Notes on a Neglected Source: a Register of Royal Writs in the Lincoln Diocesan Archives

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During the later middle ages co-operation between the lay and ecclesiastical powers was epitomised by the keeping of registers of royal writs by the English bishops. In Lincoln diocese registers or smaller collections of writs have survived from the year 1300, from the time of the vacancy after the death of Bishop Sutton, and thereafter from every episcopate until that of William Gray (died 1436). These writs constitute a source neglected by ecclesiastical and secular historians alike, and it is hoped that a description and analysis of one such register of writs will encourage others to investigate this little-used class of material.

The register of royal writs received during the episcopate of John Buckingham (1363-98) is Lincolnshire Archives Office Register 12B. It is unbound and unsewn though there are signs that it was once sewn with green string. There are seventy-five folios, but this includes four loose sheets (folios 1-4) of writs dating from the previous episcopate. The register is certainly not complete; some folios are missing which should have come between folios 26 and 27 and which would have preserved the writs dated during the years 1372-5.

As well as being incomplete, the register is also at times somewhat unmethodical; the arrangement is usually chronological, but many of the writs dated in 1366 are entered after those for 1367. Nor is there always a clear distinction between the types of business entered in the writ register and those recorded elsewhere; for example, mandates to levy clerical taxes were recorded in the memoranda register of Bishop Buckingham (Lincolnshire Archives Office, Register 12) until 1381 when they were entered among the writs, a practice which continued until the last two grants made during the episcopate (1397 and 1398) when the orders to appoint collectors and the subsequent commissions were again entered among the memoranda. Material about court cases, especially enquiries about marriage, might be entered in two places, the writ in Register 12B, the execution in Register 12, and only sometimes was there a cross reference. Writs issued as a result of patronage disputes were usually entered in the writ register, but they occasionally appear in Buckingham’s registers of institutions (Lincolnshire Archives Office, Registers 10 and 11).

The seventy-one relevant folios contain 468 separate mandates. With three exceptions the writs were all issued by the royal administration and were addressed to Bishop Buckingham. For the purposes of analysis and discussion the writs may be classified in several different ways: according to the attesting judges, the courts of issue, the wording, or the kind of business involved. The analysis here will be in terms of types of business. Divisions into groups, however, can never be entirely clear cut, since some of the writs may be used to illustrate more than one subject. The writs contained in Register 12B fall roughly into two large classes, financial and non-financial. Of the writs concerning money, two of the largest groups concerned payments to the Crown. One comprises ninety-four writs about clerical taxation; seventeen of these were mandates to appoint collectors of taxes, the first dated 20 April 1370, the last 15 May 1395, and a further three concerned re-assessment and exonerating. The remaining seventy-four were about arrears of taxation: six writs ordered the relaxing of sequestrations for non-payment, because the money had either been brought to the exchequer or was promised; thirteen mandates were to find out the holders of particular benefices, all prebends, in certain years and were concerned with taxes granted before 1360; the remaining fifty-five writs in the tax class were all aimed at using ecclesiastical machinery to collect arrears of taxation granted by convocation in 1369.

The other financial group, sixty-six writs, is less cohesive. Most concerned debts to the Crown, though, as will be seen, the line between a private debt and a debt to the Crown could be crossed very easily. This group includes four writs about a debt to Queen Philippa for money owed for a mortmain licence. Four were about debts incurred by king’s clerks while in office, or accounts not yet rendered. Thus, for example, the dean of Lincoln, Mr John Stretele, lately constable of Bordeaux, was to be distrained and brought to the exchequer to render account for the issuing of breves of Brittany in the town of Bordeaux, safe conducts for ships sailing round the Breton coast to Gascony; while Mr John Wycliffe owed £18 1s. 9d. to the king for the remainder of his account recently rendered at the exchequer for a journey he had made to Flanders.

Men who owed money to a private person might find that the king later became their creditor. This could happen if the original creditor had died and left as heir a minor in the king’s hands. Thus a debt to John Hastings earl of Pembroke became due to the Crown when he died and left as heir a three-year-old son. It could happen also in those more unusual cases where the creditor had his property confiscated, and four writs involved money due to men whose property had been so taken. Further, if someone died in debt to the king, his executors or his debtors might also find themselves owing money to the Crown, and there are eight writs, representing five different debts, in this category. Another distinct group of six writs consisted of those to the executors and successors of royal officials for money owed for Crown business. Since clerics were often appointed as executors the diocesan administration was drawn into these private testamentary concerns. Among these cases is a writ issued about a man who died owing some of the profits of the customs. In another instance the holder of the land and property formerly belonging to William Hacellut, late seneschal and keeper of the forest of Rutland, was called to answer for £1 which Hacellut had received from Simon Ward for the repair of Oakham castle and the hunting lodge in the park there, and for which he had not accounted.

There were other classes of business which, though not normally of financial concern to the Crown, came to be so. Criminous clerks, for example, could be Crown debtors either because of fines they might owe for crimes and excesses, or because their entire property was forfeit for some crime such as suicide. So it was that all but one of the nine writs about clerical criminals were returnable at the exchequer. Another type of business in which the English Crown came to have a financial interest was papal taxation: four writs concerned arrears of taxation granted in 1330, half of which was assigned to the king for urgent business; but another prohibited Buckingham from
collecting a papal tax on an occasion when no share of it had been assigned to the king. 13

Apart from writs concerning debts to the Crown there were two other groups of writs dealing with money. By far the larger and more important was that concerning debts owed by rectorors or vicars to religious houses or their farmers; 120 writs may be assigned to this category. Thirty-eight religious houses or corporations were unsatisfied creditors, and thirty used the court of common pleas to try to recover their money. These houses were situated both within and without Lincoln diocese. 14 The Lincolnshire houses concerned were Bullington (two writs), Wellow (three), and Crowland (three).

There was another distinct group of houses to whom money was owed but, because their property was in the king’s hand during the French war, debts to them had become debts to the Crown. For example, of the five writs about money owed to the abbey of Lyre (France) the first, dated 12 October 1369, was issued from the court of common pleas, and the rest, dating from 14 May 1385 onwards, were issued from the exchequer. 15 Similarly, the writs about debts to the alien priories of Ware (Herts.) and Lenton (Notts.) emanated both from common pleas and from the exchequer. 16 The writs about debts to Wilsford (two) and Willoughton (eight), two alien priories in Lincolnshire, both came from the exchequer. Writs about debts to these houses illustrate again the fact that debts to a private corporation could become debts to the Crown in changed circumstances, and underline the difficulty of assigning writs to any definite category. The Crown’s direct interest in the recovery of debts to alien priories in its custody was made explicit in several writs, for if rent and pensions were not paid to the farmers of the priories they in turn could not pay their annual farms at the exchequer. 17

A small group consisted of writs issued against those who owed money to private individuals. There are only eleven such writs, dealing with eight debts. Since there is reason to believe that many more than eleven writs about private debts were sent to Buckingham, it is worth considering why this select group should be enregistered. Investigation shows that in almost every case one of the parties was either a notable king’s clerk or had some connection with Buckingham. For example, John Yarborough, although he cannot be certainly identified, was perhaps the man associated with Buckingham in making a grant to Louth Park Abbey, a joint keeper of Haugham alien priory, and servant of John of Gaunt. 18

Finally, it may be noted how many of the writs concerning debts to the Crown reflected, more or less, events in the national life. The two writs about the re-assessment of devastated benefices in Lincolnshire may be seen as evidence of the destruction wrought by the Black Death. 19 More important and more easily discernible is the mark of political events. A political origin may be accepted for all the ninety-four writs about taxes and for any writs involving an alien priory in royal custody during the French war. Domestic politics may account for a number of writs, such as the two about a debt to Roger Mortimer earl of March, which had become a debt to the Crown by his forfeiture, for they were a direct result of the coup of 19–20 October 1330, 20 and the two writs against Robert Bolton receiver of Michael de la Pole earl of Suffolk, which resulted from the proceedings against the earl in parliament on 13 February 1388. 21 Other writs of political origin concerned non-payment of taxes on wool. There were three cases and all involved wool exported in 1337 under a scheme managed by William de la Pole and Reginald de Conduit. 22 Three writs were issued against Robert Horn, chaplain, the executor of Simon Davenentry who had been one of seven buyers in Northamptonshire of 1,200 sacks of wool at 8½ marks a sack. 23 The writs alleged that Davenentry had exported sixty-four sacks of wool from the port of London, but that only thirty-five were handed over to Pole and Conduit and the remaining twenty-nine had been exported illegally. 24 Two other of the writs were directed against John Long, chaplain, executor of William Bergham of Bridgerton, 25 and three were against Richard Hull, clerk, executor of William Hull. 26 In both cases returns of ‘no lay fee’ had been made by the sheriff of Salop, and it may be that these writs were sent out to several, or to all, bishops in an attempt to collect the missing money. 27 It is not stated whether Bergham and Hill were being accused of having actually smuggled the wool. Dr Fryde claims that wool was smuggled on a large scale, perhaps as many as 5,000 sacks being involved; the trials of offenders went on for many years, and he cites as evidence for these trials a reference to the memoranda roll of 26 Edward III (exchequer year Michaelmas 1351-2). The writs we have described show that the evasion of the tax on wool was a matter of concern to the Crown at a much later date. 28

Turning to those writs which are not concerned with money we find that, here too, some have connections with national events or politics. The clergy, for example, contributed to the war effort not only by paying taxes but also by offering prayers for the success of particular expeditions, and six writs requested such intercessions. 29 There was also one writ summoning Buckingham to appear at Newcastle-on-Tyne with the feudal service he owed, with a view to proceeding against the Scots. 30 Also connected with the French war were the four writs enquiring into the number of alien clergy in the diocese. 31 Register 12B contained twenty-five writs about parliament, twenty-four summons, and one prorogation.

A group of six mandates ordering Buckingham to receive the oaths of royal officials may be classed as administrative, rather than political, and show the role of the bishop in Lincolnshire local government. A writ of 11 October 1385 charged him to receive the oath of John Hollington of Sleaford, one of the customs collectors in the port of Boston, and to report to the Crown when the order had been carried out. 32 He was also committed to receive the oaths of John Wittelbury the new sheriff of Rutland, and of John Bozon the new escheator of Lincolnshire. 33 A writ ordered Buckingham to receive the oath of the mayor of the wool staple, which had been transferred from Lincoln to Boston in 1369, though Robert Ledes, the new mayor, was a Lincoln merchant. 34 William Bliton and Robert Messingham were to be sworn in as constables of the staple at the same time. 35 A writ of 24 November 1394 ordered Buckingham to receive the oath of John Meres escheator of Lincolnshire, 36 and another of 1 December 1396 to swear in Roger Welby sheriff of Lincolnshire. 37 The procedure in each case was for Buckingham to administer an oath, whose form is sometimes given, and afterwards to hand over to the new official the royal letters patent signifying appointment.

A group of writs, purely private in origin, arose out of property disputes when one side alleged that their opponents were either bastards or were not married and so could not inherit. Twenty-three writs concerning fifteen such cases were entered in the register. A further seven writs concerned two allegations that certain women were nuns, and Buckingham was ordered to ascertain their true status. 38 A much larger class of writs concerned the patronage and status of benefices in Lincoln diocese. There were sixty-six writs from chancery and two from the exchequer, all asking Buckingham to supply information after consulting either his own register or the registers of his predecessors.
Two others ordered Buckingham to take his entire register to chancery to be consulted during a case. Fourteen writs forbade Buckingham to admit anyone to benefices while their advowsons were being disputed in the royal courts. One writ ordered him to admit to a benefice following the conclusion of a patronage case, and another notified him of the result of a case.

Finally comes a group of writs illustrating in a variety of ways the interaction of lay and ecclesiastical jurisdictions. There were two writs of certiorari concerning cases which had already been stopped by prohibitions to the court of Canterbury. Six writs forbade the bishop to allow cases to proceed. Three other writs dealt with testamentary business, two of them being mandates to provide information from Buckingham's register. One writ, concerning a heretic, shows the accused being subjected to trial by both the ecclesiastical and lay powers.

This analysis shows that the bulk of the writs were concerned with a very small number of issues: clerical taxation, debts to the Crown, debts to religious houses, and patronage disputes; it shows also that a small number of writs will not fit neatly into any one category and may be used to illustrate more than one point.

When Register 12B is compared with other Lincoln registers of royal writs dating from the fourteenth century it will be seen that proportionately fewer writs date from Buckingham's episcopate than from any other. The register of royal writs dating from the twenty-two years of Henry Burghersh's episcopate is 213 folios long; there are fifty folios of writs from the eight years of bishop Thomas Bek, and 121 folios from Gynwel's episcopate. Thus the seventy-fifth for Buckingham's thirty-five years as bishop of Lincoln show a steep decline in quantity, even when allowance has been made for the fact that Register 12B is not complete. The number of writs to be copied into the episcopal registers continued to fall sharply in the next century.

To some extent the decline in the size of writ registers and collections was due to ruthless exclusion by registrars of writs concerning particular classes of business. Thus, when Register 12B is compared with Register 5B (the writ register of bishop Henry Burghersh) it will be seen that crime and private debts, the subjects of many writs in the latter, have been almost totally excluded from the former. Whether the fall in the number of enregistered writs reflects a fall in the total number of writs received, or changing ideas about the nature of episcopal records is only one of the problems raised by this neglected but rewarding series of records.

FOOTNOTES


2 One was sent to Buckingham by the collector of papal taxes in England; another was addressed to the sheriff of Lincolnshire, and a third was from the sheriff of Lincolnshire. Lincolnshire Archives Office, Register 12B (subsequently Reg. 12B) ff. 29, 29 v., 21.

3 Ibid. ff. 29 v., 66 v.

4 William, rector of Lingshaw (Norfolk) alienated a tenement in the suburbs of Lincoln to the prior and convent of Nocton Park, for a licence costing £10, Ibid. ff. 11, 19, 22, 23 v., 26.


7 Reg. 12B ff. 41-41 v., 45 v., 47 v.

8 Ibid. ff. 22, 23, 54 v., 55 v.

9 Ibid. ff. 25 v.

10 The writ was directed against Margaret Overton, rector of Withcote (Leics.), Ibid. ff. 5 v.


12 First dated 22 Nov. 1363, the last June 1367, Ibid. ff. 5 v., 6 v., 7 v., 11 v., W. E. Lunt, Theodore of Canterbury, pp. 75.

13 Ibid. pp. 116-18 for the background to this writ: Reg. 12B ff. 55, 10 Oct. 1389.

14 Houses, with a number of relevant writs in brackets: Thurgarton (5), St Mary Shelford (1), both Notts.; Westminster Abbey (4); Kenilworth, Warwick's (1); Tremtham, Staffs. (1); Abington (3), Reading (4), both Berks.; Walden, Essex (4); Cirencester, Gloucs. (8); St. Albans (2), Flamstead (1), Hertford (2), all Herts.; Missenden, Bucks. (1); St Frideswide's, Oxford (1); Leicester (8), Oswestry (2), both Leics.; Daventry (1), St Andrew's, Northampton (5), Peterborough (3), all Northants.; Huntingdon (1), Ramsey (3), both Hunts.; Chichester (1), St. Neots (2), both Beds.

15 Religious corporations: dean and chapter of Lincoln (3); prior of the Hospitallers in England (3).

16 Ibid. ff. 22, 44-44 v., 46-46 v., 50, 71 v.

17 War: 6 writs, one from the exchequer, 5 from common pleas. Lenton: 5 writs, 4 from the exchequer, 1 from common pleas.

18 Ibid. ff. 17, 33.


20 Reg. 12B, ff. 32 v., 34 v.


24 As certified by the receiver-general of Burton, and his brother, John of Gaunt's Register, ed. S. A. Armitage Smith (Camden Third Series XXI, 1911), vol. 11, p. 321.


26 Ibid. ff. 10 v., 12 v., 26, 3 July and 21 Oct. 1367, 22 May 1371.

27 Neither William Berkham nor William Hulme were named as county buyers in 1337.


29 Discussion of this subject will appear in 'Liturgical and Propaganda during the Hundred Years War: the Evidence from Lincoln Diocese', Studies in Church History 19 (1981).

30 Reg. 12B, f. 45.


32 Ibid. f. 66.

33 Writ of 28 Feb. 1388, Ibid. f. 53; 4 Feb. 1391, Ibid. f. 57.


36 Ibid. f. 66. The same writ and return are entered in Reg. 12, f. 420.

37 Reg. 12B, f. 71.

38 Five writs concerned the case of Maud Huntercombe, who was alleged to be a nun of the Austin house of Burnham (Bucks.). In the case of Aelisia daughter of John Everingham the issue was whether or not she was an apostate member of the order of Sempringham. It is hoped to discuss the latter case in some future issue of this Journal.

39 Reg. 12B, f. 58, writs of 4 and 10 June 1391. Buckingham's reply, dated 23 June, made it clear that he was not going to send the registers to chancery, but would only supply information contained in them.


41 K. Major, Handlist, pp. 4-6.

42 Ibid. pp. 8-9, 12.