MY general title has grown out of a particular interest. Having been concerned with some parts of a little fourteenth-century manuscript in my college library, I became interested in the setting of these pieces—in the book as a whole, that is—and thence I inevitably advanced to consider the circumstances of composition. This led to Durham, and the conditions in which such a book as this could come into existence there in the first decades of the fourteenth century. Hence the general title. I cannot do justice to so large a theme; but what I have to say about my chosen manuscript will, I hope, be seen to have some bearing on the matter as a whole. It may also invite you to reflect on even broader questions: how in those days legal and historical texts were copied, official records given publicity, propaganda diffused. It throws a little light, too, on the literary recreations of an ecclesiastical official in the Middle Ages.

The book, Corpus Christi College, Cambridge, MS. 450, is a fat little octavo on parchment of 154 leaves (with an indefinite number of leaves lost at the end). It is in the collection which belonged to Archbishop Matthew Parker (d. 1575) and is paginated and marked at significant passages with the familiar red crayon of Parker or one of his assistants. In appearance it is not very attractive. Nothing proves that it ever belonged to the great monastic library at Durham; Montague Rhodes James,
who catalogued the Parker manuscripts in the library of Corpus Christi College in 1912 opined that its owner had been "a notarial personage of the diocese of Durham",¹ and we shall see that his conjecture was acute, even if it cannot be substantiated.

The book is a miscellany of treatises, poems, historical documents, legal records—about 120 items in all, most of them already enumerated by James Nasmith, the scholarly fellow of the college whose catalogue of its manuscripts was published in 1777. This book was perhaps written between the years 1290 and 1320. From the thirteenth and fourteenth centuries we have miscellanies in fair profusion in English manuscripts, each one different from the others. They all deserve study. Any legal and literary miscellany has various separate claims upon the historian. If we want to extract from it all the goodness we can, it is not enough to pick a few juicy plums out of the whole pudding (which is what so often happens).² It is not enough to look at the different sections of the book in isolation; for a composite volume may represent in its totality the interests of an individual, even though he did not write it all himself. Moreover, it may pay to look further afield for other miscellanies containing some of the same texts. Some years ago Stephan Kuttner, in discussing a canonistic miscellany (MS. Vat. lat. 2343), pleaded for "an examination of parallel tradition in other manuscripts" with the object of affording "a glimpse of patterns of composition which seem to have existed for this type of books in the thirteenth century of which we know as yet very little".³ Some miscellanies of English law certainly merit the treatment which Professor Kuttner advocated, notably the

¹ M. R. James, *A Descriptive Catalogue of the Manuscripts in the Library of Corpus Christi College, Cambridge* (Cambridge, 1912), ii. 364. James retained the numeration of items in the manuscript which Nasmith had provided in his catalogue; and these numbers are used in references below.

² This has happened with Corpus 450, starting with the extraction of the proverbs in Anglo-Norman (no. 84) by Le Roux de Lincy, *Le Livre des Proverbes Français* (2nd edn., 1859), ii. 472-84: "d’après un MS. de Cambridge du Corpus Christi Collège. Extraits communiqués par Monsieur Francisque Michel."

so-called "London municipal collection", compiled at least as early as the reign of King John, with which is connected a chain of manuscripts which go down to the collections of Andrew Horn, the London fishmonger, early in the fourteenth century.¹

The anthology in Corpus 450 is far from being restricted to legal matter. But it has unity in the sense that most of it appears to have been collected and written—neatly though not beautifully—for one person's use: a deliberate compilation, even if it was compiled over a good many years. It is more than mere casual jottings, more than a commonplace book. That it deserves the title of miscellany will, indeed, become apparent as one exposes the contents of the mixed bag. But consider first the three longest and most prominent single items. They hang together: the *Summa artis notarie* of John of Bologna, the *Practica seu usus dictaminis* "edita Bononie ad utilitatem rudium" by Laurence of Aquileia, and a rather amorphous collection, or extracts of a treatise, on grammar. These put our miscellany into a familiar category. In the twelfth and thirteenth centuries grammar, epistolary guides, and treatises on the framing of documents commonly occur between the covers of a single book. It illustrates the alliance of the rhetorical and legal disciplines.²

Rhetoric had somewhat changed its meaning since classical times, becoming the basic art of literary composition, with an accent on its practical value. This particularly characterized thirteenth-century Italy, where the profession of notaries, which called for learning in the law, included many literary men of distinction. Brunetto Latini is a notable representative, who taught rhetoric and the *ars dictaminis* in Florence, perhaps to Dante Alighieri; a manuscript of his famous *Livre du Tresor*,


contains a brief "Sometta in volgare modo ad amaestramento di
componere volgarmente lettere", giving forms of address for
official and private correspondence; and in the Livre, written
in France during the 1260s, Brunetto speaks of the need for a
town governor to have "ses notaires tres bons et sages de loi
ki sachent bien parler et bien lire et bien escrire chartres et letres
et ki soient bons ditteours . . .". The alliance of rhetoric and
law encouraged instruction by means of exemplary letters—
genuine or fictitious mattered not. The medieval administrator
was obsessed with forms. The common use of Latin in official
business encouraged the copying of models. In thirteenth-
century Rome the compilers of Summae dictaminis availed them-
selves largely of the resources of the papal archives, from which
they borrowed hundreds of exemplary letters which displayed
at once the rules of the cursus and the procedure of the curia. Legal textbooks often took the shape of a series of formulas for
writs, petitions, and so on, strung on a slender chain of com-
mentary. In the secular field England produced as early as the
1180s the so-called Glanvill, De legibus Anglie: a legal treatise
composed largely of forms of judicial writs; and numerous
registers of writs followed during the thirteenth century. Form-
ularies of a more eclectic sort continued to be assembled by
servants of the Crown. The best-known English example,
thanks to Mr. Denholm-Young, is the Liber epistolaris of Richard
de Bury. Dr. Alfred Brown has recently spoken of two formu-
laries compiled by privy seal clerks in the early fifteenth century;
he remarks that for such men "letter-writing itself was a pro-
fessional skill. Both Hoccleve and Frye included in their
formularies collections of proverbs, phrases, exordies, even forms
of wills, as well as old diplomatic letters considered to be good


3 The Liber epistolaris of Richard de Bury, ed. N. Denholm-Young (Roxburghe Club, 1950).
examples of composition, and forms of the letters they wrote day by day."

In the field of ecclesiastical administration it was just the same.\(^2\) Decree 38 of the Fourth Lateran Council (1215), "De scribendis actis", demanded that "universa iudicii acta" should be committed to authentic writing. This probably explains a new efflorescence of this literature (if it deserves the name of literature) in the Latin Church. At Oxford, before the middle of the thirteenth century, William of Drogheda produced his *Summa aurea*, replete with forms of petitions, citations, and proxies for use in ecclesiastical litigation. In Italy this sort of teaching was standard practice. Here the notarial instrument was the commonest sort of deed; the art of the notary was taught systematically; and the textbooks contained an abundance of forms. The contact of this Italian tradition with England is seen in the *Summa artis notarie* found at the front of MS. Corpus 450. John of Bologna wrote it in the 1280s.\(^3\) He had come to England with a new archbishop of Canterbury, John Pecham, in 1279. His book, which he dedicated to the archbishop, is a highly professional work, written by one who had studied in Bologna and practised in the court of Rome. The author says that he wrote it because he found English clerks shockingly ignorant of the right way to draw up deeds and do the paper work involved in appeals to Rome. He would show them how to frame the necessary documents. It was only right that


in these matters the English Church should copy the usage of the mother of churches.

Whoever owned Corpus 450, he certainly would not have troubled to get (and then to correct with great care) this copy of the *Summa*, if he had not been concerned with the drafting of legal documents for church courts. It would be natural for one with this professional interest to have as well the works on grammar and dictamen which are in Corpus 450. It was natural, too, that he should make copies of some old historic letters which were fine examples of prose style. To these, quite naturally, if he was involved in business-correspondence, he added a dozen or so pages of generalized forms of letters. The fact that they abridge, and omit most of the proper names and dates, shows that they were copied for the sake of their formulas, put together here to instruct in the epistolary art. One gives the standard form of the "bulla que vocatur *post iter arreptum*", another a royal letter of safe-conduct. Another is the form which a prior and convent used in admitting a person to confraternity. There are letters reporting—favourably—on some monks studying at Oxford. Although reduced to general terms, many of these letters may have been drawn from genuine correspondence. Two of the forms concern Durham, and others may well have originated there. They suggest a professional clerk, with monastic attachments. A document which occurs in a later section of the manuscript, confirms the suggestion. This is the licence granted by Rogerus Mathei de Monte Florum, count palatine of the Empire, to the prior of Durham, to appoint John de B., clerk of the diocese of Durham, to the office of notary public by imperial authority. It is dated 1305.

In "John de B." have we run to earth the "notarial personage of the diocese of Durham" of whom M. R. James spoke (partly, no doubt, on the strength of this document)? If John de B. is not an invented name (perhaps a mere reminiscence of John of Bologna), we have no shortage of possibilities among the clerks.

1 Nos. 24-44. Other generalized forms are nos. 46 and 92. No. 24 has the rubric: "Rex archiepiscopo pro clericis suis ne compellantur ad ordines vel residentiam et hec litera in registro cancell."

in the service of the bishops of Durham, c. 1300-20; but none of these is described as a notary public. In any case, it would not do to jump to the conclusion that the compiler of the book buried his own licence in an abridged form in the midst of dateable documents of a later time. The rubric he gives to this licence: “Forma creandi et investiendi aliquos in officium tabellionatus”, does not suggest a man recording an autobiographical detail. The inclusion of the licence is none the less a useful pointer. It was unlikely to have come the way of anyone not connected with Durham; it would interest particularly a clerk who was, or wanted to be, a notary public, or who was concerned on behalf of the prior of Durham in licensing a notary. Pointers of this sort will be observed in the course of analysing other sections of the volume.

Two sections, which comprise together nearly ninety pages of the manuscript, contain no less than thirty-nine papal letters belonging to the years 1295-1318. More than half of them are decretals and constitutions of Boniface VIII and his successors, of universal application and of practical importance to any ecclesiastical lawyer of those days. Of the others ten were of general historical or political interest, while nine bore exclusively or partly on Durham affairs. More will be said about this material later. Similar shading off, from the general and the legal to the local and the rhetorical, is seen in other sections. A text of the decrees of the Fourth Lateran Council occupies a quire and a half in the middle of the book, to be followed immediately by two papal privileges of 1265 and 1281 for the Mendicant Orders and a decree of the Second Council of Lyon (1274). Next to this comes King John’s announcement of his surrender of his kingdoms of England and Ireland to the pope in 1213; a hundred years later this might be described as ancient history

with contemporary interest, when the king's annual tribute to the pope, promised by King John, was being withheld. With this item should be mentioned a group of six letters of Pope Innocent III at the end of an earlier quire and another group of four, with Stephen Langton's first letter as archbishop of Canterbury, in the middle of a later quire. Nearly all of these relate to King John's defiance of the pope over Stephen Langton's election, which brought the interdict on England, but one is the famous letter of Innocent III to the prelates and lay magnates of Germany on the matter of the Empire, May 1199, "Quanta debet esse". These letters may have been copied here for their historical interest; but equally they were attractive as examples of the literary style of the Innocentian chancery at its most sonorous and most impressive.

A few other documents come under the head of history, contemporary or earlier. The Sultan Malik al-Ashraf boasts to King Aiton II of Armenia that he has captured Acre in 1291, and the king forwards the letter with an appeal for help to King Edward I of England, a committed crusader. The records of this disaster, still vivid when they were copied into Corpus 450, may have prompted the inclusion of a pair of apocryphal letters allegedly exchanged by the king of the Tartars and Louis IX of France. Then comes a little group of German origin: the declaration of war by Adolf of Nassau on King Philip IV of

3 The letters are preserved in the Historia anglicana of Bartholomew Cotton, ed. H. R. Luard (Rolls Series, 1859), pp. 215-19 and the former in Registrum Joh. de Pontissara, ep. Wintoniensis, ed. C. Deedes (Canterbury and York Soc., 1915-24), ii. 481-2, where it is described as the translation of a letter directed "cuidam regi Christiano et postmodum ad Romanam Curiam". Thomas Hearne printed from the register in his Adami de Domerham historia (Oxford, 1727), pp. 727-9.
4 I have traced no other copies of these exercises in vituperation.
France when Adolf allied with Edward I in 1294,¹ the Emperor Frederick II's letter on the death of his captive son, Henry, in 1242,² and an exchange between an impostor who claimed to be the resuscitated Frederick and the duke of Brabant and the count of Holland in 1284.³ Along with Boniface VIII's constitution, Clericis laicos, and related papal letters concerned with lay taxation of the clergy, the collection includes a copy of the French clergy's riposte to the pope of 1 February 1297 and of the English clergy's refusal to meet Edward I's demand in view of Clericis laicos; the copy of the latter is the only early text known of this bold remonstrance.⁴

I end this rough catalogue of the historical miscellanea in Corpus 450 with two documents of a different sort: not papal bulls or state-papers, but anonymous pieces of propaganda. They can be dated precisely to the years 1307 and 1308. The first is a splendidly florid harangue written in the name of "Petrus filius Cassiodori, miles catholicus, pugil Christi devotus" apostrophizing the noble English Church which lies languishing and dejected. He wishes her health, release from the yoke of captivity, and the reward of freedom. Peter attacks the reigning pope, Clement V. Popes, he declares, were not appointed to impose annual taxes and to kill men, but to offer gifts and sacrifices for sins. Clement appoints to the cure of souls his nephews and relatives and illiterate persons, who are deaf to the bleating of their sheep and fleece them, and reap where others have sowed—and so on. Peter predicts that the Church and its priests


³ The letter of the pseudo-Frederick was printed from this manuscript in Mon. Germ. Hist., Scriptores, xxiv (1879), 462, n. 1. The reply was apparently printed from another manuscript by Lorsbach, Florentii litterae (Herborn, 1802).

will be ruined unless Edward I, rex christianissimus, and the
magnates (potentes regni) are persuaded to resist the conspiracies
and arrogance and pride of this man, Clement, whose exactions
from England further the greedy designs of France. According
to a chronicler who reproduces this letter, it appeared early in
1307 while Edward I was holding his parliament at Carlisle.
The king was listening to a formal protest against the pope’s
extortions when, lo, this letter as it were floated down from
Heaven into the council and was read out in the hearing of king,
cardinal nuncio, and all the prelates and others present. The
harangue was intended, it seems, to get the clerical and lay
notables to join forces in a demonstration against the pope.¹

The second piece of propaganda is of a different kind. Other­
wise unknown, it remains unlikely that the compiler of Corpus
450 composed it. He entitles it: “Lamentacio quedam pro
Templariis.” In five small pages the author (who was probably
a French secular clerk) writes a reasoned defence of the Order
of the Temple against monstrous charges brought by the French
king’s lawyers in 1307-8; but he writes in white heat, with savage
partisanship. It is not anti-papal in tone: a writer early in
1308 could still hope that Pope Clement would intervene to
save the Templars; but its appeal is to the doctors and scholars
of Paris, not to the pope. So far as I know, this is the only
surviving text, and it is the sort of utterance which it would
have been unsafe to publicize a few years later, when the Pope
dissolved the Order.²

So far I have concentrated on those parts of Corpus 450
which, if not homogeneous, at least hang together, suggesting
legal, rhetorical and historical interests in the compiler, in­
terests of a fairly austere sort. But the Summa of John of
Bologna is in fact followed by a quire with matter of very differ­
ets sorts. It opens with the Apocalypsis Golie episcopi and

¹ Printed by Bale and Fox in the sixteenth, and by Goldast and Pynne in
the seventeenth, century. The latest edition is of the text in The Chronicle of
pp. 371-4. Messrs. Richardson and Sayles doubt whether the letter was publicly
² Printed from this text in Medieval Miscellany presented to E. Vinaver (Man­
others of the "goliardic" satiric poems composed late in the twelfth century and directed against the court of Rome and curial officials and women. The Rhenish "Archpoet" is represented by his famous Confessio Golie, "Estuans intrinsecus", and there are other poems from the Carmina Burana. This verse is followed by extracts from the pseudo-Aristotelian Secreta Secretorum and the Latin translation of the life and sentences of Secundus philosophus. As appendages to the grammatical section there are a few extracts from the early fathers, and Anselm and Bernard, and Petrus Alfonsi, the twelfth-century Spanish converted Jew. Scattered about the book are other short pieces of Goliardic and other Latin verse and extracts from the Alexander legends. All this was very old stuff in 1300: no modern literature among it. Just one section of the book contains Anglo-Norman vernacular writings. They start with the manual of the French language by Walter de Bibbesworth, written for the instruction of English youth¹; jingles, pious poems, and proverbs of the thirteenth century follow. But this vernacular part of the book occupies only twenty-five pages out of 308. Apart from these literary pieces, which leaven the legal, formal, and historical bulk of the book, there are only a few scraps of in-filling, where the original copyist had left part of a page or leaf blank. The scraps include at least two brief items (three lines "de baculo pastoris" and six lines on the honour and burdens of prelacy) which suggest that the writer had aspirations to high office; but it would be unwise to form an opinion on such trifles. As a whole, the book is orderly and is not cluttered, like so many medieval miscellanies, with recipes for making ink and cures for gout.

This summary of the contents of the manuscript has already thrown up various pointers towards Durham. To locate the compilation as a whole at Durham is not to say that it was all written there; and it may be argued that the compiler had acquired his Summa of John of Bologna and his decrees of the

¹ Usually dated, by its editor, Annie Owen (Paris, 1929) and others, c. 1280-90. Re-dated by A. C. Baugh "in the decade 1240-50, and almost certainly not later than 1250" ("The Date of Walter of Bibbesworth's Traité", Festschrift für Walther Fischer (Heidelberg, 1959), pp. 21-33, at p. 33. I am obliged for this reference to Mrs. C. R. Sneddon.
LAW AND LETTERS IN DURHAM

Fourth Lateran Council (written in hands which do not reappear elsewhere in the book) before he built up the volume as it stands. But the closer we look at the documents scattered all through the book, and compare them with the contents of manuscripts which are known to come from Durham, the more evident the Durham connection becomes. For his copy of the Practica of Laurence of Aquileia the writer chose a quire to match in size the John of Bologna; and since the quire was completed in the same hand with a letter about the reinstatement of the prior of Durham in 1301, we may conclude that the whole quire was written by a monk or clerk of Durham (though not necessarily at Durham). One detail is revealing. In copying the last group of papal documents the scribe has inadvertently dated the constitution of Pope John XXII on the church of Toulouse (1317) at Dunelm instead of Avenon: a tell-tale mistake.

Even so, big question-marks still stand over the compiler and his work. What were the man's contacts in Durham: was he a monk of the great cathedral priory or a clerk employed by the monks, or was he an official of the bishop, or simply a cleric benefited in the diocese? How did he come by all that he copied, including the stuff devoid of any obvious Durham flavour? What can we learn from it all about his interests? What does it tell us about law and letters in the remotest north of England in the early part of the fourteenth century?

Durham may have been remote from the main centres of population and learning, but the church of St. Cuthbert was represented by bishops of outstanding magnificence and a venerable Benedictine community. They were nobly housed and dominated the north-east both spiritually and temporally. They were co-heirs of the independence and culture of Anglo-Saxon Northumbria. At certain times the cathedral monastery

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produced notable historians and poets, and there are signs that around the year 1200 canonistic studies were cultivated at Durham. By the late Middle Ages the monastery possessed a large, fine library which we know through its medieval catalogues and surviving books. The opportunities were there, then, for the theologian, the historian, the poet, and the lawyer. But in most long-lived institutions the history of learning proceeds by fits and starts. A general view of the Durham community over more than five hundred years conceals the troughs and depressions. There were periods of quiescence. When in 1311 the bishop commended one of the monks for his scholarly eminence, he observed: "a saeculo enim non est auditum quod aliquis in ecclesia Dunolmensi adeo profecerat in scriptura quod sacrae theologiae meruit esse doctor." During the first twenty years of the fourteenth century the library was perhaps relatively neglected; as the century advanced the signs of more acquisitions and more use of the library appear. With Uthred of Boldon in the second half of the century, and John Wessyngton in the beginning of the fifteenth century, Durham scholarship revived. Probably the regular drafting of monks to the university of Oxford and their coming and going had something to do with it. But for the years just after 1300 we have the words of the contemporary monk, Robert Graystanes, that the prolonged violent battle between Bishop Antony Bek and his monks not only cost the monastery enormous sums

1 For the historians see H. S. Offler, Med. Historians of Durham (Inaugural Lecture, Durham, 1958). Of the poets Lawrence of Durham is the most noted. For canonistic texts closely associated with Durham see S. Kuttner, Repertorium der Kanonistik, 1140-1234, i (Studi e Testi, 71, 1937), 472, W. Holtzmann in Revue d'Hist. Ecclés. 1 (1955), 405-6, and C. R. Cheney in Studia Gratiana, xi (1967) [Collectanea S. Kuttner, vol. i], 37-68.


3 Reg. Palat. Dunelm. i. 45-6.

of money and the lives of a prior and four monks; it was gener­ally demoralizing. "Once the dispute started," he says, "the superiors were more occupied with litigation than with observance of the cloistered life. There were unauthorized confabulations, inordinate journeyings, a general dissoluteness. ... The superiors were either too preoccupied to correct the sinners or else shut their eyes to offences for fear of rebellion." 1 After Bishop Antony Bek's death in 1311 came the peaceable Richard Kellawe, formerly a monk of the house; but his days were disturbed by the depredations of the Scots, and the passage of the royal armies to and from Scotland brought disorders and disasters to Durham. 2 Bishop Richard Kellawe's death in October 1316 was the signal for a long and costly wrangle over the choice of a new bishop. The monks elected brother Henry de Stanford, but in the end he had to give way to the queen's candidate, Lewis de Beaumont, consecrated in 1318. This bishop (who lived till 1333) was on bad terms with the monks, and involved them in expensive lawsuits. In short, the atmosphere was not conducive to the contemplative life or theological study.

Such erudition as there was in the monastery was probably adapted to law and administration. And in these spheres the bishops' service offered similar encouragement to men of literary taste and legal acumen. The records show Bek and Kellawe providing their clerks with benefices and giving dispensations from residence for study-leave. These bishops were surrounded by university graduates, several of them specifically said to be doctors of law. Kellawe's letters of dispensation and his indulgences are framed in very flowery terms. 3 Kellawe's clerk can quote Ovid as well as the Bible. 4 When in 1319 Bishop Lewis de Beaumont published statutes for his consistory court, he required the commissary general to have an examiner "who would be wise in the interpretation of laws and of the significance of witnesses' words, and who would know how to translate carefully their statements out of the mother tongue

2 Ibid. p. 96.  
3 E.g. Reg. Palat. Dunelm. i. 102, 442, ii. 778.  
4 Ibid. i. 602.
into Latin". The business of both the bishops and the cathedral priory meant that they built up their own stores of muniments and with them, we must suppose, office-books: formularies, texts of canon law, notes on the history and liberties of their church, tax-assessments, and so on. These resources would be available on the spot to the studious monk or clerk.

Despite the endemic disputes between Bishops Bek and Beaumont and their chapters, it would be unwise to think that the resources of both the bishopric and the monastery were not to a large extent equally available to the lawyers and administrators and monks in this agitated, vigorous, small society. We know that Antony Bek borrowed law-books from the cathedral library, for it was a matter of complaint when he did not return them. Richard Kellawe employed the monk-theologian, Master Geoffrey Haxeby, as his commissary general, and Geoffrey represented both the bishop and his community at the provincial council of York, held in 1311 to investigate the case of the Templars. Kellawe, we are told, appointed other Durham monks to his episcopal household. On the other hand we find the secular clerk who serves both bishop and monks at different times. Master Richard de Eryum (Eryholme-on-Tees, Yorks. NR) had been educated by the monks, pensioned by them, and beneficed in a prebend of their collegiate church of Howden. But in 1311 and 1312 Richard was Bishop Richard Kellawe's official, and in 1313 he had the bishop's dispensation from residence in the rectory of St. Nicholas, Durham, in order to take his degree in civil law. In 1316 he was back in the bishop's service, but also acted as proctor for the monks. By 1320 he was commissary of Bishop Lewis de Beaumont and, according to Graystanes, gave the bishop guidance and advice to the detriment of the monks. A few years later, having exchanged his prebend of Howden for a prebend of York, he entered the king's service, after the fashion of so many canons of York, and went overseas on diplomatic missions.

1 H. Spelman, Concilia (1639-64), ii. 481. See Fraser, Hist. of Antony Bek, pp. 103-4, for lawyers in Bek's employment. 2 Reg. Palat. Dunelm. iv, p. x. 3 Councils and Synods, ii. 1328-9. 4 Hist. Dunelm. SS., p. 94. 5 See esp. Hist. Dunelm. SS., pp. 103-4; Reg. Palat. Dunelm., i. 9, 87, 100,
I have laboured these features of Durham in the early part of the fourteenth century—the tradition of learning, the library, the flurry of business and litigation which involved all the literati in and around the cathedral city—because I believe that Corpus 450 reflects the time and the place. This belief finds support in the reappearance of the same and similar material in other manuscripts coming from this time and milieu. I wish to refer briefly to four.

First, not far away from Corpus 450, on the next shelf of Corpus Christi College library, is another early fourteenth-century book very like it in size and format: MS. 445. It contains a well-known Italian manual, the Summa dictaminis of Richard de Pofi, which abounds in sample forms of papal letters. This is preceded by two folios with three forms of letters which concern Durham; two of the three are in the episcopal register of Richard Kellawe. A fourth letter which follows is Pope Clement V's release of King Edward I from his oath to observe the charters (1 January 1306). The handwriting of Corpus 445 and parts of Corpus 450 is so similar as to suggest the same man at work on both.

(2) The Summa of Richard de Pofi reappears in British Museum ms. Lansdowne 397. This book can be identified in a catalogue of 1421 at Durham, where it was then kept among the cartularies and reference-books in the monastic chancery.


1 Cf. Reg. Palat. Dunelm. ii. 1125-7, i. 69. The release of Edward I from his oath is addressed to the bishop of Coventry and Lichfield, whereas the original (P.R.O., SC 7/10/36) from which Rymer printed (Foedera, i. ii. 979) is addressed to the bishop of Worcester.

2 The hand of MS. 445 seems to be that of the section of MS. 450 mainly devoted to generalized forms, pp. 127-40.

Much of the book was written long after Corpus 450, and only reached its final form under Prior John Wessyngton, after 1414. Its earliest sections may not have originated in the Durham chancery. But the smaller items are significant. For several in-fillings at the end of John of Bologna’s *Summa* in Corpus 450 turn up again in Lansdowne 397 in just the same form; and the Lansdowne miscellanea, like Corpus 450, includes King John’s surrender of his kingdoms and the letter of Pope Gregory X to the Emperor Michael Palaeologus applauding his return to unity with the Latin Church.¹

A third manuscript from Durham (Bodleian MS. Laud misc. 402) yields the *Practica dictaminis* of Laurence of Aquileia, of which a copy is in Corpus 450. In the Laudian manuscript it is accompanied by six documents of the year 1313 which are all to be found in one group in Richard Kellawe’s episcopal register.²

With a fourth manuscript we come to a book which displays the predominant features of Corpus 450, that is, legal and rhetorical formularies and papal constitutions. This is Durham Cathedral library MS. C.IV. 24, which was given by William of Gisburne, a monk senior enough to be Bishop Richard Kellawe’s commissary in 1311 and distinguished enough to be in the running for the priorate in 1322, a man described by Robert Graystanes as a man of great piety and learning. His gift to the cathedral library is a larger and more imposing volume than Corpus 450, but it has points in common with the whole group of manuscripts under consideration. C.IV. 24 has a great wealth of formulary material. Like Corpus 445 and Lansdowne

¹ These letters occur in Lansdowne 397 at fos. 132v and 132r respectively, in Corpus 450 at pp. 234 and 278. Cf. Lansdowne 397 fo. 97v with Corpus 450 p. 52 for identical *trivia*. Lansdowne 397 fo. 8v has a “ *Taxacio bonorum episcoporum episcopatum Anglie* ” almost identical with the list in Corpus 450 p. 107 (no. 21), in a similar hand, and certainly from a common source.

² Laud misc. 402 fos. 28v-31r (all in one hand of early fourteenth century) and *Reg. Palat. Dunelm.* i. 444-8, 444, 448-9, 449, 449-50. The last of these letters is followed in Laud misc. 402 fo. 30v in the same hand by a letter of Roger de Seton, canon of York, about the church of Coniscliffe, dated at Durham, September 1275. At fo. 15r is a letter of Archbishop William Greenfield to the dean of Pontefract about the church of Womersley, 6 November 1315, found in *Reg. W. Greenfield*, ii. 225-7.
397 it has the Summa of Richard de Pofi, and also parts of well-known thirteenth-century collections of letters. It has six out of the ten letters of Innocent III preserved in Corpus 450. Like Corpus 450, again, it contains some recent papal constitutions and documents of recent continental history.¹

If we cannot establish direct links between these various manuscripts, it is none the less pretty clear that they drew on the same local sources and reflect, in a measure, the same interests in their compilers. But comparison of Corpus 450 with other Durham miscellanies still leaves room for speculation and enquiry about the origin of some of its contents. The older literary pieces were probably all to be found in the cathedral library, where the medieval catalogues record copies of Petrus Alfonsi, the Apocalypse of Golias, and Secundus philosophus.² The Emperor Frederick's letter on the death of his son was to be found among the letters of Petrus de Vinea. As regards the contemporary miscellanea, the letter of Peter, son of Cassiodorus, is, I have remarked, in a chronicle, and that part of the chronicle was written at Durham, according to its latest editor.³ For that matter, it turns up in miscellanies from Christ Church, Canterbury, and from Whalley Abbey in Lancashire. We need not wonder how such a piece passed from hand to hand, seeing that it was produced in a parliament attended by clerics from all over the country. The lament on the Templars, unknown elsewhere, might have been picked up by a Durham student at Paris in 1308,⁴ and a clerk of Durham might take special interest in the Lament; for although the Order of the Temple had no preceptory in the diocese, Bishop Antony Bek, as patriarch of Jerusalem, was the senior commissioner appointed by Clement V, with the archbishops of Canterbury and York and others, to enquire into the charges against the Templars in Great Britain.

¹ See the description in Thomas Rud, Codicum MSS eccl. cath. Dunelm. catalogus classicus (Durham, 1825), and Karl Hampe in Neues Archiv, xxiv (1899), 522-4. For William of Gisburne see Reg. Palat. Dunelm. i. 10-2, cf. 77, 110-1, 207 etc. and Hist. Dunelm. SS. p. 102. ² Catalogi veteres, pp. 25, 33, 56. ³ Chronicle of Walter of Guisborough, p. xxxi. ⁴ The (spurious) complaint of Pope Boniface VIII against Nogaret, addressed to the university of Paris, was copied at Carlisle into the bishop's register (Reg. J. Halton (Canterbury and York Soc., 1913), ii. 50-52).
The bishop's muniments were certain to include the bulls of Clement V about the Templars which were copied into Corpus 450: the bull of 12 August 1308, "Regnans in celis", which ordered an enquiry, to be followed by a general council; and the bull of 6 May 1312, "Considerantes dudum", which suppressed the Order. And Bek's earlier activities as a diplomatic agent of Edward I may account for three of the German documents in this miscellany; for the bishop was among the king's envoys to Adolf of Nassau in 1294 and was in Brabant when Adolf declared war on Philip of France. We might also attribute to Bek's position as patriarch of Jerusalem after 1306 the copies of letters about the Orient, were there not a more direct source at hand: the Franciscan Hugh, bishop of Byblos, in the county of Tripoli. For Friar Richard of Durham, who composed the so-called Lanercost Chronicle (to 1297), reports edifying conversations with Bishop Hugh, who gave him information and stories about Tripoli, while he was staying as an exile in the northern Franciscan custody of Newcastle during the 1290s. Later on, Bishop Hugh accompanied Antony Bek on his visitation of Durham in 1300; and in 1305 Bek tried and failed to secure for him the revenues of the priorate of Coldingham, a cell of Durham in Lothian.¹

Granted that many features of Corpus 450 seem to locate its owner in the Durham circle of clerks and lawyers about the years 1300 to 1320, what can be learnt from a section of the contents which I have reserved for discussion to the last: the contemporary papal letters and constitutions? I have already mentioned them, but they deserve separate attention. They range from the first year of Boniface VIII to the second year of John XXII—from 1295 to 1318—and they occupy most of two separate sections of the book which add up to almost one third of the volume as it now stands.² As already noticed, they are not all of one sort. Nine of the thirty-nine concern Durham: the visitation of the convent, the restoration of the prior, the

² Pp. 141-90 and 266-308. A few other documents are interspersed.
bishop’s appointment as patriarch, the reservation of the bishopric, provisions for clerks to be beneficed in the diocese. These present no problem; they will have formed a necessary part of the local muniments—either the bishops’ or the monks’—and so were ready to hand. But how did the other papal pronouncements reach Durham? Half a dozen in Corpus 450 had a general political interest rather than a Durham interest or legal importance: such letters as that of Boniface VIII exhorting Edward I to make peace with the king of France, and that of John XXII denouncing Edward II’s enemies. Since some of these are found in the episcopal registers of York and Carlisle and fall within the pontificates of Bek and Beaumont, whose registers are lost, it is not unreasonable to suppose that they may originally have reached the bishops of Durham by the same channels. English episcopal muniments stored many such documents of public interest and many were copied, though unsystematically, into bishops’ registers. Bishop Oliver Sutton of Lincoln kept copies of certain apostolic letters and constitutions of the lord Boniface in a pokettum in his house at Theydon Mount in Essex in 1297, and he had Boniface VIII’s announcement of (his election to the papacy copied into his register.

How such letters reached the provinces of the Church is an extremely interesting question. They might get as far as the

1 Nos. 51 (1301), 61 (1302), 90 (1306), 99 (1313), 100 (1316), 108-9 (1317), 113-113A (1318), and related documents of papal officials: 23 (1301), 52 (1301). The missing part of no. 113A, including the date, 6 June 1318, can be supplied from the papal register, Reg. Vat. 68, fo. 299r (Registres de Jean XXII, Lettres Communes, ii. no. 7421, Calendar of Papal Letters, ii. 177).
2 Nos. 35, 45, 49, 91, 93, 101.
4 On 17 November 1260 Alexander IV wrote to princes and prelates throughout Europe to resist the Tartar invasions (Potthast, Reg. Pontificum, no. 17964, etc.). The letter to the Lord Edward survives in original (P.R.O., SC 7/3/24, whence Foedera, i. i. 403); the letter to the archbishop of Canterbury was copied in the annals of Burton Abbey (Annales monasticci (Rolls Series, 1864-9), i. 495-9) and elsewhere (Brit. Mus., MS. Harl. 64, fo. 182v); that addressed to the archbishop of York was sent with a covering letter from him to the bishop of Durham, and preserved at Durham (MS. C.IV. 24, fo. 70r). The whole procedure for
metropolitan, at least, by the hand of an official papal messenger. That procedure probably applied to the announcements of papal elections, demands for taxes, summonses to councils; others were obtained by the king’s agents in his interest, were brought by his messengers from the Curia, and circulated by royal authority to the prelates. Beyond this, we can only speculate on how a private collector might satisfy his curiosity about current affairs. Northern chroniclers came by several of the bulls we find in Corpus 450, maybe from episcopal sources.

But the main interest of the compiler of Corpus 450 was, as we have seen, legal. Twenty-five of the thirty-nine modern papal letters and constitutions are legal in character. The compiler did not excerpt them from official law-books, apart from two copied from the Liber Sextus (published in 1298). For the rest, they appear in small groups in Corpus 450, mostly with their original dates and roughly in chronological order. Their texts have not undergone the revision they show in the official law-books. We must remember that this was a great era in the uttering of papal constitutions. And the onus seems generally to have been laid on the governed to find out the law by which they were governed. There was no Acta Apostolicae Sedis published twice a month. For papal pronouncements the lawyers in the provinces depended largely on friends and agents in the Curia to keep them up to date. Such men were commissioned to get copies for English prelates of relevant-seeming documents in Rome or Avignon. About 1314 the prior and convent of Worcester wrote to their specialis clericus in the Curia, saying: “Please send us news of the Curia, with any new constitutions, if there are any.” In 1319 an English notary public at Avignon got leave to make a certified copy from the papal register of a recent constitution of John XXII, which was later publishing “Regnans in celis”, 12 August 1308, delivered by two papal cursores to the archbishop of Canterbury, is seen in Reg. Simonis de Gandavo (Canterbury and York Soc., 1934), i. 325-34.

Nos. 53, 54: “De veneratione sanctorum” (Sext, 3, 22, 1) and “De regulis iuris” (Sext, 5, 12, 5).

copied into the register of the bishop of Rochester\(^1\); since the bishop was in the Curia at the time, he probably commissioned the copy. When on 23 July 1302 Boniface VIII gave his judgment, "Debentes superioribus", in the Durham dispute over visitation, the bull was given into the hands of the litigants; and thence, we may suppose, it found its way to Corpus 450.\(^2\) But since the decision was of vital interest to other monastic cathedral chapters of England, the monks of Worcester and Canterbury soon procured copies. They may have got their texts from Durham, or their agents in Rome may have copied from the papal register. This was not all. "Debentes superioribus" also turns up with other "constitutions" of Boniface VIII in some continental collections which gathered together decretals under the title *Extravagantes*, because they lay outside the big official law-books of Gregory IX, Boniface VIII, and Clement V. Evidence from all over Europe points to a casual but fairly prompt diffusion by private enterprise of short collections and single constitutions. It is noteworthy that in the cathedral library at Durham there is a volume, perhaps given about the year 1300, with a large collection of "extravagant" decretals. Among them are eight of Boniface VIII which occur in Corpus 450, mostly in the same order.\(^3\) If the writer of Corpus 450 was in the service of so important a prelate as Antony Bek, bishop and patriarch, or had access to the episcopal archives of Durham, he was well placed to come by this material. He may even have been himself at some stage a proctor of the bishop or the prior of Durham in the Curia, in a specially favoured position. We do not know.

\(^1\) *Reg. Hamo de Hethe* (Canterbury and York Soc., 1948), i. 345-8. For notarial exemplifications from the papal registers of Innocent III (1213 and 1215) authorized by the auditor of causes in 1283, see E. Martin-Chabot, *Mélanges d'Archéologie et d'Histoire* (Ecole française de Rome), lxx (1958), 431-4.

\(^2\) No. 61. An original is noted in the fifteenth-century "Magnum repertorium" of Durham muniments, as no. 8 of the Bonifacian bulls. It was copied into cartularies: Fraser, *Hist. of Antony Bek*, pp. 86-87. Cf. *Registres de Boniface VIII*, no. 4730 and *Extravagantes communes*, 1, 7, 1.

\(^3\) Durham Cath. Libr. MS. C. II. 2 fos. 9r-10r, 261r. The manuscript was given by brother Gilbert de Shyburn, who was a senior monk by 1300. For other canonistic contents of the MS. see Walter Ullmann, *Cambridge Hist. Journal*, ix (1949), 261, n. 16.
What can be said by way of conclusion about the manuscript and its compiler? Taking the broadest possible limits, the miscellany began to take shape not earlier than 1290 and was being continued at least as late as 1318 (for we must remember that it stops in the middle of a mandate of John XXII dated 6 June 1318). It shows what was available to a compiler who, at any rate during the later years, was associated with Durham. To see the matter in perspective it may be a good thing to look beyond the parallels we have so far remarked in manuscripts from Durham, and recall that these kinds of documents, and in some cases the very same documents, turn up in miscellanies in other times and places in England. For the literary tastes and the opportunities to come by historical and legal texts, displayed in Corpus 450, were by no means peculiar to Durham, or for that matter to England. Other manuscripts of John of Bologna's *Summa* and the *Practica* of Laurence of Aquileia and Mr. Denholm-Young's lists of other dictaminal works in manuscripts of the thirteenth and fourteenth centuries in England show that there was an English demand for manuals of this sort.

Two examples, neither of them drawn from Durham, will illustrate the frequent combination of such manuals with legal and historical material. MS. Peniarth 390C in the National Library of Wales was written in the main during the 1260s, the "Liber epistolaris" of Richard de Bury (later bishop of Durham), in the collection of Lord Harlech, was written about 1324-6. Both contain treatises on dictamen and collections of epistolary forms. Not only has the Peniarth manuscript a manual, "Quot sint genera dictaminum" and the "parva compilacio magistri Bernardi [de Meung]"; it includes a text...

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1 "The cursus in England."

2 For manuscripts of Bernard de Meung with bigger collections of forms see M. Manitius, *Gesch. der lateinischen Literatur des Mittelalters* iii (1931), 307 and F. J. Schmale in *Mitteilungen des Inst. für österreich. Geschichtsforschung*, lxvi (1958), 23; and Denholm-Young, "The cursus", p. 92 for five manuscripts in England. The Peniarth text appears to be hitherto unnoticed; the "parva compilacio" (p. 91) is here followed by "Littere de maiori compilacione magistri Bernardi" (p. 115). I am obliged to Mr. B. G. Owen and Mr. Daniel Huws, of the National Library of Wales, for information about Peniarth 390C.
of Glanvill, *De Legibus Anglie*. It also contains groups of documents not wholly reduced to anonymous forms, connected with Henry of Lexington, bishop of Lincoln, the diocese of York, and Burton Abbey in the mid-thirteenth century. Richard de Bury's bulky book draws on a much wider range of documents. It, too, has business letters from several English bishops' offices (Lincoln, Lichfield, and Durham). It includes the letter of Peter the son of Cassiodorus and several of the letters of Popes Boniface VIII and Benedict XI found in Corpus 450. Each manuscript contains one of the letters of Innocent III which are found in Corpus 450, with other related letters absent from the Durham collection. A large proportion of the "Liber epistolaris" is taken up with the official diplomatic correspondence—the more florid products of the papal and royal offices of state—likely to appeal and to be of practical use to a royal clerk with literary pretensions and with ambitions in the field of diplomacy.

With regard to papal letters and state-papers in these miscellanies, it is worth underlining the fact that although this was an age when official channels of publication were inadequate, access to public records was not jealously guarded. Both administrators and chroniclers found their way to the sources. What has been said about the distribution of papal bulls applies to other sorts of documents. The letter of the French clergy to the pope regarding "Clericis laicos", 1 February 1297, (Corpus 450 no. 34), was copied into at least three English bishops' registers, at Canterbury, Carlisle, and Hereford. Contemporary chroniclers often laid hands on authentic copies or drafts of state-papers, though the ways by which they got them are usually hidden from us. The chroniclers of St. Albans, from the early thirteenth century onwards, are celebrated

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1 The combination of a Glanvill text with ecclesiastical forms of letters occurs in a much humbler miscellany of the same period, Bodleian MS. Rawl. C. 775. It contains, with Glanvill, an *ars computandi* and a *forma plactandi*, and thirty-two letters, partly abridged. Most of the letters are on official business of William Wickwane as chancellor of York, 1266-8, but five of them concern his clerk, Henry of Sandford, who may well have composed and copied them all. Empty spaces in the book were later filled with a form of proxy, a charm for toothache, a letter of presentation, and several fourteenth-century Yorkshire indentures. See *Eng. Hist. Rev.* xlvi (1932), 626-42.
for their zeal, if not their accuracy, in copying documents. They had been preceded by Roger de Hoveden. Some of the documents found in Corpus 450, from Innocent III onwards, had been copied by Hoveden, Wendover, and Rishanger. The Norwich chronicler, Bartholomew Cotton, writing in the 1290s, had ten of the texts included in Corpus 450. The casualness of official transmission was an encouragement to both the chronicler and the miscellany-maker to take copies of important documents that came their way.

With some possible sources of Corpus 450 in mind, can we approach closer to its owner than M. R. James did when he described him as “a notarial personage of the diocese of Durham”? I imagine a clerk with a reasonable training in letters and a professional interest in the law. He makes this miscellany for his own use. He begins, perhaps, in early days when he is studying in the schools by buying or copying a few short treatises, and adds literary and theological quotations, proverbs, ribald Latin poetry, and some vernacular verse of a staid sort. As time goes on, and he is employed at Durham, he has access to ecclesiastical archives. He copies, or an underling copies at his order, public documents and formulas which may “come in useful some day”. The nature of the material relating to Durham suggests that he may have served both bishop and cathedral priory. The general historical material points to a lively mind, an interest in the problems which arose for a clergy under two rules of law, a lack of sympathy with Boniface VIII over clerical taxes and with Clement V in his handling of the scandal of the Templars. Master Richard de Eryum, who incepted in civil law about 1314, might just conceivably be the man. Certainly he had served both the bishop and the convent of Durham for a decade before he became a canon of York and went into royal employment. But any attempt to put a name to the compiler seems to be idle speculation. Were I simply looking for a name I should have to admit total defeat.

What I have been looking for is the sort of man who might have compiled Corpus 450 and the circumstances in which such a miscellany as this could take shape. In this quest I hope that your time and mine has not been entirely wasted. Miscellanies
of this kind, which survive from many centres, in many parts of Europe, deserve careful study, even when they are hard to analyse simply and are not superficially exciting. They can throw light on the training and tastes of a particular class of men. In the nature of their education, and to some extent in their outlook and occupations, it is often difficult to distinguish servants of the Crown in the early fourteenth century from the servants of nobles and bishops and great monasteries. They showed versatility in changing masters. The men who served civil and ecclesiastical governments in the West were trained in law and letters; and the same men participated in the counsels of bishops and monasteries as in the counsels of kings and princes and municipalities. They were both salaried and beneficed. Of late, the part played by such men in the composing of differences between Church and State and in the development of what is usually called the “lay spirit” in government has become better recognized. The background and rewards of these men and their multifarious activities are adumbrated in recent works.1 A. B. Emden’s compact accounts of Englishmen who passed through Oxford and Cambridge illuminate the careers of the professional lawyers and administrators. Corpus 450 and other miscellanies like it may tell us more about this class.