae amamus videre, ab his quae exsecramur intuitum festinamus avertere".

Jerome. Apologia adversus libros Rufini, Migne P. L. 23, 401: "Sed meo tantum vulneri admovi manum".

Egbert von Luttich, ed. Voigt, Fecunda Ratis 12-13: "Sicubi torret amor mirantur lumina formam; crebra manus palpat, quo membra dolore coquantur".

to extend greeting when I was leaving and by that circumstance the more eager. For a long time I tried. For a long time I waited, begged, and importuned many; but there was no one to lend me aid.³ This, then, in my case has fortune been able to effect; but though she be bold, she will not dare - nor will she be able - to prevent me from loving and hailing you in your absence. Farewell; and know that your presence cannot be driven from my heart.

Florilegium Vindobonense, 71 - 72:

"Illic est oculus qua res sunt quae adamus; est tibi nostra manus qua nos in parte dolemus."

Plutarch, de Garrulitate, 22: See F. Dubner, 621, 45.

Apostolios, 12.94a.

Stobaeus, Flor.: 99,25.

²See Matthew 6.21; Luke 12.54.

³See Isaias 63.5.

114. ARCHBISHOP THEOBALD TO POPE ALEXANDER III

SUMMARY: Theobald reports an appeal to Rome by the abbess of Barking, who is disputing with the priest of Ingatestone over the tithes of the church. This letter was evidently written early in 1160. It states that an appeal to Rome was pending when Adrian died on August 31, 1159, and that the case was again brought before Theobald at the beginning of the following year, 1160. The abbess failed to appear at the first two citations, and at the third appealed to Rome and named the first Sunday after Easter, April 13, 1160, for the hearing of the case.

The case between Roger, a priest of Ingatestone,¹ and the abbess of Barking,² which was aired in judicial inquiry by our venerable brother, the bishop of London,³ over a period of time longer than was seemly, the abbess appealed to us for hearing at the moment when the weight of the considered pronouncement which seemed justified by her illicit use of certain parish belongings and tithes appertaining (so it was said) to the church at Ingatestone was about to descend upon her. Thereupon, after many adjournments, which the aforesaid abbess had obtained upon various occasions, and after a peremptory day had been set for the parties, upon which each might see fit to set forth the premise of his case, the abbess, thrown into panic by ill-founded fear and led astray by unwise counsel, evaded our investigation by means of an appeal. We, on our part, as was meet, deferring to the apostolic chair, refrained from trial and decision until pronouncement in the case should proceed from your throne or until authority for pronouncement

¹In Essex.

²Benedictine nunnery in Essex.

³Bishop Richard de Belmeis of London, 1152-1162.

should be delegated to whoever seemed most suitable.

Adrian⁴ of pious memory, was snatched from among us; and, while our Savior was importuned by the prayers of the faithful, God allowed his church to be thrown into confusion, amid the swelling tempest of schism⁵ and the emerging collision of kingdoms; and as though a phalanx of the unfaithful were interposed - which may God dissipate - a certain grief⁶ was set up between you and us so that no one could pass from one to another without great peril. Accordingly, therefore, the time slipped past in which the appellant should, in deference to her promise, have followed up the appeal - to such lengths, indeed, that plaintiff as well as defendant seemed to have desisted altogether from pursuance of the case.

Then, at about the beginning of the following year, the aforesaid Roger approaching us with a letter from our lord the king,⁷ made formal answer to the appeal which she had made and sought that in deference to the royal mandate justice be done to him. And, accordingly, once more; after the first and the second citations the abbess was summoned by peremptory edict; and then, sending agents, she tried to excuse her absence, proffering, so it seemed to us, at least, insufficient reasons; and then, unable at her pleasure to secure further postponement, she appealed to you for hearing, fixing in

⁴Pope 1154, August 31, 1159. Alexander III succeeded him.

⁵This refers to the anti-pope Victor IV and Frederick Barbarossa, who was supporting his claims.

⁶Luke 16. 26.

⁷Henry II.

advance upon the Sunday on which will be sung the Quasi modo geniti,⁸ saying that she had been unjustly annoyed by her opponent for too long, and that there was owing to him in law none of the effects which he was trying to extort from her through calumny, and that she was fortified against him by a demurrer based upon an excessive lapse of time.

⁸First Sunday after Easter; in 1160 it was April 13.

115. JOHN TO RALPH OF SARR

SUMMARY: John writes that he is burdened with debt and pressed by his creditors, and that Archbishop Theobald is very ill. He then writes of the council of Pavia (Feb. 6-13, 1160) and the questions about the double election of Alexander and Octavian discussed at that assembly and urges Ralph to convince the archbishop of Rheims of the justice of Pope Alexander's claims. He mentions that Theobald was carried to the synod of London (November, 1159) in a litter, and refers to the tendencies of public opinion in England regarding the schism. This letter must have been written in March, 1160 after the news of the council of Pavia had reached England.

To his closest friend Master Ralph of Sarr his pupil John of Salisbury wishes well-being and everything - if anything there be - that is better. I doubt not, dear friend, that you are a sharer in our tribulations, since what harries us is no different or, if you please, dissimilar matter, though it is harrying us in different and dissimilar manner. As for us, we are receiving at close range the darts of angry fortune; at close quarter and constantly beneath our gaze is occasion for unremitting toil and grief and sorrow. No place, no time does our bitter lot yield us for happiness or repose. There is barely left us even a faint hope of comfort, and that, truly, in the Lord, since human aid has been despaired of long since. As for me personally, anxiety for my private fortune oppresses me beneath a load of debt and the importunity of creditors. But this private anxiety of mine, a greater one quite blots out; and all my particular solicitude is caught up in the sweep of a mightier, a general terror. You yourself feel what I feel; and what I shall say to you I believe that you are saying to yourself beforehand in thought, and I believe that you are anticipating in your prudent mind the sorrowful word of one who aches to speak. For unless you have sloughed off

your very self, so long as you are disturbed at the illness of our common master¹ you, too, are involved by ever-wakeful and unceasing care in our toil and sorrow. So long as you behold the collisions of the Church Universal, at whose breasts we were nourished together; weigh her cause; in your foresight measure her perils; meditation piles grief on grief, and a grief that you are not strong enough to bear. However, in the midst of all this, things go more gently with you, who are not forced to weep in person at every breeze and at every hour and at every plaint of a desolate family; who having fallen upon the good fortune of a freer condition, are in no degree fearful that exile threatens you or the necessity of committing an expiatory crime. For you are living under a prince² whose memory is in joy and blessedness. We, on the other hand, are fearful beyond measure that the German emperor³ with his machinations may circumvent and subvert the serenity of our prince. So little discretion does he seem in my eyes to possess whom the presumption of the convention at Pavia⁴ influences, except that the election of Alexander, if any one entertain doubt about it, is bolstered by the testimony of even the opposing party. For - to pass over the temerity of the individual who has presumed to pass judgment upon the Church of Rome, which is set apart for examination by God alone; who has cited to trial⁵ by peremptory edict the man who showed himself inimical, as the dishonoring of

¹Theobald, Archbishop of Canterbury, 1139-1161.

²King Louis VII of France.

³Frederick Barbarossa.

⁴The Council of Pavia (February 6-13, 1160) was called by Frederick Barbarossa to decide the claims of the rival popes, Alexander and Octavian (Victor IV). The English church was invited to send delegates but refused as a result of the synod's held in London in November, 1159, declaring in favor of Alexander. See letter 109.

the cardinals at Besancon made clear;⁶ and who, by expression of judgment preceding legal inquiry, hailed one claimant under the title of his former office and dignity, the other under the title of Roman Pontiff, making clear in this way to senators and people the dark recesses of his own sympathies - whatever was carried out at Pavia is found to be as contrary to common justice as it is to the lawful constitutions and sanctions of the fathers. For, indeed, these men have been condemned in their absence, and in a case which was not examined or - to say better - in a case not of such kind as to be examined rightfully in such place, in such manner, by such judges - pronouncement of sentence has been made precipitately, impudently, unwisely, and iniquitously. But perhaps it would please some to use the expression absenting themselves, rather than absence. It would be preferable, manifestly, to those who are ignorant of the privilege of the Roman church or who dissimulate it. Who has subjected the Church Universal to the pronouncement of a particular church? Who has set up the Germans as judges of nations? Who has conferred upon brutish and unbridled men such authority that at will they set up a prince over the heads of the sons of men? This very thing, truly, has their madness all too often attempted; but with God as aid, just so often has it been prostrated and confounded, to blush at its own iniquity. But I know what the German is plotting. For I was at Rome when the blessed Eugenius⁷ was presiding, when the first embassy⁸ was sent, in the beginning

⁵At the Council of Pavia.

⁶For openly asserting at the Diet of Besancon (October, 1157) that the imperial dignity was a papal beneficium Alexander (then Cardinal Roland) incurred the enmity of the German princes and would have fallen under the battle-axe of Count Otto of Wittelsbach had not Frederick intervened. See Cambridge Medieval History, 5, 390 ff; 424 ff.

⁷Eugenius III, pope 1145-1153.

of his reign, and an intolerable vainglory and an unbridled tongue uncovered the impudence of such colossal audacity. For he kept promising that he would reshape the rule of the whole globe, that the earth should be made subject to the city, and that he would carry all this to an easy consummation if the favor of the Roman Pontiff were but with him in the undertaking. For he was trying to bring this about: that against whomsoever the emperor should proclaim hostility and unsheath a material sword the Roman Pontiff should wield the sword of the spirit.

Up to this time he has found no pope who would consent to such iniquity and, therefore, with Moses in opposition, that is with the law of God saying him nay, he has set up for himself a Pope like a Balaam,⁹ through whom he may curse the people of God: a son of malediction,¹⁰ accordingly, in the expectation of whom and for the naming of whom, through many successions from the earliest founders of the family, the name of Maledictus has come down to him for whom it was being held in reserve. And possibly the violence of the Germans has been left through all time for the trial and purification of the church, like the Chanaanite¹¹ once more, so that it may ever disturb her for her own instruction and then, vanquished, fall prostrate while she, stronger, more beautiful, more glorious, may return after her triumph to the embraces of the Spouse. Thus it is, to the glory of the fathers, with the

⁸The Emissaries were Eberhard, Bishop of Bamberg; Hillin, Archbishop-elect of Treves and Adam, Abbot of Ebrach.

⁹Octavian, the anti-pope. See 2 Peter 2. 15; Numbers 22-24.

¹⁰Maledictus was Octavian's surname. See Duchesne, Liber Pontif., 2. 398. Arnulf of Lisieux, letter 24 in Migne, 201. 42. Octavian, Cardinal Priest of St. Cecilia, was also Count of Tusculum and head of a very powerful Roman family.

¹¹See Judges 2. 20-22.

Lateran Palace as witness, where the laity, even, may read in pictures clearly to be seen - to the glory of the fathers that the schismatics whom the secular power intruded are given to the Pontiff as a footstool, and posterity reviews their memory in the light of triumph. Legal decisions should be independent of outside influences; and whoever attempts to pervert them by force deserves capital punishment¹² in accord with the ancient constitutions. It follows in course that eccleasitcal decisions should be most untrammled of all and in accord with the sanctions of the sacred canons; just as the election of a pastor should be carried on in church by an uninfluenced clergy, without pre-nomination by a secular power, so should it be examined in church by ecclesiastical judges, independently and according to ecclesiastical rules, all secular and terror-inspiring personages removed from the scene. Whatever is presumed upon contrarily to this is declared as null. But in opposite fashion, this empty show of trial, in an armed camp, as it were, under menace of sword and with threats and intimidations wrung from the fearful, has been rushed through by violent and evil men in defiance of law both sacred and profane. But what has been ascertained? What has been accepted as proved? In regard to the problem: the election of which of the two men was either canonical or reasonable - the investigation of fact and of law has been consistently a farce. The fact was stated and estab-

¹²Potentiam: Compare the French potence, gallows, execution.

lished¹³ in accord with the will of the party which interposed its fleshly arm.¹⁴ It was established, I say, that Victor alone was elected by the more stable body of cardinals, by petition of the people, by the consent and wish of the clergy, and solemnly robed and placed in the chair of Peter with Roland present and interposing no objection, but rather, on the other hand, assenting and bidding his clergy obey him whom they saw in the apostolic chair, decorated with the insignia of the pontificate. This also was established: that on the twelfth day after the elevation of Victor, Roland, who had gone out from the city, was robed for the first time in an obscure spot¹⁵ near the territory of the Sicilian.¹⁶ Can it be that you have not looked into the manner of this proof? For the dean of the Basilica of the Blessed Peter and two of his brethren took oath to this in the name of the whole chapter. The religious rectors of the Roman clergy gave oath, also; and the prefect of the city and other citizens offered to swear to the same thing. But the oaths of the clergy only, were accepted because they managed these matters personally. Who, even though blind, would not discover malice so open, falsehood so barefaced? For it is known to practically everybody of what moment, especially in the election of a Roman Pontiff, are those leaders whom the Council of Pavia exalted to further its own wickedness. Who does not find it unbelievable that they have effected the accomplishments

¹³The facts are these: Twenty-two cardinals assembled on September 7, 1159; and all but three voted for Alexander III. These voted for Octavian, who assumed the title of Victor IV. A mob hired by the Count-Palatine of Bavaria, Otto of Wittelsbach, broke up the conclave. Alexander retreated towards the Norman South and was consecrated and crowned September 20, at Ninfa. Octavian's consecration took place October 4, in the monastery at Farfa.

¹⁴See Jeremias, 17. 5.

they vaunt? But grant that they were present in the beginning of the quarrel. Did they, then, follow Roland for twelve days, up to the time of his consecration? Did the Chapter of the Blessed Peter see this, in whose name the oath was given? or the rectors who gave oath for themselves? Did the prefect see all these things, an exile and a person to whom entrance to the city was forbidden? But he, as is commonly mentioned, is a nephew of Octavian, and closely connected, to speak more exactly, a cognate, the son of his sister. But these other citizens, bent on looking into all matters that they might take oath with security, did they advance to the territory of the Sicilian? Manifestly these witnesses were examined conscientiously who swore all these things in the presence of that sacred council. Of necessity the need for taking the oath was remitted to the citizens, since they were not going to swear in this manner. For even if they had no fear of conscience, they feared, at least, incurring loss of repute among their fellow citizens. As for the greater numbers in the more rational party, whither have they seeped away? If they were strong in the inviolability of prudence and justice, why have they withdrawn from the truth and justice which they were holding? Can it be that they were corrupted by that notorious money which the ex-senators confessed that they had received from Octavian to swear to his promotion? money which was allotted by the people

¹⁵Ninfa in the Pontine Marshes, the "Cisterna Neronis" of classical times.

¹⁶King William I of Sicily.

to the repair of the walls, many crying out that it was unfitting to send it to the treasure-house since it was blood money?¹⁷ Of that great number only three¹⁸ have remained, concerning whom the Germans might pass resolution in camp. William of Pavia, Cardinal of St. Peter in Chains, heard all these matters in the presence of the council and made no denial. But why has he spoken instead of Victor? Why has Victor's testimony been passed over? He should, in justice, have been questioned, for he has enough of eloquence and courage and sufficient years to speak for himself. But, manifestly, he was not questioned because he would have made denial and wisely did he remain silent in the uproar who beheld the strength of the fury, because this presumption in no wise prejudiced ecclesiastical liberty. I am taught one thing by his silence, moreover, that in such great crisis of the Church he seems not one to court martyrdom. If the election of Victor was so reasoned, why were cardinals, bishops, and all others absent from his consecration except these three whom you knew, of course, but whom the world will know only from now on? What kept the invited bishops of Tuscany away from the consecration but realization of sacrilege? I marvel that all follow the poverty-stricken Alexander and wish to live with him in exile from the face of princes rather than, cleaving to his rival, to rule over the leaders of nations. Here are bishops, here are priests, here are deacons, here is the whole curia; and "Here is everyone who is not in exile from so great a body."¹⁹ The pronouncement of the Council of Pavia frightens them not

¹⁷See Matthew 27. 6.

¹⁸The Cardinals Imar of Tusculum, Guy of Crema, and Giovanni of St. Martin.

¹⁹See Lucan, Pharsalia. 5. 24.

at all; but, trusting in the Lord and the power of his strength and comforted in the Holy Ghost, they have turned back the sentence of anathema against the emperor himself and his idol, together with all their followers.

I pass over to the recent and hitherto unheard of decretal subscriptions of the synod, according to which in the absence of bishops, counts are admitted in their stead and also according to which the counts assume for themselves the high authority of the bishops' chairs in cases where there has been no election or where an election has been condemned. For the emperor's chancellor Rainold²⁰ has comported himself as bishop of Cologne although it is certain that his election was condemned by the Roman Pontiff, the Blessed Adrian. Since he aspires to the episcopate, I am not able to see, either, why he puts off being consecrated by his Victor, unless he fears impending ruin. Guido, Count of Biandrate,²¹ supplied the place of the archbishop of Ravenna, when his son, whose election was declared null-- although he was a worthy young man - was not yet able to fill the position of bishop. To whom do these matters not seem ridiculous? This is a display for a theatrical stage rather than the show of a council worthy of respect. What of this matter: that a large number of kingdoms and provinces - a false number, to be sure - has been gathered together so that these subscri-

²⁰Rainold of Dassel, Archbishop of Cologne, 1159-1167, and Barbarossa's chancellor.

²¹Guido, Count of Biandrate, Italy. His son Guido was archbishop of Ravenna 1158-1169. Frederick Barbarossa had become hardened in his resentment against Adrian IV by the latter's refusal to confirm the nomination of Guido.

bers may more easily draw with them toward the abyss those who are ignorant of the facts? Who could be moved at the statutes of that council where

"the fathers sit prepared to assent
If he seek kingdom, temples, the murder of Senate,
And daughters-in-law doomed to suffer the unspeakable",²²

and anything else tyrannical and more atrocious that could be hatched.

Matters have gone well with the Church to this extent, however, that Caesar, who was present, "blushed to order more than she blushed to endure."²³

I could write back more fully concerning the matters of which you have written, but I think that this is sufficient to persuade you that my lord of Rheims²⁴ should accept Alexander if possible or, rather, gracefully defer his assent until it be possible. For I think he is strongly enough persuaded not to acquiesce in adoring the emperor's idol. However, if danger threaten close at hand, it might be most convenient to postpone the matter for awhile. In ticklish situations haste is fraught with peril; and delay, which carries danger among swift-moving events, frequently begets opportunity for accomplishment. The bishops of Pavia²⁵ and Placentia²⁶ have been disturbed enough and more than enough in proportion to the confidence which they repose in the

22. . . . sedere patres censere parati
Si regnum, si templa sibi iugulumque senatus
exsiliumque petat.

Lucan, Pharsalia, 3. 109-111.

. . . . senatus
Passurasque infanda nurus.

Lucan, Pharsalia, 5. 306-7.

²³See Lucan, Pharsalia, 3. 111-112.

²⁴Samson de Mauvoisin, Archbishop of Rheims, 1140-1161.

²⁵Peter Toscani, Bishop of Pavia from 1148 until 1162, when he was expelled from his see. He regained it in 1171 and died in 1180.

²⁶Hugo, Bishop of Placentia.

man; but neither of them has pronounced agreement with the council and the acts of the iniquitous, inasmuch, as they themselves expect the kingdom of God.²⁷ The Emperor, moreover, hangs threateningly near them, so that, strengthened by their example, those at greater distance may speak out for the truth with more security and, rising against the wolves, oppose themselves as an impregnable wall before the house of Israel. And since I speak to you no otherwise than I speak to myself, I shall expose openly whatever seethes in my heart. As a witness closer at hand and as one to whom the outer guise of events is become better known, you will be able to pass judgment on details more fully and more reliably. If the schismatic madness, its parties strengthened, should make less violent progress so that it becomes doubtful in whom rests the authority of the Roman Church, no wiser course appears before me than that pronouncement of choice be deferred to the day of the revelation of the just judgment of God,²⁸ since that day alone is destined to see that the wicked be vanquished. Indeed as the poet says:

"If the judge of the war be changed, no hand is pure."²⁹

And since the truth in regard to merits is not fully, not clearly understood, the justice of man is usually subverted by some shadow of error. But the justice of God is justice for eternity. Meanwhile until He light the hidden recesses of darkness He must be invoked and besought that by some visible sign He indicate whom He himself chooses to accept the lot of his ministry.

²⁷See Mark, 14. 53.

²⁸See Romans, 2. 5.

²⁹Lucan, Pharsalia, 7. 263.

In this case, however, there is nothing which could give place for questioning or permit of doubt even to the Academic,³⁰ fluctuating in practically all directions, since a unique pair of contestants has emerged, God permitting, to the stupefaction of all beholding: on the one side the whole church ranged, on the other only three reed-like offshoots³¹ provoking upon themselves the vengeance of God as they strive to split the unity. If you compare personality to personality: the one man is cultivated, moderate, modest, zealous in pursuit of justice; the other has always embraced nothing but vanity. If you compare case with case: the one bears himself as thief and brigand; with violent hand and refined craft, the bridegroom indignant, he has thrown himself upon the embraces of the bride; the other has stood back in modest chastity until he was led in by the bride. From all this one must fear that delayed condemnation of such patent crime may seem to furnish its assent to the schism.

Although, as you are aware, my lord of Canterbury³² is restrained by most burdensome lassitude, at the exigency of this word he has convoked the bishops and clergy of this entire realm³³ and is hastening to London, in order that, joining counsel with his brethren, he may make known to my lord

³⁰The Academy (i.e., the Platonic school) became in its later days notorious for its scepticism and indecision.

³¹See line 117.

³²Theobald.

³³The Synod at London, November, 1159. See letters 107, 109.

the king, who is consulting him, what needs be done. We were fearful that his illness would be aggravated by this journey, so that I have kept your Arcadus here for some days despite his resistance, in order that with him telling you what he had seen you might be apprised of my lord's condition. From the moment he ascended the litter, however, he seemed more at ease, although up to that point he had been in great distress. Meanwhile, for a little space, the malignancy is quiescent and purgation is being effected naturally. Winchester³⁴ and Durham,³⁵ so folk say, if they dared openly to vote for Octavian would gladly go over to his side. On the other hand, York³⁶ and our treasurer³⁷ are promoting Alexander with all their energy. They are not the only ones, of course, since this party has been accepted by the majority and by the better men; but they are working for it more forcefully.

³⁴Henry of Blois, Bishop of Winchester, 1129-1171.

³⁵Hugh of Puiset, Bishop of Durham, 1153-1195.

³⁶Roger de Pont l' Eveque, Archbishop of York, 1154-1181.

³⁷John Belmeis, treasurer of York. R.L. Poole states that it was Richard fitz Neal. See Studies in Chronology and History, p. 280.

116. ARCHBISHOP THEOBALD TO THE CHURCH OF COVENTRY

SUMMARY: Theobald requests the chapter of Coventry to cooperate with him in suppressing the evils of simony that are being practised by the archdeacons and other officials of the diocese. If the simonists refuse to obey, the bishop of Hereford is to be asked to excommunicate them.

From the mention of Easter and "Bishop Walter of holy memory" it can be deduced that this letter was written some time after Easter (March 27) 1160. The see of Coventry was vacant from the death of Walter Durdent on December 17, 1159, until the consecration of Richard Peche shortly before the death of Theobald which occurred on April 18, 1161.

These evils which wound the Church the more dangerously and defile her with the baser uncleanness we ought in deference to our pastoral duty to follow up the more sharply and to drive from the house of our Lord more vigorously. Indeed, if we have not been zealous to amend their failings when we are able, the fault of our subjects involves us through assent and convicts us as sinners before God. We recall, moreover, that through Alan of Wilna our written communications have been sent to the archdeacons, the deans, and the officials of the Church of Coventry¹ in order to pluck out the pestiferous root of simoniacal depravity which is said to be germinating anew in the bishopric of Chester. For, to be admitted into the Church vicars are forced to expend twelve denarii apiece and to pay this as annual pension to ministers of Satan rather than of the Church - redeeming their license, as

¹At this time William was dean of Lichfield, Richard Peche was archdeacon of Coventry, Frogerius archdeacon of Derby, Robert archdeacon of Salop, and Elias archdeacon of Stafford. That simony continued to be practised by the archdeacon of Coventry, at least, can be seen from a letter of Alexander III to Archbishop Richard of Canterbury (1174-1184) some years after this letter. See Decret. Greg. 9. 5. 37. 3. ed. Friedberg. 2. 880.

it were, to make sacrifice to the Lord. Under pain of anathema, however, we have forbidden that this be done any more, handing over to their leader Satan those who indulge further in the wickedness of this simony. We have bidden archdeacons and their ministers to rest content in the just and ancient customs. However, as repeated and tearful complaints of the clerks of Derbyshire indicate, the aforesaid Alan has for a long time suppressed our mandate until he and his accomplices have been able to fulfill their baseness in oppressing the poor and, as though our prohibition had inspired them toward the forbidden, now that the Easter solemnities are impending they have forced the priests, who cannot, of necessity, be without the holy chrism, to buy it. How contrary to the holy canons this is, the faithful Church knows and they themselves cannot be ignorant, since it is established that your Bishop Walter of sacred memory condemned the sale of the chrism among you and under anathema forbade that it be retailed at a price any longer.

Certain men coming to us report that from John of Lincoln and his accomplices they have suffered heavy oppression. Certain ones complain, too, that in his official power he has tried through appeal made to us to suspend them from office. Thence is it that, advising your discretion, we command you to inquire most painstakingly into this circumstance and if Alan be shown to have fraudulently suppressed our letter to suspend him from office in our authority until he most worthily make satisfaction to us and to the Church of Canterbury. In our authority, too, compel John of Lincoln and the ministers of the archdeacon of Derby to restore to the clergy what they have extorted from them, since we condemned their wickedness, in the pursuance of

the base custom which we have gone over before, that is by the accursed sale of the chrism. But if they have failed to obey you in this matter, in our name suspend them from entrance to the church until they restore what they have taken from the priests and until they make satisfaction to us. Moreover, if after appeal made to us they have dared to suspend any, free these people and proclaim that by us those suspending have been suspended from entrance to the church for so long as the others remain under the sentence of suspension inflicted upon them. But if they have scorned our authority we bid you go to our venerable brother the bishop of Hereford² with our letter and so act that the contemners of the holy Church of Canterbury be publicly excommunicated.

²Gilbert Foliot, Bishop of Hereford, 1148-1163.

117. JOHN TO ARCHDEACON BARTHOLOMEW OF EXETER

SUMMARY: John informs Bartholomew of the latter's delegation by Theobald to do justice to a citizen of London (or to a person who had made himself out to be one) who had been wronged by one of the rural deans of Exeter. He refers to a suspicion which Bartholomew had conceived regarding Bishop Walter of Rochester and Ralph one of Theobald's clerks; indulges in some banter about not showing his letter to a youth who is rather meticulous about grammar; and makes a disparaging contrast between Bishop Arnulf of Lisieux and Bishop Hilary of Chichester. This letter was written some time in 1160, while the see of Exeter was vacant.

The bearer of these presents, a native of London, so he says, having diligently inquired into his lineage, has been unable to establish his birth-place on this side of further Cornubia. If what he says is true, this friend of ours has been despoiled by a certain dean of yours and injured in a fashion most unlike what is due a citizen of London. Our lord the king had bidden my lord archbishop to summon the dean and his accomplices in order to investigate the case. But, inasmuch as the archbishop places the utmost confidence in your good sense and justice, he is handing the case over to you, so that before the face of a fairly powerful adversary you may attend upon God in this poor man, if he is resting his case upon the truth. All in all, the archbishop urges you to show justice to our poor fellow townsman¹ in accord with the royal mandate and not without embarrassment of the dean

¹R. L. Poole writes (Studies in Chronology and History, p. 282 n): "This letter has been given an accidental importance because John calls the man his concivis, and it has therefore been supposed that John was a native of London. The inference is, I think, mistaken. The archbishop possessed churches in London and would naturally endow his clerks with them or with pensions charged upon them. The holding of such a benefice would entitle John to rank as a citizen of London. When he went into exile some of his ecclesiastical revenues were placed in charge of the bishop of London (letter 140, ed. Giles); these lay, no doubt, in his diocese.

The matter is serious, even if deans and archdeacons do look upon despoiling the poor as a sport. Why not? The grief of others yields to their rejoicing in whose hands are iniquities; and their left hands are filled with gifts² or are clutching after them - for these monsters among men do not have right hands. As some men are equipped with two right hands in pursuit of virtue, these persons equipped with two left hands are convicted of greed and robbery. These words in the face of the rage of archdeacons and in defense of our poor fellow-citizen, to whom a secret nook of further Cornubia, hard by the tower of London, has given birth.

Now regarding the state of our household: It is the same as it was and even a bit happier. For that fear³ which the bishop of Rochester and our Ralph had inspired in you has stood revealed as empty. A matter of grave import for them was afoot and one toward which the covetous should surely have hastened, for they were called and were to receive a hundred marks and something more. One of the two, however, has grieved that his vigils and his anxiety have been deluded, since he received nothing for himself because the other "Took every point and mingled use and pleasure."⁴ Now I shall find out if the spirit of prophecy be alive in you so that you answer unhesitatingly as to which one of the two finds the situation to his liking; if the spirit fail you, consult our young man from whom I go away more erudite and more precise just as often as he approaches me. It is even expedient

²Psalms. 25. 10, where dextra is had instead of sinistra.

³Possibly Bartholomew suspected them of hindering his candidature for the see.

⁴Horace, Ars Poetica, 343.

that what I am saying be hidden from his eyes, lest I be forced to discharge a fine for cacophony or for a word out of order if he, perchance, fasten upon a clashing among three vowels. For to a youth who counters with the letter of the law and stands sleepless guard over the rules of grammar, I proffer in vain as my defence the misusage of writers. But if our elder brother should betray the secret to the younger, so that he demand the penalty, take up the case for me and say that I have come forward not to argue about grammar with an adolescent grammarian but to prosecute the case of my London friend from Cornubia in whatever words I can. For if danger threaten the one or the other, I reckon it more satisfactory to win the case at the sacrifice of grammar than to speak grammatically and to lose it. Once upon a time when two lawyers--now shepherds of souls, they say, in the office of bishop, the one of Lisieux,⁵ indeed, and the other of Chichester⁶--chanced to be upon opposing sides and Lisieux preferred damage of his case to damage of his style, Chichester conceded him the embroidered words but by scrupulous attention to substance snatched from him the glory of winning. I am not able enough to imitate either, but I think the example of the second is to be preferred. Therefore, let us carry out the project in hand; and do you take in charge the case of our poor fellow townsman. That you may do so more diligently I have given him the sandals which our friend Jordan, sub-prior of Lewes,⁷ had had sent over for you.

⁵Bishop Arnulf of Lisieux, whom John accuses of detracting him (letter 91).

⁶Bishop Hilary of Chichester. His faulty Latin grammar had caused some amusement when he spoke before the Pope at Sens in November, 1164. See Becket Materials, 2. 339.

⁷A Cluniac monastery in Essex.

I have filled the page with trifling words because it is sweet to speak in the ear of a friend and because this matter which should be made known to you is not new. Farewell; and wish our brothers farewell, so extending the title of brother as to reach not only the master and Peccator but the son of Reinfred,⁸ too, and others who are joined to us in the brotherhood of affection--to the length even that there is understanding in the matter of qui and quae. Once more, and always, fare you well.

⁸R. L. Poole notes (Studies in Chronology and History, p.282n.) that a Master Richard, Richard Peccator, and Richard son of Reinfred witness Exeter documents about this time: Hist. Mss. Comm. Report on Various Collections, 4. (1907) 48-51. Master Richard died on March 1, 1160/1 (Exeter Martyrology). In letter 132 John refers to Master B. the son of Reinfred, Peccator and fraterculus meus.

118. ARCHBISHOP THEOBALD TO KING HENRY II

SUMMARY: Theobald begs King Henry to send Thomas Becket home as soon as possible. He speaks of the latter as his archdeacon and not as the king's chancellor, and urges the point that, unless the king has grave need of his assistance, Thomas' continued absence would be an act of disobedience. He also urges the necessity of filling the vacant see of Exeter. This was probably written a short time after the death of Bishop Robert Warelwast of Exeter on March 22 1160 - perhaps in April or early May. From the first sentence it may be inferred that Theobald had not yet heard of the peace made with the French in May, 1160. Cf. Robert Torigni, a. 1160.

Now that the clashing of kingdoms has been heard on all sides, and strange combinations are appearing in the world of affairs, and evils are increasing out of our own iniquity, we have conceived sharp anxiety regarding your well-being, whence is the well-being of so many peoples; and this afflicts us by day and by night in spirit more than the scourge of the Lord, by which in His grace we are afflicted in body. Hence it is that we are forced to investigate your condition through messenger, we who should, were it possible, prefer to look upon it in person. We recall, moreover, that we have besought you, since the evil of the times begrudges us your presence, at least to permit our archdeacon, who is one with us and first in our counsel, to come back. He should have come, even though unbidden; and he should have been accused of disobedience before God and man, except that your exigency continued to excuse him. But inasmuch as we have always preferred your will to ours and have decided so to prefer it to all feasible length, we are forgiving him for that in which he has been remiss out of respect to your wish, willing that for as long as necessity exact he stand firm in his service to you. And we charge him to accommodate all his loyalty and industry to your necessity, on this stipulation, however, that

so soon as you can get along without him you allow him to return, so it be pleasing to you. For I, too, whom the mercy of God has confined to my bed at the expense of my temporal life, would most willingly carry your affairs on my shoulders till peace be reshaped for the land and the peoples whom God has committed to your rule. Moreover, I hope that the more wholeheartedly I acquiesce -- and have always acquiesced -- in your will, the more benignly you may condescend to my necessity, if you please, and the more readily give ear to my prayers for returning the chancellor and for promoting the business of the church at Exeter. And know in all certainty that we should in no wise ask this except that we believe it to be pleasing to God and expedient and honorable for you. Listen, if you please, to what we so earnestly ask in this particular, who are destined, perhaps, to ask nothing more.

119. ARCHBISHOP THEOBALD TO KING HENRY II

SUMMARY: Theobald intercedes with King Henry for the abbot and monks of St. Marys, York, and requests the king to deny the petition of the recalcitrant monk who is attempting to cause trouble for them. He also begs Henry not to listen to the proposals of the emperor Frederick Barbarossa to join the schism then raging in the Church. This letter together with letter 120 may be placed in the spring of 1160, when Barbarossa sent Archbishop Rainold of Cologne to England in order to enlist the sympathies of the English king and Church on the side of the schismatics. From the mention of peace in the first sentence it is evident that peace had not yet been made between Henry and King Louis; this was done on the octave of Pentecost 1160. Cf. Robert Torigni, May, 1160.

In no evidence does the virtue of princes shine more clearly evident than in this: if in his majesty a people shall achieve peace; a church, tranquility; and religion, an expansion pleasing to God. Made firm, indeed, for all time in solid strength is the throne of kings who rest upon foundations of such virtuous accomplishments. These matters we reiterate in your ear frequently, since it is evident that they are sweet to your hearing; and as they are more glorious in effective accomplishment, they are more thank worthy in frequent use. So long as your attention be focused upon these, so long shall you steps prosper in the Lord and in the glory of the whole world; for they shall ask and receive this by suffrage of the saints for whose tranquility you are watchful. Upon our prayer to the Lord for you intrudes the monastery of St. Marys York,¹ which we the more confidently commend to you in that we are assured by testimony of all in the same province that it is most worthy of commendation by virtue of the practice of genuine religion and of dutiful devotion to you and to your children. For too long

¹A Benedictine abbey.

a time has its tranquility been disturbed -- as we have ascertained with certainty -- by a certain brother, who, now, impelled by malice and levity, has flown like useless chaff from the vineyard of our Lord. He has, there-upon, approached your majesty to convict himself as hateful in the sight of God for what he has not blushed to take away from the monastery; and he has requested, contrarily to the rule of St. Benedict, the privilege of withdrawal. Out of reverence to you his brethren have been willing to receive him according to the provisions of his order; but he, on his part, has not consented to enter unless by act of entrance his monastic order be broken. Accordingly, we supplicate your excellency to lend favorable ear to the abbot and the religious brothers of the place and to deny entrance to him who tries to withstand his brothers who are constantly praying for you. In addition to this: throwing ourselves prostrate before the feet of your mercy, we commend to you more assiduously the cause of the universal church; praying God in behalf of you and you in behalf of us and of our church not to make, in accord with the prayers of the emperor,² any decision whence the fury of the schism may grow greater.

²Frederick Barbarossa.

120. ARCHBISHOP THEOBALD TO HENRY II

SUMMARY: Theobald thanks the king for the restoration of peace in France, urges him to hasten his return to England, and mentions the rumour that Archbishop Rainold of Cologne had been sent by Frederick to win over Henry to the cause of the anti-pope Victor IV. This would have been an aftermath of the council of Pavia in February 1160. The letter may be placed in May-June 1160, shortly after peace was signed in May of that year.

He who in His mercy spurns not the prayers of the poor and He who is the God of compassion, has hearkened to the lamentations of His church and in His grace has restored to you a peace which you may, as you are in duty bound, restore to your subjects. For justice cries that they be sharers in consolations who have been worn down in labor for you, who have laid bare to peril their possessions and their bodies and their souls, at your will; that they be allowed a breathing space, though it be but brief, so that thereafter when need arise they be better equipped to serve you. But since in your absence there is no hope of rest for your fellow countrymen, the entire land longs for your face. She is praying God, in whose hands are the hearts of kings, that he grant true peace¹ to you and your grace to them, and that it be pleasing in your eyes to sojourn at greater length in your own realm to the aid and consolation of clergy and people. The Most High has been wont to hear those who pray for you and we trust that this petition, too, of the lowly has been accepted before Him. And, accordingly, we

¹The peace alluded to here is that made with King Louis VII of France in May, 1160, after the latter had interfered with Henry in the war of Toulouse, which took place in July-September 1159.

supplicate that this please you which we deem pleases God: that you return² to your own people, through whose need and prayers we believe it is that peace has been refashioned on every hand for you by the Lord. Let the devotion of your people move you and the love of your children, from whom even the most unyielding father could restrain his eyes for so long with difficulty. Let conjugal fidelity move you, and the charm of landscape, and affluence of delights which we have it not in us to enumerate; and, lest we pass over our own cause, let my desolation move your heart, who in old age and ill health shall not long be able to wait your coming, for which I yearn. "The flesh being consumed, my bone has cleaved to my skin";³ my spirit warns of withdrawal but clings none the less to the members in wistfulness and in hope of your arrival. It waits, indeed, and hopes, and all the while turns a deaf ear to nature, who is calling, and it refuses to close its eyes except it first behold your face. And the all of my prayer and desire is this: that, so soon as you can in convenience, you return. Rumor has, it moreover, that the Emperor,⁴ through his chancellor,⁵ is trying to bend you to his apostle;⁶ but with God protecting your soul you will prefer God to any man whatsoever, who know that: "Cursed be the man that trusteth in man and maketh flesh his arm."⁷ In certain circumstances so fraught with difficulty and danger, it might be safer to procrastinate for a

²Henry did not return to England until January 25, 1163.

³Job 24. 20.

⁴Frederick Barbarossa.

⁵Rainold, Archbishop of Cologne 1159-1167.

⁶The anti-pope Victor IV.

⁷Jeremias 17. 5, which reads homo for omnis.

time than to precipitate an assent untimely. Moreover, too, and beyond all this, I stand in superlative need of certain others, of your archdeacon,⁸ if you please, at least, for counsel and for consultation face to face.

⁸Thomas Becket.

121. JOHN TO ARCHDEACON THOMAS BECKET

SUMMARY: John writes that by the archbishop's order he had drafted letters to the king and to Thomas Becket urging that the latter should return to England under pain of anathema and loss of his church revenues, but that he was now softening the tone. He urges Thomas to use all his influence with the king to have Bartholomew appointed bishop of Exeter, since Robert Fitz Harding was pushing the candidacy of a worthless fellow. R. L. Poole dates this letter May 1160. cf. *Studies in Chronology and History*, p. 281. It was evidently written before peace was concluded in France in May of that year.

In accord with the demands of your friendship I had formulated a letter from my lord to our lord the king in such tenor of austerity as would make clear to you the necessity of speedy return unless you wished rather to incur a charge of disobedience and, together with penalty of anathema, the loss of the properties which you hold from the Church of Canterbury. But in deference to the prayers of the king, extended unexpectedly through Hugo of Doura, together with transmitted blandishments and flatteries, I have been forced, at the urgent behest of my lord, to temper its austerity and to concede something to public necessity. For if these reports which are delivered by returned travelers are true -- and I hope that they are true -- the king and the whole curia so hang upon your counsel that no hope of peace impends save your prudence have fashioned it beforehand. Whence comes it that my lord has begun at times to feel doubtful why our lord king and you sometimes write letters and make commands to cross purpose concerning the hastening or the delaying of your return, while at the same time in the mouths and ears of the populace echoes the rumor that you two are of one heart and one soul,¹

¹See Acts 4. 32.

to the end that through the compelling necessity of friendly intimacy you must needs agree in what you wish and what you do not wish.² He has even asked at one time or another whether in the situation at hand there could be any collusion.

But I seem to myself to divine the truth and presently, as it were, to behold the condition of one far from home and hard at labor; and, accordingly, when I was forced to destroy the letter I had drafted, I began to waver as to whether it were more expedient to hold back the messenger than to dispatch him. But since he had already received the license which we had contrived for beforehand and was on the point of departure, I made up my mind to explore your mind; and I have succeeded in sending across as urgent a letter as I could, although it indulges something to the royal will. Our lord extends through you and through his letter a prayer to his royal majesty, and he is confident that he should be heard if you give your attention to promoting it; and I never recall his asking anything more feelingly. His prayers are surely worthy of respect, such as should, in justice, be heard. Refusal of them will bring him not only mental confusion but also, and beyond all, loss of faith in your favor, which he has always striven to deserve. The matter is this: that he may win the king's consent and authority to advance in the Church of Exeter Master Bartholomew, Archdeacon of Exeter, an upright and cultured man, in behalf of whom he dares make demand upon your good faith. To his intimates he often says, to those, of course, so close that it is legitimate to say it, that he holds the king's favor as slight indeed, if he himself suffer refusal in the case of an honorable and well-

²Sallust, Cataline, 20. 4.

educated man when the king has listened this long time since to Robert, son of Harding,³ regarding an uneducated and incompetent person⁴ -- that is unless consent shall have been prevented through the canons of Exeter and others who fear God.

For my lord the king has written on this matter, and certain men have dared to annoy the archbishop himself as he lies on his sick bed; and, therefore, he craves that that be given him which may be given in accord with canon law, which has heretofore been indulged to a man of wealth contrarily to canon law. Rumor has it among us that the king has granted you disposal of the returns of three vacant bishoprics;⁵ but the archbishop does not from this circumstance feel less confidence in your patronage of this project. Many indeed are the arguments which you may advance on his side; and I doubt not concerning the result if you shall have deigned to give it your attention. Your industry is well known and what you have done about Lincoln and York lies hidden from none of us. Dismiss a father heart-filled with joy at the favor of receiving his petition and make heard the prayer of him who, as he says himself in his letter to the king, is destined not to ask for anything more. He has put his own words in the mouth of his messenger and commanded him in all matters to speak and act as you direct him. Know, moreover, that if you put off the effecting of this petition until the arrival of our lord the king, by that very circumstance the archbishop will think that delay is

³Robert Fitz Harding, head of the powerful Harding family of Berkeley. He died on February 5, 1171.

⁴This candidate of Robert's may have been Henry, Robert's son and dean of Mortain. See Morey, Bartholomew of Exeter, p. 12n.

⁵The three vacant sees were Exeter, Worcester, and Coventry. Robert of Exeter had died March 22, 1160; and Alfred of Worcester on March 27, 1160; and

being sought till his death. Enough about this, particularly to a man of wisdom.

About that other matter, the showing of justice to your clerk, Master William of Slade, and to me: Two briefs would be necessary from my lord the king, according to the form of the petitions which I am sending across to you. Farewell; and write back what you have decided. Know this, however, that it is to your interest in every way to return before the death of my lord even if you should have to cross the strait post haste. Farewell, once again and always. God knows that he in behalf of whom my lord archbishop is soliciting is unaware of any word of this.

Walter of Coventry on December 17, 1159.

122. ARCHBISHOP THEOBALD TO THOMAS BECKET

SUMMARY: Theobald writes a strongly worded admonition to Thomas Becket on the subject of his continued absence. He urges Thomas to take up the matter of the vacant see of Exeter with the king. This letter was probably meant to be dispatched to Thomas along with letter 118, written to Henry. But in letter 120, written to Thomas, John mentions that he had withheld a letter from Theobald to Thomas because of its peremptory tone - and was explaining the circumstances in a less peremptory message. cf. R. L. Poole, Studies in Chronology and History, p. 281. If Poole's conjecture that this was the withheld letter is correct, then John neglected to mention the affair of the self-styled abbot of Boxley in the revised letter.

You who should have returned at the call of a father who is old and failing have already been summoned back many times. Indeed one must fear that God may punish your tardiness if you are turning a deaf ear in disobedience, unmindful of favors and contemptuous of the father whom you should in his feebleness have carried upon your shoulders. You would be utterly inexcusable and very close to our malediction were it not that our lord the king makes excuses for you under pretext of his own necessity. However, inasmuch as we set the public good which is involved in the affairs of the king ahead of our personal convenience and have preferred his will to ours - as we always have, insofar as has been permissible and feasible - we are thus far continuing to tolerate this sitting in judgment on our command, on one condition, however, that you do not postpone returning to us so soon as you are able to win his indulgence. And for the time being we are conceding this as much to your necessity as to his wish, fearful of peril to you if you should return at his displeasure. For we are afraid that if through us you should fall into the plight of having lost his favor, you would not be able to win it back through us. Our days are numbered and what degree of favor we

ourselves or our followers in behalf of us may enjoy has not been clearly enough ascertained. As a rule, regard for the dead languishes; and memory of their merits vanishes lightly with themselves. We rest our hope, however, and may our hope disturb no one - upon the love growing stronger in the hearts of our friends through the Holy Ghost. As for you, however, be cautious in the extreme and in every possible to do nothing to cheat our indulgence, resting assured that God's judgment is deceived by no man's error.

In addition: we have decided that your affection and energy should be put to proof in forwarding before our lord the king our petition concerning the business of the Church of Exeter, begging earnestly that you so look after the matter that we may have this solace for your absence and our lord king's, and promising in our turn the most undeniable evidence of our love and affection. Moreover, we are at that point of time when our counsel ought not to be suspect and when we should not dare to make any demands, particularly in ecclesiastical affairs, which we did not believe destined to please God and to serve both church and state, in all ways to their best interest. And surely, if we were asking a thing of momentous importance, we are confident that we should of right be heard. About the monk who is comporting himself as abbot of Boxley¹ write back the will of my lord king and your counsel.

¹Cistercian monastery in Kent.

123. ARCHBISHOP THEOBALD TO KING HENRY II

SUMMARY: Theobald deplores the action of certain ecclesiastics in taking sides in the conflict between Alexander III and the anti-pope Victor, and requests information and instruction from Henry. This letter was written in the early summer of 1160. The French clergy with King Louis had met in council at Beauvais sometime in the summer of 1160, and the Norman bishops with Henry had met in July at Neufmarche, both assemblies acknowledging Alexander. cf. Robert Torigni a. 1160. Bishop Arnulf of Lisieux answered this letter. cf. Arn. Lis. Epp. 23, 24. ed. Giles. pp. 120, 129.

That condition is the genuine peace within kingdoms and the state of tranquility ever to be desired wherein the members of the Church work harmoniously among themselves in confidence and love and wherein princes show to prelates the reverence that is their due and prelates show to princes the respect of unblemished fidelity. But if in their faculties they come into conflict among themselves, the vigor of the secular as well as of the ecclesiastical power will be enfeebled, because, according to the voice of the Most High, any kingdom divided against itself is forsaken.¹ We have always, and particularly in your times, been alert to conciliate and preserve this unity; and we have spent bodily strength and material possessions that these powers might come together in a unity of faith and charity. And, truly, with God as sponsor, we have prevailed thus far; but of late we are involved in graver toil and danger. For the schism in the Roman Church has excited lovers of novelty and has given great boldness to their presumptions. Some in our jurisdiction,² indeed, are preparing to approach Alexander³ or even to

¹See Matthew 12. 25.

²See letter 115.

³Alexander III (Orlando Bandinelli), pope 1159-1181.

visit him; others, Victor.⁴ However, in our eyes it seems uncertain which of these men has the stronger cause, and we are not able on our authority to hold back or repress those who in thoughtless inconstancy flit from one side to the other. But we believe it is permissible in your kingdom not to accept anyone unless upon your advice, so long as decision hangs in the balance. It is in no way advantageous, either, that the Church of the English should be torn apart by example of the Roman Church and should furnish to kingdom and clergy matter for contention. Therefore, when certain of the bishops and abbots are proceeding to Rome or sending thither, what should we do who beyond the others depend upon your counsel and beyond the others are bound to the Roman Church? For whatever others may do, we, because of our promise, are forced to visit her at the stipulated intervals. However, it will be dangerous for us if others, who have received less honor from the Roman Church, have outstripped our devotion before him who is destined to win and whom we do not yet know. It is said, too, that your majesty has granted to certain men the license of going thither and to those, by name, expressly, who rejoice in the death of Adrian,⁵ who was used to cherish us as a mother loves her only son. And there are some of them, as is very well known, in plots against our person and our church.

And, accordingly we beseech your indulgence that in this lot of ours you take thought for our age and infirmity and - a matter for which we beg

⁴Victor (Cardinal Octavian) supported by Frederick Barbarossa, became the anti-pope, taking the name of Victor IV. The ensuing schism lasted for seventeen years, terminating after the battle of Legnano (1176) in the unconditional surrender of Barbarossa at Venice, 1177.

⁵Adrian IV (Nicholas Breakspear), pope 1154-1159.

and pray more earnestly - for your own glory. Now, henceforth, our days shall be few; and we are not solicitous about them for the present, but about the Church of Canterbury, which God has committed to your majesty and my insignificance. And there is nothing that would more beseem your excellency than that than you should keep her unharmed. For she is the head of your kingdom and the parent in Christ to you and to the whole realm of the Faith. Moreover, whatever be taken from her will defile your honor, because of this; that the honor appertaining to the head will never equally become the other members. For he is rash who exposes his head to danger that he may honor an ignoble part of himself. In regard to these matters we are waiting and hoping for your counsel and help. May your highness fare well for all time. The bearer of these presents will explain the matter more fully.

124. ARCHBISHOP THEOBALD TO BISHOP HILARY OF CHICHESTER

SUMMARY: Theobald requests information about the king and affairs in France. Cf. notes on letter 123.

Often indeed, my most dearly beloved brother, have we accused the long delay of your silence; and, on the ground that taciturnity seems not to be clad in the guise of a lover, we were wont to gather from it that the warmth of your affection had cooled. But when, after the fact, the cause of this protracted silence became known to us, we recognized beyond a doubt that occasion demanded not so much forgiveness indulged to your dilatoriness as gratitude extended to your love and forethought for its sane counsel. Not one of the brethren or of the faithful friends who surround us has seemed to have such solicitude for us as to inform us of those matters which are happening about our lord king or to forewarn us who are ignorant of events. Hence it is that we confess to owing you a deeper gratitude, who - although you have remained silent longer than we should wish - have none the less since compensated in provident wisdom for your long lapse into silence. And since a graver crisis seems to have arisen, we beg you earnestly as our dearest brother and friend to forewarn us in those single details which you know to be useful, because we have long since decided to acquiesce to the utmost in your counsel. And this is the way in which you will be able to make your absence fruitful to us, if you are zealous to bring about those things which are to the well-being of our church. Farewell.

125. ARCHBISHOP THEOBALD TO KING HENRY II

SUMMARY: Theobald urges the king to follow the lead of the ecclesia Gallicana in acknowledging the claims of Alexander III, and to spurn Frederick Barbarossa's faction. This letter was written in the summer of 1160. It was then at Beauvais that the ecclesia Gallicana had acknowledged Alexander, as is mentioned in line 14. Henry and the Norman bishops followed suit in July 1160 at Neufmarche. cf. Robert Torigni a. 1160.

Although we are beset by personal and private difficulties, we are, none the less, more grievously afflicted and more bitterly anguished by the storms which envelop the public. For the hand of the Lord in the lash of his clemency has visited us in person and has now raised us slightly from a long and burdensome illness. But heavier on our heart than any illness is the storm of discord which, God permitting, has rent the Church, and, setting kingdoms and principates in collision, has struck away peace and security from the people of God. This is our daily affliction; for all good men this is the most legitimate grief and the bitterest lamentation - the bitter, indeed, that in your absence we are uncertain what we ought to hope, what we ought to fear. Hence it is that we more earnestly beg that your serenity deign inform us in our anxiety about your condition. For if your affairs be prosperous we hope in the Lord that we and the church of God, which is with us, shall prosper; for in unity she stands, and with God as sponsor will never cleave to the schismatics.

Now, as we have learned through authentic report, the French church has withdrawn from Octavian¹ and accepted Alexander. Insofar as humany scrutiny

¹The anti-pope Victor IV.

can devise, she seems to have attached herself to the better and the saner party, since it is well-known to everyone that Alexander is personally more eloquent, literate, prudent, and honorable; and since his cause is pronounced by all coming thence to be freer from blemish, more firmly grounded in justice. And although, thus far, we have seen neither message nor messenger from either of the two, we know, nonetheless, that all our countrymen, if your assent be with them, are more inclined to the side of Alexander. We have heard, however, that the emperor² is trying to draw you over to the side of Octavian. But far be it from you in so acute a crisis of the Church to do anything out of love or, better, perhaps, out of respect, for a man, unless you believe that it will be pleasing before God; and, if I may say so, it does not become your majesty without consulting the church of your realm to put over her a man who, without election and - so it is said publicly - without the grace of God, has dared to usurp such exalted honor through the favor and civil edicts of an emperor. For almost the entire church is on the side of Alexander. Moreover, it is unbelievable that that party could obtain and prevail through an individual in whom justice is lacking, against whom the Lord has set himself. Indeed in our frequent reading we have gleaned that in like case they have prevailed whom the Gallic church has accepted and aided; and we have learned the unhappy end of them whom Teutonic madness has thrust forward. Thus in our day, Innocent has prevailed against Peter;³ Calixtus against Burdinus;⁴ Urban against Guibert;⁵ Paschal against

²Frederick Barbarossa. See Letter 115.

³Innocent II (Gregorio Papareschi) pope 1130-1143. Cardinal Pietro Pierleone was the anti-pope with the title of Anaclete II.

⁴Calixtus II (Guido, son of Count William of Burgunay) pope 1119-1124.

three: Albert, Magnulfus, Theodoric;⁶ and many similarly in the days of our fathers. Accordingly, may your dignity take thought for us; and may God incline your assent to the party which rests upon justice and truth and which, with God propitious, shall triumph. And, if you please, in such danger to the whole of God's church you must make use of the counsel of your realm; and nothing should be determined to her prejudice without consultation with your clergy.

Burdinus, Archbishop of Braga, was anti-pope with the title of Gregory VIII. He was supported by Henry V.

⁵Urban II (Odo of Lagery) pope 1088-00. Guibert, the archbishop of Ravenna, supported by Henry IV, assumed the title of Clement III as anti-pope.

⁶Paschal II (Rainerius) pope 1099-1118. Henry IV supported three anti-popes in quick succession against Paschal. Theodoric (1100), Alberic (1102), and Magnulfus, styled Sylvester IV (1105).

126. ARCHBISHOP THEOBALD TO THE CLERGY AND FAITHFUL OF ENGLAND

SUMMARY: Announces the adhesion of the ecclesia Anglicana and Gallicana to the cause of Alexander III, and commands that reverence and obedience be paid to him. This letter was written in the summer or autumn of 1160. The English bishops had declared for Alexander by refusing to send legates to the council of Pavia at the synod held in London. cf. letter 109. The Norman bishops, in Henry's presence, declared for Alexander in July, 1160, at Neufmarche and the French bishops with King Louis had done likewise at Beauvais sometime in the same summer. This letter must have been written immediately upon receipt of the news of the latter of these two decisions.

To our venerable brother bishops and to all the faithful of Christ established throughout England, greeting: The ancient enemy, as you have been hearing, has aimed at the integrity of the Church and exerting himself in the full strength of his falsehood and wickedness has plotted to cleave her indivisible unity. But just as the unfailing Fountain of pity¹ foresees the storms looming for the trial of the faithful, so, as the tempests rise and swell, does He temper them by wholesome regulation to the discipline of the elect, in order that, proved in long-suffering, those who are taught in pain may receive the crown. And, accordingly, He who has permitted His Church to be disturbed by the evil of her tenants, having cut off the putrid members, now, with peace imminent, is beginning to restore her serenity; and at the head of His Church He has placed an apostolic man, elected and consecrated according to canon law and approved universally by all who know the right. This is our lord Alexander, whom, with assent of our princes, the Anglican and Gallic church has accepted as father and pastor; and in full

¹Fons pietatis; See Dies Irae: "Salva me, fons pietatis".

devotion obeying the holy Roman Church she has condemned Octavian, together with all his supporters, as manifestly schismatic and heretic. Hence it is that extending instruction to you all, we exhort and command you in the Lord to obey our lord Alexander as a father and to show him in every way the reverence due to a Roman Pontiff.

127. JOHN TO ABBOT PETER OF CELLE

SUMMARY: John acknowledges receipt of Peter's letter at Eastertide, and explains why he had not come to Troyes as he had promised. Friends had advised him not to flee from England in the midst of his troubles, and he was awaiting the king's return. He asks Peter for some books, and suggests that he may visit him before the end of autumn. R. L. Poole places this letter in the summer of 1160. He deduces this date from John's mention of the queen's return from France. The chroniclers note only one passage of the queen during this year, that of New Year 1160, but entries in the pipe roll of 6 Henry II distinguish between payments de passagio reginae, and payments in passagio reginae extremo. "The earlier passage was that of New Year; the 'last passage' may be placed towards mid-summer." of Poole, Studies in Chronology and History, p. 270.

The bearer of these presents brought me the letter of your felicity, but in the very midst of the Easter solemnities. I have, therefore, accepted the complaint in your rebuke joyfully and in the spirit in which I knew it had been written, except that in the purer heart I believe that the emotion of love is more disinterested. For if in the vice of arrogance or of ingratitude I quarrel with you on this matter, not to mention the proof which is made manifest in labels of virtue constantly practised and clearly evident, I am beaten by proof in my own house. For I am whatever I am, -- if I am anything at all, of course -- by God's grace¹ and yours; and by benefit of your instruction I hope constantly to grow better. I had written² to you about my coming, surely; and for the reasons appended I had believed that it would eventuate. But my changing or, better, my deferring, the decision was not my fickleness but the advice of my friends. I deem this either no fault at

¹See Corinthians, 1. 15. 10. See also letter 65.

²See letter 115.

all or a light one, since even the Most High changes his decision,³ whose wisdom remaineth forever. For I, alone, was not able to evade the snares of fortune, when all things that are, beneath the sun, are moving in an idle game of hazards played by slippery chance. The flux of time, the movement of events, the fogging of minds, the changeability of hearts carry the wheel of fortune round with so much of their own agility as to establish clearly that not only her wheel but even the whole globe's mass is a-whirl.

But lest I seem not so much to excuse myself, as vainly to accuse the condition of events, pass judgment upon the whole matter -- but after thorough understanding of the case. Consider, then, for a moment, the aspect of my condition. A year ago through the exertion of rivals, the groundless but severe indignation of our most serene lord, the king of the English, was aroused against me. If you inquire the cause, profession of liberty and defense of truth are my crimes; for the Scrutinizer of hearts, whom my whole useless and pernicious life has always and too grievously offended, is my witness that I have no consciousness of the other fault, which concerns the king. I had arranged, as you have heard, to go to him to clear my innocence, but I learned through his intimate friends that I was on no account to be admitted in the absence of my lord of Canterbury and that with his mediation favor could be regained for me. Moreover, the return of our lord king⁴ was

³See Policraticus, 2. 26, ed. Webb, 1. 139. See also Greg. Mor. 16. 10, which Abelard cites, Eth. c. 14 (ed. Cousin, 2. 617); Greg. Mor. 16. 12; 12. 2, Migne P. L. 75.

⁴Henry II did not return until January, 1163.

being promised us, day by day. Therefore, what was I to do? To go away from the island seemed to have the appearance of flight; to evade a meeting with my calumniators would be to furnish the show of a guilty conscience; not to wait for the sight of our lord king would make my head obnoxious under the treason laws. At last, the testimony of my innocent conscience, the authority of the Roman Pontiff, the counsels of the prudent persuaded me to await investigation of my case at home, if possible, where the event will be less burdensome in outlay and happier in abundance of friends. But of this, as you write, I should have sent you back word. I had, indeed, taken steps to turn over these parts to the management of your faithful followers, my friends the venerable gentlemen John,⁵ treasurer of York, and Master William. I put off appointing my personal messenger, because the outcome of this shipwreck, brief, so it seemed, but of great import, was still uncertain, and because I should wish to report joyful rather than melancholy tidings. Hence, too, I kept your courier with me for some days, up to the arrival of our illustrious queen of the English⁶ and that widely renowned man, the king's chancellor,⁷ who said, through the mercy of God, that the tempest about me had abated. However mighty it be, moreover, God is powerful in your prayers and the prayers of His church, in behalf of which I suffer, to transmute it to a gentle breeze and to conduct my innocence to the port of coveted peace. Thus far for these matters.

⁵John Belmeis.

⁶This affords the clue as to the date of the letter, as explained above. See Pipe Roll, 6 Henry II, pp. 22, 47.

⁷Thomas Becket; there is no record of his coming to England before May, 1162.

So soon as you shall have found a dependable messenger, send across to me, if you please, the letter of the blessed Bernard.⁸ I beg also that you have culled some flowers from among his words and yours and those of the cantor of Treves,⁹ and of others of like nature (if there be any), in such wise, however, that felicity of foliage do not diminish or destroy the utility of the fruit. Beyond doubt, with God as my aid, I shall visit you in person or in my personal messenger, before the autumn passes. I return you what thanks I can for the generosity which you have exercised toward my brother. Greet heartily in my name our dearest friend, your provost,¹⁰ greeting also those who love you and who know me, those whom the breadth of my heart embraces, even though the constricted bound of my little page does not.

⁸St. Bernard, died 1153. See letter 75.

⁹Peter Comestor. See Migne P. L. 198, 1045 ff.

¹⁰Thomas, provost of Montier-la-Celle.

128. ARCHBISHOP THEOBALD TO KING HENRY II

SUMMARY: Although hearing of Henry's successes in France, and enjoying peace and tranquillity at home, Theobald longs for the king's presence in England. Henry was in France from August 14, 1158, until 25 January, 1163.

Theobald died April 18, 1161. This letter was probably written in 1160, when all was quiet in France.

According to what has reached our knowledge through favor of rumor in her kindlier aspect, your might is continually prospering in the Lord, who does not cease to heap successes upon your accumulated successes and in such imposing progress of favorable events has given publicity to you and to Himself. Indeed, everything about us enjoys such peace and such repose that -- to the contradiction of popular opinion -- the felicity of our realm is softening or, rather, swallowing completely, the succession of tempestuous warfare and public disaster and the entire train of preceding evils. The finger of God¹ is here, who in the hand of His servant, my lord king, creates anew the Golden Age and with God as mover has driven back from the nations and tongues intrusted to you the advance of all vexations. Upon such high good fortune, however, there is one restriction, in this: that though our desire grows faint in weariness, we are too long deprived of your actual presence who are unceasingly affluent in the rewards of your majesty and strength. We know what we speak who speak from the fullness of the heart and who have passed part of our life in labor and sorrow for the stability of

¹Exodus 8. 19.

your realm. Nevertheless, because in the goading loyalty of our love we cannot but be anxious about you, we beg your felicity -- and may the Lord extend it through long and auspicious seasons -- through the bearer of these presents to inform us concerning conditions near you. It is more certain than certain that upon your security depends the security not only of this whole island, which in felicitous prayers importunes your well-being, but also of all the nations lying about us.

129. ARCHBISHOP THEOBALD TO KING HENRY II

SUMMARY: Theobald tells the king of his earnest desire to see him once more before he dies, and again asks that Thomas Becket may be allowed to return to him. He also requests the king to provide a bishop for the see of Exeter, and begs him not to allow a simonist to obtain the see.

This letter may have been written late in 1160. Bishop Robert Warewast of Exeter had died on March 22, 1160. From the urgent tone of the letter it may be inferred that the see had been vacant for some months, and that unworthy candidates had been presenting themselves to the king, for he claims that the church of Exeter is in danger of shipwreck. cf. letters 117, 118, 121, 130, 132.

Never in the flesh shall my yearning be appeased unless it fall to my lot to behold in the flesh your most eagerly longed-for face. The Anointed shall then dismiss his poor servant in peace,¹ if before I set forth toward peace from this trial of endurance he shall have given me to behold the son of peace, the anointed of the Lord. Let the Anointed grant me to behold His anointed and I shall run rejoicing to meet hastening death. In this hope I wait and in the midst of frequent sighing I say in my heart, "Shall not my Anointed grant me to see him whom in my longing he gave me to anoint in His chrism?"² Before I die shall I not see the son of my right hand resting from his labors, resting from his perils?" I have still in my house an incomparable treasure, the treasure of a father's benediction, which I am keeping until your majesty deign to come to a father living out his last hours. I have set you over the head of nations, I have subjected your mother's sons to your feet; and now, still -- so you hear a father's call -- there shall be bestowed

¹See Luke 2. 29.

²Theobald had consecrated Henry II in 1154.

upon you further from the promptuary of a fuller grace a benediction increased in the dew of heaven above and in the fatness of the earth.³ But if you may not or, rather, if you please not, return, I commend you this treasure to be delivered by the Church of the Faith herself. I have commended you to her; and I wish her commended to you. She is your mother; she is the spouse of Christ, more powerful and more glorious than any principate you please; and the gates of Hell shall not prevail against her.⁴ She has received from Christ that thither she may thrust whom she has decreed, no man preventing, and that thence she may expel in her power whom she wills. If you wish -- nay, rather, because you wish -- to have Christ propitious, be zealous to have His spouse propitious, who is the Church of which He Himself is the Head, for she is the Head's body. Him who lacks the grace of the Church the whole creating Trinity opposes. The sons of this generation are prompting you to diminish the authority of the Church so that kingly dignity may be increased to you; whoever such as these may be, they are surely assailing your majesty and working toward the indignation of God. He it is who has extended your boundaries; He it is who has advanced your glory; and it utterly base if you constrict the glory of your benefactor and of the Lord. It is deserving of punishment and beyond a doubt will be punished with the bitterest punishment -- nay, rather, with God propitious it will not be punished because with God propitious it will not come to be. Through my lips the Spouse of the Church addresses you and the shepherd of all, Peter, the

³Genesis 27. 28.

⁴Matthew 16. 18.

first among the apostles, addresses you, begging earnestly that if you wish to have them as patrons and helpers you may, according to God, will that a shepherd be appointed in the church at Exeter and may show zeal in snatching her from so dangerous a shipwreck. She is the first of all for whom you took thought in this realm. Let your kindness please attend to what she has accomplished since. You know whom He has shut out of the church who drove forth even the doves of the vendors,⁵ and far be it from fact that anyone enter whom Christ has excluded. I set myself as sponsor for Peter,⁶ because the honor which you shall show to him he will repay even in the present, with interest a hundred fold. This in addition: If you delay longer, if in your security it can come about, I request that my archdeacon,⁷ at least, be sent back to me.

⁵That is: money changers - a reference to simony: See Matthew 21. 12;
Mark 11. 15; John 2. 14.

⁶The cathedral church of Exeter was dedicated to St. Peter.

⁷Thomas Becket.

130. ARCHBISHOP THEOBALD TO THE CHAPTER OF EXETER

SUMMARY: Theobald urges the Chapter of Exeter to unity, after the death of the bishop, and directs them to send a mission of the king for permission to hold the canonical election. cf. letters 117, 118, 121, 129, 132.

This letter can be dated between March 22, 1160, when Bishop Robert Warewast died and early in April, 1161 when Bartholomew was elected. It was undoubtedly send shortly after the death of the bishop.

Although in our fatherly love we have compassion upon your bereavement, we have, nonetheless, in the grief arising therefrom this comfort, that we are confident your blessed father has gone to Heaven, where with his habitual prayers but with more than the habitual efficacy he will be able to act as sponsor for you and for us in the dwelling of the Father of mercies. But since the widowed state of the desolate church cannot be prolonged without loss to property and danger to souls, we beg and pray your affection in the Lord to realize this, too, and to avoid with all studiousness every occasion fro scandals and schism, walking whole-heartedly in the house of the Lord and preferring to your personal comforts those things which are of Jesus Christ. Therefore, as occasion demands, in order that you may be able to proceed in providing yourselves with a pastor, we command you to send across an honorable delegation from among your brethren and to approach our lord king for the purpose of conserving peace in the Church, offering pleas in fitting devotion that he may concede you the liberty of electing canonically a pastor for yourselves and provide for the destitution of the church in that spirit of sympathy which becomes a Christian prince.

131. ARCHBISHOP THEOBALD TO THE CANONS OF PLYMPTON

SUMMARY: Theobald orders the Black Canons of Plympton to obey Richard as their superior until a new election takes place, upon the appointment of a bishop to the see of Exeter. Richard de Redvers, earl of Devon and Alan of Furnell had informed Theobald that the dying prior had suggested Richard as his successor, but that dissensions had broken out in the community, headed by Peter of Taunton and his brother William.

This letter was written sometime in 1160. According to Morey (Bartholomew of Exeter p. 10-11) it is extremely likely that the religious house was the priory of Plympton, one of the principal monasteries of Devon. Geoffrey, the prior, died in 1160 and a certain Richard was elected the same year. cf. Annales Plymptonienses, ed. Liebermann, Ungedruckte Anglo-Normannische Geschichts-Quellen, p. 30.

From the report of the nobleman, Richard, Earl of Devon, and Alan of Furnell, who declare that they were present at the disposal which your prior, R. of sacred memory made in his last days, we have learned of late that the aforesaid friend of God, questioned by you as to which of the brethren he thought should be installed in his place if he himself, perchance, should yield to the fates, designated Brother Richard by name, urging and, in that holy asperity in the guise of wisdom with which he had been endowed, commanding that you should all obey the will of this man. The command of your holy father ought, surely, to have been obeyed, particularly that which a spirit filled with God pronounced as it was departing to God from this charnel house of the flesh. Now, however, as we are sorry to have learned recently from travelers going back and forth between us, Satan has sought you out in order that through Peter of Taunton and his Brother William he might wnow you in the sieve of his levity¹ and, erecting walls perpendicularly, cleave and

¹See Luke 22. 31.

dissipate that unity which your holy father had established among you.

Clearly, whoever are undertaking this are, insofar as they are able, driving forth Christ from among you. For, verily, in the peace of sanctity and justice has been made a place for Him without whom no one shall see God.

Hence it is that enjoining your community in a spirit of obedience we command you to obey faithfully in all things that pertain to God the aforesaid brother whom your father departing willed to place over you, until in the Church of Exeter, to which the custody of your house has been committed under the two-fold law embracing temporal and spiritual matters, we be able with God's help to place a shepherd; and without anticipating the rule of this shepherd, meanwhile, we order this arrangement to be observed. We order, also, that severity in accord with canon law be exercised against those who have presumed to oppose the disposition of the aforesaid prior, disposed to hold ratified any pronouncement whatever against Peter and William or their accomplices, if they have any, which this frequently-mentioned Richard, pre-nominated by the prior, shall make.

132. JOHN TO ARCHDEACON BARTHOLOMEW OF EXETER

SUMMARY: John encourages Bartholomew and advises him to place all his trust in God. The rival candidate for the bishopric had suffered a repulse, and not even simony could secure the place for him now. All circles seemed to favour him. He warns him not to make any promises to confer an archdeaconry on the defeated rival before his election, but to trust Theobald and do nothing without his advice. He suggests that he should come to Canterbury with other members of the Chapter of Exeter, as well as with the prior of Plympton and the abbot of Tavistock.

This letter must have been written early in 1161, for everything in it points to the conclusion that Bartholomew's election was assured and that all that remained to be done was to come to Canterbury to be informed officially. Theobald died on April 18, 1161. Shortly before his death he summoned Bartholomew and Richard Peche, the elect of Coventry to be consecrated in his presence by his brother, Bishop Walter of Rochester. Richard was consecrated, but a delay arose over Bartholomew's consecration, which was performed after Theobald's death. cf. Gervase of Canterbury 1. 168.

To Master Bartholomew, Archdeacon of Exeter, good health and the grace of the Spirit who disposes all things for good: The Lord be with you, my most dearly beloved of friends, and make you firm in the solidity of your virtue so that you may never be broken in a reedy fragility or agitated to every breeze with a reed's instability. Mighty and powerful is the Lord of armies¹ and he ordereth all things sweetly,² in his power crushing under His feet³ those who struggle against his disposition. Truly

"what he has decided concerning thee, He deliberates without thee";⁴ and in the Acts of the Apostles, according to the word of Gamaliel,⁵ the born-

¹Psalms 23. 8.

²Wisdom 8. 1.

³Lamentations 3. 34.

⁴Dion. Cato. Distich. 2. 12. See Baehrens, Poet. Lat. Min. 3. 224.

⁵Acts 5. 34.

ing church was committed to the will of God, at whose nod all things grow weak or strong. Accordingly, commit your cause to him, for with Him as patron it cannot be in danger. Be not faint-hearted in that, for to a band of little ones was it spoken: "Cast your care upon the Lord, and He shall sustain thee."⁶ Truly, now, grown to adulthood, they stand in need not of food from a nurse but of aid toward preservation. Therefore, let your desire, let your prayer, be that the will of the Lord be fulfilled not only in you but also by you. For if He be for us, who is against us?⁷ His word shall not be in vain, although for the most part it be fulfilled to the glory of Him who makes disposition, with evil men striving against Him. From the beginning have strong men, mighty men, possessing the wisdom of this generation and renowned for similitude of grace, stood against Him, stirring up war;⁸ but the Lord has cast them headlong, and He has confounded their tongues,⁹ inasmuch as He saw that from their iniquity spread contradiction to the state that was prefiguring the Church.¹⁰ Be not fearful, accordingly, if on the side opposing God, against which I am confident that you are fighting, there be the mouth of a torch,¹¹ for on the side of Him who rises and speaks from the lofty counsel of eternity, speech is clearer, fuller, and more compelling. Be not moved if some grace-in-shadow assail the shadow of God, since this shadow, which seeks those things which are its own,¹² will vanish. For though it exult for an hour in borrowed light, it

⁶Psalms 54. 23.

⁷Romans 8. 31.

⁸Genesis 6. 4.

⁹Genesis 11. 7.

¹⁰See Augustine, de Civitate Dei (of which this whole passage is reminiscent).

¹¹Job 41. 10, A description of the leviathan.

¹²See Philippians 2. 21.

shall fail utterly and become invisible when justice be turned to judgment.¹³

If anyone depend upon Ulpian¹⁴ alone or, rather, upon the opinion of Ulpian, with God propitious he shall be instructed and let him not in his own spirit wickedly oppose Him who humiliates the proud and exalts the humble.¹⁵

Individuals speak out of their own judgment, but within the One is the all-embracing and inescapable interpretation of the laws and canons of equity, human and divine, in its entirety, and of all things which have been established from the beginning.

I invoke Him as witness whom willy-nilly I am to have as judge, that from the knowledge of my heart you have been neither instigator nor agent of this word, nay, rather, that you have not even been conscious of it; and -- in order that you may acquiesce with more security in the divine call -- whether the archbishop has written to our lord king concerning this word or whether he has not, I know that the king has not acknowledged a letter. He was being solicited in behalf of the son of Harding¹⁶ -- and I wish that he were a man of episcopal rank; but neither with Simon¹⁷ impelling nor with Giezi¹⁸ influencing could he be bent to incur loss of his soul for another's gain. So the son of Harding suffered rebuff, by word of mouth, only, of course, rather than in writing and in such a way, moreover, that the hope of the other

¹³See Augustine de Civitate Dei l. 1; Psalms 93. 15.

¹⁴Domitius Ulpianus, a Roman jurist.

¹⁵Luke 1. 50, 52.

¹⁶See Letter 121.

¹⁷That is, by simony. Simon Magus. (Acts 8. 9.).

¹⁸A stock epithet for simonists; see 4 Kings 5. 20 for the story of Giezi, and Gratian Decr. 2. 1. q. 1. cc. 11, 16, ed. Friedberg, l. 361.

benefice was left to him unimpaired. But whether you become bishop or not, whether you live or die, he will never, with our king as sponsor, become bishop, especially as it is believed -- but not in God -- that he has always striven against God, and has, to the limit of his strength or the strength of his followers, thrown all churches into confusion.

Master William, archdeacon,¹⁹ has consulted me through his associate Boso and will acquiesce to the letter in the divine disposition, carrying with him what associates he is able; so, too, Roger de Limeshay.²⁰ Truly, if your rivals could in any way impede your election, a project which with God as your sponsor they could not carry out, they would accomplish nothing that they wish; but already he has been provided for who would be put over them in their stubbornness and whom they could not tolerate. Moreover, the word which has been set in motion concerning you is pleasing to the Roman Church, my lord king, the metropolitan, my fellow bishops, and, indeed, to all who have heard it except to those whom ambition or avarice or uncleanness or envy has blinded. If, perchance, persisting in their malice, they appear in the sight of good men, God will confound them, lest, His disposition frustrated, He be confounded by them. I had remained silent, indeed, and had dissimulated my joy, because, were it possible, I should wish you to be called by the Lord, unaware. Now, however, since it has seemed best to Him otherwise and He has, through many signs, made his servant Bartholomew conscious of His design, I counsel what I had counseled before, namely: that

¹⁹William de Cucusfell, Archdeacon of Barnstaple; See Morey, Bartholomew of Exeter, page 12.

²⁰A canon of Exeter. Morey, Bartholomew of Exeter, page 12.

you do not anticipate His extending the call and that you do not disdain Him when He extends it. If he have said, "Go higher",²¹ obey Him when He gives the order; but otherwise, however, remain in that calling in which you are called,²² for you will obey Him when He orders you to go lower. There is one thing which I counsel for winning His favor if it be lacking, this, namely: Make yourself--do not merely pretend to be--a better man. For if you offend in the odium of virtue, do not make much of pleasing those whom virtue herself displeases, unless you make her pleasing -- all things, however in due season, mindful of Him who became all things to all men that He might save all.²³ For correction, surely, must not be started precipitately and abruptly; however, since I know you, I know that it is superfluous to urge you not for any reason to compromise your promotion. Do not be disturbed about the conferring of an archdeaconry upon Fitz Harding,²⁴ since rumor, which is usually worrying the multitude, is idle. For, of a truth, before you are bishop, it will be conferred in the authority of no one else; when you are bishop it will be yours to grant to whom you please. You will hear prayers, perhaps, meanwhile or afterwards, but hear them so that disposal shall depend upon your decision, not upon another's.

Now if you shall become fearful where there is no fear, he will rebuke you whose minister, with the help of God, you are destined to be,²⁵ in the

²¹Luke 14. 10.

²²1 Corinthians 7. 20.

²³1 Corinthians 9. 22.

²⁴As a matter of fact, Henry, the fifth son of Robert Fitz Harding, appears as archdeacon of Exeter in 1171. See Jeayes, Berkeley Charters. Morey (Bartholomew of Exeter, p. 119) believes that he may have attained the archdeaconry shortly after Bartholomew's consecration.

words in which he was rebuked, "O thou of little faith, why hast thou doubted?"²⁶ In a word, your counsel is in great part in our lord archbishop, to whom God has given it to become slightly stronger in health now, that he may take care of you. Without him you will do nothing in this matter, whatever the sons of Belial²⁷ may do. You and the sons of peace will come at the day of call as you have been ordered. Let these come, moreover, with the others or instead of them: Master Baldwin,²⁸ the son of Reinfried, Peccator, my little brother, whoever are our friends or -- rather -- God's, and the prior, too, of Plympton²⁹ and the abbot of Tavistock³⁰-- so be they savor peace. And as for you, yourself, if you can evade the indignation of your rivals, without dishonor to reputation and conscience, do so. For what thought should there be for the fickle? I am not anxious about you, except you be particularly anxious about custom. Farewell to you, together with my brethren and others whom we ought to wish farewell. The members of our household, to whom you wish good health, are sharing it with you.

²⁵St. Peter, to whom the cathedral church of Exeter was dedicated.

²⁶Matthew 14. 31.

²⁷See Deuteronomy 13. 13; 3 Kings 21. 10 etc.

²⁸Archdeacon of Totnes 1161-1170, Abbot of Ford, Bishop of Worcester 1180-1184, Archbishop of Canterbury 1184-1190. He died in the Holy Land.

²⁹Richard, Prior of the Black Canons in Devon. See letter 131.

³⁰Benedictine monastery in Devonshire.

133. ARCHBISHOP THEOBALD TO KING HENRY II

SUMMARY: This letter was written when Theobald was very near his end, probably not long before his death on April 18, 1161. In it he re-affirms his longing to see the king once more, sends him his blessing, commends Canterbury to his protection, offers him his last advice, and briefly outlines his will, begging the king to ratify it.

I consider it superfluous to put into words the story of how devotedly I have served you, since the manifest works of many seasons vouch for me and since the witness of my good faith is in Heaven and he that knoweth my conscience is on high.¹ My flesh has been worn away and my limbs have been wearied utterly by age and by toil as well; and oppressive and continuous illness announces that the end of my days is shortly at hand. I was hoping to see your long-desired face before I should die; and I had decided to commend to you personally those in your kingdom whom God had commended to my care, He Himself as beholder and witness. But inasmuch as I am being called more summarily to the examination of Him before whose tribunal we shall all stand before long, throwing myself in spirit at your royal feet, before God, who is judge of all, I address your serenity in this present letter, begging earnestly that you deign to hear in his last moments a faithful servant whose devotion to you has never once grown cold. Hear me, I pray, that God may hear you in your extremity. Hear me in behalf of the house of the Lord and of His children whom I am leaving destitute of human consolation, that the Most High may protect your house and console your

¹Job 16. 20.

children and your children's children forever.

I am sending across to you and to your seed a benediction from our Lord Jesus Christ; and, if you please, send the solace of your majesty to my destitute. I commend to you the holy Church of Canterbury, from whose hand in my ministry you received the helm of state, to the end that, if you please, you may protect her from the onslaught of evil men. And in my place -- who, though unworthy, have ruled her as well as I was able and as well as I knew how, be zealous to put such a shepherd as shall not seem unworthy such a see, one to whom sanctity is pleasing and who in the merits of his virtues seems pleasing to the Most High. I am your faithful servant: I owe you counsel, and, behold, before God and His saints I am giving you counsel. In this project do not seek the things which are your own, but seek the things which are God's,² for I promise you that if you espouse His cause faithfully He will, in turn, promote your causes most expediently. After many trials, with God as our aid, we have re-established peace in the Church at Canterbury, we have promoted the cultivation of sanctity, we have set over the hierarchy guardians suitable in the eyes of our conscience; and may your honor prohibit that any of them be changed at the temerity of anyone before another archbishop be appointed; and may it hold in check those who plot schisms and novelties, because we, on our part, have held this in check under anathema and have excommunicated those who presume to change the arrangement of order which we have effected. Moreover, we commit to your care

²Philippians 2. 21.

³Theobald had deposed two priors of Christ Church, Jeremiah and Walter Parvus (See letter 59), and had carried on a long controversy with Sylvester, the Abbot of St. Augustine's. See Gervase of Canterbury l. 12-7, 141-146,

our foster sons, clergy and laymen, whom we have had as ministers of our bidding and often of yours, begging that in your mercy you preserve what we have conferred upon them and that you do not suffer them to be harassed by the importunity of anyone.

Let my most loving lord hear to this point one word and rejoice my departing soul. The remainder of my movable goods and those possessions which, in view of my uncertain hold on life and the protracted nature of my illness, it had seemed best to keep together for use up to the end, I command to be distributed, after my death, among the poor, as God has inspired, condemning by anathema already promulgated those who commit fraud or who stand in the way of distribution, which is for my salvation and yours and your children's. Please hold my disposition ratified and confirm it by letters patent transmitted to your officers. For there is no gold or silver left, but foodstuffs only and such things as will be diverted from the poor to their great loss and will be of no value or of only very slight value to you.

149; and letters 67 and 71.

134. ARCHBISHOP THEOBALD TO THE FAITHFUL OF CANTERBURY

SUMMARY: This letter contains Theobald's last will and testament, naming as administrators his brother Bishop Walter of Rochester, Philip the chancellor, Ralph of Lisieux and John of Salisbury. It may be the testament which Theobald states in letter 67 that he had written during his serious illness in the summer of 1156, or it may be a later will written shortly before his death on April 18, 1161. Because of this uncertainty it has been thought best to place the letter here.

Two manuscripts of the late 12th century, preserved in the Canterbury Cathedral library, contain variants and are longer than the letter given here as the established text. These variants are printed here after the regular text.

The existence of these letters leads to the belief that the letter was sent to different people in different forms and that the several letters were later blended in the Canterbury copies.

To all the faithful of Holy Mother Church, Theobald, humble minister of the holy Church of Canterbury, sends greetings and the benediction of our Lord: Civil laws are partial to the wishes of the dying; and he who, standing in the way, obstructs their pious wishes provokes the anger of God upon himself as though inhuman. It is our will, then, that what is left of our movable goods, which on account of domestic necessities and the protractedness of our illness we have thought must be kept together up to the end of our life, should pass in their entirety to the use of the poor, according to the idea which God has inspired in us and according to the plan which we have entrusted in our orders to our venerable brother, Walter, Bishop of Rochester, and to our faithful friends: our chancellor Philip, Master Ralph of Lisieux, and John of Salisbury, whom we have put in charge of dispensing our charity. We command, therefore, what we have commanded from the beginning of our disposition; and we enjoin upon all our ministers and

faithful through the loyalty which they owe us to obey these men and show them all our possessions; and we suppliantly beseech all friends of God that in return for the mercy of Almighty God they give them aid and counsel.

All those who, on the other hand, may commit fraud in regard to the aforesaid properties of the poor or who hinder our disposition from taking its course, we have condemned under sentence of anathema; if they involve themselves in disturbing this disposition, let the officers of the king themselves know that they are forbidden the communion of the faithful; and let them abstain as sacrilegious and excommunicate from entering any and all churches. But to all who aid our disposition we extend our blessing and God's, make them participants in the benefits of the holy Church of Canterbury, and grant them indulgence of forty days from penance imposed upon them. Moreover, on behalf of Almighty God and under anathema, we forbid that any of the officers of my lord king reach a rash hand toward the properties which have been set aside for the personal use of the monks of the Church of Canterbury; but let these monks hold all their possessions in that inviolability and freedom in which they have had these possessions confirmed to them under our privilege and that of our lord Pope. And, moreover, under the same anathema, we forbid any alienation of the lands which belong to the archbishop and any hewing or damage in the forests until a successor be appointed to us, except insofar as the necessary use of the church shall dictate, or my lord king order with his own lips, or pity interwoven with moderation indulge to the necessity of the poor. Under the same penalty, too, we forbid that the clergy of our episcopate be harassed

with undue exactions or burdened with unjust annoyances; and we command that all the liberties and just usages which they held in the time of William, our predecessor of excellent memory, be observed. Farewell in the Lord, my most dearly beloved brothers and sons; and forgive me, I pray, a repentant sinner, anything in which I have been remiss to you, in order that the Most High may be propitiated for your sins. Pray for me that a merciful God may hear you in your need.

After confirmed (above), Reg E and C 204 continue as follows: Lest any men be able in malice to interpret that in these privileges heretofore set forth we have named them specifically and confirmed to them the sacristy, the treasury, and the storeroom, together with all the appurtenances of these same three obediences--as though we were wishful to divide the unity of the Church of Canterbury into three parts, know that this was and now is our intention: that we have confirmed and do now confirm to them for the present and for all time all their properties and possessions which pertain to their own food and clothing and to the necessary expenses of the church, that is whatever they are even destined to hold, together with all material appertaining thereto and proceeding therefrom, and together with free disposition of all their possessions and all their men, forbidding under perpetual anathema that anyone do them harm or injury. And if anyone shall so have presumed we segregate him from the company of the faithful and from entrance to all churches. To the monks, too, of Saint Martin at Dover and to the canons of Saint Gregory at Canterbury and to the other (religious) houses of our diocese we confirm all their laws, together with free disposition

under the pronouncement heretofore set forth. Moreover, whatever, if anything at all, we have taken from their rights or obtained for them through intervention of our prayers, we restore and confirm to them. We beg indulgence from all and the urgency of their prayers that God may vouchsafe us his indulgence. Amen.

C 204 ends here; Reg. E continues: We forbid also, under the pronouncement heretofore expressed, that the clergy or laymen of our episcopate be unjustly harassed by anyone, the alienation of lands, also, and the hewing of forests, until a suitable successor be appointed for us, unless our lord king order this with his own lips. Farewell, my most dearly beloved sons; and pray for us.

135. JOHN TO POPE ALEXANDER III

SUMMARY: This is a brief, prepared by John, of the litigation between Richard de Anesty and Mabel de Francheville. Richard is suing for the lands of his uncle, William de Sackville, which are now held by William's daughter, Mabel, on the ground that Mabel is illegitimate, which Mabel denies. This letter should be read in conjunction with Richard's diary, printed in Palgrave's English Commonwealth, ii. 5-29, "as being the only instance in which a layman is found detailing any portion of his own adventure or history. . . . this most singular narrative, of which the original autograph is preserved in the repository in which Domesday is treasured, has afforded us so complete a development of the manner in which a Plaintiff was compelled to follow his suit 'in person', that no language, except his own, could afford any adequate idea of the spirit and practice of our ancient judicature." The case was first opened in the secular courts in the autumn of 1158, but was transferred to the ecclesiastical courts in January of 1159, because of the canon law involved. Eighteen hearings were granted to Richard by Theobald, archbishop of Canterbury, between January 22, 1159 and October 18, 1160, when Richard appealed to Rome, after having secured license of Henry II to do so. He named March 26, 1161 for the hearing before the pope. This letter contains the announcement of that appeal. The appeal was heard by Alexander III at Anagni, and in a bull dated from Anagni on April 8, 1161 (still preserved in the Treasury of the Court of Exchequer, according to Palgrave, op. cit. p. 22n) he delegated Bishop Hilary of Chichester and the abbot of Westminster to settle the case (cf. Migne P. L. cc. 114). Two sessions were held by the Judges-delegate, the first on October 6, 1161, and the second on November 18, 1161, when Mabel appealed to the pope. She lost the appeal in the ecclesiastical court, and the case was sent back to the secular court, where Richard won before Henry II at Woodstock in the spring of 1163. This brief was sent to Alexander III either late in 1160 or very early in 1161, as the appeal was to be heard on March 26, 1161.

When legal cases withdrawing from us take flight to the Apostolic Majesty, we are in duty bound to follow up with trustworthy evidence the assertions of the parties to the suit. Hence it is that we have been at pains to transmit to your cognizance, insofar as the salient articles in a series could be put together, an ordered exposition of the controversy

between Richard de Anesty¹ and Mabel de Francheville, which has been pending in our episcopal court for a fairly long time. And so, accordingly:

When the aforesaid Richard, a cognate of William de Sackville² and a nephew -- according to the populace, who are accustomed to call a sister's son a nephew -- instituted a petition of inheritance to obtain the property of his uncle, the aforesaid Mabel opposed herself to him in the court of secular judges, where the case was being instituted,³ asserting that a daughter must be preferred to a nephew in a matter of paternal inheritance. But Richard countered the no part of the law of inheritance applied to her, this on the ground that she had not been the acknowledged offspring of legitimate marriage but had been begotten in adulterous embrace. Thereupon since a question of marriage was involved, which stands or falls on ecclesiastical rules, the curia of the Catholic prince, his most serene Highness, Henry II, King of the English, declared that the case should pass under ecclesiastical examination, where, in accord with canon law -- which the clergy know, the laity do not -- the problem concerning the marriage might attain due resolution. Therefore, in compliance with the royal mandate we set a day⁴ for appearance in court of the parties to the suit; and, after delays which Mabel won for various causes, Richard renewed his petition. Then, to establish his case more lucidly and show that his

¹Anstey, Anstey, in Hertfordshire.

²The uncertain genealogy of the noble family of Sackville is given by Palgrave, English Commonwealth, II, page 6.

³The case was opened before Richard de Lucy at Northampton in December, 1158, and the hearing was continued at Southampton on December 13, 1158. See Palgrave, English Commonwealth, II, pages 13-14.

⁴The first hearing in the ecclesiastical court was granted by Theobald at Lambeth on January 22, 1159. See Palgrave, English Commonwealth, II pages 13-14.

opponent is illegitimate, he declared that his Uncle William had contracted marriage with a certain Albreda of Tregoz⁵ and subsequently -- having in violation of conjugal fidelity abandoned her -- had married Adelia, daughter of Viscount Amfrid, and upon her had begotten Mabel and other illegitimate children. He asserted also that during the wedding festivities, when William had taken Adelia as second wife, Albreda whom he had married before, protested in her own behalf the law of marriage contract, trying on ecclesiastical authority to prevent the second wife from passing into the embraces of her husband. Moreover when she could not make herself heard there on account of the mob and of her husband's obstinacy, she went to our lord of Winchester,⁶ at that time legate of the Apostolic See, and -- as he himself testified in his letter -- at length obtained through his pronouncement that her husband should leave the adulteress and be restored to her. He maintained that this pronouncement of the bishop of Winchester had been supported by the authority of the Holy See, inasmuch as the already named bishop had consulted it when they were assailing his decision. From our lord Innocent⁷ of sacred memory, your predecessor, he had received, so they said, a rescript, to this purport: -- now, as for us, we have never seen the original, but we have, at least, received a letter from our lord of Winchester in regard to it--

⁵Palgrave notes that Albreda afterwards became the wife of Robert de Beseville; and that upon her marriage, Geoffrey de Tregoz, her brother, endowed her with a knight's fee in Aspal, Suffolk. See Abb. Plac. 7 Ric. 1, p. 100.

⁶Henry of Blois, bishop of Winchester, 1129-1171.

⁷Innocent II, pope 1130-1143.

As to what you have asked about the sacrament of marriage, I am answering briefly. I say that she who you have said was given by her father as wife and thereafter handed back to her father by the same man to whom she had been given, until he could on a stipulated day, take her to his own home, was a wife -- provided that lawful consent was present-- immediately from that moment on which, by compact made in his own free will, he agreed to be her husband. For he was not promising that he would be her husband in the future; he was affirming that he was her husband at the time then present. Therefore, whatever was done afterward with another woman, whether in cohabitation or in begetting of children, the second union is the more reprehensible in the degree that the first is more authentic. For with the first union holding valid, the more deeply he is committed to the second, the more his fault is increased.⁸

It follows then, he asserted, since there was a divorce decree by apostolic rescript and since during a lapse of a decade or more there was no attempt by any recourse of law to shake the decree, that that union which the legate reconciled must be held a marriage and that which the Apostolic See condemned must be reckoned an adulterous embrace. Moreover, he declared, there is no longer any question as to which of those two unions was a marriage, since this is clear from the facts that the case was adjudicated and that a divorce was decreed and from the circumstance that having left the adulteress, he cleaved to the first wife up to the last days of his life. On all these articles, moreover, he maintained that he had a plentiful supply of witnesses,

⁸See Quinque Compilationes Antiquae, 4, 1. pages 44-45. ed. Friedberg.

so that no one could entertain any doubt about the marriage contracted previously, about the interposition of the subsequent concubinage, or about the divorce pronounced according to canon law. And, indeed, although he offered on his side many arguments, he rested most emphatically upon the matter of the case brought to judgment and the decision pronounced, so he said, against the mother of Mabel by our lord of Winchester, at that time legate and vicar of the Church of London, in the Synod of London,⁹ where the divorce was decreed. He also produced witnesses who, he said, had been present at this same synod and at the divorce. Therefore: Inasmuch as children who have been born of an illegal and condemned union or-- if you will-- of concupiscence run wild, are excluded absolutely from all benefit of inheritance, and inasmuch as neither civil law nor statute recognizes them, and inasmuch as the force of canon law so disapproves them that it does not decree them support but rather, in a sense, acquiesces in the civil law which takes it from them, this woman as proof her father's crime, must be excluded from hope of any and all of the inheritance.

In rejoinder to this, to refute the calumny of her cousin, Mabel declared that her parents, William and Adelia, had been united legally and that they had contracted, not a clandestine, but a solemn marriage in the face of the church. She did not, however, make much of a denial that before he married Adelia, mother of Mabel, her father had entered into an espousal contract with the father of Albreda, to marry Albreda; but she did

⁹Evidently a diocesan synod at which Henry presided in virtue of his position as papal legate, the see of London being vacant from 1134-1141.

deny that this contract went as far as marriage. But, inasmuch as marriage-- so far as entering it or withdrawing from entering it is concerned-- ought to be free of constraint and dependent upon agreement of the parties, she contended that the espousal contract had been remitted on both sides, and this contention she strove to prove on this line: Witnesses appeared prepared to prove that the money which William had received from him had been refunded to Albreda's father. They added that Albreda and her party had remitted to William and his party all obligations which had come into being because of a marriage which was, so it was hoped, to be effected, and that Albreda's father was a guest at the wedding of William and Adelicia and a ready approver of it. Moreover, the laws of princes as well as the decrees of popes make it clear that an espoused woman is not a wife, since an espoused girl may prefer, instead, a convent even though the man concerned dissents-- as Eusebius is our authority;¹⁰ and the civil laws-- Gregory is our witness¹¹ inflict no penalty upon an espoused girl if she take flight to a community of maidens. And, furthermore, that marriage is not perfected which corporal union does not seal and consummate, although it may attain a beginning in a first plighting of troth.¹² If, therefore, what is finished takes precedence over what is begun, it is altogether unfair that

¹⁰Gratian C. 27, q. 2, c. 27. ed. Friedberg, Corpus Iuris, l. 1070-71.

¹¹Gratian C. 27. q. 2, c. 28, ed. Friedberg, Corpus Iuris, l. 1071.

¹²Gratian C. 27, 2. 2, cc. 36 and 35, ed. Friedberg, Corpus Iuris, l. 1073.

an espousal agreement should prejudice an authentic and consummated marriage. In a statement which premised the ceremony for contracting marriage and the sacred rite which is in the church, Pope Evaristus thus subjoined:

Know that thus effected, marriages are legitimate; but there is no doubt that those presumed upon otherwise are not marriages but adulteries-- in other words, immoralities and concubinages-- or fornications rather than marriages, unless free will have been exercised and legitimized vows support them.¹³

Now after the earlier pact had been dissolved-- as it was lawful to dissolve it, William contracted a legitimate marriage and never gave his consent to be divorced from her to whom he had been united legally. As for the divorce which the opposing party presents against us, it either was not at all or was not decreed lawfully. For, truly, Mabel declared, when that king who was a lover of peace¹⁴ had died and while justice was in exile from the bounds of this realm and while, in the increasing madness of those who take delight in the untried, all men were being tempted to all things, her mother, Adelicia, had been separated from her husband, in accordance with no law; she had, rather, been driven out with violence and barred from his house. This had been effected through the machinations of Geoffry, Archdeacon of London,¹⁵ who, having accepted a price, was eagerly active to condemn her, undefended and unheard but not cited thither, this archdeacon relying upon the authority of our lord of Winchester, who also, so she declared, had been corrupted by a bribe. He was not yet at this time, moreover, filling the

¹³Gratian C. 30. q. 5, c. 1, ed. Friedberg, Corpus Iuris, l. 1104.

¹⁴Henry 1, king 1100-1135.

¹⁵Geoffrey, Archdeacon of Colchester.

office of legate.¹⁶ This statement she strove to prove by this story: When Adelicia was excluded from her husband, she went to that holy man Alberic,¹⁷ legate of the Apostolic See in England, seeking that justice be shown her for the injury inflicted upon her by the archbishop and her husband-- since it is evident, by reason of chronology, that our lord of Winchester received the office of legate only after the departure from us of the already-named bishop of Ostia. But, thereafter, when the already-named Winchester was presiding in the synod of London to fill the office of the vacant see,¹⁸ the often-mentioned Adelicia, proffering openly the legate's mandate which she had obtained, sought a supplement of justice in those matters in which she had been wronged by the archdeacon and her husband, although the weight of iniquity and accepted bribes had so debased the soul of him who was acting as judge that it could not be lifted to show justice, either at the legate's bidding or at God's. That an earlier marriage had not been celebrated between William and Albreda, moreover, was evidenced in the fact that both the espousal solemnities between them in church and the nuptial rite in view of the people were solemnized for the first time at the moment when the wife was driven from her husband through the fraud of the already-named archdeacon and the bishop of Winchester;

¹⁶It is believed that Henry became papal legate in 1139.

¹⁷Alberic, Bishop of Ostia 1138-1148.

¹⁸The see of London was vacant from 1134 until 1141, when Robert de Sigillo was consecrated.

and of this circumstance witnesses appeared in person. That was, so she declared, no authoritative pronouncement, either de iure or de facto, in which a person was condemned in her absence, (although she had not refused to appear and had not been cited thither), since it clear that a decision which is delivered contrarily to the solemnly-instituted procedure of the judicature has no validity. She also unfolded many propositions on the privilege of persons and on ignorance of the law-- since it was allowable for her parents, the one because of military privilege, the other because of weakness of sex, to be unaware that that contract held the force of marriage, which preceded the beginning of marriage, which in civil and canon law is not valid for matrimonial embrace, and which ancient usage among us did not recognize to this extent, in consummation of marriage. Moreover, while he was living out his last days, her father-- as the venerable Abbot Gilbert of Colchester¹⁹ testified in his letter (not signed, to be sure, but attested by witnesses) and other religious, who were there present, testified, too-- had openly repented that he had acquiesced in the fraudulence of the already-named archdeacon in driving away his wife. But whatever was done between her parents, she asserted, ought not to disadvantage her or her children, this assertion on the ground that neither the archdeacon nor the bishop of Winchester had made any pronouncement against the children, but, rather, on the other hand, had declared as often as they met-- as many attested-- that they had pronounced nothing against the

¹⁹Gilbert was abbot of the Monastery of Austin canons in Colchester, Essex.

children of that marriage which they were, however, contriving to invalidate. Hence, she declared, the illustrious Count of Blois,²⁰ a prince truly a lover of justice and an expert in Cismontane law, to whom the bishop of Winchester had handed over the children's case, on the ground that it pertained to him under the law of fief, having summoned the more powerful bishops of Gaul and having acquainted himself with the case in the light of their counsel and that of other wise men, after the children's father had died, recognized them as legitimate heirs; and he pronounced as his official opinion that whatever a master deceit had arranged to defraud them should not work their disadvantage. On all these declarations, moreover, she said that she had an abundant supply of witnesses; and on most of the articles she produced them.

But Richard, resting persistently upon the fact of the case adjudicated, could not be moved from that article to concede his contention that a pronouncement ought to hold which had not been attacked by any recourse of law, not only during the ten-day period mentioned by statute but even during all of a twenty-year stretch. He, in turn, produced witnesses on whom he relied to show that he had been legally appointed as heir by his Uncle William and all others repudiated as though illegitimate. And, said he,

²⁰Theobald IV, Count of Blois and Champagne. As the letter explains, he was consulted because of the fiefs held of him by William de Sackville.

privilege of persons ought not to work to his disadvantage, since it is allowable in law to no one to be unaware of his own deed. For even though William, Mabel's father, was a soldier, he ought, nevertheless, not to have been unaware of what he did when he took Albreda to wife, not, indeed, in a hope of future union but in contract of present marriage; and since agreement effects marriage, whatever was presumed upon to the injury of an agreement legitimately preceding did not dissolve the inseparable bond of the prior marriage. But if, thereafter, in violation of conjugal fidelity, carnal commerce and offspring conceived therein did follow, the first marriage is not annulled in that circumstance; but the charge of the succeeding concubinage is proved. Therefore, whatever the father did, he either knew or he ought to have known; and it should not advantage his children if he believed that out of his military privilege it was allowable to him to mock the good faith of those acting in accordance with right. Perhaps, if a maternal inheritance were being sought, it would be possible to look out for the interests of the children in this party on the ground that their mother might not have had a bad conscience in contracting marriage; but, inasmuch as the case is concerned with paternal succession, the error of the father is in no way advantageous to the children. Sometimes the mildness of the law spares those convicted of ignorance, who are separated by reason of mutual relationship; and it leaves free of stigma and loss to inheritance the children of those whom the authority of the Church, deceived through their ignorance, has joined; but against those who knowingly cohabit illicitly or incestuously is exercised the rigor of

civil and canon statute, human and divine law in unison crying them nay.

The party of Mabel, in rejoinder to this, set forth many objections to such employment of law and reason; they used many examples, declaring that it would be impossible or exceedingly difficult to disinherit the children of the King of the French and of others, whom they named,²¹ on the ground that a divorce has been legally decreed between their parents. Mabel's party did not, however, admit that a divorce had been legally decreed between her parents. They also said that the law is more inclined to forgiveness, especially of the innocent, whom it is unfair to condemn because of some one else's crime. But that a separation had not been effected in the Synod of London by our lord of Winchester, they attempted to show on this line: Before that well-known synod was announced, which was the only one ever convoked by the already-mentioned bishop of London, the often-mentioned archdeacon had commanded-- as many there present testified-- that Adelia, alone and undefended in the capital of Colchester, be removed thence, with no legal inquiry preceding and-- what is more serious-- had, in person, driven the wife, ignorant of this whole question, from the house of her husband. And, moreover, although Adelia had gone to the aforementioned Winchester in the already-mentioned Synod of London, she did this for no reason except to deplore the injury inflicted upon her by the archdeacon and to secure justice in accord with the mandate which

²¹Louis VII, whose divorced wife, Eleanor, married Henry II. Eleanor bore two daughters to the French king: Mary, who married Count Henry of Champagne; and Adela, who married his brother, Count Theobald V of Blois.

our lord Alberic, Legate of Winchester, had issued. No other word was held with her there, so they sought to prove, except that she deposed her complaint before a deaf judge. They complained also that this same Winchester was disposed to turn the counsel of our lord Innocent to her injury, although in the above-mentioned letter of our lord Innocent nothing of what was expressed concerned her parents but concerned some unknown evilly-united persons or other, for her parents had in nowise been so united. But if the often-mentioned bishop suggested to our lord pope that they had been so united, the wrong of false suggestion and the crime of another's lie ought not to disadvantage her. In a word: just as Richard rested most insistently for the institution of his position of inheritance upon the disposition of his uncle and upon the pronouncement of the bishop of Winchester for proving this adultery condemned, as he said, -- so on her part Mabel leaned most heavily upon the last wishes of her father and the pronouncement of Count Theobald, for she promised to establish both by means of witnesses. Furthermore, she protested, even if the plaintiff were not entirely astray in all directions, she should be protected by long lapse of time, by ignorance of the law, by the number of her children, and by the authority of the Church, which had joined the marriage in question. For, in a more serious case, the divine Marcus and Lucius had answered more kindly, writing through the freedman, Mensor, to Flavia Tertulla, as follows:

We are moved both by the length of time in which you have been in marriage with your uncle, and by the fact that you were put there by your grandmother, and

by the number of your children. Therefore, since all considerations converge, we confirm the status of your children, acquired in this marriage, which was contracted fifty years ago, exactly as if they had been conceived legitimately.²²

If there is, then, such clemency among secular princes that out of partiality to children they are sparing even to incest, what, pray, would be the audacity of Christian priests to condemn in unprecedented severity those whom the bosom of the Church has given forth as conceived legitimately?

Accordingly, while all these arguments were being set forth on one side and on the other, and when at length, at nearly the end of the second year a peremptory day had been set for the parties to show proof, and, after many delays which both parties had won-- the defendant the oftener, however, as when, for example, she excused herself for an intervening child-birth or some other infirmity or for the absence of her husband (legitimate absence, it was said)-- when Mabel, on the ground of illness, made excuse again, through excusers sent for the purpose, Richard appealed to your hearing, setting the Sunday on which will be sung the Laetare Ierusalem²³ and asserting that he had been wronged in that he had been harassed by delays for now almost these three years and mocked by the subterfuges of this woman so that he could not secure justice.

²²Justinian, Corpus Juris Civilis, Digest, 33. 2. 57. It has as its heading: In libro secundo de adulteriis Papiniani Marcianus notat.

²³Fourth Sunday of Lent, March 26, 1161. This date of appeal was set by Richard before Theobald in London on October 18, 1160, after Richard had crossed to Normandy to secure the license of the king to appeal to the pope. Sampson, Richard's chaplain, and Master Peter of Littlebury, carried the appeal to the pope at Anagni. See Palgrave, English Commonwealth, II, pages 19-20.

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APPROVAL SHEET

The thesis submitted by Miss Clare Rooney has been read and approved by three members of the Department of Classical Languages.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

June 16, 1944
Date

W. J. Miller
Signature of Adviser