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The Ames Foundation

Harvard Law School

LITERARY DIRECTOR: CHARLES DONAHUE, JR.

THE REGISTER OF THE OFFICIAL OF THE BISHOP OF ELY: 21 MARCH 1374 – 28 FEBRUARY 1382

EDITED AND CALENDARED
FOR THE AMES FOUNDATION BY

MARCIA STENTZ

FORMERLY ARCHIVIST OF THE HUDSON'S BAY COMPANY ARCHIVES,
ARCHIVES OF MANITOBA

WITH THE ASSISTANCE OF AND AN INTRODUCTION BY

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VOLUME I: FRONT MATTER, ACTA, CASES BEGINNING IN 1374, 1375, 1376

CAMBRIDGE

THE AMES FOUNDATION

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In memory of the Reverend Professor Michael M. Sheehan, C.S.B.
teacher of one of us and friend of both of us.

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PREFACE

THIS volume continues the Ames Foundation's series of volumes independent of the *Year Books of Richard II*.¹ We have recently converted this series into an 'eseries', in which an electronic book in PDF format accompanies the publication in a traditional paper format.²

The work edited here, the act book (register) of the official of Ely diocese dating from 21 March 1374 to 28 February 1382, is housed in Ely Diocesan Records in the Cambridge University Library with the shelfmark EDR D2/1. It has long been known to scholars as the fullest register of an English ecclesiastical court that survives from the fourteenth century. It was the subject of a pioneering study by the late Michael Sheehan and has been used by students both of the history of canon law and of the history of the church.³ Controlling the contents of this large book while it was in manuscript was difficult and time-consuming. Marcia Stentz, produced a calendar of its contents as her doctoral dissertation under Sheehan's direction.

When the Ames Foundation became aware of the dissertation, we first proposed publication of Dr Stentz's calendar. It became apparent, however, that much of the calendar made no sense unless one was already familiar with the underlying Latin of the register and books like it. Such people are quite rare, and the use of the register for both the legal and the social history of the later Middle Ages was being impeded by that fact. With this in mind, the Foundation proposed that Dr Stentz edit the full text of the register, making use of her calendar in place of a full translation. (A large part of the register

¹ The series is represented, for example, by Tom Olding's *The Common and Piepowder Courts of Southampton, 1426–1483*, which we published in conjunction with the Southampton Records Series and for which we posted the images of the manuscripts online.

² The first volume in this 'eseries' is an edition by Dan Williman and Karen Ann Cor-

sano of a series of papal documents telling a remarkable story of piracy in the mid-fourteenth century.

³ Sheehan, "Formation and Stability"; see, e.g., Aston, *Thomas Arundel*; Helmholz, *Marriage Litigation*; Brundage, "Cambridge Faculty"; Donahue, *Law, Marriage, and Society*.

is common form, of interest only to students of common form, who will use the Latin.)

It took longer than we thought it would, and it would be tedious to recite the causes of the delay. Technology came to our aid in two ways. First, the Cambridge University Library produced a splendid set of digital images of the manuscript, which we have, with the kind permission of the keeper of Ely Diocesan Records, posted on the Ames Foundation's website with a stable URL. (The transcriptions, however, were made from a microfilm; we used the digital images for checking.) Second, the use of web publication in PDF has allowed us to create a volume with all the apparatus of a traditional Ames volume while saving the cost of printing, paper, and binding. We have left the size of the pages the same as those of previous Ames volumes to allow printing and binding of a traditional Ames volume by 'print on demand'. Copies of it may be purchased from William S. Hein & Co. in traditional Ames binding. Those who do so should note that the PDF online (which is one large file so that the hyperlinks will work) prints in two volumes. Front matter for the second volume is included. The hyperlinks in the PDF are indicated by the use of a slightly grayer type. We hope that that will not interfere with reading the text, but they seem to be easy to find if you are looking for them.

In the meantime, thanks are owing to the Cambridge University Library for producing the images that made the completion of the text possible and to the keeper of Ely Diocesan Records for permission to publish both the book and the images. Many people worked on this book other than the two whose names appear on the title page. Lisa Wang checked the Latin transcription with a keen eye for grammatical and spelling errors. Emily Wood, Dan Williman, and Karen Ann Corsano helped with the checking. Dr J. D. Brady proofed the Latin and English texts with his usual panache; he made suggestions for improvement that go far beyond what we normally associate with proofreading (e.g. p. 775 n.2, 1148). Temple Goodhue turned her considerable talents to the English. Brad Hinshelwood made the first pass at putting the book into InDesign. The extraordinary Index of Persons and Places is largely the work of Devon Coleman, and much of the Subject Index is also her work. Mary Schnoor did her best to teach the undersigned how to write code in ExtendScript and ended up doing much of it herself. To all of these, and to others too numerous to mention by name, the Foundation is most grateful. The remaining errors are the responsibility of the undersigned. One of the advantages of the web publication is that one can correct it later on.

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INTRODUCTION

Contents and Organization of the Register and of this Edition

ALTHOUGH this register has been traditionally known as the act book of the consistory court of the bishop of Ely, that description is not quite accurate, even though it goes back to contemporary, or nearly contemporary, titles in it. The register is, in fact, the act book of the official of the bishop of Ely, and the official's duties were broader than just being the presiding judge of the consistory court. The broader scope of the official's duties can be seen most easily in the first few folios. The register begins with three sets of *acta*, dated 21 March, 24 April, and 4 May 1374, and devoted to Thomas Arundel's taking office as bishop of Ely and to professions of obedience by the clergy of the diocese to Thomas, his official Nicholas Ross, and their ministers. The first set of *acta* of the consistory court begins on the verso of fol. 5, and is dated 24 March 1374. The court *acta* proceed in tandem with what we might call the administrative *acta*, with dates on 13 April and 11 May. We treated the first three sets of *acta* separately, giving them letters rather than numbers. The court *acta* we numbered consecutively from 1 through 113. Not everything that is in the court *acta*, however, concerns the court, at least as courts are normally thought of. Routine administrative acts are scattered throughout the court *acta*. For example, 26 professions of obedience taken on 26 November 1381 (they may be related to the Peasants' Revolt) are found at the end of the court *acta* for 12 and 13 November of the same year.

The basic organization of the register is chronological. The organizing points are the dates of the 113 formal sessions of the court, called 'consistories', which occur about once every three weeks in term time. Matters that occur out of session but before the next session are, for the most part, included after the matters that were dealt with during the session. The formal sessions are largely devoted to contentious matters, most of which take more than one session to resolve and some of which are spread over a number of years.

Since most of the users of this edition will be interested in what happened in these cases, the original arrangement of the register is a barrier to understanding. One needs to pursue a given case across many different sessions in order to find out what happened. For purposes of the edition, then, we reorganized the register so that what happened in each case is grouped together. This is preceded by a section devoted to the *acta* themselves in which we edit those matters that are reported in the *acta* and that are not related to a particular case and give a skeleton outline of the entries concerning the cases.

What counts as a ‘case’ and what remains in *Acta* is somewhat arbitrary. All contentious matters are cases, even if they have only one entry. Warnings (*moniciones*) are cases, if they are directed to a named individual or group of individuals but not if they are general. Routine appointments of curators for infirm priests, sequestrations of vacant benefices, and probate of the testaments of beneficed clergy are cases if they require entries over more than one session of *acta* but not if they do not. The same principle applies to probates generally: If there are entries only in one session, they remain in the *acta*, but if they have entries in further sessions they are listed among the cases.

In making the division between *Acta* and Cases, we left the proxies with the former. Some of them are granted by people who do not appear in the cases, and some of them, particularly substitutions, concern more than one case. The easiest way to find out which case or cases the proxy is related to is to use the Index of Persons and Places. It lists all of the proctors with cross-references to their clients, and the names of the clients have cross-references to the proctors.

The references to the case entries in the *Acta* are in the following form: ‘0.0 (0)’, where the first number is the number of the session of *acta*, the second number the number of the entry, the heading being labelled ‘0’, and the third number the number of the case where it is found. This last number is hyperlinked to the heading of the case. The foliation indications that appear in square brackets in the case entries in the *Acta* are only approximate. They indicate either that the folio in question ends in the entry that they follow or that it ends just before the entry in question.

The references to the case entries in the Cases themselves are in square brackets at the beginning of the abridgement of the entry: ‘[day month year (0.0)]’. They give the date of the session of the *acta* (if the date of the entry is different, it is given at the beginning of the abridgement) and the number of the entry in parentheses, which is hyperlinked to the session of *acta*.

Table 1 (p. lxxxvi) gives the date of each court session in the *Acta*, the presiding judge with some indication of how he is styled, and the place where

the court session was held.

The Physical Manuscript

The manuscript is of parchment, approximately 301 mm x 232 mm.¹ It is made up of twenty gatherings, each consisting of eight folios. The quires are numbered, at least at the beginning, in the centre footer. Most of the quires continue this numbering on each recto page. In the right footer of many of the quires, the quire folio number is given. The only rulings on the folios create margins on the sides, the bottom, and the top. Prick marks on the inner and outer edges indicate that the rulings were made after the leaves were folded to form the gatherings.

The centre header of the recto of each folio gives the year of grace in Roman numerals in a more or less elaborate form. The right header normally contains the name of the official, and an abbreviated form of the year (e.g., lxxvj for 1376). (This may have been done in order to facilitate searching through the register without having to open each page fully.) Beneath this second date appears the folio number in Roman numerals. In addition to the foliation of the gathering, where it exists, the right footer contains, virtually without exception, the signature of the registrar, Robert Foxton. Catchwords are also found in the right footer of some pages. They seem to appear more often on the versos than they do on the rectos. The headers and footers are all in a script roughly contemporary with the register.² A complete table of them (they are not given in the edition) may be found in Table 2 (p. lxxxix).

Cause names (designating one of the parties) and types of business (e.g. *proc* ' for a proxy) marked with paragraph signs are found in the outside margin. Quite consistently causes are marked here by *pax* or *sentencia* when the case has been settled or a sentence has been published. These designations

¹ This section updates the description found in Owen, *Ely Records*.

² To say that the headers and footers were written in a roughly contemporary script is not to say that Foxton wrote them, though he may have designed them. The quire numbers that appear throughout, or virtually throughout, a given quire seem to have been in a hand quite different from Foxton's. He may have supplied the quire number on the first folio when he was given a quire that was not already numbered and foliated. (More quires may have been foliated than can currently be seen. The ink used for the quire numbers and foliation is, in many places, quite faded.) Although the hand of the headers, including

the foliation is contemporary with the register, those in the last two quires (and perhaps those earlier) seem to have been put in after the main text was written. An error on the last folio of the last quire (see Table 2, n. 6) makes this virtually certain for that folio, but elsewhere we find them interfering with existing text, something that probably would not have happened had they already been there when Foxton wrote his text. Some of the hands of some of the headers may be Foxton's, though we are rather inclined to doubt it, both on palaeographical grounds and because of the inconsistencies that appear in them, inconsistencies that are not characteristic of Foxton's work.

would have facilitated the search for a particular matter where parties' names or ecclesiastical titles were known, special attention being given to the termination of the business.

While no folios are missing (each gathering is complete), the foliation, which runs to 162, contains some errors. It jumps from 13 to 17 and from 156 to 158. Both 55 and 56 are repeated; a later hand has designated these folios 55A, 56A, 55B, and 56B.

The register is generally in good condition. The worst damage to the text occurs at folio 89 where about half of the folio has been torn or cut out. Some pages have holes in them, many of which must have been present when the text was written because the scribe has clearly worked around them. The twentieth gathering contains some folios on which the text has been obscured by the bleeding of the ink from the reverse.

The body of the register is, at least in our view and for the most part, in the hand of Robert Foxton, notary public and registrar of the court. The work is remarkable for its accuracy and consistency; it contains few corrections. It seems unlikely that it was produced during the sessions and was probably compiled from notes, cause papers (e.g., libels, sentences), and administrative mandates (e.g., commissions), probably between the sessions. Slight variations in formal phrases reflect the production of the register through time. However regularly Foxton sat down to work on the register (at least, let us say, once every three weeks, between sessions), he did that consistently for eight consecutive years of court hearings.

Principles of the Edition

As we just mentioned, the register is, we believe, almost entirely the work of Robert Foxton. He was proud of his work, and, by and large, he had something to be proud of. For the most part, one can transcribe Foxton's writing into acceptable Latin simply by making standard extensions of abbreviations, which we have done without comment. We did normalize some of the spelling: *i* is both the vowel and the consonant, except in upper-case proper nouns; *u* and *v* are, however, distinguished. We made little effort to preserve Foxton's capitalization, though we did try to preserve it where he capitalized to indicate, it would seem, that he was using an English word. His punctuation is hard to see, particularly on film from which most of the transcribing was done. We have modernized the punctuation, though we did keep some of Foxton's *virgulae*, where they help to make sense of longer sentences. The paragraphing in the longer entries is ours; we made use of Foxton's marginalia to break up some of the longer entries. The marginalia, which seem to have been a key to finding items for Foxton, are found at the beginning of the

paragraph, cut off with a close square bracket (]).

Each entry is preceded by an abridgement. The entries are written in the first person plural, the abridgements in the third person singular. The abridgements vary in their fullness. For routine and formulaic entries they tend to be quite short. In the case of more unusual entries, they tend to be fuller. Similarly, once a given type of entry has been abridged relatively fully (e.g., proxies in entries 2.10 and 4.9), future instances of it tend to be more concise. The abridgements normalize the surnames as they are normalized in the Index of Persons and Place. (In the text we follow the spelling of the original.) Some but not all of the cases are preceded by an introduction that explains the case generally, relates the case to other cases, and/or gives references to literature about the case.

Folio indications follow the transcription of the entry in square brackets. Where the folio changes in mid-entry, the folio marked in mid-entry is the one that *ends* at that point. Similarly, in the cross-references in the *acta*, the folio indication is the folio that ends in, or at the end of, the entry referred to. In the few cases where it was necessary to indicate multiple folios, however, the last reference given is to the folio at the end of the entry, not necessarily to a folio that ends there.

Foxton had a notarial sign, sometimes called a ‘sign manual’, that consisted of an elaborated *R* and what is probably two elaborated *f*’s. We need to distinguish this from his signature, his surname followed by a distinctive mark of suspension, which frequently accompanies the sign manual.

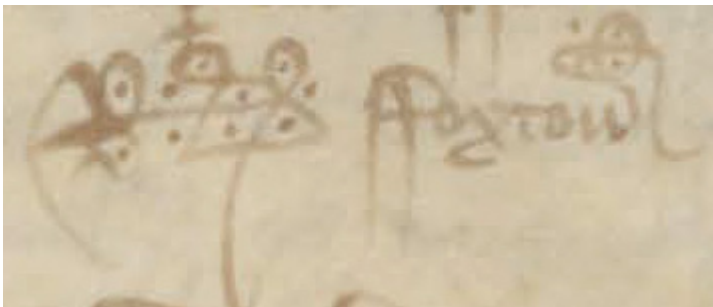


Image 1. Foxton’s sign manual and signature. EDR D2/1, fol. 2r. Courtesy Cambridge University Library.

Foxton also signed, it would seem, all but one of the folios in the lower right corner of the recto.³ Those sign manual and signatures that are found in the

³ Fol. 137r lacks a signature. This may be just an error. There is nothing apparent on that folio that suggests that Foxton would have qualms about it. There is also no signature on fol. 89r, but that folio is lacking its bottom half. There is no reason to doubt that it once had a signature now lost. See Table 2.

entries are indicated in the Latin text by ‘RF’ for the sign manual, ‘Foxton’ for the signature, and ‘RF: Foxton’ where the two appear together.

We have been sparing with emendation. Foxton made use of nonclassical spellings and forms that are quite common in the Middle Ages (e.g., *anullare* for *annullare*, *ascencio* for *ascensio* (the feast), *clamdestine* for *clandestine*, *cohercio* for *coercio*, *consenciit* for *consensit*, *contraxherunt* for *contraxerunt*, *magestas* for *maiestas*, *ymmo* for *immo*). We have emended only where Foxton seems to have used the wrong word, repeated a word by dittography, or where his spelling or form is so bizarre that it seemed likely to confuse.

Foxton regularly used only one word that is hard to find in the standard dictionaries. (Latham has a brief entry for it.) When someone confessed something in court, the case was frequently set down for another session *ad audiendum publicacionem super confessatis*. *Confesso* as opposed to *confiteor* is unclassical, but its use in the medieval and early modern periods in just this context is quite common.

Foxton was inconsistent about joining up certain words or phrases. *Fideilesio* is joined up 31 times, separated 18; *iurisperitus* is joined up 28 times, separated 48. In both cases we left them as Foxton wrote them. Neither is a classical word (though *fideicommissio* and *iurisconsultus* are), and Foxton may have been aware that he was using neologisms.

Numbers and units of money are spelled out in the Latin text without regard to how Foxton abbreviated them. In the abridgements we used arabic numbers and the symbols £ (pound = 20 shillings), *s* (shilling = 12 pence), and *d* (*denarius* = penny). ‘Mark’ (two-thirds of a pound = 13*s* 4*d*) is spelled out.

Foxton could be careless with his tenses. The basic pattern seems relatively clear: Things that happened before the session are in the past tense; things that happened at the session are in the ablative absolute, followed by what the court did in the present tense. There are, however, many exceptions, and Foxton’s style of abbreviation produces ambiguities (e.g., *dec’v(n)imus* could be either *decrevimus* or *decernimus*). In general, we have left the tenses as Foxton wrote them resolving ambiguities in a way as to make them consistent with what comes before and after. Where a tense appears that is simply jarring, we have emended and given the original form in a note.

⁴ In *Witchford*, entry 75.20, we find *petitisque articulis iuxta quos debent examinari ut ex eis elicere [interrogatoria] poterit et decretis*, where *decretis* is spelled out. That gave us pause, but not enough to make us change our minds as a general matter. Here the articles had previously been referred to pronominally, and this is a much less standard phrase.

The common form for assignment of the next session caused particular difficulty. Foxton always abbreviates *dat'*; sometimes this is followed by *est* and sometimes not; then follows *dies* with further indication of what day, normally a day of the week referred to a feast day. As is well known, medieval scribes frequently used the unclassical *datus est* to indicate the present passive. Where *est* is not in the text, the mark of suspension that Foxton placed over the *dat'* is sometimes the standard one for *us*, sometimes, perhaps more often, the one for *ur*, and sometimes it is ambiguous. Somewhat arbitrarily we read *datur* where there is no *est* and *datus* where there is. In both cases, we would translate with the present passive. In dating clauses in formal documents, we have, again quite arbitrarily, expanded *Dat'* to *Data*.

Similarly, Foxton used the impersonal ablative absolute quite frequently. With this in mind we have extended such phrases as *petit' copia* [e.g., *libelli*] *et decret'* to *petita copia et decreto*. It could equally well be *decreta*; there is really no way to tell.⁴

Extensions of Radical Abbreviations

Towards the end of the register (it is particularly noticeable in the last quire, but it is already happening before that), Foxton tends to more radical abbreviation, and he also seems to be getting sloppier. He may have been getting old. It is hard to imagine that he was not getting bored. As a general matter, we have assumed that he did not change the formulae that he had been using earlier in the register, so that what appears ambiguous in the later portions of the register is assumed to be the same as it was in the earlier portions of the register where it is spelled out. For example, in the later portions of the register if a person cited did not appear, we are frequently told *non compar'*, *ideo s' et v'*. The range of possible tenses, moods, and voices here is wide indeed, even if we know that *s'* and *v'* are forms of *suspendere* (i.e., *ab ingressu ecclesie*) and *vocare* (i.e., *ad proximum consistorium*). Entries in the earlier portion of the register, however, allow us to be reasonably sure that what is meant here is *non comparet*, *ideo* [*ipsum* or *ipsam*] *suspendimus et vocetur* [*ad proximum*], and we have extended to *comparet*, *ideo suspendimus et vocetur*.

In order to test whether our impressions were right, we examined every instance of *non compar*— in the register, where the form must grammatically be a main verb and the reference is to something that seems to have happened in the session being referred to (Table 8, p. cxxxvii). Consistency is not found, nor should it be expected, but the exercise confirmed our initial impressions. Unambiguous *comparet* is the dominant form (28 instances vs. 10 or 11 of unambiguous *comparuit*). That suggests that the ambiguous abbreviation

should be extended to *comparet* in the 35 instances where it appears, at least where there is nothing that surrounds it that would suggest that the past tense should be used. It also confirmed our impression of increasing sloppiness and increasing abbreviation. The unambiguous (and ‘wrong’) *comparuit* does not appear until more than half way through the register. Uses of the ambiguous abbreviation are clustered at the end of the register.

The exercise also helped with extending other abbreviations in this phrase. The radical abbreviation of a form of *suspendere* uses a loop and line normally associated with *us*. One might normally extend *s* followed by that abbreviation sign to *suspensus*, where it is grammatically possible in this context. In three instances, however, of *non comparet*, the following *s*’ has an accusative object (entries 52.22 [fol. 82v], 68.13 [fol. 106r], 85.38 [fol. 131v]), and thus cannot be passive. In one place, at the very end of the register (113.24 [fol. 162r]), *s*’ must be *suspensus* or *suspendatur*, because it is preceded by a name in the nominative. Since, however, the official is the one who does the suspending, ambiguities are resolved in favor of extending *ideo s*’ to *ideo suspendimus*. But since we have evidence that *s*’ can stand for, it would seem, any form of *suspendere*, we felt comfortable extending the appearance of *s*’ in the margin to *suspensio* to correspond to usual use of abstract nouns in that place. Since, moreover, the official is not the one who actually calls the non-appearing party, we also felt comfortable expanding *v*’ to *vocetur*, a form that is found unambiguously quite frequently. Finally, preference for *comparet* also helps in extending the ambiguous *dec’v(n)imus* that sometimes follows. Here, we have preferred *decernimus* to *decrevimus* (e.g., entries 62.29 [fol. 96r], 53.30 [fol. 85v]).

Probabilistic determinations of how to extend other ambiguous abbreviations could be made by engaging in similar exercises. We learned, however, one more thing from the exercise that we did do. It isn’t worth it. It makes no substantive difference whether it is *comparuit* or *comparet*. That is why Foxton varied between the two and perhaps why he ultimately made more use of a form that could be either one. What we should remember when we look at the somewhat awkward Latin of *non comparet, ideo suspendimus et vocetur* and similar phrases, particularly in later portions of the register, is that that is not what it says. What it says can be extended that way, but in most cases what it says probably reflects a more abstract thought: ‘nonappearance, suspension, calling’.

Continuation Entries

We have tried to transcribe everything that is in the register. Since Foxton made an entry for every pending case in every formal session of the court, many of the entries in a case that continued for a long while are the same as the previous entry. Where they are exactly the same, we reproduce the entry only once, noting in the abridgement and in the folio numbers the different places at which it occurs. In *Andre (1)*, the abridgements attempt to capture literally the variations in these formulae. After that the abridgements simply refer back to the first entry that is in substance the same.

The continuation entries in *Andre (1)* tell us something about how Foxton worked and about how the court managed its caseload. *Andre (1)* almost certainly began before the register begins because the first entry in the first session of case *acta* in the register tells us cryptically that in an *ex officio* case brought against Richard Andre of Swavesey and Agnes, his *de facto* wife, neither party appeared, and therefore the official (Nicholas Ross) decreed that they were to be called to appear at the next consistory to hear the definitive sentence in the case. This entry is repeated in substance through thirty-five sessions of the court (from March of 1374 through September of 1376). Most of the entries vary the wording slightly. Most of the variations have no particular pattern or significance. They seem to be influenced both by what had been said before in this case and what was being said in similar cases in these particular *acta*. One tells us that the case is one of divorce;⁵ four tell us that the parties had not only not appeared but that they had not even been cited. That the case was one of divorce, we might have inferred from the fact that Agnes is called Richard's *de facto* wife. Whether we may infer from the entries that tell us that the parties had not been cited that the same was the case in the other entries where this is not mentioned is less clear, but it probably was the case. If the parties had been cited and had not appeared, the court would probably have proceeded to suspension and excommunication for contumacy. Whether any effort was made to cite them we cannot tell. It is hard to imagine that an apparitor or some other mandatary went looking for them each time.

Beginning in October of 1376, Foxton began to put a number of routine continuances at the head of the *acta* and marked them simply *Ad idem*. This practice continued in *Andre (1)* until 23 February of 1380, when we get a

⁵ Donahue, *Law, Marriage, and Society*, ch. 6 at n. 227; T&C no. 514, speculates that the ground for the divorce may have been the pre-contract of one of the parties. That the case was, indeed, one of divorce seems clearer than Donahue makes it out to be. It is mentioned twice over the course of the long series of entries.

much fuller entry. *Ad idem* entries return in March of that year and continue until 25 October when the case disappears from view.

A similar pattern of *Ad idem* entries may be found in other cases that experienced long periods of quietude, followed by a more informative entry on 23 February 1380, e.g., *Wright, Gransden/Schanbery, Sare*. In the case of *Gransden/Schanbery*, the longer entry seems to indicate that some effort was made to get the parties before the court, because in the next session the parties appear and a definitive sentence is rendered. *Wright* and *Sare* follow the pattern of *Andre (1)*. A series of *Ad idem* entries take us from March to 25 October 1380, when the cases disappear from view.

It is unlikely that Foxton dropped the cases on his own authority. Probably, John Newton, who was now the official, decided in February of 1380 to see what he could do about the backlog of long-continued cases. In *Gransden/Schanbery*, this effort led to a resolution of the case on the record. In the other cases, it did not. When nothing had happened by October, we suspect that Newton told Foxton to drop these cases from the register. There are fifteen cases listed as *Ad idem* at the beginning of the *acta* for 25 October 1380. There are none in the following *acta* of 15 November 1380.

Related to the practice of continuing cases with a specific entry, though it is unclear just how it is related, is Foxton's practice of including a general continuation at the end of a session of *acta*. The formula for this varies, but the fullest form (which is found only once) would seem to be: *Omnes causas isto die expediendas et introducendas continuamus usque proximum consistorium expectando absentes cum presentibus ad proximum ad idem quod pridem de consensu procuratorum et partium comparencium* (entry 23.1). Most often this is abbreviated quite radically, e.g., *Omnia non expedita continuamus usque proximum in statu quo nunc sunt* (1.9). This formula is found quite regularly in the first 23 sessions of *acta*. (It is missing in *Acta* 6, 11–12, and 21.) It then disappears, only to make a reappearance in *Acta* 61; it appears again in *Acta* 69, and appears quite regularly from *Acta* 91 through the end of the register. (It is missing in *Acta* 92, 94, and 110).

Once more, the use of the formula may reflect the personal preferences of the official. *Acta* 23 was the last session in which Ross was the official. Richard Scrope makes his first formal appearance as official in *Acta* 24. *Acta* 61 occurs towards the end of a long period in which Scrope remains official but the actual work is being done by commissaries. *Acta* 61 is also unusual in that no attempt is made to cover all the pending cases. Only two of them have entries, and the rest are covered in the continuation formula. The formula occurs again in a similar session in *Acta* 69. When it occurs again in

Acta 91, Newton has become official. The formula then occurs in most of the remaining sessions. We have already seen that Newton seems to have made an effort to drop cases that had been inactive for some time. The reintroduction of the formula may have been designed to ensure that cases did not get dropped unknowingly. Since, however, most of the cases that are dropped do not have a formal entry saying so, it may be that Newton and Foxton decided to save space by covering with a general formula the cases that had long been dormant.

Where the formula occurs, it is useful for the modern reader of the register, because we can be reasonably confident that anything that is entered after the formula occurred out of session. That this is the case is confirmed by a number of dated entries, and that conclusion may be extended to such entries that are not dated.

Exactly what the legal purpose was of these continuations is unclear. Continuity was required by the central royal courts in this period, but it is not a feature of Romano-canonical procedure. Some influence of the practice of the central royal courts may be suspected, though there is a little evidence (indeed, there is considerable evidence to the contrary) that a break in continuity in the Ely consistory would normally require that the moving party start off all over again, as would have been the case in the central royal courts.

In at least two cases, there is some evidence that the maintenance of continuity made a difference. In *Gransden/Schanbery*, which is basically an appeal from the archdeacon in a marriage case, there is a parallel *ex officio* action brought directly in the consistory against Gransden and Schanbery for having illegally solemnized their marriage during the pendency of the basic case. In the first set of *acta* in our register we are told that Gransden and Schanbery are to respond to the article presented against them (1.6). This probably means that they had been cited to appear at a previous session and the article had been presented to them. Their proctor objects that the action had been *discontinuata*. A couple of more entries suggest that the court might not have fully accepted that argument, but three months later the action begins again with a new citation and a new offering of the article (5.10).

The evidence that a break in continuity made a difference is more subtle in *Newman/Ripon/Smyth*, because the concept is not mentioned. Ripon did not appear to answer Newman's defamation complaint in entry 98.24. As is standard, she was suspended from entry into the church. Once more, she does not appear in entry 99.14 and is denounced as suspended from entry into the church. She does not appear yet again in entry 101.19 and is once more suspended from entry into the church. This is surprising. Normally if a party did

not appear and was suspended and then did not appear and was denounced as suspended, the penalty for the third non-appearance was excommunication. The explanation for the procedure followed here may be that Newman did not appear in *Acta* 100 (there is no entry for the case in those *Acta*). As a result, he may have been required to begin the process all over again.

The Substance of the Cases

Good accounts of the Romano-canonical procedure employed by the court have appeared elsewhere.⁶ It would serve no purpose to repeat them here. Nor is this the place to summarize what is in the existing literature about what can be learned from the register.⁷

One of us has, however, published an account of the business of the court that calls for some revision in the light of, and reconciliation with, what we find our edition.⁸ That account divided the 3,215 entries that it found in the register (the true number seems to be 3,393) into 502 ‘cases’, which it then proceeded to divide into ten categories: unknown, breach of faith, ‘court’ (basically matters concerning the administration of the court, including ‘salary’ cases, actions normally by officers of court to recover their fees), defamation, ‘ecclesiastical’ (a broad category including ecclesiastical revenues and benefice matters), ecclesiastical/testamentary (cases occasioned by the death of a beneficed cleric), miscellaneous (very few), matrimonial (including sexual offences), testamentary (involving the laity), violence (mostly to a cleric). Our categorization in this edition has reduced the number of cases to 392.

There are two basic reasons for the reduction in the number. First, our efforts with this volume have disclosed a number of actions, particularly in the area that does not involve marriage or sexual offences, that are sufficiently related that they probably should be regarded as the same ‘case’. Second, as explained at the beginning of this Introduction, we have left certain ‘one-off’ administrative matters (single-entry probates of testaments, and single-entry acts of ecclesiastical administration) among the *acta* and have not counted them as ‘cases’. The question is how do these two changes affect the proportions of types of cases originally reported?

Table 3 lays out all 392 cases giving their number, the number of the initial entry, the short-form name that we use (based on the name that Foxton used to identify them), the style of the case (or styles if more than one action

⁶ See Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, 311–53 (civil), 604–26 (criminal), with copious references. For a basic introduction to medieval canon law (including the procedure), see Brundage, *Medieval Canon Law*.

⁷ See the references gathered in the Preface, n. 3, all of which have further reference to previous literature.

⁸ Donahue, *Law, Marriage, and Society*, 221–4.

is involved in the case), and their subject-matter. (Table 4 lists all the cases, their short-forms in alphabetical order and their numbers, while Table 5 presents the same information in numerical order.) Where more than one action is involved in the case Table 3, as we said, gives the style of each action and the specific topic of the action. If we break down Table 3 to the level of the action, we find that our 392 cases involve 478 separate actions. The vast majority of the cases involve only one action. The 86 additional actions are the product of a relatively few cases that involve multiple actions. The prize goes to *Gallon/Woolman*, which involves eight separate actions.

Table 6 compares the proportions of different types of cases in our edition with those previously reported. (We eliminated the small category of ‘ecclesiastical/testamentary and categorized them as one or the other, depending on what was the dominant concern.) The proportion of ecclesiastical cases and testamentary cases is lower (by 6% and 5%, respectively). That is not surprising, granted that we have not counted ‘one-off’ administrative acts involving benefices and ‘one-off’ routine probates as ‘cases’. Take those entries out, and the proportions of ‘matrimonial’ cases (broadly defined) and defamation cases, both of which are always contentious matters, rises by 5% and 4% respectively. The rest of the slack is taken up by 1% increases in breach of faith cases and cases of unknown subject matter.

The large category of ‘matrimonial’ cases has been analysed at some length elsewhere, and we refer the reader to that analysis.⁹ Suffice it to say here that the vast majority of these cases are cases of marriage or divorce, with the former predominating (87% of the cases of marriage or divorce). The consistory court of Ely did, on occasion, pursue sexual offences: adultery, incest, fornication, and wife-beating, but such cases account for only 9% of the cases categorized as ‘matrimonial’. Routine sexual offences seem to have been left to the archdeacon or, perhaps, the rural or urban deans.

The large category of ‘ecclesiastical’ has not been analysed elsewhere, and some analysis of this diverse category is called for. Of the 77 cases in this category, 37 (48%) might be classified as ‘financial’. There are 26 cases involving, at least in part, tithes; 4 involving pensions; 3 involving mortuaries; 2 involving repair of defects in a chancel; 2 involving oblations; and 1 each involving the augmentation of a vicar’s portion, a debt owed to the church, detention of money received from the common chest of the church, non-payment of a rent owed to a religious house, and the subtraction of rents due to a chapel. (The total adds up to more than 37 because some cases involve more than one issue.) 13 cases (17%) involve the relations between the diocesan authorities and the diocesan clergy. 3 actions are brought against clergy for

⁹ Donahue, *Law, Marriage, and Society*, 227 (Table 6.3).

failure to attend synod; 4 involve professions of obedience; 2 involve deans exceeding their jurisdiction; 2 require a cleric to display his title and render an account; 1 challenges the authority of a rector for defect of birth, and 1 demands proof of ordination. 11 cases (14%) concern the sickness or death of the holder of a benefice. In all cases an administrator must be appointed to look after the property of the church. A number of them are followed by proceedings involving the testament of the holder of the benefice. In 11 cases (14%), the principal issue seems to be performance of divine services. There are 2 cases brought against a rector for non-residence; 5 cases involve suits against clergy for failure to perform divine services and 1 against a layman for impeding them; 5 involve suits against chaplains to compel them to serve or for charging an excessive salary; 1 case involves burial rights. (Once more the total adds up to more than 11 because some cases involve multiple issues.) The remaining 5 cases (6%) are decidedly miscellaneous: 3 involve the licensing of alms-seekers from outside the diocese, 1 involves sacrilege (a violation of sanctuary), and 1 is an action against a priest for leading a scandalous life. (That there is only one such action is somewhat surprising; perhaps the archdeacon or the deans dealt with more routine cases of this nature, or the bishop may normally have handled such cases personally.)

The number of cases of unknown substance (37, 9%) seems high, but in only 2 of them do we have no idea what the case is about. The remaining 35 are appeal cases that do not get beyond the stage of proving the appeal, and it is to that that the entries are devoted. (Where the appeal proceeds far enough that we know the underlying substance, it is classed with that substance.) The 25 cases classified as ‘court’ involve 13 actions by court officers (normally proctors) for their salaries. Most of the remainder are contempt actions that cannot be firmly connected with any other case. It would seem that Foxton did not record the issuance of mandates of citation unless at least one of the parties appeared in a formal session of the court. These contempt proceedings, the majority of which seem to be against clerics who initially failed to obey the mandate, are the only record we have of cases that were settled without the necessity of either party’s appearing in court.

The remainder of this Introduction is devoted to commentary about matters that relate to more than one case or that are too long to be included in the introduction or notes about a specific case. Cases or entries being referred to are hyperlinked to that case or entry; sometimes the case or entry is itself hyperlinked to this Introduction; all references to cases are found in Table 3.

Registers and Registrars

The register that we are editing is a *registrum*. When the focus is on a

person, the word is normally *registrarius*. This is particularly noticeable in the case of Hugh de Candlesby, who is often described, and functions, as *registrarius archidiaconi Eliensis*, but it also occurs where Foxton himself is being referred to, e.g., entry 56.15, where we find in the witness list: *Roberto de Foxton' notario publico registrario dicti consistorii*. *Registrum*, however, and not *registrarius*, is also used where our register is fairly clearly not the reference, but something more abstract, e.g., entry 5.4: *prout in dicta exceptione penes registrum dimissa in scriptis plenius continetur*. Examination of entries like this suggests that we should not be thinking that a separate register was being kept of such documents, but rather, that copies of the documents were being kept in what we would call 'the registry'. We have used this word in the summaries but warn that there may not have been fixed place for this registry and that *penes registrum* could equally bear the translation 'in the custody of the registrar'. This translation is supported by entry 27.24, where the proctor in the main entry promises *quod dictarum litterarum apostolicarum et procuratorii sui veras copias nobis exhibeat infra septem dies tunc proximo sequentes et penes registrum nostrum dimittat*, and Foxton adds after the main entry: *Subsequenter vero idem frater Ricardus procurator dictas copias nobis exhibuit et penes nos dimisit, quas ad perpetuam rei memoriam hic fecimus registrari*, which he then proceeds to enter in our register. The phrases in entry 54.23 and entry 57.23, *ad tradendum libellum registro in scriptis* and *ad dandum libellum registro in scriptis* (cf. 105.1), may also fit a bit better with a person rather than a place.

Sometimes, however, *registrum* seems to refer to an actual physical register that is not our register, e.g., entry 9.5: *factaque statim adieccione dictorum verborum tam in registro nostro quam in copiis attestacionum predictis Willelmo et Margareta traditis*. Unlike the documents that are said to be left *penes registrum*, this seems to refer to an actual register of depositions. Clearly, when the bishop writes to the official and says *registra predecessorum nostrorum protunc ad manus non habuimus*, he is referring to physical documents (11.14). The archdeacon, too, has a register: *copia procuratorii sui . . . extracta a registro domini .. archidiaconi* (40.5; cf. 66.33).

Another physical register is almost certainly being referred to in entry 7.19: *inspecto registro correccionum de tempore vacationis ecclesie Elien'*. Other clear references to a register of corrections occur in entry 50.11, discussed in the next paragraph, and in entry 67.17: *habitaque responsione per dictam Margaretam ad articulos sibi obiectos ex officio nostro, de quibus in registro correccionum dicti patris continetur*. The syntax is a bit awkward, but that context makes clear that Margaret's response is contained in the bishop's register of corrections.

In *Coche*, the plaintiff, who is suing his coexecutor, William, is described as having: *exhibitisque per parte actricem in subsidium probacionis intencionis sue registro correccionum domini episcopi Elien' pro uno inventario alias per ipsum Willelmum exhibito et quadam confessione per eundem iudicialiter emissa* (50.11). That a confession would be in a register of corrections is not surprising. The presence there of an inventory (presumably of the goods of the deceased) is more mysterious. Two entries later we are told: *exhibitis per partem actricem copiis cuiusdem inventarii per ipsum Willelmum coram commissario domini episcopi Elien' aliter exhibiti et actorum dicti commissarii super iuramento eiusdem Willelmi de fideliter administrando et fidele inventarium exhibendo habitorum* (52.11). The documents and oaths described in the second entry remind us of the routine grants of probate by the consistory that we find in our register. This one for some reason took place before a commissary of the bishop rather than before the official. What is puzzling is the relationship between these two entries. They could be referring to the same thing. A routine probate got entered into the bishop's register of corrections for lack of a better place to put it, and what is described as a 'confession' in the first entry is, in fact, the equally routine oaths that the executor took upon undertaking the administration. That, however, seems unlikely. It seems more likely that the bishop, probably through the commissary, proceeded against William for maladministration of the estate. The inventory that William produced on that occasion differed from the one that he produced when he got the testament probated, and he made some kind of admission, perhaps about the difference between the two inventories.

It is possible that entry 86.48 also refers to a register of corrections: *Hugo de Candeleby . . . comparuit personaliter coram nobis et iuratus de veritate dicenda super articulis ex eadem materia elicitis et extractis et sibi singillatim expositis et obiectis, respondebat ad eos singillatim prout in eisdem articulis penes registrum remanentibus continetur*. The articles were made up on the spot on the basis of the appellant's *suggestio*. They may then have been entered in a register of corrections, but, on balance, it seems more likely that the document was simply deposited 'in the registry', as seems to have been the case elsewhere where the phrase *penes registrum* appears. The same ambiguity is found in the similar phraseologies of entry 89.35. The *registra nostra* whose exhibition is sought *in subsidium probacionis* in entry 113.9 may be registers of correction. The case is an instance case of violence to a priest, which may have had an otherwise unrecorded *ex officio* phase.

Even more problematical is entry 14.6: *ipsius responsione in scriptis redacta et publicata et registro annexa*. This could refer to a document folded into the main register, which is no longer there, but, on balance, it seems more

likely that a register of depositions is being referred to. In entry 70.43 and entry 70.44, we once more find that a document was *registro annexa: prop-
osita petitione oretenus per partem actricem . . . ipsaque petitione registro
annexa*. Here the petitions are specifically said to have been made orally,
leading one to wonder just what was *registro annexa*. Perhaps Foxton is re-
ferring to the summary of the contents of the petitions that he has just recited,
although it is also possible that he wrote up the petitions on scraps of parch-
ment and inserted them in the register, whence they were subsequently lost.

Another ambiguous phrase occurs in entry 113.21: *habeat pars rea ar-
ticulum si voluerit instare pro articulo habendo a registro*. The case is one in
which a proctor is suing for his salary, a type of case which, by local rule, did
not require a libel.¹⁰ In entry 112.24, the defendant has asked for an article,
presumably in lieu of a libel. This is the response to that petition, and we take
it that what it says is “let the defendant have an article if he wants to insist on
having an article from the *registrum*.” The *registrum* here could be a physical
register, or ‘the registry’, or, even, the registrar. In the light of the ordinance
that establishes the local rule about libels in salary cases (which is entered
later in the same session, entry 113.29), it would seem that the first possibility
is what is meant.

Settlements (pax)

In 79 cases, Foxton notes, normally both in the margin and in the last
entry, that the parties have arrived at a settlement (*pax*). This number greatly
understates the number of cases that almost certainly were settled. In 23 cases
close to or in the final entry we find that the case was postponed ‘in hope of
peace’ (*sub spe pacis*). Even more common is a final entry that is not a final
judgment but simply the last entry in a case that is in some middle stage of
the procedure. Indeed, except in marriage cases, this type of last entry is far
more common than a final judgment. Some of these cases may simply have
been abandoned, but it seems likely that many of them were settled, that is
to say, that the parties agreed not to pursue the case further. In order for this
to have happened, we probably should assume that each party got something
in the settlement that made him or her agree to the compromise. They then,
however, did not return to the court and announce that they had settled the
case, so that Foxton was not able to note the *pax*.

There are a number of reasons why they might not have returned to an-
nounce the *pax*. Marriage cases were not supposed to be settled; hence no *pax*
is recorded in any marriage case. Indeed, the court sometimes pursued mar-
riage cases *ex officio* that the parties wanted to drop.¹¹ There may have been a

¹⁰ *Ordinacio in causis salarii*, entry 113.29. *ety*, 239–40, 297–8.

¹¹ See Donahue, *Law, Marriage, and Soci-*

fee for having the *pax* entered; those who were represented by proctors would certainly have had to pay the proctor for the appearance. *Pax* entries do not normally contain the specifics of the settlement,¹² so having it entered would not serve as a mechanism for enforcement other than that it would probably serve to bar the plaintiff's attempt to relitigate the issue. The fact that a *pax* entry would bind the plaintiff but not the defendant who had not fully performed may have made plaintiffs reluctant to have the *pax* entered. If we imagine that many, or at least some, of the settlements involved the payment of money by the defendant to the plaintiff, the court may have been unwilling to be too specific about the nature of the settlement, both in defamation cases and in those involving breach of faith. The division between secular and ecclesiastical jurisdiction in the former type of case was based on the notion that the court was hearing the case not as pecuniary matter (which belonged in the secular courts) but as a penitential matter (*dummodo non petatur pecunia sed agatur ad correctionem peccati* in the words of *Circumspecte agatis*).¹³ In the case of the latter, if it was cognizable by the ecclesiastical courts at all (a matter that was quite dubious from the point of view of the common law), it was only as a penitential matter.

Those *paces* that are entered have a feature that seems to be connected with the correctional nature of ecclesiastical jurisdiction, but which poses puzzles of its own. Many, but not all of them, after telling us that peace has been restored between the parties add: "and therefore let the defendant be cited *ex officio*." This formula, or its equivalent, appears in 38 of the 79 cases in which a *pax* is recorded. It is particularly common in defamation cases, where it appears in 26 of the 41 such cases. The same formula, or one quite close to it, appears in 4 of 7 breach of faith cases where a *pax* is entered, 1 of 2 such mortuary cases, 1 of 2 such salary cases, 2 of 7 such testamentary cases, 2 of 5 such tithes cases, and 3 of 4 such cases of violence to a cleric. It does not appear in any of the 5 cases involving appeals from the archdeacon (4 of which seem to be about *ex officio* matters and 1 of which is an instance defamation case), in a complicated ecclesiastical case, in a case *ex officio promoto* against a priest for scandalous behaviour, in a pension case, in a case of rent owing, in a case of unjust excommunication, in a case of augmentation of a vicar's portion, and in a case of usury, in all of which *paces* are recorded.¹⁴

¹² *Thorney/Whittlesey (1)*, a tithes case, is ultimately settled by a new ordination dividing the revenues of the church between the vicar and the monastic rector (84.14).

¹³ *Circumspecte agatis*, 13 Edw. 1 (1285), [c. 6], S.R. 1:101, *Councils and Synods II*, 2:974–7; see Millon, *Ecclesiastical Cases*, p. lxxix–lxxx, cxxv–cxxvi.

¹⁴ Defamation with citation: *Reed (1)*, *Grinder, Lovely, Hart (1)*, *Lingwood (1)*, *Brice, Catt, Wormegay, Barker, Chapman (1)*, *Waltesschef, Wilcock, Morris (2)*, *Colacre, Keech, Halle, Edlin, Finchingfeld (2)*, *Cheseman (3)*, *Taylor (2)*, *Trukke (2)*, *Skinner, Colchester, Couper (2)*, *Spalding (1)*, *Ferrer*; defamation without citation: *Lokenore, Thrip-low, Oak, Stokesley, Allain, Teversham (1)*, *Willingham (2)*, *Hostler, Tod, Garland*, (cont'd)

Since Foxton does not seem to have recorded citations that did not result in an appearance, we cannot tell whether the citations that are noted were ever issued. What we can say with reasonable confidence is that if the citations were issued, none of the defendants who were cited ever appeared at a session of the consistory. It is possible, however, that proceedings against them were recorded in the quite mysterious ‘register of corrections’.¹⁵

Defamation, to take the subject that has the most *paces*, was an ecclesiastical crime as well as a civil offence. If the court wished to pursue the matter of its own accord it would have been within its authority to do so. Perhaps the order to cite the defendant served as reminder to him or her that composition with the defamed person was not the end of the potential liability, but further the court chose not to go. Perhaps, too, it served as possible means of enforcing the *pax*. The plaintiff might be barred from bringing the case again, but the *ex officio* matter was still, in some sense, pending. Indeed, all of the cases in which a *pax* was entered could be regarded as involving ecclesiastical crimes or, at least, sins for which penance ought to be done. So the question then becomes why was the citation *ex officio* called for in some of these cases and not in others?

In a few of the cases where an *ex officio* citation is not called for, the reason for its absence is clear. The defendant had already atoned for the offence or had shown that he had not committed it: *Pars rea absoluta est in forma iuris et pace inter partes reformata, purgavit se quo ad officium* (Allain, defamation). *Pace inter partes reformata et parte rea ab huiusmodi sententia in forma iuris absoluta* [he had been suspended for non-appearance], *dicta pars rea purgavit se quo ad officium* (Teversham (1), defamation). *Quo ad officium dictus [reus] comparuit personaliter, absolutus est et submisit se gracie nostre* [probably for a suspension for non-appearance]. *Et pro huiusmodi diffamacione subiit penitenciam corporalem sibi per nos iniunctam et perfecit* (Lolworth, defamation). *Postea vero comparuit [reus] personaliter, negat dictos articulos et purgavit se legitime super eisdem* (Gilbert, *ex officio* promoted against a priest for scandalous behaviour). *Pro violencia ex*

(n. 14 cont'd) *Cattel*, *Lolworth*, *Wake*, *Pike*. Breach of faith with: *Barton* (1), *Trenet*, *Tyars*, *Saffrey* (2); without: *Woodway*, *Hankin/Lessing*, *Depden*. Testamentary with: *Landbeach*, *Smyth* (3); without: *St John*, *Warlock*, *Sutton* (1), *Hunt*, *Baldwin*. Tithes with: *Knapwell*, *Abington* (2); without: *Ickleton* (1), *Thorney/Whittlesey* (1), *Sawston* (1). Violence with: *Clerk* (2), *Coton*, *Bette* (2); violence without: *Pardon*. Mortuary with: *Teversham* (2);

without *Mepal*. Salary with: *Caprik* (3); without: *Caprik* (1). Appeals from the archdeacon without: *Baylham* (uncertain), *Draper*, *Hart/Hammond*, *Roper* (all *ex officio*), *Couper* (1) (defamation). Miscellaneous without: *Thorney/Whittlesey* (2) (ecclesiastical), *Gilbert* (*ex officio* promoted), *Barton* (2) (pension), *Swaffham* (2) (rent owing), *Hinton* (unjust excommunication), *Wardale* (usury).

¹⁵ See p. xxiii.

officio absolutus est reus et iuratus est quod de cetero non delinquat et pro commissio fustigetur ter circa ecclesiam (*Pardon*, violence to a clerk).

This last should be noted. What it means is that all four of the cases of violence against a cleric that were settled resulted either in an *ex officio* citation or, as in *Pardon*, in the offender's doing penance. It is well known that English practice did not require those who committed violence against clerics to go to the pope to obtain absolution, as was contemplated by the canon *Si quis suadente diabolo*.¹⁶ What we have here may suggest that if the perpetrator settled with the cleric, he might not have to do penance at all.

If violence against a cleric seems to modern sensibilities more like a crime than do some of the offences involved here, that sensibility may at least in part have been shared by the court. The case of non-payment of rent does not close with an *ex officio* citation, but the entry of the *pax* does add: *pendeat penitencia [partis ree] alias iniuncta ex officio sub gestura sua si dictum redditum solvat futuris temporibus* (*Swaffham* (2)). The case of augmentation of the vicar's portion closes with an announcement of the *pax* and a citation of the plaintiff to appear: *ad informandum nos de fine dicte concordie inter eos* (*Westley* (2)). That the vicar's portion be adequate is a matter of concern to the church generally. One vicar should not be allowed to settle with his monastic rector in such a way as would prejudice his successors as vicars.

It is difficult to explain the presence of *ex officio* citations in some, but certainly not all, of the defamation cases, when relatively few of them give a reason for the absence of the citation. We have already seen that all the cases of violence against a clerk have either a citation *ex officio* or a penance imposed on the offender. The one case of scandalous behaviour of a priest results in his escaping the charges by purgation (*Gilbert*). All the rest of the cases that are not defamation cases are about matters that we would regard as more civil than criminal: breach of faith, testamentary, ecclesiastical revenues, payments to clerics, and one case (labelled here 'unjust excommunication') which involves some serious charges but which probably involves the inability of a vicar to get along with his parishioners (*Hinton*). A few of these cases result in *ex officio* citations, but the proportion is lower than it is in the defamation cases. The total absence of such citations in cases appealed from the archdeacon may be explained on the ground that the *pax* deprived the consistory court of jurisdiction.¹⁷

¹⁶ See Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, 505–7, with references

¹⁷ There is some evidence for this in *Couper* (1), an appeal by the plaintiffs below from the archdeacon in a defamation case. After the appellants settle with the appellee, they are

called back to court at the request of the archdeacon's official in order to remit their appeal.

Apparently the official wanted to proceed against the appellee *ex officio* and thought that he was blocked from doing so because the appeal was still technically pending.

Perhaps the explanation of the difference between the cases that have *ex officio* citations and those that do can be found in a defamation case that never gets to the *pax* stage. In *Ranlyn/Warde* a man and a woman of Bourn both bring defamation actions against another woman of Bourn. In both cases the parties offer an oral libel, and they are told to put it in writing for the next session. The next session never happens, but the last line of the case tells us that the defendant was cited *ex officio* as a *communis diffamatrix vicinorum*. Once more, we do not know what happened as a result of this citation, but perhaps nothing needs to have happened. The court was convinced on the basis of the oral complaints that the defendant was engaging in behaviour that was not only offensive to the plaintiffs but that called for a stern official warning. It is at least possible that in the 26 defamation cases that have an *ex officio* citation and in the relatively few cases of other types that have this citation the court made a similar judgment both that the offence was likely to have occurred and that the offence was one of public concern.

Advocates, Proctors, and Notaries

A number of scholars have made use of this register for the evidence that it offers about the development of the canonical legal profession both in England and more generally.¹⁸ Our edition allows us to fill in some details without in any way calling into the question the general thrust of the earlier work. There can be no question that the proximity of the court to the university allowed students in law at the university to serve the court (and themselves) by taking on positions in the court. Mr Henry Bowet, who was both an advocate of the court and the official of the archdeacon, is described as ‘licentiate in laws’ when he makes his profession of obedience as the official of the archdeacon (39.35). When he makes his last appearance in the register as a witness to his successor’s profession of obedience, he is described as ‘doctor of civil and canon law’ (54.30, 16 Jan 78). John Newton is a ‘bachelor in laws’ (probably civil only) when he is admitted as an advocate of the court in January of 1377 (39.38). When he is commissioned to be the official in September of 1379, he is described as ‘doctor of laws’ (once more, probably civil only) (78.1). Clearly both of these men earned their degrees while they were working at the court, and they were not alone.

Advocates

Brundage identifies nine advocates in the register.¹⁹ There are actually only eight who are identified as such: Henry Bowet, James Cottenham, Richard Drax, John Epperston, Thomas Gloucester, William Laas; John Newton, and John Potton. Brundage’s count is probably, however, correct. The *acta* of

¹⁸ See Brundage, *Legal Profession*, 240, Helmholz, “Ethical Standards.” 307, 376, with references to earlier works; ¹⁹ Brundage, *Legal Profession*, 307.

the synod of 18 June 1375 are witnessed by five men who are identified as *iurisperiti*: Thomas Eltisley snr, William de Willingham, Thomas Gloucester, Robert Eltisley, and John Potton (18.23, 18.24, 18.25). *Iurisperitus* is an alternative for *advocatus*, and Potton and Gloucester are frequently identified elsewhere as advocates of the court. Both Eltisley's seem to have been beneficed clergymen who occasionally performed functions for the court, but they do nothing that would indicate that they were advocates at the time of the register. (They may have been such in the past.) Willingham, however, appears once as commissary of the official, once as a proctor, and three times as a witness of *acta* of the official (where he appears first, even before Thomas Gloucester).²⁰ All of these are functions that known advocates performed, and, so far as we are aware, only advocates served as commissaries of the official where the commission involved actually conducting a court session.

While it is likely that Willingham was an advocate of the court, he probably did not remain active for long. His last appearance is as a witness of the synodal *acta* of June 1375. Henry Bowet was quite active while he was serving as an Ely lawyer, but, as we have seen, he last appears in January of 1378. Drax is mentioned only twice, and that as a witness in a case. He may not have been an active advocate during the period of our register. James Cottenham, who, like Bowet, is quite active while he was serving as an Ely lawyer, does not appear after early in 1378. Epperston appears only three times, Laas twice.²¹

What that meant was that the lion's share of the work fell on Cottenham, while he remained active, Gloucester, Newton, and Potton. Lawyers like to keep busy, but when Scrope basically abandoned the court (he last sits on 8 April 1378, and Newton does not become official until 22 September 1379), the advocates were confronted with ethical dilemmas of which they seem to have been aware but about which they could do little.

The basic ethical principle is stated quite early on. In entry 18.8, Thomas Gloucester and John Potton are sitting as commissaries in the absence of Nicholas Ross. In the previous session, the moving parties brought an action against a vicar *ex officio promotus*. In this session, the vicar should have replied. The entry tells us, however, *de [partium] consensu expresse datur dies in proximo ad idem, videlicet ad respondendum dicto articulo, propter absenciam iudicis quia uterque commissarius est de consilio partis promoventis*. Little or no harm was done. Ross returned to the bench in the next session. But if there were effectively no official, the fact that the advocates were also the judges could cause problems.

²⁰ See IPP s.n. *Eltisley, Willingham*.

²¹ See IPP s.n.; for Laas, see p. xliii.

This happened in *Gransden/Schanbery*, which was basically an appeal from a judgment of the archdeacon's official in a marriage case. At one session when Thomas Gloucester was hearing the case as commissary of Scrope, he recuses himself because he had served as advocate of one of the parties in the case (39.3). It was probably for that reason that Ross had commissioned John Potton to hear the case (entries 1.4, 10.4). But Potton apparently became ill, and the sentence that he rendered was never entered. (There is a gap in record where it should have been entered [29.2].) An appeal was taken from this sentence, however. With Scrope's departure, Gloucester was now the commissary in charge of the consistory court, but he was barred from acting in the case. Apparently, he was even barred from commissioning someone else to hear the case. The case was not resolved until John Newton became official.²²

In *Day*, Gloucester represents the plaintiff/appellee in a marriage case appealed from the archdeacon's official (entries 6.8, 9.9). At one point in the proceedings, the appellee alleges that the process returned by the archdeacon's court is insufficient because it fails to show that Gloucester was properly authorized as the commissary of the archdeacon's official in the case (11.6); she asks to be admitted to prove that he was. She fails of her proof in the next session, but ultimately succeeds in getting the judgment below sustained. Her ultimate success is probably the result both of the fact that Ross chose to examine the appellant *ex officio* (and may as a result have found out that the allegations in the original complaint were probably true), and also of the fact that when forced to, the appellant's proctor refuses to swear that his exception of the nullity of process below (which was probably grounded on the same absence of proof that Gloucester was duly authorized to act) was not malicious. For present purposes what this case tells us is that although someone who has represented a party cannot later act as a judge in his or her case, someone who has acted as a judge can represent one of the parties on appeal, at least when the party is the one seeking to sustain the judgment below.

The advocates, then, seem to have been aware of the ethical difficulties created by their multiple roles and sought to avoid the most obvious of them. While we may pause at the fact Gloucester represented Isabel Spinner in a case in which he had served as a judge, there is no obvious conflict of inter-

²² Details in Donahue, *Law, Marriage, and Society*, 256-8, except that as noted in *Gransden/Schanbery*, n. 5, Gloucester's self-recusal was not grounded on the fact that he was the commissary of the archdeacon's official who heard the case below, but on the fact that he was the advocate of William Angold, the appellee. Gloucester's self-recusal suggests this, and it is stated in entry 6.4. As we will see in the next paragraph, Gloucester served as commissary of the archdeacon's official in another case, and he may have done so here. If he did, that would have been another reason why he could not hear the case on appeal.

est. He, like she, was seeking to sustain a judgment in which he had participated. Indeed, Gloucester's desire to defend a judgment in which he had participated may have ensured that a woman who does not seem to have been of high station got the best representation that the court had to offer.

The multiple roles that the advocates played may have had a more subtle effect, not one that was prejudicial to their clients, but quite the opposite. Their clients may have gotten a more favorable treatment than did others who were represented only by proctors or not represented at all. Firm evidence of this is hard to come by. The role of the advocates is hidden from the record unless they, as they sometimes did, took over in name or in fact the role of the proctor. Two cases, however, in which their appearance is recorded may be telling.

Barnwell/Tavern is an *ex officio* prosecution for adultery and incest. The incest from a modern point of view is not particularly serious; the woman, who is not said to be married, was alleged to have been the godmother of two of the married man's children. The incest, however, is probably the reason why the case is in the consistory, which did not deal, as a regular matter, with ordinary adultery cases. In the first iteration of the case, the man succeeds in purging himself of the crime, but the woman fails in her purgation. James Cottenham takes on her representation and succeeds in getting an order that she can try again to find oath-helpers. She fails again, and the case goes into abeyance. More than a year later, the new official, Scrope, renews the prosecution. This time the couple are represented by Henry Bowet. They appeal to the court of Canterbury. Then, saying that they were advised to appeal by their counsel, they renounce their appeal before Scrope and get off remarkably lightly: They are absolved of the excommunication that they had incurred for contumacy; they purge themselves of their crime (the record does not say with how many oath-helpers or of what kind); they abjure each other and 'suspicious places' under a penalty of six whippings around the church and six whippings around the market of Cambridge if they violate their oath.

The same basic pattern is found in *Littleport/Lakenheath*. Simon, the vicar of Littleport, was charged by Ross *ex officio* with fornication and keeping a concubine in the vicarage.²³ He takes an appeal to the court of Canterbury, but does not pursue it. After Ross's death, Scrope threatens to execute Ross's sentence of excommunication for contumacy. James Cottenham appears on the vicar's behalf, and, once more, the vicar gets off remarkably lightly: He is absolved of the sentence of excommunication upon swearing to stand by the mandates of the church and paying four pence to the sacrist of Ely for

²³ The woman is charged separately with fornication both with the vicar and his chaplain. She successfully purges herself. See Do-
nahue, *Law, Marriage, and Society*, 293 and T&C no. 520.

use of the shrine of St Etheldreda; he denies the charge of fornication and purges himself (once more the number and quality of the oath-helpers is not mentioned); he agrees to remove the woman from the vicarage in two weeks and ‘to abstain from her in suspect places’.

In both cases proceedings take place out of session in Scrope’s lodgings (but in the presence of witnesses, and, we assume, Foxton). In both cases we may strongly suspect that the submission of the defendants was with a foreknowledge that what would happen to them would not be particularly serious. In short, we strongly suspect that their advocates ‘cut a deal’ with the official. Compromises of criminal cases are common enough in our own day, and it should not surprise us too much that they happened in the Middle Ages. The question that we raise here is whether these compromises would have been as favourable to the defendants had they not been represented by advocates, who, as we have seen, had a close relationship with the official. John Joseph (*Joseph*), who so far as we can tell was not represented by an advocate, spent four days in gaol in Cambridge castle when he refused to perform the penance enjoined on him, and ultimately did penance.

The presence of advocates is not the only difference, however, between *Barnwell/Tavern* and *Littleport/Lakenheath*, on the one hand, and *Joseph* on the other. Barnwell, Tavern, and Simon the vicar of Littleport never admit their offences and, ultimately, purge themselves. Joseph confessed to a long-term, open, and adulterous relationship with a woman by whom he had a number of children, and then blatantly refused to do penance. There are more than suggestions of class distinctions between the defendants who got off lightly and Joseph, although those distinctions are also related to the fact that the former defendants had advocates and Joseph did not. The relationship of the advocates to the court does not fully explain the difference of result in these cases, but it partly helps to explain it.

Proctors

The proctors of the court are harder to identify than the advocates. The problem is that *procurator* is a general word for a proctor or attorney, and it is clear that many of the men are identified as someone’s proctor in the register are clearly not proctors of the court in the normal sense of the term. The easiest to exclude are those who appear in the administrative *acta* at the beginning and take the oath of obedience on behalf of their clients or appear at synod on behalf of their clients, and no place else. Similarly to be excluded are those who appear only as proctors for a particular religious institution. These men may well have been professionals, but they were probably working for their clients in many capacities and just happened to appear in the Ely

consistory when their clients' business took them there.

At the other end of the spectrum are those who are identified as 'proctors general of the consistory', and who appear many times in the court on behalf of different clients, most of them local men and women of the diocese. There are six men so identified in the register, and we list them here in the order of the number of different people whom they represent: John de Wiltshire (178), Peter Caprik (158), Walter Sutton, notary public (53), Richard Pitts, notary public (31), Hugh Candlesby, notary public (22), and Richard Ferriby (11). Candlesby was also the registrar of the archdeacon, and Pitts served, at least on occasion, as commissary of the official of the archdeacon. This may help to explain why they had so many fewer representations than Wiltshire and Caprik. Sutton may also have performed other functions in his capacity as a notary. (Sutton was not admitted as general proctor until 24 January 1377, but Wiltshire was admitted at the same time, and he ended up having the most representations of all.) Ferriby was probably connected with the family of lawyers and administrators, a member of which, William, was keeper of king's wardrobe in 1360 and who may be same as William Ferriby, the chief notary of Richard II.²⁴ Richard Ferriby's stay in Ely was short. He got his first proxy on 7 October 1378 (64.29). He substituted Caprik, Sutton, and William Levertton in all his cases on 3 February 1380 (84.44) and Caprik and Sutton on 3 October 1380 (93.8). The only mention of him after that (97.3) says that Caprik appeared as a substitute for him. It looks as though Ferriby tried to establish a practice in Ely and did not succeed.

There is one man who has almost as many representations as Sutton (51) and who is called 'proctor of the consistory' but never 'proctor general of the consistory': William Killerwick. Killerwick appears consistently as a proctor at the beginning of the register until we reach the following entry (54.33) on 14 January 1378: *Nicholaus Walssh de Lyttelyngton' et Mabila uxor sua citati ad instanciam Ricardi Tod de eadem in causa diffamacionis, parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, parte rea vocata et preconizata, quidam Willelmus Killerw'c, asserens se procuratorem eorum, ostendit quamdam litteram et peciit se admitti ad occupandum pro eis. Et quia eidem Willelmo tanquam nobis et officio nostro ingrato et rebeli in nostra audiencia alias interdiximus officium procurandi quousque iuramento interposito admitteretur in procuratorem generalem dicti consistorii nostri si forte in eventum admitti mereatur, ideo ipsos Nicholaum et Mabilam pronunciamus minus sufficienter comparuisse ipsoque reputamus contumaces, reservata ulteriori pena usque ad proximum et decernimus ipsos fore premuniendos ad proximum ad comparendum per*

²⁴ Tout, *Chapters*, 6:148 and n. 1.

se vel procuratores de gremio consistorii existentes. In modern terms, Scrope disbarred Killerwick for his contempt, and he never appears again.

Another ‘disbarment’ occurs on 23 February 1380 (85.44), this time by Newton of William Leverton. Leverton first appears as a proctor on 17 March 1379, when he appears as ‘proctor by letter’ on behalf of priest who is bringing a violence case (72.34). In the next session, he appears in two different cases on behalf of the official of the archdeacon, the defendant in cases of appeal *ex officio*, with Foxton expressing some doubt about his authority to do so (*qui se dicit procuratorem*; entries 73.11, 73.12). He also appears in the same session, seemingly without challenge, on behalf of a defendant in defamation case (73.40). He does not appear again until 22 September 1379 when he is called as a witness by the appellant in one of the cases brought against the official of the archdeacon (78.12) and as the proctor, along with Hugh Candlesby, for a group of parishioners suing their rector for deprivation of service (78.43). He appears once again, representing the defendant in a marriage case, on 3 November (80.32).

On 14 January 1380 one of the parishioners and on 2 February 1380 another of the parishioners appear before the official saying that they had never appointed Candlesby and Leverton to be their proctors in the deprivation case, that they never had any intention of moving such a case, and that the dean of Cambridge sealed their proxy without their authority (83.49). They expressly revoke the authority that Candlesby and Leverton pretend that they have. Candlesby and Leverton are to be called to answer the charge that they represented the parishioners without authority and concocted a false proxy.

The disbarment, which occurs two sessions later, was almost certainly prompted by this event, but it is not the ground given for the disbarment: *Cum quidam Willelmus Leverton’ clericus officium procuratoris generaliter et publice exercens, in consistorio nostro recusans subire admissionem nostram ad dictum officium in eodem consistorio exercendum monitusque per nos ad iurandum de observando consuetudines et statuta dicti consistorii et curie nostre. Et quia hoc facere recusavit, ideo nos officialis Elien’ officium procuratoris in dicto consistorio nostro amodo exercendum interdiximus sub hac forma*. There follows a formal sentence of disbarment (85.44). Leverton never appears again.

The category of ‘proctor general of the consistory’ occurs before Scrope became official. Richard Pitts so describes himself in a substitution that he gave to Cottenham and Bowet in the very first set of *acta*. Peter Caprik does the same in substitutions during Ross’s tenure. The phrase does not come into more general use, however, until early in Scrope’s tenure (24 Jan 77, 39.38),

when he conducted a formal admission ceremony in which he appointed Newton and Laas as advocates and Sutton and Wiltshire as *procuratores generales* of the court. The oath that both the advocates and the proctors took is then entered in full (39.39). One other admission ceremony is recorded in the register, this time only of an advocate (Epperston) and much more briefly (58.24). Otherwise it would seem that admission was done more informally and not recorded in the register, but it almost certainly was done. There is no reason to doubt, for example, that Ferriby was admitted as a proctor general.

What were the privileges of a proctor general? They were clearly not so broad as those that are today associated with admission to the bar of a particular court and that were those of the serjeants of the Common Bench in this period: an exclusive right of audience. Many men appear as proctors of a single client without challenge. Very few, however, appear more than once, and those who do are relatively easy to explain:

Robert Foxton, the registrar, appears as a proctor for 36 named individuals or institutions. None of these is in a contentious matter. Foxton represents a large number of beneficed clergy and religious houses in swearing obedience to the bishop at the beginning of the register and a smaller, but still significant, number of religious houses at synod.

William Bridge represents 11 individuals. He received a substitute proxy from Wiltshire (43.38), and all of his representations are of Wiltshire's clients in the following session or the one thereafter. He is probably the rector of Teversham who was commissary general of the archdeacon (54.24 and 72.43).

John Hostler represents 9 individuals. Most of his appearances occur during Ross's tenure, and virtually all of his appearances are as a substitute, mostly for Richard Pitts. He may have been Pitts' apprentice. The one exception to both generalizations is entry 52.19 (3 Dec 77), where he appears as proctor for the plaintiff in a marriage and divorce case *litteratorie constitutum sub manu publica, signo et subscripcione Ricardi Pyttes clerici, notarii publici, consignata*. If we can believe the recorded appearances *ut prius*, he continued to represent the plaintiff in a complicated case, which finally resulted in a sentence in her favour on 23 May 1379 (74.17). This is the last that we hear of him as a proctor. He is called apparitor of the archdeacon in entry 38.17 and apparitor of the Cambridge deanery in entry 55.31 (but the citation is on behalf of John Potton as archdeacon's official). In this instance he gets into substantial trouble for citing someone outside his jurisdiction and within the jurisdiction of the priory of Barnwell. He has to hand over the staff of his office, but then it is restored to him (55.35). We last see him produced

as a witness in a marriage case where he is described in English as ‘Somenor’ (89.38). Like Ferriby, and perhaps Bridge, Hostler looks like someone who was trying to establish himself as a proctor of the consistory, but either did not succeed or got diverted by other opportunities.

John Dunham has all the hallmarks of an apprentice (he may also have been a law student). He is described as a *mandatarius* of the official (Scrope). This sounds rather grand, but it is clear from the entry (67.35) that what it means is that he was commissioned to deliver an inhibition mandate from the official to the official of the archdeacon, John Pinxton. Pinxton gave Dunham a hard time, and Scrope backs him up by citing Pinxton for disobedience and contempt. In *Caprik* (3) Dunham joins with Peter Caprik in suing for his salary against John Frost jnr. Here he is described as a *mandatarius* of the consistory, and, once more, that probably means is that he delivered the inhibition mandate to the archdeacon’s official in the appeal proceedings that were part of *Fisher/Frost*.

Dunham is the beneficiary of two proxies, one given by Margaret Halle to John Wiltshire and to him (66.34), the other given by Hugh Martin to Peter Caprik, Walter Sutton, and to him (73.44). Both result in some confusion. In the first session in which the parties in *Halle* appear by their proctors (68.30), Wiltshire is representing the defendant, Thomas Carlton, and Dunham substitutes Peter Caprik for himself as Margaret’s proctor. Thus it remains, so far as we can tell, for the rest of the case. Whether Foxton simply got it wrong in entry 66.34 and then insisted on the substitution so that the record would cover his mistake, or whether Wiltshire betrayed his client, leaving Dunham holding the bag, we cannot tell. Dunham, however, seems to have done the right thing. He may not have had the ability to undertake Margaret’s case by himself, and he should not have been doing so, even if he could do it, when he was so closely associated with the much more senior proctor who was on the other side.

What happens in *Martin* is even stranger. In the first entry in the case, both Hugh Martin, the appellant in a marriage case who had been ordered by the archdeacon’s official to marry the appellee, and Clarissa Edmond, the appellee, appear personally (73.9, 21 Apr 79). She gives a proxy to Caprik and Wiltshire in entry 74.38 (26 May 79). The next entry in the case (74.9, 23 May 79) records that Hugh does not appear and that Clarissa appears by Wiltshire. Entries on 10 June (75.9) and 30 June (76.9) record that Hugh did not appear and Clarissa appeared *ut prius*, presumably by Wiltshire. On 21 July (77.9) Hugh is recorded as appearing personally and Clarissa *ut prius*. The case is continued to 31 July when the process from the archdeacon’s court finally appears, and the parties are given the next session to speak against

it. That session occurred on 22 September (78.10) when we are told that Hugh appeared personally and that Dunham appeared for Clarissa! This is, of course, a serious breach of basic legal ethics, if it is to be believed. If it is not, i.e., that it is a mistake and that Dunham actually appeared for Hugh, then he did a bad job, because this was the session at which he was supposed to object to the process held before the archdeacon. Neither party raises any objection, however, and the case is set down for sentencing. No further appearances of proctors are recorded, but it seems likely that Hugh was getting some legal help, because he later proposes an exception that ultimately leads to testimony being taken (82.9). Eventually, Newton calls Clarissa in personally to respond to questioning (86.8). He eventually quashes the sentence of the archdeacon's official at a session at which both parties are said to have appeared personally (92.6).

The proctors did not do a very good job here, even if we assume that they were offering some advice in the background. It certainly looks as if it was Newton's proactive behaviour that lead to the ultimate resolution. Since neither of the parties seems to be of particularly high station, an explanation for the proctors' behaviour may lie in the fact that the parties could not afford anything more.

Other proctors who represent only a couple of clients have patterns that are similar to Dunham's. John Doke, who, like Hostler, is described as the apparitor of the deanery of Cambridge (5.15), represents two clients at the beginning of the register in cases that other proctors had brought close to a conclusion (13.3, 14.2). John Flamstead receives, along with Richard Pitts, a proxy from two men toward the end of register (94.32). Neither is recorded as their proctor in the case for which the proxy seems to have been made (*Barton* (3)). At the beginning of the register Simon Godrich, who is described as the original proctor, substitutes Killerwick as the proctor for a couple who are appealing from the archdeacon and disappears (18.17, 18.18). Once more at the beginning of the register, Roger Sterling, along with Killerwick and Doke, receives a substitution from Caprik (15.15). Pursuant to this substitution, Sterling appears once in four different cases, in two of these perhaps twice (16.3, ?17.3; 16.4, ?17.4; 16.5, 16.7).

The question, then, is what did William Leverton do other than what a number of others seem to have been doing? There was certainly no rule that someone who was not a proctor general could not represent more than one party in the consistory. There was no school for proctors; they learned on the job. Bridge, Hostler, and, perhaps, Dunham all seem to have been trying to become proctors general. That may have been the case with some of those in the previous paragraph as well. What Leverton did not do, as the others did,

was associate himself with one or more of the existing proctors general as he was working his way into the system. He tried to insinuate himself into the ranks of the proctors, first, by representing a single person from whom he had a written proxy, then by asserting, an assertion that Foxton questioned, that he was authorized to represent the archdeacon's official. He was probably trying to take advantage of the fact that the court was being run by commissaries, Scrope having departed without resigning his position.

There is some evidence that Leverton tried to play the game right. On 3 February 1380, the day after the second of his two Kingston clients had disowned his proxy, he got appointed, along with Caprik and Sutton, as a substitute for Ferriby (84.44), but it was too late. Ferriby was already on his way out, and so was Leverton. He was 'disbarred' 20 days later. (After Leverton's disbarment, Ferriby returns long enough to issue another substitute proxy to Caprik and Sutton, excluding Leverton [93.8].)

We may suspect that Leverton's real patron was Hugh Candlesby. Candlesby is the proctor general associated with Leverton in the disastrous Kingston representation. Candlesby was not a good man to have as your patron; he was, as the modern phrase goes and as we shall see shortly, 'ethically challenged'. But as we have already noted, Leverton's association with Candlesby and the false proxies in *Kingston* (4) is not the stated ground for his disbarment. Newton says that he offered Leverton the position of general proctor if he would take the oath. This he refused to do, so he was interdicted from appearing in the court.

The question is whether we should believe this when we strongly suspect that the real reason for Leverton's disbarment was his involvement in the Kingston affair. Perhaps we should. We have already seen that Scrope seems to have tightened the court's grip on the admission of proctors and advocates. The oath may have been new in his regime, or at least this form of oath, and the appellation 'proctor general' gets much more play in his period. Leverton's attempt to move into the ranks of the proctors may have been his, and perhaps Candlesby's, means of testing whether this new control by the court would continue in the new regime. Newton answered that question on 23 February 1380 (85.44): If you want to want to represent clients regularly in my court, you are going to have to take the oath. On those conditions, Leverton wanted none of it.

There is another reason why we might believe that Newton offered Leverton the oath which Leverton refused to take. The matter of the Kingston representation was still pending. If Leverton took the oath, he would clearly subject himself to the discipline of the court. Leverton, we might surmise,

knew that he had no defence to the charges that he concocted a false proxy.²⁵ Better to walk away from the situation than subject one's self to discipline and then be disciplined for concocting a false proxy.

From Newton's point of view, this was also a better way of proceeding. The charges against Candlesby and Leverton had not been proven. To disbar Leverton on the ground of the charges would probably require that they be proven. Better to offer him the oath with reasonable confidence that he would not take it. That gets rid of Leverton and establishes the proposition that the new regime will continue to follow the policy of the old one.

This method of proceeding also avoids having to proceed against Candlesby. Why that might be deemed desirable is a question easier to ask than to answer. Candlesby's ethical breaches have been known since Margaret Aston first described his "behaviour as far from exemplary" and pointed out that his ultimate downfall came about when he, along with others associated with the archdeacon, participated in the violence of 1381.²⁶ His defence of the prerogatives of the archdeacon when he was acting as the archdeacon's registrar seem to go beyond the bounds of what was ethical even in the fourteenth century.²⁷ In 1376–7, he was the defendant in a marriage case in which he emerged ultimately successful but which involved him in an illegal solemnization and in which he does not look good (*Pattishall/Candlesby*).²⁸ And yet both Scrope and Newton kept him, as Scrope says in another context, *in gremio consistorii* as a proctor general.

There can be little doubt that Scrope sought to tighten his control over the proctors. He got rid of Killerwick. Perhaps he sought to get rid of Candlesby as well, but Candlesby evaded his grasp. He became a proctor general, and that, paradoxically, may have made him more difficult to get rid of. We can have little doubt that both Scrope and Newton would have liked to get rid of Candlesby. To us it seems that they had grounds to do so.²⁹ Perhaps Candles-

²⁵ It is, of course, possible that the charges of concocting a false proxy were themselves false or that the situation was more ambiguous than the charges make them out to be. They were never proven, and only two of the four parishioners involved make them. We are inclined, however, to think that the charges may be substantially true. A case that seems similar to the one brought against the vicar in *Kingston (4)* had been brought earlier (*Kingston (2)*). The vicar purges himself in that case, and it is plausible that the parishioners had no desire to revive it. The vicar in *Kingston (4)* seems genuinely puzzled. He asks for legal help, and two advocates of the court are assigned to him (78.43).

²⁶ Aston, *Arundel*, 125–6, 142–3. On 30 Oct 81 (107.1), he is referred to as 'former registrar [of the archdeacon]'. He may have been deprived as a result of the events of that summer.

²⁷ Aston, *Arundel*, 125–6.

²⁸ See Donahue, *Law, Marriage, and Society*, 273–4 and T&C nos. 481–4.

²⁹ The charge in *Candlesby/Wilburton* that he illegally farmed a church was not proved. The charge of illegal solemnization in *Pattishall/Candlesby*, which Candlesby confessed, lead to Scrope's reserving the penance to himself, in effect, on the condition of the former's good behaviour (37.27). Scrope may have preferred this to disbarment. By (cont'd)

by had friends in high places, but that is just speculation. What we see on the record is that Newton was able to rid himself and the court of a man who was probably Candlesby's protégé, but could not get rid of the man himself.

What did the proctors get in turn for their submission to a tightening of control? As we have seen, they did not get a monopoly, but they did get, it would seem, an assurance that they would be protected from competition as a regular matter. This almost certainly allowed them to maintain, perhaps to raise, their fees. It also almost certainly ensured that men who worked at it full time, like Caprik and Wiltshire, could accumulate an impressive number of representations over the course of the register. Finally, they got, if our analysis of the proctors who did not become general proctors is correct, some control over new admissions to their ranks.

There was one more privilege that was, if not unique to general proctors, shared by them: the ability to sue for their salaries in a court with the procedures of which they were quite familiar. As we have seen, there was even an ordinance that made these procedures easier for them than it was for the ordinary run of litigants (p. xxv). Salary cases occur before Scrope made his move to enhance the office of the proctor general, a move that seems to date to January of 1379. Candlesby brings a salary case in his capacity as registrar of the archdeacon (*Candlesby (1)*); an ordinary chaplain brings one for his salary (*Stow (1)*); Potton and Caprik bring one in their capacity as advocate and proctor of the consistory (*Potton/Caprik*); Bowet brings one in his capacity as an advocate (*Bowet*). After Scrope makes his move, however, when the proctors are suing for their salaries, they always describe themselves as proctors general of the court, as Caprik had not before, and no one except officers of the court brings a salary case: *Caprik (1)*, *Pitts, Caprik (2)*, *Candlesby (3)*, *Candlesby (4)*, *Caprik (3)*, *Foxton (2)*, *Sutton (5)*.

Scrope's move should probably be seen as one in the direction of increasing professionalization of the proctors, perhaps also the advocates. They were subject to more professional discipline; they gained some control over admission to their ranks, and some protection against competition. The result was probably that fewer people could afford their services. The number of litigants who appear *pro se* in the register seems quite large. The proctors were probably willing to offer these litigants some help for more modest fees. The sophistication shown by some *pro se* litigants is remarkable.³⁰

Whether Scrope's move increased the competence or the professional eth-

(n. 29 cont'd) doing this he kept the archdeacon's registrar in his power. After this, however, Candlesby was accused of impeding an alms-seeker who had been authorized by the consistory (*Potton/Candlesby*). He was allowed

to get off simply by denying the charge. One would have thought that the accusation of false proxy would have been the last straw.

³⁰ See Donahue, *Law, Marriage, and Society*, 240–1, 300.

ics of the proctors is a more difficult question to answer. The level of competence of the proctors throughout the register seems quite high. Except for Candlesby, obvious ethical violations seem rare. Wiltshire may have abandoned his client in *Halle*. He would have been entitled to do so if he thought her case unjust. His behaviour, however, does not look good when he then proceeded to represent her opponent. He made up for it, at least to some extent, by having the man whom we suspect was his apprentice get the most experienced proctor that the court had to represent her. The case ultimately, like many other defamation cases, ended in a *pax* (73.29). Dunham looks as if he appeared for the wrong person in *Martin*. That was probably just a mistake, either Dunham's or Foxton's. Dunham was a very junior proctor, not admitted as a proctor general, and he never appears again.

Court-enforced discipline is evident in areas other than the two notable 'disbarment' cases. In the middle of very long marriage case in which one of the parties has died and which seems to be going nowhere, the proctors for the remaining parties (Pitts and Caprik) allege that their proxies have been revoked by these parties, who have not appeared for some time. They want to withdraw from the case. Gloucester, the commissary sitting on the case, tells them that they cannot do this. It is after the *litis contestacio*, and it is not clear that the proxies have been revoked. The proctors soldier on (45.3), though it is unclear whether they are present at the massive series of continuations that follows after that before the case is finally resolved, some three years later (86.3). Sometimes a well-placed oath administered by the judge to the proctor allows the case to move on. We have already seen one case in which the proctor (Caprik) refuses to swear that the exception that he has raised is not 'malicious' (we would probably say 'frivolous'), and this refusal allows the court to proceed to a conclusion in the case (p. xxxi). In another case the court makes the proctor (unnamed) swear that he will use 'diligence' to get the witnesses produced. It works; the witnesses are produced in the next session (4.5, 5.5).

Notaries

The training and professional competence of notaries was different from that of advocates and proctors, though it could certainly be useful for both, particularly the latter. Four notaries whom we might say were principally working as professional notaries appear in the register: Robert Foxton, the registrar of the consistory court; Hugh Candlesby, the registrar of the archdeacon; Thomas of Barnard Castle, rector of Lolworth and registrar of the bishop; and John called 'Sire de Kateryngton', cleric of Winchester diocese, whose notarized copy of a papal indulgence made at his London residence

is transcribed in full in *Mount Sion*.³¹ Two of the proctors, in addition to Candlesby, were also notaries, Richard Pitts and Walter Sutton. Curiously, that fact is almost always mentioned when Sutton is, but rarely when Pitts is. We have, however, already seen a document that he notarizes (p. xxxvi). William Laas was a notary and also a bachelor of canon law. He was admitted as an advocate of the court on 27 January 1377 (39.28), but his only other appearances in the register are as a witness in entry 38.26, before his admission as an advocate and where his status as a notary but not his degree is given, and as commissary in a testamentary case, where his status as an advocate but not as a notary is given (nor is his degree). He renders a sentence against the defendant executors in the case; they appeal to the commissary general, but then seem to drop the case (58.11, 63.25, *Fulbourn/Bilney*). Notaries other than these are sometimes mentioned in witness lists. For example, John Holbech, notary and dean of Wisbech, who is once mentioned as commissary of the official of the archdeacon, witnesses five *acta* of the official of the consistory at an extraordinary session that the official held at Wisbech. References to all the notaries mentioned in the register may be found in the Index of Subjects with cross-references to the Index of Persons and Places.

Relations With Other Jurisdictions

The consistory court of Ely stood in a hierarchy of ecclesiastical courts. Appeal lay to it from the court of the archdeacon of Ely, probably also from other courts exempt from the jurisdiction of the archdeacon but within the diocese, and from it to the provincial court of the archbishop of Canterbury (the court of Arches in London), and from there to the papacy. It also had a coordinate relationship with the residual jurisdiction of the bishop, and with the central royal courts at Westminster. There is evidence of all of these relationships in our register, and we briefly outline it here, focusing most particularly on the archdeacon.

The Archdeacon

The relationship between the consistory and the archdeacon's court is the best evidenced in our register and has received the most attention in the literature.³² All who have written about it have characterized the relationship as 'strained', and there is certainly evidence for that, at least in some periods. Arundel remembered it, and shortly after he became archbishop of Canterbury for the second time he imposed a settlement (called a *laudum*) on the bishop of Ely and the archdeacon which resulted in the archdeacon's court losing much of its jurisdiction, including its jurisdiction to hear marriage cases.³³ If we dig a bit more deeply into the register, however, it is not appar-

³¹ He also notarizes a proxy in a benefice matter (38.25). His toponym can be identified as Catherington, Hants. He probably claimed

to be lord of the manor.

³² Most fully in Aston, *Arundel*, 83–132.

³³ See Donahue, *Records*, 2:166–7.

ent that the relationship was strained at all times.

There were two archdeacons of Ely in the period of the register. Edward Burnell received a royal grant to the office in November of 1373, before Arundel became bishop.³⁴ Burnell did not profess obedience to Arundel and to the official until June of 1379, an event that is recorded in both our register and Arundel's.³⁵ In March of 1380, Burnell exchanged the archdeaconry with John Christchurch for the church of Cottenham in the Isle.³⁶ Christchurch appears only once in our register, pleading for mercy for the commissary of his official, a plea that produced the desired result (89.35, 25 May 80).

Tension between the consistory and the archdeacon's court is evident at the very beginning of our register. Nicholas Bottisham, the official of the archdeacon appears, professes obedience, and then claims that the deans and clergy are not obliged to do so nor is he obliged to cite them to do so. Ross, in very strong language, denies this claim, says that he could punish Bottisham for rebellion and contempt, but gives him an opportunity to comply (entry B.1). Bottisham complies, and in the next session a large group of beneficed clergy profess their obedience (C.1, and following).

It might be possible to determine from the records concerning the administration of Ely diocese that survive from before Arundel's time whether there was anything to Bottisham's argument. We have not done so. As it is, the politics of this situation seem relatively obvious. Arundel was not the king's choice to be bishop of Ely, nor was he the choice of the prior and chapter.³⁷ Somehow the pope was persuaded to provide him, though even the pope remarked how unusual it was for someone of his age (he was only 20) to become a bishop. Arundel was not present at Ely when these events occurred; he was not enthroned until two years later (20 Apr 76).³⁸ In these circumstances, the archdeacon and his staff might have sought to defend, or to expand, their prerogatives in the hope that Arundel would prove to be an absentee who would simply collect the revenues of a wealthy see, or Ross, and those working for the bishop, might have insisted on an obedience that had not been customary in the past. The way that such arguments worked in the Middle Ages, and to some extent even today, makes it possible that there was some truth to, and some exaggeration in, both positions. The fact is, however, that Ross sustained his position simply by strong language, and whatever there was to Bottisham's argument, professions of obedience by beneficed clergy are standard throughout the register.

³⁴ Le Neve, *Fasti (Revised)*, 4:14.

³⁵ Entry 76.34; *Arundel*, 87. There is a discrepancy in the dates in the two registers, but there is no reason to doubt that the event hap-

pened sometime in June.

³⁶ Le Neve, *Fasti (Revised)*, 4:18.

³⁷ *Id.*, 4:14.

³⁸ Hughes, in ODNB s.n. *Arundel, Thomas*.

The existing literature on the topic of the dispute between the consistory and the archdeacon tends to conflate the question whether the archdeacon's court and its personnel sought to thwart the operations of the consistory, in short whether they systematically engaged in contempt, with the question whether they were competent at their job.³⁹ The questions are related, but they are not the same. We are hampered in our understanding of both issues by the fact that a large portion of our evidence on both comes from a highly biased source: appeals from the archdeacon's court. An appellant is going to try to make what happened in court below look as bad as he or she possibly can. Let us look more skeptically at the evidence to see both whether the charges made against the archdeacon's court may be warranted and at whether there may have been changes the relations of the two courts over time.

Eight men are known to have served as officials of the archdeacon's court over the course of our register: Bottisham, William Rookhawe, Henry Bowet, John Potton, John Pinxton, Ralph Selby, Robert Ragnall, and Geoffrey Gidding. We can approximately date the tenures of all of them.⁴⁰ Bottisham, as we have seen, was official of the archdeacon when Arundel became bishop. He is last mentioned in case *acta* of 26 October 1374 (9.10, 9.11), and Rookhawe swears obedience as the archdeacon's official to the bishop and his official on 4 January 1375 (11.10). Two years later (39.35, 24 Jan 77), Bowet likewise swears obedience and is described specifically as successor to Rookhawe. Potton swears obedience on 16 January 1378 (54.30), with Bowet witnessing. A year later (70.42, 25 Feb 79), Pinxton swears obedience. Once more approximately a year later (85.45, 5 Mar 80), Selby does the same, followed by Ragnall (95.6, 15 Nov 80), eight months later. Gidding swears obedience, with Potton as a witness, on one of the last pages of the register (111.25, 16 Jan 82), after a period when he had been commissary of the official.

Officials were the personal appointees of the office-holder. When they went out of office the officials' commissions ceased. Thus, Bottisham, Rookhawe, Bowet, Potton, and Pinxton were all officials of Edward Burnell, and Selby, Ragnall, and Gidding were officials of John Christchurch. The dating is particularly striking in the case of Selby. The exchange that made Christchurch archdeacon took place on 4 March 1380; he appointed Selby the next day, even before he was admitted (10 Mar 80).⁴¹ That the whole af-

³⁹ This is particularly noticeable in the pioneering work in Aston, *Arundel*, 83–132, but she is followed in this regard by Sheehan, Brundage, and Donahue.

⁴⁰ 'Approximately', because it is clear that at least in some cases the official began to serve before he professed obedience. E.g., 35.3 (26 Sep 76, Rookhawe said to be no longer offi-

cial and another said to have been substituted in his place); 52.35 (Potton called official on 3 Dec 77).

⁴¹ Le Neve, *Fasti (Revised)*, 4:18; 85.45. The same thing seems to have happened again after the death of Christchurch in 1387, when Thomas de Pattesley (Pattesele) exchanged the archdeaconry to which he had been (cont'd)

fair was Arundel's doing is suggested by the fact a vacancy occurred in Cottenham in autumn of 1375 (*Cottenham (1)*). Cottenham was in the collation of the bishop of Ely and was valued at £40 per annum in 1292.⁴² Arundel may have collated Christchurch to Cottenham already thinking of the possibility that he would become archdeacon by exchange. He certainly got a man who had benefited from his patronage when the exchange took place.

The men who served as officials of the archdeacon under Burnell were quite different from each other. We know nothing of Bottisham's professional qualifications, but we have seen him as a defender of the customary prerogatives of the archdeacon and the diocesan clergy. He bows, however, to Ross's will on the matter of professions of obedience (B.1). He seems to have done so again in the matter of appointment of a preacher at the diocesan synod. In an entry of uncertain date (9.15; it is with the *acta* of 26 Oct 74, but it presumably is recording events that occurred earlier because the synod was on 23 Oct), we are told that Bottisham had presumed to appoint a Carmelite friar to preach at the synod without seeking the authority of the bishop or his official, contrary to the custom of the diocese. Ross inhibited the friar from preaching in the name of the archdeacon or his official. The friar replied that he intended to preach in the name of the Lord. (That was a pretty good come-back.) So, Ross authorized him to preach. The same inhibition and relicensing occurs at the synod of May 1375, when Rookhawe has become archdeacon's official (18.25). In May of 1376 (31.30), the same thing happens again, except that on this occasion Scrope doubts that there will time for a sermon, and the synod concludes without one. In October of 1376 (36.22), Scrope appoints the preacher without any mention of controversy with the archdeacon's official. As in the case of the professions of obedience, we do not know who had the better of the argument about the custom, but for the rest of the book it is the official who licenses the preacher at the synod (May 77, 44.36; Oct 77, 50.23; Oct 78, 65.37; May 79, 74.40, the last synodal *acta* recorded in the register).

Five appeals are taken from Bottisham during his brief tenure in the register as official of the archdeacon (*Baylham, Day, Guilden Morden, Bond, Harpour*). There are also two cases in which Bottisham asks that appeals be remitted to him, one of which seems to be related to, if it is not the same case as, *Baylham* (*Bottisham/Baylham*), and the other of which seems to deal with an appeal that was taken during the vacancy, because the ground for the request is that the appeal has been pending for more than a year with the appellant taking no action (*Bottisham/Bottiler*). *Baylham, Guilden Morden*, and

(n. 41 cont'd) collated a week earlier with Thom- *Fasti, op. cit.*
as Dalby, rector of Cottenham. Le Neve, ⁴² *Taxatio*, s.n.

Harpour contain allegations of denials of due process to the appellant and contempt of the consistory on the part of the archdeacon's official and his staff, but the allegations are not proven and the cases are all settled, as are the two cases brought by Bottisham. *Baylham*, *Guilden Morden*, and *Harpour* are all appeals *a gravamine*, what we would call 'interlocutory appeals', taken before a final sentence. While Romano-canonical procedure was not so hostile to interlocutory appeals as are some forms of procedure, there did have to be a *gravamen* that warranted the appellate court's taking away jurisdiction from the lower court, and the temptation for the appellant to exaggerate or even concoct the wrongs committed against him or her was strong.

Day and *Bond* are both appeals from a definitive sentence. Such appeals were basically a matter of right, and we do not find, the same recital of wrongs in the appeal document that we find in appeals *a gravamine*. *Day*, as we have seen (p. xxxi), is quite straightforward. Bottisham's sentence, the result of a process in which Thomas Gloucester apparently served as commissary, is ultimately, and so far as we can tell correctly, sustained.

Bond is more complicated and more problematical. Substantively it is an appeal in a marriage case in which a woman attempted to prevent the marriage of a man to another woman on the ground that he had precontracted with her. Bottisham had ruled against her, and this ruling seems to have been correct. In the consistory the woman admits that she has no proof, and the case is dismissed. During the pendency of the appeal, however, the vicar of Wendy had solemnized the marriage of the man with the other woman, thus incurring excommunication under John Stratford's constitution *Humana concupiscentia*, as the court interpreted it.⁴³ Cited for this offence and for having ignored the inhibition of the consistory court, the vicar alleges that after he had received the inhibition from the consistory he received a mandate from Bottisham to go ahead with the marriage. He is told that this is not sufficient and is ordered to appear again. He appears a week later with what is called a dispensation from the papal legate in England that frees him from the irregularity he had incurred by celebrating mass while he was excommunicated for the violation of *Humana concupiscentia*, and Ross enjoins on him a 'salutary penance' (not specified) for the contempt.

This case has been used in the literature as an example of the 'out-of-bounds' behaviour of the archdeacon's court.⁴⁴ We are beginning to have our doubts. It is striking that Ross does not bring proceedings against Bottisham. He does bring proceedings against the other woman's father who ends up doing serious penance both for the illegal solemnization and the contempt. Did

⁴³ See Donahue, *Law, Marriage, and Society*, 281–3, for the interpretation, which was odd.

⁴⁴ See *id.*, 283–4; Aston, *Arundel*, 103–4.

Ross know that the vicar was lying or exaggerating when he said that Bottisham had ordered him to solemnize the marriage? Did he know, perhaps, that Bottisham had not received the court's inhibition when Bottisham, four days after the date on the inhibition as the vicar alleged, told the vicar to solemnize the marriage notwithstanding the 'reclamation' (an odd word in this context; it normally applies to objections raised to banns) of the appellant? When we put this together with what else we know about Bottisham, blatant contempt, as is alleged here, seems out of character.

There is more evidence of trouble during the tenure of Rookhawe as official of the archdeacon (basically, the calendar years 1375 and 1376). These years contain a number of contempt citations of deans and others for failing to execute the mandates of the consistory or for interfering with their execution. There are two against the dean of Camps (most probably two different deans, clearly two different events) (13.10, 26.28); one against the chaplain of Croxton (15.11, 18.11); one against Hugh Candlesby (18.28), one against the vicar of Holy Sepulchre, Cambridge (18.27); one against John Grebby, chaplain (20.14); and one against the dean of Bourn (26.29).

Most of these are connected with the archdeacon. The ones that most clearly are so connected are the citation of the vicar of Holy Sepulchre who failed to cite the archdeacon's official in an appeal case and the citation of the dean of Bourn who had refused, as he admits, to receive an inhibition against the archdeacon's official. The connection with the archdeacon is different in the second case against the dean of Camps, though precisely what it is is a bit unclear. The dean was cited at the instigation of various rectors and vicars of the deanery: *super eo quod . . . litteras suas sub sigillo officii sui per modum mandatorum rectoribus, vicariis et capellanis parochialibus dicti decanatus dirigere consuevit, mandando videlicet eisdem . . . quod faciant executionem erga nonnullos dicti venerabilis patris subditos in libris .. officialis domini .. archidiaconi Elien' pendentes, iurisdiccione ordinariam sibi usurpando ac novam consuetudinem quinpocius corruptelam introducendo contra modum et consuetudinem in dicto decanatu et diocesi Elien' hactenus observatos in dictorum rectorum, vicariorum et capellanorum ac subditorum depressionem, preiudicium et gravamen*. The dean excuses himself, arguing that he thought it was the custom, as it was in other dioceses, and he is let off on a promise under oath that he will not do it again. What was he doing that he swore not to do again? – "mandating the rectors, vicars, and parochial chaplains that they make execution against many subjects of the bishop pendent [the subjects, that is] in the books of the archdeacon." The reading is clear enough, the meaning is not; both *pendentes* and *libris* are troublesome. In the case of the latter, we are inclined to think that it probably does not refer to

case registers, but rather to something more general and permanent, something more like what survives in the *Vetus liber archidiconi Eliensis*.⁴⁵ If that is what is being referred to, then perhaps we should take *pendentes* in a rather strictly legal sense: ‘undecided’. What is being denied to the archdeacon here is not the power to execute his judgments without the specific authority of the bishop (that would have been a quite radical change) but rather the authority to make general rules which the parochial clergy were supposed to enforce (‘execute’). The power to make general rules belonged to the bishop, not to the archdeacon. That the archdeacon should issue no mandates to the clergy, as suggested in the introduction to *Camps*, seems a less likely interpretation.

Hence, only three of the contempt cases clearly involve the archdeacon, but we suspect that tensions with the archdeacon’s court were involved in three others. When the chaplain of Croxton is cited for contempt, the case looks like an ordinary instance case in the consistory; by the time he appears, however, it is clear that it also involves an appeal from the archdeacon’s court. It would seem that the chaplain failed both to cite the defendant in the instance case and to deliver the inhibition mandate in the appeal case. He appears and claims that he did not fail to certify the mandate *ex contemptu sed ex simplicitate*: He did not know how to certify it and did not know that he was obliged to do so. He submits, swears to observe the court’s mandates in the future, and is dismissed *sub gestura sua* (18.11).⁴⁶

Hugh Candlesby, as we have seen, was the registrar of the archdeacon. He is cited for having seized a mandate of the court directed to the dean of Cambridge and refusing to return it. He appears and alleges that he took the mandate to copy it and returned it to the dean. He submits to correction, and, at Rookhawe’s request, is dismissed, *sub gestura sua* (18.28).

John Grebby is cited for having impeded, by threatening the bearer, the execution a court mandate to denounce a woman as suspended from entering the church because of her failure to appear in the consistory. Later in the register, Grebby appears as a commissary of the archdeacon’s official (39.32, 39.40). In the contempt case Candlesby represents him as his proctor. Grebby ultimately appears, submits, is ordered to walk to the shrine of St Etheldreda, and to return with three honest compurgators to support his denial of the charges (20.14). So far as the record shows, he never did return.

Thus, six of our seven contempt cases seem to be connected with the archdeacon. Whether the other one is depends on how seriously the clergy of Ely diocese took an argument that Candlesby makes while serving as proc-

⁴⁵ Feltoe and Minns, *Vetus Liber*.

see p. lxxxiv.

⁴⁶ For the probable meaning of this phrase,

tor for the defendant in *Lovely*. This is a seemingly straightforward defamation case in which the rector of Maulden (Beds.) is suing a man of Little Eversden for defamation. Candlesby excepts to the libel on the ground that by custom in Ely diocese the jurisdiction of this case belongs, at least as a matter of first instance, to the archdeacon and not to the consistory (*ipsius cause cognitionem saltem primariam non ad nos sed ad archidiaconi Elien' ipsiusque officiali et ministros pertinere et pertinere debere solum et insolidum ex consuetudine laudabili ut asseruit et legitime prescripta et hactenus pacifice observata*). Scrope rejects this argument in strong language: *ipsas excepciones tanquam manifeste fictas et falsas ac falso conceptas duximus reiciendas*. Scrope orders Candlesby to reply to the libel. Candlesby refuses and departs from the court in contempt. Scrope excommunicates him. Later in the day, when everyone's tempers had cooled, Candlesby returns, asks to be absolved, is absolved, and substitutes Wiltshire for himself as proctor (26.12). (One can imagine that this substitution might have been a condition of the absolution. In the next entry in the case, the defendant has made Pitts his proctor [27.13].)

Candlesby's proposed exception declinatory of the jurisdiction of the consistory was specific to the case (*ipsius cause*). We can only imagine how broad he was claiming the custom was.⁴⁷ Perhaps more to the point, we do not know whether others shared the view that some cases, perhaps all cases within the jurisdictional area of the archdeacon, belonged to the archdeacon's court as a matter of first instance. If that view was shared, it could have provided the motivation for the apparent refusal of some of the clergymen who were cited in this period for having failed to execute the consistory court's mandates, including the one who cannot otherwise be connected with the archdeacon.

Penalties imposed on those cited for contempt varied considerably. The most serious was the one imposed on the chaplain of Hildersham, at that point serving as dean of Camps, who was ordered to walk to St Etheldreda's shrine before Lent (the penance was imposed on 4 Feb) and offer 10s there (13.10). (He is also the defendant who cannot be firmly connected with the archdeacon, and his case was also the first.) With some variations, both the vicar of Holy Sepulchre and the dean of Bourn are absolved after swearing to follow the court's mandates and their penance is reserved *sub gestura sua*

⁴⁷ We find the argument again in *Starr/Fiskerton*, where the third-party intervenor, who seems to have gotten the argument from Candlesby, argues in a marriage case that first-instance jurisdiction in 'ecclesiastical' cases does not belong to bishop or to the consistory, but, presumably, to the archdeacon: *quod primaria cognitio causarum ecclesiasticarum ad venerabilem patrem dominum .. episcopum Elien' vel nos seu alium ipsius officialis, commissarium seu ministrum non pertinet* (27.18).

(18.27, 26.29).

There are 19 appeals that were taken from the archdeacon's court during Rookhawe's tenure, and one collateral attack on a judgment that he rendered.⁴⁸ This number seems high, but we should recall that Rookhawe's tenure was longer than most. His tenure can, however, be compared with those of Selby and Ragnall, and only 11 appeals were taken during their tenures.⁴⁹ That an appeal is taken is not necessarily a reason to conclude that there was something that merited taking an appeal, but it is some indication.

Thirteen of the appeals in Rookhawe's period were brought *a gravamine* from what were almost certainly *ex officio* citations, twelve from Rookhawe himself and one from a commissary. None of them gives us the substance of the offence.⁵⁰ As we suspected with the more fulsome descriptions of the stated grounds for the appeal in Bottisham's period, what is said to get the inhibition and citation mandate issued was, it would seem, largely common form. Sometimes Foxton does not bother to give it: e.g., *in causa appellacionis a quibusdam gravaminibus per ipsum officialem eidem illatis in ea parte suggestis ad audienciam nostram ut asseritur interiecte* (Draper, 12.8). Where grounds are given, they tend to focus on a too brief a time to appear after the citation, sometimes with the addition of not enough specificity about the offence charged, e.g., *in causa appellacionis per eundem ut asseritur interiecte ad audienciam domini .. officialis Elien' super eo quod dictus magister Willelmus officialis ipsum dominum Thomam ad terminum nimis brevem et peremptorium ac super incertis articulis coram eo fecerat ad iudicium evocari ac super aliis gravaminibus in ea parte suggestis* (Langton, 31.19).

None of these cases ends in a judgment by the consistory, not even an interlocutory judgment that the appeal was properly taken. Three of them were inhibited almost immediately by the court of Canterbury (*Bette (1)*, *Cheseman (1)*, *Netherstreet (1)*). For these appellants the appeal to the consistory seems to have been just a step on the way to getting their case heard out of the diocese. The fact that the court of Canterbury did not remit any of these cases to the consistory suggests that the appellants did pursue their cases in the court of Canterbury, but we cannot be sure of this.⁵¹ It is possible that the provincial court would have remitted the case back to the archdeacon

⁴⁸ Draper, Shepherd/Wright, Caster (1), Bette (1), Cheseman (1), Netherstreet (1), Mason (1), Hart/Hammond, Roper, Gayton, Kingston (1), Valley, Bargon, Langton, Chandler (1), Sare, Horn, Thorney/Whittlesey (1), Brinkley (1): appeals; Chilterne: collateral attack.

⁴⁹ Townsend, London, Baker (1), Barton (3), Stow (3), Little, Snow, Couper (3), Smyth (2), Dash.

⁵⁰ Draper, Bette (1), Cheseman (1), Netherstreet (1), Mason (1), Hart/Hammond, Roper, Gayton, Kingston (1), Valley, Langton, Chandler (1), Horn (from commissary).

⁵¹ Whatever happened in the court of Canterbury it did not serve to clear all the charges against Netherstreet. He is almost certainly the defendant in *Netherstreet (2)*.

if it had not been pursued by the appellant without notifying the consistory. Four of the cases ended with a *pax* (*Draper*, *Hart/Hammond*, *Roper*, *Gayton*). That ends the case; apparently if the archdeacon's official was satisfied, the consistory did not feel any obligation to inquire into the matter further. Four of them end when neither party appears (*Kingston (1)*, *Langton*, *Chandler (1)*, *Horn*) and the case goes pending. One of them goes pending when Rookhawe fails to appear (*Mason (1)*). In all five cases, we suspect that this result was quite satisfactory to the appellants. So long as the case is pending, the inhibition is, presumably, still in effect. Since the consistory does not pursue these cases of its own motion, the practical result is the same as a victory for the appellant. In one case fairly late in Rookhawe's tenure (*Valley*, 35.3, 25 Sep 76), we are informed at the end: *allegata fuit pro parte dicti magistri Willelmi quod desinit esse officialis et alius loco suo subrogatus*.

In a number of these cases there is a considerable amount of process before the final entry is reached. In *Draper*, for example, there is a libel and a *litis contestacio*. A witness is admitted for the appellant and another witness (Candlesby) is compelled as a common witness for both parties. There are references to a 'justification' on the part of Rookhawe. The appellant produces positions and asks that Rookhawe be examined on them. None of the witnesses had been examined, however, and Rookhawe had not responded to the positions when the case was settled, a bit short of a year after it was begun. Lacking any knowledge of the substance of the case, we cannot be sure what this process was all about, but the focus seems to be on the procedure in Rookhawe's court. The same also seems to be case with the other cases that have some process before they end (*Hart/Hammond*, *Gayton*, *Valley*).

This seeming focus on procedure has substantive implications. Since the consistory shows no interest in pursuing these cases substantively, the only issue is whether the archdeacon's court has proceeded correctly. Presumably, had the consistory rendered a judgment favourable to the appellant in these cases, it would have quashed the procedure below, leaving it to the archdeacon's court to proceed again correctly, if it chose to do so. If it had rendered a judgment favourable to the appellee, it would have remitted the case to him for further proceedings. There are some possible exceptions to this generalization. In *Horn*, the appeal brought against the commissary, the appellant alleges that the commissary has no jurisdiction over him. If the court had ruled favourably to him on that issue, it would probably have been the end of the matter. As it was by allowing the cases to end without any substantive resolution (and by taking its time getting the witnesses examined), the consistory put some pressure on Rookhawe to let these appellants go. He did so in almost all the cases, though it is possible that in the cases that were

settled he got the appellants to agree to do some penance for something, or, at least, agree not to engage in the behaviour in the future.

The appeals in the instance cases during Rookhawe's tenure tell us more. When we first see *Shepherd/Wright* it is a defamation case brought at first instance in the consistory by Shepherd against Wright. That it is also an appeal case from the archdeacon's court does not become apparent until a bit later in the proceedings, where Wright appeals against Shepherd for the latter's having had him cited before Rookhawe *ad terminum nimis brevem et peremptorium ac super incertis articulis aliisque legitimis gravaminibus in ea parte suggestis*. This, as we have learned, is common form. Shepherd, we might imagine, was trying to have two bites at the apple, proceeding in both the consistory and in the archdeacon's court. Wright's appeal was an effort to consolidate the two cases in the consistory. The effort succeeds, and we would have heard no more about it had it not been for the fact that the chaplain of Croxton failed to certify the citation in the appeal case, a failure that leads to the contempt proceedings (p. xlix). The appeal case goes pending and the instance defamation case proceeds to a total victory for Wright. Shepherd's complaint is dismissed, and he is charged with Wright's costs.

There are two other appeals from the archdeacon's court in defamation cases, this time from definitive sentences. In *Sare* the sentence was rendered in favour of the plaintiff below, which probably means that she was held to have been defamed by the couple who appealed. The case proceeds at a leisurely pace. It was brought in July of 1376; the appellee does not appear until October. It takes until February of 1377 to get a judgment in favour of the appeal (i.e., that the appeal was properly taken). The process below does not arrive until October of 1377, when, somewhat curiously, it is the appellee who takes exceptions to it. The court commits the whole matter to the advocate Epperston to render sentence, which, so far as we can tell, he never does. The case is dropped from the record after 25 October 1380. In *Brinkley (1)*, the definitive sentence below was probably rendered in favour of the defendant. The record does not say this, but she was awarded costs, something that normally happened only if the defendant successfully defeated the charge of defamation. The appeal came into the consistory in November of 1376. A judgment in favour of the appeal was rendered in July of 1377. The process below was ordered, but it was never transmitted, and the case was discontinued by the announcement of the appellee's death in December of that year.

Nothing in any of these cases reflects particularly badly on the archdeacon's court. Candlesby certainly took his time making up the process in *Sare* and *Brinkley (1)*, but Epperston took even longer coming up with a sentence in *Sare*. In fact, he never seems to have done so. The consistory was

probably more proactive in defamation cases that were brought in the court as a matter of first instance. The vast majority of them were settled relatively quickly. It is possible that *Sare* was settled without the court's being informed of the fact, so that the case was left hanging in the record.

There is also no reason to think that the archdeacon's court did anything seriously wrong in *Thorney/Whittlesey* (1). In the archdeacon's court the vicar of Whittlesey sued the monks of Thorney, appropriators of Whittlesey, for having withheld tithes from him. There seems to be little doubt that they did. The issue was whether the vicar was owed the tithes or whether they belonged to the abbey in their capacity as appropriators. How deeply the archdeacon's court got into this issue we do not know. What we do know is that the monks brought an instance action in the consistory against the vicar for the tithes and simultaneously appealed Rookhawe's order that they pay them. The case takes some time to resolve in the consistory and finally ends up with a new composition between the monks and the vicar that is entered on the record (84.14).

There is a ruling in *Caster* (1) that the archdeacon's court had done something wrong. The case is a complicated one; the substance of it is unclear, but it may be related to other actions that seem to involve testamentary issues. One of the appellees in *Caster* (1) is a minor, who needed to be represented by a *curator ad litem*. Scrope holds that the archdeacon's official does not have authority to appoint a *curator ad litem*, and appoints one himself (25.4). It takes some time to reach this conclusion; a *disputatio plenior* is mentioned. The ruling can be taken in a broad or in a narrow sense. In the broad sense it could mean that the archdeacon's official did not have authority to appoint *curatores* for minors at all, in which case he would not have authority to hear any cases involving minors. It could, however, mean that the archdeacon's official did not have authority to appoint a *curator ad litem* to act in the consistory. That was all that was at stake in this case.

Some possibly serious charges are made against the archdeacon's court in *Bargon*, an appeal in a marriage case by John Bargon against a judgment in the archdeacon's court that he was married to Margaret Smyth. The appeal was brought into the consistory in April of 1376. The parties agreed to omit the article of appeal, and the process was ordered from the archdeacon's court in July. It is returned, relatively quickly, in September. The following April, the sentence is quashed by Newton, acting as Scrope's commissary, in language that is worth quoting: *Quia nos Johannes de Neuton', commissarius predictus, invenimus commissarium pretensum officialis domini archidiaconi Elien' in dicta causa propter defectum ordinis non servati indebite processisse ac sentenciam diffinitivam a non suo iudice latam extitisse, ideo dictam*

sententiam diffinitivam per dictum pretensum commissarium inter partes predictas latam propter defectum ordinis iudiciarii non servati revocamus et annullamus. Sed quia invenimus contractum matrimonialem inter dictos Johannem et Margaretam initum per eorum confessiones iudicialiter emissas clare fuisse probatum nec aliquod obstandere impedimentum, ipsum Johannem eidem Margarete in virum legitimum, ipsamque Margaretam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis. John's proctor appealed (this would have been an appeal from the commissary to the official), but there is no evidence that the appeal was pursued.

It will be noted that the decision of Rookhawe's commissary was, in Newton's view, substantively corrected. What John and Margaret had said in court convinced him that they were husband and wife. He quashes the sentence of the commissary, however, because the *ordo iuris* was not observed. This can mean many things, ranging all the way from running what we would call a 'kangaroo court' to highly technical matters that a young judge, on his way to becoming a doctor of civil law, would notice, but which a more senior judge might ignore. There are some indications of what Newton had found wrong about the process that Candlesby had returned. Rookhawe's commissary is twice called 'pretended commissary' and the sentence is said to have been rendered by *a non suo iudice*, someone who was not authorized to be John and Margaret's judge. It seems likely that what was missing from the process that Candlesby made up was the commission from Rookhawe to the commissary to hear the case. We have already seen a case in which a similar argument about the nullity of a process was simply ignored (p. xxxi), and a similar argument could be made about Newton's own sentence, because he calls himself commissary of the official without showing or citing his authority, which is no place found in the register.

There are three more appeals that may come from the time of Rookhawe, but of this we cannot be sure. *Daines* is straightforward marriage case. The official of the archdeacon (unnamed) had ruled in favor of the marriage, and the man appealed against the judgment (42.8). With the consent of the parties, Scrope rules in favour of the appeal and orders the process from the archdeacon's court. It takes from March to December of 1377 for the process to arrive (53.5). Neither party has anything to say against it, and Scrope renders a confirmatory sentence (56.6). The man's proctor appeals, but we doubt that the appeal was ever pursued. *Bilney* is an appeal *a gravamine* against John Grebby who is described as the 'pretended commissary general of the official of the archdeacon' on the usual grounds of too brief a term for the citation and uncertain articles. Grebby appears and denies the substance of the appeal but concedes that the appeal was taken. Witnesses are called, but

the case is discontinued when Bilney fails to pursue it (49.7). *Neal*, we ultimately learn, also involves Grebby, this time a sentence of his in a marriage case. It takes almost five years to reach a judgment on the appeal when Newton ultimately reverses it on the basis of new testimony that the appellant had not confessed to having married the appellee (109.1, 111.1). The underlying problem here seems to have been Candlesby's record of the case, but there is enough that suggests conflicting testimony as to just what happened in the archdeacon's court that we cannot conclude that Grebby's judgment, though ultimately reversed, was clearly erroneous.⁵²

That leaves *Chilterne*, a case that is not an appeal from archdeacon's court but a collateral attack on one of Rookhawe's judgments. Two years after Rookhawe had departed from office (the exact date is unclear), William Chilterne went to the bishop and confessed that he had collusively obtained from Rookhawe a divorce from his wife Amy by alleging that he had precontracted with a woman named Joan. The bishop orders the record of the case, and the commissary general of the archdeacon returns that no record of such a case exists. Hugh Candlesby testifies that five years previously Rookhawe had divorced William and Amy on the basis of his precontract with Joan, to which both he and Joan had confessed, and that no other proof was taken. The bishop commissions Newton to hear the case. Newton hears William and Amy confess that this is what happened. (Joan was not present and, though summoned, never appears.) Newton examines Candlesby and the dean of Wisbech, who apparently confirm the story of the proceedings. Newton proceeds to quash Rookhawe's sentence and reintegrate the marriage of Amy and John.

Describing this case, Donahue says: "we know" that "Rookhawe's procedure had been shockingly sloppy."⁵³ Donahue should have been more careful. What we know is that Newton said that it had been shockingly sloppy: *nullo libello seu articulo in ea parte oblato, nec lite legitime contestata nullisque probacionibus legitimis intervenientibus sed solum ad vestri Willelmi et Johanne adinvicem colludencium confessionem, processu legitimo et iuris ordine in ea parte requisitis penitus pretermisiss de facto cum de iure non potuit divorciavit ipsosque abinvicem separavit, suamque sententiam diffinitivam eciam sine scriptis in ea parte tulit iniquam invalidam atque nullam*. How did Newton know this? He does not rely on John's and Amy's confession. He was probably troubled that Joan does not appear, but the solemnized marriage between Amy and John could be not held to have been divorced if this is what had been done to divorce it. Newton says that he relied on the cer-

⁵² A contrary judgment appears in Donahue, *Law, Marriage, and Society*, T&C 427; Aston, *Arundel*, 102–3.

⁵³ Donahue, *Law, Marriage, and Society*, 291. To the same effect: Aston, *Arundel*, 104–6; Sheehan, "Formation," 63–4.

tificate of the current commissary general of the archdeacon, but we know that all that that said was that there was nothing in the records about this case. Rookhawe was long gone and could not be questioned. So Newton relied on the testimony of Candlesby, and on that of John Tittleshall, dean of Wisbech. We already know about Candlesby; Tittleshall was the subject a couple of years previously of a warning not to engage in extortion (*Wisbech*). Candlesby's motivations are not apparent, but bribery cannot be excluded. John's conscience may have been troubling him, or he may just have wanted to get rid of Joan and return to Amy. Candlesby may also have been covering for the fact that five years previously he had failed to make a record of what Rookhawe had done. There is no reason to trust him about the details.

That, then, turns our attention to Newton. He had been around long enough to know about Candlesby. He probably also knew about Tittleshall. Collusive divorces based on fabricated precontracts were, however, something that happened.⁵⁴ There was probably no way completely to prevent them, but insisting on independent evidence of the precontract could at least go some way to prevent them, and there was no record here that Rookhawe had sought such independent evidence. Further archidiaconal jurisdiction in marriage cases was arguably contrary to the common law of the church.⁵⁵ That the archdeacons heard such cases in Ely diocese was a matter of custom, but Newton may well have thought that it was not a good custom, and there is certainly evidence that Arundel ultimately came to the same conclusion. At this point Newton could not prevent the archdeacon's court from hearing marriage cases but he certainly could overrule one when there was evidence, even if the evidence came from a tainted source, that the archdeacon's court had not proceeded correctly.

The conclusions that tension between the consistory and the archdeacon's court was high throughout the period of the register and that the archdeacon's court was incompetent in a colloquial sense rest heavily on what we make of the evidence from Bottisham's and Rookhawe's period. Our analysis of the evidence from those periods suggests that both conclusions can be exaggerated. There is some evidence that both the archdeacon's court and the local diocesan clergy thought that the consistory was departing from custom. That is an argument that, by and large, they lost. Some local clergy seem to have ignored some of the mandates of the court and gotten into trouble as a result. The trouble, however, was not particularly serious. The appeals from the archdeacon's court do not reveal systematic denials of due process in that

⁵⁴ See Donahue, *Law, Marriage, and Society*, 565 and n15.

⁵⁵ The argument would be based on an interpretation of X 1.23.7. For various English

provisions on the topic, see *Councils and Synods II*, 1404 s.v. *archdeacon, duties, restriction of judicial powers*.

court, unless we want to take literally what seem to be formulaic statements to that effect in the initial appeal documents. Four sentences of the archdeacon's court in marriage cases were quashed; two of them were restored as a substantive matter, one of them could not be restored because there was no written record of it and no one before the court wanted to sustain it, and one of them was reversed five years later on the basis of new evidence. Candlesby had proven himself to be a man who could not be trusted, and his position in the archdeacon's court tainted some of what came out of it. We may also have serious questions about Grebby, who seems to have been closely associated with Candlesby. He was the priest who illegally solemnized Candlesby's marriage (p. xl). The problem, however, may have been more a personal than an institutional one.

There can be little doubt that tensions between the consistory and the archdeacon's court were high in the period. This is evidenced not only by the encounter between Ross and Bottisham at the beginning of the register, but also by a series of articles that Ross published in synod on 18 June 1375, shortly after Rookhawe became official of the archdeacon (18.24), and shortly before Ross's death. The language of these articles is strong. They begin: *Fama publica referente ad nostrum nuper pervenit auditum quod quamquam sacrorum canonum et eciam constitutionum sanctorum patrum transgressores quicumque et presertim iudices ecclesiastici si quid in officiis suis exequendum circa testamenta, matrimonia sive modum corrigendi excessus suorum subditorum, aliasve causas quascumque et qualitercumque, per eorum simplicitatem, ruditatem, impericiam, aut avariciam commiserint per quod effectus canonum et constitutionum eorundem contigerit impediri, penas et censuras incurrunt multiplices ipso facto . . .* The canonical warning (*monicio*) with which they end is addressed explicitly to Rookhawe.

The five separate articles charge the official, his commissaries, and his ministers with violation of eight separate canons, seven provincial and one a matter of the common law of the church (see Citations to Canon Law): taking money for offences, particularly sexual offences, rather than imposing penance; taking money for deciding instance cases, including cases of marriage and divorce, contrary to the law that ought to be applied in those cases; overcharging for probates and then allowing executors to be discharged before they had fully performed their functions; extorting the fruits of vacant benefices to the detriment of the bishop and those collated to the benefices; and excommunicating people without affording them due process.

There is no question that the archdeacon's court should not have been doing these things, and we can hardly doubt that people were telling Ross that it

was. There is some evidence in the register of violations along these lines, but there were far more accusations of misconduct than there were accusations proven. So far as benefices are concerned, there are no specific accusations of such misconduct. There is one (*Bassingbourn* (2)) about testaments.⁵⁶

We could continue with the detailed analysis, but perhaps it is better simply to give some impressions of what is in the rest of the register. Contempt citations against diocesan clergy for not complying with the court's mandates continue. The majority of them do not look as though they are contempt in the normal sense of the term. The court issued many mandates. Some of them did not get executed, either because the person to whom they were issued did not get around to it or because the mandatarly did not want to execute it against this particular person. By and large when cited for contempt, the mandatarly submitted, promised not to do it again, and was let off with a small or no penalty. There are occasional exceptions. Henry the vicar of Histon and dean of Chesterton was ordered to pay to the bishop's almoner 40s for his refusal to denounce as excommunicate those who had defamed a woman for fornication (43.35). We do not know why his penalty was so much more severe than was usual. A layman is ordered to circle the church carrying a candle as penance for his having torn up a mandate directed to the chaplain of Cottenham (45.29). Here the reason for the penalty seems pretty obvious.

There are no contempt citations directed to Bowet. There are two directed to Potton. The first one is for impeding an alms-seeker who had been authorized by the consistory (*Potton/Candlesby*). Potton appears and denies that his actions were in contempt of the consistory but argues that the alms-seeker also has to be authorized by the archdeacon as well as the bishop. This argument was apparently accepted because Potton is let off without even having to submit and take an oath.⁵⁷ In *Barnwell*, Potton is cited for having had a witness who was living in the exempt priory of Angelsey summoned and suspending him when he did not appear. Potton appears and is let off on his assertion that he was unaware that the summons had been made within an exempt area and on the promise not to do it again. The summoner is in more trouble, because he was clearly knew where he had done the summoning. He is deprived of the staff of his office, but it is then returned to him when the prior accepts his apology and asks that he be restored.

⁵⁶ The case is discussed in Aston, *Arundel*, 97. Our introduction to the case focuses on what may be a dispute between the two executors. We should, perhaps, be cautious in assuming that their statement that they bribed the archdeacon's official is true. There is also no evidence that Bowet was the archdeacon's official who took the bribe. Considering the

time, both then and now, that it takes to administer an estate, it is much more likely that the alleged behaviour of the official antedates Bowet's tenure.

⁵⁷ Compare *Mount Sion*, which seems to rest on the exclusive right of the official to authorize alms-seekers.

Potton was not one of Arundel's men. He is an advocate from the beginning of the register and makes some arguments against the profession of obedience (B.2). He was, however, respected by the men who served as officials of the consistory. He was given a number of commissions, and he is still appearing as an advocate at the end of the register (e.g., 111.25). When Newton reverses one of his decisions, he is careful to say that the decision was correct on the basis of the evidence that Potton had before him (86.3).

There are relatively few appeals from the archdeacon's court during the tenures of Bowet and Potton. We have counted 7 in the time of Bowet, 4 in the time of Potton.⁵⁸ If we can judge from a small sample of appeal cases, Bowet may have been a bit more aggressive in *ex officio* cases than was Potton. Four of the 7 appeal cases from the time of Bowet look like *ex officio* cases; only 1 of those from the time of Potton was. None of these cases suggests that there was anything seriously wrong with the operations of the archdeacon's court, although one of them shows Candlesby up to his usual tricks.⁵⁹

Newton continued his opposition to marriage cases from the archdeacon's court. In *Worlidge/Mason* he reverses on the grounds of new evidence a sentence in an appeal that comes from Potton's period although the sentence may not have been Potton's. In *Arnold* he quashes a sentence of the archdeacon's official (probably Potton) on the ground that the judge who rendered it did not have the authority to do so, and then proceeds to reinstate the sentence in substance. Both of these cases were decided after Newton became official, and in *Arnold* he may be announcing a policy that he was not going to follow the policy of his predecessors with regard to the jurisdiction of the archdeacon's official to hear marriage cases. We cannot be sure, however, because the sentence in *Arnold* is quite skimpy: *quia invenimus per processum nobis in hac parte transmissum dictam sententiam diffinitivam per non competentem iudicem latam utpote non habentem potestatem de iure, ideo ipsam sententiam non duximus confirmandam*. While this could mean that the judge below lacked subject-matter jurisdiction, it could also mean, as it may have in *Chilterne*, that the record did not show his authority (the sentence was rendered before Potton professed obedience), or it could mean that Potton did not have jurisdiction over one or more of the parties. The fact that Newton's decisions in *Worlidge/Mason* and *Neal* were rendered after that in

⁵⁸ *Cheseman (2), Wildman, Couper (1), Gilbert, Baldock, Sutton (3), Trukke (1)*: Bowet; *Thresher, Arnold, Gallon/Woolman; Worlidge/Mason*: Potton.

⁵⁹ In the second of the many actions in *Gallon/Woolman*, Gallon sues Candlesby in the consistory for defamation. Candlesby appears with an appeal to the court of Canterbury on the ground of too-short citation and unclear

articles, and asks for letters dimissory (*apostoli*). He fails to appear on the day set for the granting of the *apostoli*. Scrope holds the appeal frivolous and orders that the case proceed. Gallon, however, does not proceed, and when the basic case is renewed five months later in another form, the action against Candlesby is not mentioned.

Arnold and on different grounds suggests that he was not yet ready to hold the archdeacon's court incompetent in a technical sense in all marriage cases.

There is more evidence of trouble in the time of Pinxton. The source of the trouble may be indicated in a contempt citation that dates from a time before Pinxton swore obedience (25 Feb 79), but when we know that he was already acting as official (67.35). In *Worlidge/Mason* (67.8, 2 Dec 78), the appellant alleges that the official of the archdeacon had refused to send the process in her case to the consistory despite the fact that she had offered to pay him a salary for doing so. The official is cited for contempt, a citation that is repeated through two subsequent entries. The process finally arrives on 17 March 1379, and nothing more is said about the contempt. Making up a process for appeal was not Pinxton's job; it was Candlesby's. Pinxton may here be a cover for a negotiation between the appellant and Candlesby about how much she was going to pay for the process.

Two more citations of Pinxton for contempt suggest more serious violations on his part. In *Caster* (4) he is alleged to have suspended Caster contrary to the inhibition from the consistory (67.35, 2 Dec 78). At the next session of the case (70.9, 3 Feb 79), neither party appears, and the case disappears from view. In *Jocelyn* (72.49, 17 Mar 79), an appeal in an instance marriage case, Pinxton is once more alleged to have proceeded in violation of an inhibition. The case proceeds until the parties end it by solemnizing their marriage (77.10). There are two more entries in the contempt proceedings against Pinxton (77.11, 78.11; 21 Jul, 22 Sep 79), both of which say, with slight variations in the wording: *quia officialis non potuit personaliter apprehendi, ideo expectamus usque proximum ad idem*. *Swaffham* (4), an *ex officio* marriage case, may also involve Pinxton's proceeding in violation of an inhibition. After the basic appeal has proceeded for two sessions, another appeal is brought against Pinxton in the same case, but the grounds for the second appeal are not given (74.13). Witnesses are called. Some of them testify, but the case drops out of sight after 3 February 1380 (82.10).

Chandler (2) is an appeal from Pinxton for having required an excessive number of compurgators in an *ex officio* adultery case (78.16, 22 Sep 79). The case disappears from view after 13 October (79.14) with a note: *quia [Pinxton] divertit se ad partes remotas ad quas ignoratur, pendeat quousque poterit apprehendi*. On 15 March 1380 (86.48), Candlesby is proceeded against for contempt for having cited the male appellant to perform public penance after the appeal. The appellant cannot prove the articles, and Candlesby purges himself. Newton adds a note: *quia habemus eum suspectum de aliquali inobediencia, fecimus eum iurare quod de cetero non contempnet sed mandatis nostris licitis et canonicis obediet et parebit*.

There are four more appeals from Pinxton not mentioned above. In *Kingston* (3), the rector of Kingston appeals from what he says was an unjust excommunication by Pinxton (73.48, 21 Apr 79). We later learn (78.15), that Pinxton was alleged to have wrongfully sequestered the revenues of the church. Pinxton never appears. He is cited for contumacy. In the next-to-last entry (78.15, 22 Sep 79), the mandatory returns *quod personali citacione apprehendi non potest eo quod officio suo cessit et de partibus istis recessit*, and this fact is confirmed in the last entry (79.13). In an appeal from an *ex officio* citation of Pinxton's in one of the numerous proceedings in *Gallon/Woolman*, the mandatory makes the same return (78.14, 22 Sep 79).

Newton reverses on appeal two of Pinxton's final judgments in instance marriage cases. The grounds for the reversal in *Martin* are standard, and Newton's rhetoric is quite mild: *quia invenimus ex quibusdam novis probationibus, confessionibus et allegacionibus coram nobis habitis predictam sententiam per .. officialem domini .. archidiaconi Elien' latam fore merito retractandam et infirmendam* (92.6). By contrast, the reversal in *Tydd* calls forth quite violent rhetoric: *invenimus dictam sententiam diffinitivam temere et inique et a non competente iudice latam, utpote non habente protestatem de iure ac sine probationibus legitimis, necnon contra ius et in prejudicium alterius matrimonii inter ipsam Matildem et Johannem Alderford', initi et sufficienter probati, ac sine scriptis et alias contra iuris debitum processum, ipsam sententiam diffinitivam tanquam erroneam et nullam utpote a non competente iudice et alias contra debitum iuris processum temere et inique latam revocamus et infirmamus* (83.11). This sentence has been discussed elsewhere.⁶⁰ Suffice it to say here that Newton's references to *iudex non competens* may not be raising the issue of the authority of the archdeacon's official to hear marriage cases, but they may be. That Pinxton upset an existing proven marriage without lawful proofs is more than enough to warrant the reversal of the sentence, and the fact that Pinxton rendered his sentence only orally (*sine scriptis*) is a biting criticism of Candlesby's record-keeping.

That Newton did not think that the archdeacon's court should be hearing marriage cases is suggested by the fact that he never confirms a sentence in a marriage case that came from that court. Ross had confirmed a sentence in a marriage case from the archdeacon's court (*Day*) and had accepted that the abandonment of an appeal had the effect of confirming a sentence of the archdeacon's court (*Bond*). Scrope had confirmed a sentence in a marriage case from the archdeacon's court (*Daines*). But Newton never does. He certainly did not regard deans as competent to hear marriage cases (p. lxxv). There is probably enough evidence here to suggest that he did not regard

⁶⁰ Donahue, *Law, Marriage, and Society*, 262 and T&C 447, 448.

archdeacons as competent in a technical sense to hear marriage cases either. That means, however, that marriage appeal cases decided by Newton are not good evidence either of tensions between the consistory and the archdeacon's court or of the competence, in a less technical sense, of that court.

Pinxton, however, does not look good. How much of what he is accused of having done wrong is directly attributable to him and how much to his staff, particularly Candlesby, is a more difficult question. Pinxton operated during a period when there was effectively no official of the consistory court. Almost all of his deficiencies came to light after Newton became official in September of 1379. But by that time Pinxton had departed, apparently without telling anyone that he was going.

Relations between the consistory and the archdeacon's court seem to have been considerable less strained during the period when Selby, Ragnall and Gidding were the officials of the archdeacon. A hint of trouble occurs toward the beginning of the period when Geoffrey Gidding, the commissary of the archdeacon's official, is cited for contempt for having excommunicated and denounced as excommunicate Walter Bilney of Cambridge during the pendency of the latter's appeal to the consistory (*Gidding*).⁶¹ Newton seems prepared to punish Gidding for contempt (*per ipsius responsionem et probationes in ea parte ministratas invenimus dictum commissarium aliqua verba dixisse que in contemptu sapere videantur*). But at the request of Scrope, the archdeacon, and the archdeacon's official, the penalty is remitted *sub gestura sua*, when Gidding promises not to do it again. The presence of Scrope among those supplicating that Gidding be pardoned is probably to be explained by the fact that Gidding held a BCivL from Cambridge. Gidding is charged once again with contempt, this time for having cited and suspended a party after an appeal had been taken (111.26). He purges himself in the presence of the same men who had witnessed his profession of obedience as official earlier in the same session. The proctor of the party who raised the issue asks to be allowed to prove the contempt, and he is still in process of attempting to do so when the register ends. References outside of our register suggest that Gidding remained official of the archdeacon until 1389.⁶²

The eleven appeals from the archdeacon's court that date from this period tell us little about the court.⁶³ (The count is a bit uncertain; in three of them

⁶¹ It seems highly likely that Walter is the same man as the defendant-appellant in *Bilney*. If the inhibition that Gidding was accused of having violated is the same as the one that almost certainly issued in *Bilney*, Newton's proceeding against Gidding was quite technical. *Bilney* had not been an active

case for more than two and a half years.

⁶² Cambridge Alumni Database, s.n. *Geddyng, Geoffrey de* (last visited 9.vi.2013).

⁶³ *Townsend, London, Baker (1), Barton (3), Stow (3), Little, Snow, Couper (3), Smyth (2), Gallon/Woolman* (later proceedings)

the court of origin is not mentioned, but they are probably from the archdeacon's court.) There are no judgments in any of them, not even an interlocutory judgment that the appeal was properly taken. So far as we can tell, there are no appeals from sentences in marriage cases, the type of case that had produced the sternest negative reactions from the consistory in the past.

By breaking down the evidence by the tenures of the various officials of the archdeacon's court, we may have been able to add some nuance to the existing accounts of the relations between the two courts. First, Candlesby was a continual problem. We can only speculate why the consistory did not move more firmly against him. Second, Candlesby could be controlled if there were an official of the archdeacon's court who was a professional who paid attention to his job, and who basically accepted the notion that the consistory court was superior to his. It is not completely clear that Bottisham and Rookhawe did fully accept that notion, and there is some evidence that they did not focus on their jobs. Bowet and Potton were professionals, and there is considerable evidence that tension was reduced during their tenures. But their tenures also revealed another institutional problem with the archdeacon's court: getting someone who had the professional qualifications to do the job well and to serve for enough time to get control of the court's staff was not easy. Bowet's ambitions took him away from the court quite quickly, and Potton, who seems to have been satisfied with being an advocate of the consistory and rector of Hungry Hatley, did not hold the job for much, if any, longer. We can have some sympathy with both of them. Archdeacons' courts did a high-volume business in routine criminal cases. It was reasonably lucrative for the official (and for the archdeacon and the court's staff), but it could not have been very interesting for a well-trained lawyer. Potton's departure may also have been caused by the fact that he could not control his staff, and realized that if he stayed much longer, he might go down with them. Pinxton seems to have been a disaster. He may not have been personally responsible for all of the problems that arose during his tenure, but he certainly did not help. The archdeacon's court may have reached its nadir in this period. The solution – and we are inclined to think that it was a solution – came from two sources: First, Arundel managed to arrange for a new archdeacon. Second, the new archdeacon's official was persuaded to appoint a young Cambridge BCivL as his commissary. We can only imagine the conversation between Scrope and Newton when the former persuaded the latter not to punish Gidding for having gone over the line by continuing to proceed against a man who may have thoroughly deserved it: "John, we've solved the problem. This guy is one of us, and he won't take on marriage cases."

Other Inferior Jurisdictions

Clerk (1) is an appeal from the sacristan of Ely cathedral in a marriage case. The case has been dealt with elsewhere.⁶⁴ For our purposes here, it suffices to raise the question whether the jurisdiction of the sacristan was based on the fact that the defendant was an officer of the bishop or on the fact that he resided in a parish in the Isle that was exempt from archidiaconal jurisdiction. Whichever it was, Ross's confirmatory sentence seems to establish the sacristan's competence to hear marriage cases.

The deanery of Wisbech in the Isle was exempt from the jurisdiction of the archdeacon, and the bishop appointed a commissary general to exercise archidiaconal jurisdiction in the area. *Jack/Johnson* is a three-party marriage case from the area. The jurisdictional complexities of the case are discussed in the introduction to the case. Suffice it to say here that the initial entries in both cases are written as if the case were brought before the vicar of Elm as commissary of the bishop in the deanery, but subsequent entries proceed as if the case were being heard in the consistory. The parties and their witnesses were clearly having difficulty coming to Cambridge. Testimony is returned, the record does not say by whom, and the testimony is deemed inadequate. Ultimately, the consistory commissions the vicar of Elm to hear and finally to determine the case and to report back what he had done. The vicar may have heard and determined the case, but he never reports back, and the case is dropped from the register about two years after it was begun. *Branch* also has an initial entry before a commissary in that area, but *Branch* is settled in the next entry when the parties agree to marry.

Probably not related to *Jack/Johnson* or *Branch*, but certainly dealing with the same geographical area is the mandate that Newton issued on 10 October 1381: *Quia ad nostrum pervenit auditum quod decani decanatum de Ely et Wysebech' in causis matrimonialibus et aliis gravibus causis cognoscunt contra canonica instituta, ideo decernimus ipsos fore vocandos ad audiendum inhibitionem nostram et interdictum ne de cetero in talibus causis cognoscant et ad recipiendum penitenciam pro eorum temeritate*. No proceedings resulting from this mandate are recorded, but it is fairly close to the end of the register.

Comberton (1) is an appeal from the commissary of the chancellor of the university of Cambridge in a case brought by a woman against one of the manciples of the scholars. The substance of the case is not given, and it does not proceed far enough for us to tell whether the jurisdiction of the consistory to hear such appeals was conceded or challenged.

Comberton (1) is not the only case that deals explicitly with the university.

⁶⁴ Donahue, *Law, Marriage, and Society*, 262–3 and T&C 447–8.

In *Bilney*, the appellant asks that one John Oakington, a Cambridge scholar, be summoned as a necessary witness. The chancellor of the university is asked to summon him and the chancellor returns that Oakington is his student but that he does not reside at the university but in Oakington. The court orders citation in Oakington. This seems quite uncontroversial, and from it we might derive that the privilege of Cambridge scholars was geographical rather than personal.

Cambridge is a rather spectacular case involving the profession of obedience by the chancellor of the university. The chancellor, himself a DCnL, claims that by custom he is not obliged to swear obedience to the bishop nor to swear yearly obedience to the official of the consistory. The key element in the argument may have been the second claim: annual obedience to the official. There are also vague references to new statutes of the university. The chancellor also alleges that he had been cited to take this oath in a term that was too short. He appeals to the papal court and to the court of Canterbury for tuition (protection). The court of Canterbury remits the appeal to the official, on the ground that the period given in the citation was not too short, and here the case ends with what purports to be a full transcription of the record in the court of Canterbury (see p. lxxii and note).

The Bishop's Audience

We may doubt that there was a formal audience court of the bishop in the period of our register. The term *audiencia* is found quite frequently in our register, almost always with reference to the consistory, and it seems to have more of a literal than an institutional meaning. The same seems to be the case in the two instances where it is found applied to the bishop, both in the context of appeals to the audience of the bishop (72.49, 86.3). The bishop clearly did hear some cases; as already noted, we find references to the bishop's 'register of corrections' (p. xxiii). It looks, however, as if whenever any extended process was called for, he turned it over to the consistory or to a commissary closely associated with the consistory.

Although the official's commission certainly looks as if it was broad enough to cover matters concerning parochial benefices, it would seem that the bishop did deal with at least some of them personally, or, at least, that there was a notion that such matters were, in some sense, reserved to the bishop. We infer this from the fact that when senior members of the court deal with such matters in the register they are called commissaries of the bishop, not commissaries of the official. Commissions are mentioned even where the commissary is the official (e.g., *Girton*, 11.11: Ross as official and special commissary of the bishop assigns curators for an infirm priest; *id.*,

33.26: Gloucester as commissary of the bishop hears the curators' account). There is a commission in the register (38.27, 4 Dec 76) to Scrope, Gloucester, Potton, and one Thomas de Dalby, whom we later find conducting a synod for the bishop (44.36, 44.37, 44.38), to remove a Mr Thomas de Novo Mercato from possession of the church of Dry Drayton because of defect of birth and failure to be ordained to the subdiaconate within a year of his appointment. The way in which the commission is worded suggests that the bishop had already determined the grounds for the deprivation. In *Abington (1)*, the sequestration of the goods of the deceased vicar of a church, the appointment of custodians for the church, the probate of the vicar's testament, and the receipt of the obedience of the new vicar are all done by the official in, so far as we can tell, his capacity as official, but the account of the guardians is heard by the bishop's vicar general in spiritualities, albeit in the consistory court.

The probate proceedings before the bishop in *Coche* are a bit of a puzzle. As suggested in the introduction to the case, they probably involved a routine probate (with the usual question in all such probates of why the bishop took on this particular probate); it then turned into contentious proceedings when the inventory that one of the executors had submitted at the beginning did not match the account that he submitted at the end. A unnamed commissary is mentioned. The case came into the consistory when one of the executors sued the other, and the bishop did not interfere.

Discipline of the clergy was something that the bishop could, and did, do. In *Candlesby/Wilburton* he conducted the first hearing in which Candlesby was accused of taking the farm of a church from the archdeacon without the bishop's license. When it became apparent, however, that the matter required proof of Candlesby's defence, the bishop commissioned Newton to hear the case. In *Pattishall/Candlesby (Grebby/Candlesby, 39.40)*, Scrope brings the proceedings against Grebby for having illegally solemnized Candlesby's marriage. Scrope imposes a penance, but Grebby is told that he has go to the bishop to obtain absolution for the automatic excommunication that he had incurred under *Humana concupiscentia*. In *Fisher/Frost*, it looks as if the bishop heard the entire illegal solemnization case against the chaplain of Wilburton (62.29). In *Bassingbourn (1)*, the bishop heard a case in which a vicar was accused of having abducted a man's wife and having committed adultery with her. He commissioned Gloucester to receive the vicar's purgation and to hear any proofs that the husband of the woman might bring. Not all disciplinary cases against clergymen were heard by the bishop, however. For example, the proceedings against a rector for non-residence in *Shelford* seem to have been brought by the official without any involvement of the bishop.

The bishop's reserved or residual jurisdiction was not confined to the

clergy. The laymen who violated the sanctuary in *Foxton (1)* were sent to the bishop to be absolved of their excommunication and to receive a penance, which the record tells us they performed. In *Natesby*, Newton hears a case in which a women responds to articles that are specified as being in the bishop's register of corrections. In *Trinity (1)*, Newton hears by commission from the bishop a case of non-payment of tithes case brought against a layman.

Three cases recorded in the register on 9 and 10 June 1380 involve proceedings at Doddington and Chatteris before the bishop against laypeople. One is for adultery with priests (but the priests are not cited), one for defamation of the same adultery, and one against a man for mistreating his wife (*Greatford* [2 cases], *Fisher*). None of these cases shows any indication of having been heard in the consistory. It may be that the bishop's notary was not with him on these days and Foxton was, and so put the cases in his register. If that is right, these cases may provide a clue as to the kinds of cases that the bishop regularly heard during his travels about the diocese, at least in those areas such as Doddington and Chatteris, that were not subject to archidiaconal jurisdiction.

The bishop involved himself in instance cases that concerned the revenues of churches and the relations between the clergy and their parishioners. *Kingston (2)*, the case brought by parishioners of the rector of Kingston for deprivation of divine services, was first brought directly before the bishop, who conducted the first hearing. It was then committed to the official. *Thorney/Whittlesey (1)* ended with a settlement between the vicar and the abbey about tithes. The settlement was approved by the bishop and entered in his register, as well as in the register of the consistory. (The later case, *Thorney/Whittlesey (2)*, which finds the vicar siding with the abbey against a group of parishioners, also ends in a settlement that, so far as we can tell, did not involve the bishop.) *Littleport (1)*, a tithes case between the corporate rector and the parishioners, goes pending, we are told: *ad mandatum domini episcopi sub spe pacis*.

The involvement of the bishop in marriage cases was sporadic. Sometimes what seems to have prompted him to act was the element of scandal. The record in *Chilterne* (p. lvi) begins: *Fama publica referente ad aures venerabilis patris domini Thome Dei gracia episcopi Elien' noviter est deductum*, etc. Despite the formulaic nature of this language, it may describe what happened. In other cases, it seems to have been the social status of the parties that prompted him to take on the case personally. There seems to be no other explanation for why *Weedon* was first heard before the bishop, then committed to Scrope, Gloucester, and Newton with a reservation of the power to render a final judgment, and only ultimately committed to Newton for sentencing

after it became clear that there was nothing to Weedon's case. The adultery proceedings in *Barber/Souster* heard respectively by Newton and Gloucester as commissaries of the bishop may well have been instigated by the personnel of the consistory themselves in order to galvanize the parties into action about a marriage case that had long been pending in the consistory. A combination of scandal and the social position of the parties may have led the consistory personnel to get the bishop to render the sentence in *Fisher/Frost* (72.9), which had otherwise been handled entirely by the consistory. It is the only full, formal sentence recorded in the bishop's name in the register. If this was done deliberately in order to give the sentence more weight, it might not have been a good idea. A year later the losing parties were back in the consistory petitioning that the sentence be set aside, and there seems to have enough to what they were saying that close to the end of the register (108.5) Newton is consulting with the bishop about it, and the case is still going on when the register ends.⁶⁵ The involvement of the bishop in *Potton/Knott* is probably to be explained by the fact that a sentence in favour of the marriage would have invalidated a man's entry into religion and his taking the order of subdeacon. Newton takes the proofs and then adjourns the case to the chapel in the bishop's manor before the bishop himself where the proofs are published. This gives the bishop an opportunity to intervene. He does not, and Newton renders the final sentence in favour of the marriage a week later and out of session in Chatteris church. The involvement of the bishop in *Gobat/Pertesens* is only at the beginning: Stephen Gobat is cited before Gloucester as Newton's commissary for having failed to marry Julia Bygott *prout alias iuravit et cui fuerat adiudicatum per venerabilem patrem et dominum dominum Thomam Dei gracia episcopum Elien*'. That certainly looks as if the bishop made some kind of judgment, but that does not square with the fact that the bishop normally got the professionals involved in contentious matters. If we focus on the oath that Stephen is alleged to have taken, however, perhaps we should imagine something more informal: As the bishop is passing through Sawston or near to it, Julia complains that Stephen promised to marry her and has not done so. The bishop turns to Stephen and asks if this is true, and Stephen confesses that it is. The bishop makes Stephen swear in his presence that he will do so. The initial proceedings in the consistory, then, are the first really contentious ones.⁶⁶ In *Jocelyn*, an appeal from the archdeacon's official in a marriage case, the appeal is at one point said to have been taken to the bishop. The bishop, in turn, is said to have commissioned the official

⁶⁵ Donahue, *Law, Marriage, and Society*, 255-6, discusses the case but misses the consultation with the bishop. That fact supports Donahue's speculation that a decision was taken not to enforce the bishop's sentence.

⁶⁶ See Donahue, *Law, Marriage, and Society*, 252-4. Stephen does not deny the promise in the consistory, but raises the issue of affinity by illicit intercourse.

to hear the case (72.49). This is a bit inconsistent with another entry in the case (72.46), but it may have been what happened. The bishop clearly did not want to concern himself with normal appeals from the archdeacon's official.

Some time ago Margaret Aston reviewed much of the same evidence that we have examined here, and also the bishop's register. She determined that Thomas Arundel was a conscientious bishop, who became a skilled administrator at a quite young age. There is nothing in what we have found that suggests a contrary conclusion. Arundel was not a lawyer, but he surrounded himself with men who were, and he trusted them. His trust was not misplaced. There is also evidence of experimentation. His insistence on control over the administrative powers of the consistory seems to have declined over the course of eight years. He rendered one major sentence in a complicated marriage case. That probably did not turn out to be a good idea, and he did not do it again. Our suggestion earlier in this Introduction that he was grooming Newton to be official seems to be confirmed by what we see here. There are periods before Newton became official when his function in other dioceses would have led to his being called the bishop's auditor of causes. The bishop's audience court in Ely diocese was not organized enough for that, but Arundel achieved the same effect by consistently commissioning Newton to hear cases that had been brought before him. Once Newton became official, there does not seem to have been anyone who took his place as the bishop's regular commissary. Newton did the whole job, and, by and large, he did it well.

Greatford, a pair of actions heard by the bishop personally in the chapel of his manor at Doddington, may give us some sense of the man. Alice wife of Thomas Greatford was cited before the bishop and accused of committing adultery with priests. She purges herself with twelve women. She then complains against John Hervey for having accused her of adultery with priests. She produces two witnesses; their testimony is published, and the bishop orders to John to stand up in church the following Sunday and beg Alice's forgiveness, saying that he said what he said not because it is true but because he was angry. This could hardly have been an important matter for a man whose brother was one of the most powerful men in England, but it was probably very important to John, Thomas, and Alice, and Arundel shows some sensitivity to that fact.

The Court of Canterbury

The legislative and supervisory powers of the archbishop of Canterbury is well evidenced in our record. Provincial conciliar canons are cited frequently

(e.g., 18.24, 34.35, 31.21, 38.28, 97.13).⁶⁷ The election of proctors of the clergy to attend convocation (here called ‘provincial council’) is recorded in the register (31.31, 39.37, 50.26, 83.54). There are also nineteen cases that involve appeals to the court of Canterbury, and where we have some evidence that the appeals were pursued.⁶⁸

It is striking how many of these appeals go nowhere. In six cases (*Barnwell/Tavern*, *Littleport/Lakenheath*, *Barber/Souster*, *Walpole*, *Sutton/Linton*, *Woodway*), the appellants renounce their appeals, claiming in some cases that they were ill-advised, and submit to the consistory. In one of these (*Walpole*), if we are to believe the record, the appellant renounces his appeal because the archbishop told him to do so.⁶⁹ In four cases, the appellate court returns the case to the consistory either because the appellants did not prosecute it or because it finds that the appeal was not properly taken (*Cambridge* [?appeal not properly taken], *Starr/Fiskerton* [2 appeals, both remitted to the consistory for failure of proof of appeal], *Trumpington* [failure to proceed], *Joseph* [*id.*]). In two cases the court refuses to defer to the appeal (*Beylham* [Ross doubts that inhibition concerns case, and case proceeds in the consistory], *Gallon/Woolman* [Scrope holds appeal frivolous when appellant fails to appear to receive dimissory letters (*apostoli*), and case proceeds in the consistory]).

That leaves seven cases in which the appeal may have been prosecuted in the appellate court (*Bette* (1), *Cheseman* (1), *Netherstreet* (1), *Cottenham* (1), *Cattesos/Barnsdale*, *Clerk* (2), *Gobat/Pertesén*). Even here we cannot be sure. As we have noted, *Bette* (1), *Cheseman* (1), and *Netherstreet* (1) were appeals from the archdeacon in *ex officio* cases. If the appellant had not pursued the case, it is possible that the appellate court would have sent them back to the archdeacon and not have notified the consistory or that Foxton would not have recorded it. The only evidence that the appeal in *Clerk* (2) was pursued was that Newton gave the appellant the entire process rather than *apostoli*. The appeal in *Gobat/Pertesén* occurs so late in the register that had it been remitted to the consistory, the remission would have been noted after the register ends.

⁶⁷ All of these citations are gathered in Citations to Canon Law. Some of them are discussed in Donahue, “Thoughts on Diocesan Statutes,” 258–62.

⁶⁸ We do not count those appeals where the only evidence that we have of the appeal is that the proctor of the losing party says that he appeals from a definitive sentence.

⁶⁹ *Walpole*, proceedings against a chaplain

for charging an excessive salary, may have been compromised at the instigation of Archbishop Sudbury. Walpole claims poverty. When he returns to the consistory, he is allowed to purge himself and is not punished, nor is any mention made of Scrope’s costs, which the formal transmittal from the court of Canterbury authorized Scrope to collect.

Canon law was notorious for the freedom with which it allowed appeals. The temptation for a litigant who thought that things were not going well to take an appeal was strong. The canonists were aware of this problem and sought to discourage frivolous appeals, particularly in *ex officio* cases. We see two of those methods of discouragement at work in some of our cases. If the appeal ultimately proved to have been wrongly taken the appellant had to pay the costs of the appellee, which in the case of an *ex officio* case would be those of the judge *a quo*. These costs are imposed in a number of our cases. The judge *a quo* also had some discretion whether he would defer to an appeal, at least until he received an inhibition. The Ely consistory was cautious about exercising this discretion, but we do see it being exercised twice (*Beylham, Gallon/Woolman*). For its part the court of Canterbury showed no interest in encouraging appeals. The intervention of the archbishop himself in *Walpole* is notable. In *Cambridge* the court may have dismissed the case on a technicality because it did not want to deal with a politically sensitive case.⁷⁰

The Central Royal Courts

The rather large literature on the topic of the relations between the ecclesiastical and secular courts, particularly the central royal courts, in the High and Late Middle Ages seems to have settled into a focus on a theme of conflict and cooperation.⁷¹ The latter is more in evidence in our register than the former. It is rather nicely illustrated by an entry in the *acta* (36.24) that tell us that Scrope published in synod a mandate from the bishop containing a royal writ that prohibited execution against foreigners living in England by royal license. One can imagine someone objecting that such a writ raised issues about infringement of the liberties of the church. One can certainly imagine someone asking whether ‘execution’ included the imposition of spiritual sanctions. Neither of these issues seemed to be worth raising. Co-operation

⁷⁰ The evidence for this is that the court of Canterbury dismisses the appeal on the ground that the citation that the Ely court had given to the chancellor was not too short. As we have seen, allegations of citations that were too short were common form when appeals were taken *a gravamine*. This is the only case in our register where a court can be shown to have looked into the question whether the citation was, in fact, too short, as opposed to whether an appeal had, in fact, been taken. Our knowledge, however, of the practice of the court of Canterbury in this period is hampered by a lack of many actual records. The statutes, customs, and treatises in Logan, *Court of Arches* all seem to suggest that in an appeal *a gravamine*, whether tuit-

orial or direct, one had to prove both the appeal and the *gravamen*. If the *gravamen* was simply feared, one should use the form of a *provocatio*. The fact that the chancellor, who was himself a DCnL, did not do this when he seems to have had ample grounds for doing so suggests either that he was ill-advised, or, which seems more likely, that the practice was not to insist on proof of the *gravamen*. That, in turn, leads to the suggestion in the text that the court of Canterbury departed from its usual practice because it did not want to hear the case.

⁷¹ See Donahue, “Stubbs vs. Maitland” (with references to earlier literature); Millon, *Ecclesiastical Cases* (with references to intervening literature).

with the king in the protection of alien merchants made sense.⁷²

When the bishop signified an excommunicate at the request of the Ely consistory, the sheriff executed the writ. This happened in *Freeborn* (marriage), *Kingston/Gissing* (tithes), and *Joseph* (adultery and incest), and it had the desired effect in all three cases. The excommunicated parties appeared and submitted. Signification was requested (presumably of the bishop) in *Trinity (2)* and *Reed (2)*, but was not followed through. In *Trinity (2)* one priest accused another of defamation; *Reed (2)* was a testamentary case. It is possible in both cases that the bishop persuaded the parties to settle. Why the court did not ask for signification in the numerous marriage cases other than *Freeborn* where one party or both absented themselves is a question that can be asked, though perhaps not answered. It has been suggested that in many situations the court was willing to leave the resolution of such cases to the parties.⁷³

Over the course of eight years, the register records two cases that were halted, at least temporarily, by a royal prohibition. In *Stanford*, a testamentary case, the entry reads: *ideo decernimus fore supersedendum quousque consultacionem poterimus optinere*, suggesting the official thought that one could be obtained. Nothing further happens in this case, however, but a year later the same executors are back in court suing a different defendant (67.34). This case may involve the same issue as the previous one, with the executors suing another defendant as a way of avoiding the prohibition, but the two cases may be unrelated. The second case disappears from view when the defendant fails to appear. It may have been settled.

Little is a complicated case involving three separate actions: two correctional actions against a chaplain of Chesterton, one for having 'reclaimed' a general sentence issued against those who defamed John Little, another against the same chaplain for having engaged in magic (*sortilegium*), and a third action, an appeal by Little from the archdeacon's court against the same chaplain and another. The substance of the case underlying appeal is not given, but it is almost certainly related to the other two actions. After considerable proceedings in the consistory court, the chaplain obtains a prohibition against the first two actions. The appeal case continues, and an entry in the last session in the register tells us that Little and the chaplain have agreed to proceed with the case despite the prohibition.

Neither of these actions was obviously prohibitable. Cases involving testaments, defamation, and discipline of the clergy were normally conceded to

⁷² There may be a connection between this writ and the numerous petitions concerning aliens on the rolls of the Good Parliament which took place the previous May and June,

but the connection is not obvious. The writ does not seem to be in the *Patent Rolls*.

⁷³ See Donahue, *Law, Marriage, and Society*, 297–8.

the ecclesiastical courts. Prohibitions, however, were issued *ex parte*, and we can imagine that the party seeking the prohibition made sure that what he said fitted one of the normal categories of prohibitable cases. The procedure of consultation was designed to allow courts and parties who had been wrongfully prohibited to challenge the issuance of the writ. Consultation procedure, however, was rather cumbersome, and it could be expensive. As seems to have been the practice of the consistory court of York in this period, the Ely consistory seems simply to have obeyed the prohibition and to have left it to the parties to work something out.⁷⁴ They did in *Little*; they may have in *Stanford*, where the court seems to be threatening that it will seek a consultation if they do not.

There is one more case that seems to have been effectively stopped by the central royal authorities. In *Shelford*, the court proceeds *ex officio* against the rector of Great Shelford for non-residence. The rector's proctor appears with a writ issued by chief baron of the Exchequer which describes the rector as one of the auditors of the Exchequer who should not be proceeded against for non-residence while he is engaged in the king's business. The writ cites the *Red Book of the Exchequer* as its authority. That is the last we hear of the case, but the proceedings are recorded in the next-to-last session in the register.

As was the case at York in approximately the same period, the Ely consistory heard a number of cases that would have been prohibitable had one of parties chosen to get the writ. Table 6 shows that the court heard 27 breach of faith cases during the period of our register. All of these were almost certainly prohibitable. Our analysis of the 'ecclesiastical cases' (p. xxi) shows that the court heard 4 pension cases. These, too, were very likely prohibitable. The same analysis also shows that the court heard 26 tithes cases. These were prohibitable if more than a quarter of the value of the benefice was involved. None of them, probably deliberately, gives any numbers, but it seems likely that some of them involved more than a quarter of the value of the benefice (e.g., *Thorney/Whittlesey (I)*, *Kingston/Gissing*). As we have already seen (p. xxvi), the 79 defamation cases were problematical to the extent that money was involved. It seems likely that it was in some cases, but the extent to which it changed hands as a result of the action is buried in the court's announcement of *pax*. As at York in the fourteenth century, so too at Ely in the period of our register, the court proceeded according to its own law and its own sense of its jurisdiction, leaving it to the parties to seek a prohibition if they chose to do so. It would seem that many of them could have obtained a prohibition but chose not to do so.

⁷⁴ For York, see Donahue, "Stubbs vs. Maitland," 665–9.

Politics

Two of the major political events of fourteenth-century England occurred during the period of our register: the death of Edward III and the accession of Richard II in June of 1377, and the Peasants' Revolt in the summer of 1381. Neither event is mentioned in the register. The question is whether we can see any effect of those events in the register.

The Death of Edward III and the Accession of Richard II

Evidence of the effect of the death of Edward III is harder to come by than is that of the Peasants' Revolt, but it may be argued that it is there. Thomas Arundel was the son of Richard Fitzalan, the earl of Arundel and Surrey, who died in 1376, and the younger brother of Richard Fitzalan, who succeeded his father as earl. The new earl played a prominent role in the Good Parliament of 1376 and in Richard II's minority. He emerged as a leader of the opposition to Richard II in the 1380s. Thomas was only 23 when his father died. While he became deeply involved in national politics by the mid-1380s, siding with his brother but playing, as was appropriate for a churchman, a moderating role, his role in the events at the end of Edward III's reign and the beginning of Richard II's is not well known. After he took up residence at Ely, he was largely resident there until he was translated to York in 1388.

There is, however, some evidence that the transitional period in national politics of 1376–9 affected the consistory court at Ely. As we have seen, Bowet last appears in the record in January of 1378. We next find him in the service of Henry Despenser, bishop of Norwich, in 1380.⁷⁵ (He eventually became archbishop of York.) Scrope does not appear in the court after 8 April 1378. He is described as professor of canon and civil law and chancellor of the university of Cambridge when he receives the profession of obedience from the archdeacon's official on 25 February 1379 (70.42) and witnessing a sentence of the bishop in a marriage case on 19 March 1379. (He is reported elsewhere as chancellor on 29 April, 1378.)⁷⁶ He appears once more as 'Mr Richard Scrope', supplicating for mercy on 25 May 1380 for the commissary of the official of the archdeacon who had been found guilty of contempt (89.35). That need not mean that he was in Cambridge for the entire intervening period. He is next found in the service of the pope in 1382, and he, too, eventually became archbishop of York.⁷⁷

As we have seen, Scrope's departure inaugurated an awkward period for

⁷⁵ Tout rev. Palmer in ODNB s.n. The impression given by this article that Bowet did not receive his degree as DCivCnL until he got one from Bologna in 1382 is mistaken. As we have seen, he was already a DCivCnL, al-

most certainly from Cambridge, when he was an advocate of the Ely consistory and official of the archdeacon.

⁷⁶ Cambridge Alumni Database, s.n.

⁷⁷ McNiven in ODNB s.n.

the court of almost 18 months, until Newton was appointed official at the end of September in 1379. Thomas Gloucester probably presided in this period in his capacity as commissary general or commissary of the bishop (both terms are used), but Foxton does not list him as presiding at any of the sessions (Table 1) and continues to list Scrope as official in the upper right-hand margin (Table 2) of the register. Arundel seems to have been in residence during much of this period. Four of his commissions that are included in the register are dated in this period; three of them are dated at his manor of Downham (65.39, 70.42, 78.1) and one of them at Bassingbourn, Cambs. (74.40). (There is one commission, dated 27 November 1377 at Holborn, that suggests that he was out of diocese for the Westminster Parliament of 1377 [113.33].) We therefore cannot conclude that Arundel's failure to appoint an official to replace Scrope for such a long period was necessarily caused by his involvement in political affairs, although Bowet's departure may have been related to them, and Scope's ceasing to be official may also be so.⁷⁸

What Arundel seems to have been doing in this period is grooming Newton for the job. Newton was probably quite a bit younger than Gloucester. His admission as an advocate is recorded in the register; Gloucester appears as an advocate from the very beginning. Newton is first called 'doctor of laws' in the commission that Arundel issued to him, Gloucester, and another cleric to hold a synod (65.39, 30 Sep 78); previous to that he had been 'inceptor of civil law' (56.15, 20 Feb 78). In June of 1379, Arundel commissioned Newton alone to hold the synod (74.40). It looks as if Arundel wanted the younger man, perhaps his contemporary, to be his official and was willing to put up with some confusion in his consistory in order to make it happen.⁷⁹

The Peasants' Revolt

The possible effects of the Peasants' Revolt are easier to see. We have already noted that the last quires of the register do not seem to be so well done as the earlier ones, and we suggested that Foxton may have been getting older or bored or both. We do not want to withdraw from those suggestions, but the fact is that the last two quires of the register date from 5 December 1380 to 28 February 1382. The revolt arrived in Cambridge in June of 1381, where

⁷⁸ It may also be related to the fact that by this time both had earned their doctorates. We know that this was the case with Bowet, and it was probably the case with Scrope.

⁷⁹ This may be the place to correct an error that Donahue made in *Law, Marriage, and Society*, 639 n. 14, where he expresses his admiration for John Newton and then says that he never even got a prebend, while Scrope

became archbishop of York. The admiration remains, but Newton did get a preferment. He is almost certainly the John de 'Neweton' who became treasurer of York Minster in 1393 when Arundel was archbishop, a position that Newton held until his death in 1414. Le Neve, *Fasti (Revised)*, 6:14; see Hughes, in ODNB s.n. *Arundel, Thomas*.

it was quite destructive, and it spread to Ely. Among the principal targets of the rebels were the university and the courts, particularly court records and officers.

In these circumstances, it is quite remarkable that the court was able to hold almost all its regular sessions. There was one on 14 June, when there is no indication that anything is amiss. The pattern of the previous years, however, would have called for two more sessions before the summer recess, and those did not happen. The next session was on 19 September, but from there the sessions continue regularly until the end of the register. Indeed, all of the recorded sessions in the late autumn of 1381 and the winter of 1381–2 run for two days, presumably to make up for what had been missed. Foxton may have been hiding his register (and himself) during the summer months, but he carried on.

As we have already noted, he used more abbreviations than he had previously. The last quire of the register (10 Oct 81 to the end) is not up to the physical standard of the rest of them, but it exists and is, by and large, legible. There is a sentence referred to in the *acta* of 10 October in *Spalding* (2) that probably should have been entered with the *acta* of 14 June and was not. In *Snow*, an appeal from the archdeacon's court, the process from that was ordered to be sent on 14 March 1381 (100.13) is still being ordered on 27 February 1382 (113.7). Delays in getting the process from the archdeacon's court had occurred in the past, but this one is particularly egregious. It is not surprising, however, because by October of 1381 Candlesby, the registrar of the archdeacon, had been deprived of his office and may have been in gaol for his participation in the revolt. The 22 professions of obedience that are entered in *Acta* 108 may be related to the revolt, but of this we cannot be sure.

Foxton, and probably Newton, did their best to hide what had happened in the summer of 1381 in a veneer of normality. If one knows what happened, however, it is fairly obvious that these were not normal months for the court.

Problematical Phrases

We close the Introduction with a brief discussion of some phrases the translation or meaning of which is problematical.

Causa . . . primarie mota or *mota primarie*. In entry 85.11 (23 Feb 80) Foxton inserts with a caret *primarie* in the phrase *in causa divorcii primarie mota inter* (followed by the names of the parties). The adverb is then included, without a caret in the next twenty-six entries, omitting only 85.16 (*in negocio matrimoniali moto ex officio*) but including 85.17 (*in negocio matrimoniali ex officio nostro moto primarie*) and 85.26 (*in negocio privacionis moto primarie*). It is omitted in 85.38, a salary case brought by Foxton himself, and

85.39, an order for citation *viis et modis* in a marriage case. It returns in 85.40 through 85.42, and is then omitted in entries 85.43 through 85.61, which are a series of ‘administrative entries’ (probates, proxies, etc.). It is also omitted in 85.62, the first entry in a marriage case heard before an unnamed commissary in Holy Trinity Ely, and 85.63, which concerns an application for a *Signficavit* in a testamentary case. The adverb then returns in all the entries from 85.66 through 85.70. The same adverb occurs fairly consistently (21 of 48 case entries; there are no administrative entries) in *Acta* 86 (15 and 16 Mar 80). It occurs 5 times (of 39 entries, all case entries) in the entries in *Acta* 92 (23 Jul 80), and does not occur elsewhere in the register.

The types of cases in which *primarie* occurs seem as broad as the jurisdiction of the court in contentious matters, both instance and *ex officio*, both two-party and three-party cases, both cases that are begun in the session and cases that had been pending for some time, and a wide range of subject-matters: marriage, divorce, testamentary, mortuary, violence, tithes, defamation, deprivation of divine service, and breach of faith. The only type of case that seems to be deliberately excluded is Foxton’s salary case. The way in which it appears suddenly in the eleventh item of *Acta* 85, when it could easily have been included in most if not all of the first ten entries suggests that the idea of including it occurred suddenly to Foxton at this point, or that someone, perhaps Newton, was looking over his shoulder and suggested that he include it. *Acta* 85 was, as we have already seen (p. xviii), the session at which Newton and Foxton began a considerable effort to clean up the backlog.

The question is what does *primarie* mean, or, to put the question another way what does it tell us that we would not have already known from the recital of the style of the case that is standard in the rest of the register? That formula gives us the type of case and the names of the parties, telling us in instance cases who was plaintiff and who defendant. Some clue as to its meaning is found in one defamation case where the formula is expanded to *in consistorio Elien’ primarie mota* (85.42) and in another where the formula is expanded to *coram nobis primarie mota* (85.65). This makes clear that the adverb really is an adverb modifying *mota*. The focus does not seem to be principally chronological; that would be *primo mota* or *primitus mota*. A clue both as to its meaning and to the reason for its appearance here can be found in the arguments made by or attributed to Candlesby in entries 26.12 and 27.18 (p. 1 and note), where he claims that the *primaria cognicio* of certain types of cases (not precisely specified) belonged to the archdeacon’s court. The claim seems to be that the archdeacon’s court had exclusive first-instance jurisdiction of certain types of cases. Foxton (or Newton) may have remembered that argument and sought to establish on the record that a large

number of different types of cases had been brought to the consistory *primarie*, i.e., ‘as a matter of first instance’. That would explain why the adverb is not found in 85.62, the marriage case begun before the commissary in Ely, because it was not clear that this was a first-instance matter in the consistory. It might also explain the exclusion of the salary case, a type of case that had to be brought in the consistory because of its peculiar procedures for such cases.

Cum potestate concordandi dicta testium (28.18, 81.24, 82.9, 82.22). In all cases this is part of a commission to examine witnesses. Granted the way in which these examples are clustered we should not assume that in other places in the register (e.g., 46.18, 47.34, 58.17) where the *potestas concordandi* is not mentioned it was being denied to the examiner. It is not clear what this power is. The literature on witnesses tells us, in effect, that the judge should give witnesses the benefit of the doubt. If it is possible to construct a plausible story in which what the witnesses say is all true, and none of them is contradicting the others, that is what the judge should do.⁸⁰ We have an example of the examiners of the court of Canterbury trying to do this (and failing) with the depositions sent to the court on appeal. We have another example from the court of Canterbury where probably an advocate of one of the parties goes through the articles in the case and annotates it by pointing out which witnesses support which statements. This is accompanied by comments, which may be by an examiner.⁸¹ Three of the four examiners who are given this power in our register are themselves advocates of the court (Newton, Potton, and Epperston). The phrase, then, may refer not so much to a power but a duty. The court, it would seem, wants a report that attempts to reconcile what the witnesses say with what other witnesses said.

Edmundus and *Edwardus*. Foxton frequently abbreviates a Christian name *Ed’* followed by whatever case-ending is called for. Everyone in our register was born when an Edward was king; Edward the Confessor was a popular saint. The first appearance of the name ‘Edmund’ (15.12) spells it out. It seemed likely, therefore, that whenever the name was not spelled out ‘Edward’ was meant. We got cold feet, however, when we came to entry 82.44 (*in capella Sancti Ed’i de Enemeth*). The church at Emneth was dedicated to St Edmund, an East Anglian saint, and also quite popular. Hence, whenever we have encountered an *Ed’* that is not spelled out someplace else, we have extended it as *Ed[war]d-*.

Eorum conscienciis relinquendo / relinquentes (5.12, 11.9, 28.30, 31.17, 32.20, 36.29, 37.12, 37.26, 38.24, 39.29, 47.18, 83.11, 84.50, 87.35). This

⁸⁰ E.g., Tancred, *Ordo*, 3.12, p. 245–48.

Cases, C.6.4, p. 136; C.18.12–13, p. 311–22.

⁸¹ Adams and Donahue, *Select Canterbury*

phrase, or its equivalent, is found in some but not all of the sentences of absolution rendered in marriage cases. It may indicate that the judge rendering the sentence thought that there was something about which the parties' consciences should be troubled.⁸² Matching the phrase with the judge shows that all three of the officials used it, but it is particularly common in Scrope's sentences. That may mean that the phrase has more significance when it is found in a sentence of Ross or Newton. It is curious that Foxton never gives us the expected object of *relinquendo* (e.g., *cetera* or *rem*) or of its equivalent *relinquentes*. We can force the syntax to make sense if we assume that *relinquendo* is an impersonal gerundive ('it being left entirely' etc.), but that explanation will not suffice for *relinquentes*.

Iuramentum de calumpnia, de collusione vitanda, de malicia, de veritate dicenda (passim). The oaths about calumny and telling the truth were a standard part of Romano-canonical instance procedure. Their form and contents are described in Adams and Donahue, *Select Canterbury Cases* (pp. 43–44, with references). They are found in virtually every instance case in the register that reaches the *litis contestatio*. The oath about telling the truth is also found whenever a party to a case, be it instance or *ex officio*, is required to make a statement for the record in court. It was almost certainly a part of the oath that witnesses took, but the register does not give the form for that oath.

The oaths about avoiding collusion and 'malice' are less standard. The former is found in the register in three-party marriage cases, where the court perceives that two of the parties have the opportunity to collude to defeat the rights of the third. The oath about 'malice' is more mysterious. It is found, though not inevitably, where a party to a case raises a substantive defence other than a blanket denial. 'Malice' here is probably not so strong as that word frequently is. We probably should be thinking of it as an oath against raising frivolous or specious exceptions, ones that have no basis in fact, and are simply intended to delay the proceedings or cause trouble.

The distribution of oaths in the register is laid out in Table 7.

Nec per partem producentem stetit (45.11, 45.15, 80.22). The witnesses have not yet been examined, although, it would seem, it was not the fault of the party which produced them that they have not been. The meaning seems to be that the examiner did not get around to examining them. The court does not seem to have had an official examiner. For the most part we do not know how examinations were assigned or who did them. (It is possible that except for the relatively few cases where we have a commission to take testimony, the presiding judge did it himself, but that seems unlikely.) What the produ-

⁸² See Donahue, *Law, Marriage, and Society*, at 246–7.

cing party was supposed to do to get the witnesses examined, we also do not know. The phrase suggests, however, that whatever the producing party was supposed to do, he or she did it. That the witnesses were not examined was the examiner's fault, not the party's. We can probably also assume that this was also the case in the numerous entries where an adjournment to the next session is given because the witnesses have not yet been examined, although the phrase is not included.

Non instetit pro citatione habenda (45.12, cf. 45.17, 45.18). Entry 45.12 gives us the most context: *parte appellante nullo modo comparente nec citata, parte appellata ut prius et quia pars appellata non instetit pro citatione habenda, ideo citetur ad proximum ad idem*. We think that what this means is that if the appellee had insisted on having a citation and the appellant still had not appeared, the case would be dismissed for non-prosecution. In the parallel case in 45.13, the phrase is *nec pars appellata prosequebatur citationem*, which seems to mean the same thing. Previously, the court had ordered the appellant cited, and he was not. That the appellees did not 'insist on' or 'prosecute' the citation may mean that they did not pay for it. These appeal cases are proceeding in parallel with an instance case that seems to be proceeding normally with proctorial appearances on both sides.

Periculum anime (6.9, 6.10, 12.6). The phrase occurs only 3 times. Its meaning is clearest in 12.6 (*Day*), an appeal from the archdeacon's court in a marriage case. The case had proceeded largely through proctors. Ross had not heard the defendant/appellant's version of the story. Therefore, he orders: *Nicholaum Deye fore vocandum ad personaliter respondendum super quibusdam articulis sibi obiciendis ex officio pro informacione consciencie nostre cum sit legalior persona et melius sciat veritatem et in dicta causa vertatur periculum anime*. The most obvious danger to the soul would be that to Day's if he is not free to marry the appellee because he is married to someone else. A somewhat less obvious one would be if the appellee were lying when she said that she and Day had contracted marriage. In any case, Ross does examine Day and proceeds to confirm the archdeacon's sentence for the appellee. *Ex officio* examination of the parties occurs in other marriage cases (e.g., 38.13), but this language is not used to justify it.

The meaning of the phrase is less clear in 6.9 and 6.10, a pair of cases discussed above (p. xlvi) where the official of the archdeacon seeks to have cases remitted to his court on the ground, in one, that the appellant had failed to pursue her appeal for a year and in the other on an unstated ground. In neither case is the substance of the case stated, but they were almost certainly brought by the archdeacon's official *ex officio*. In both cases Killerwick for the appellant (defendant in this proceeding) argues, with slight differences

in wording: *quod mandatarius non expressit eidem citato causam in dicta citacione contentam nec ipse citatus aliquam causam citacionis nec formam mandati intellexit neque copiam eiusdem habere potuit licet eam pecierit cum effectu*. It is not completely clear that any one of these would have invalidated the citation, but the absence of any stated cause probably comes close.⁸³ In any case, Ross sets down the case for 9 August *ad proponendum dictam causam sibi expresse prout in eodem mandato continetur quia concernit periculum anime*. Killerwick objects that 9 August is harvest time. The court actually met on 9 August without the defendants, and Killerwick once more objected that it was harvest time, and when the cases were called on the first day in term time at the end of September, he once more objected in the same grounds. When the cases met in October, a new day was assigned because the defendants alleged that they had reached a *pax* with the archdeacon's official, and that is the last that we hear of either case.

Our understanding of what Ross meant when he referred to *periculum anime* is hampered by the fact that we are not quite sure what citation is being referred to. The most obvious referent is the citation that purportedly began this particular action, the one that asked the defendants to show cause why the cases should not be remitted to the archdeacon. If that is the citation, however, it is hard to understand why Ross did not simply order that the defendants be cited again in the correct manner. It is possible that the citations in question were the ones that were supposed to begin proceedings in the archdeacon's court. Failure to state a cause in the citation, as we have seen, was a frequently alleged ground for an appeal from that court. But if his is the citation being referred to, it is hard to see how bringing the parties into court now and telling them the cause there would remedy the procedural deficiency in the initial citation. The purpose of including the cause in the citation was to give the parties notice of what they had to answer about when they got there.

Because the citation being referred to is unclear, we can only guess about the meaning of *periculum anime*. Perhaps the most obvious meaning has reference to the objection that Killerwick is going to make: Because danger to souls is at stake (the parties have been accused of having committed a sin, and if they do not do penance, their souls are in danger), it is therefore appropriate to cite them for a time out of term. Such a notion would seem to confuse the function of the public courts of the church with the private one of the confessional. Perhaps the souls that are at stake are not those of the parties, who may have been absolved of the sin in confession and have done a private penance, but those of their neighbors who have seen a public sin go unpunished and hence might be led into sinning themselves. The more we

⁸³ See Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, 317–21, though the focus there is on citations in instance cases, which this probably is not.

think about it, the more problematic the phrase becomes, and perhaps for that reason, it is only used three times.

Quo ad hunc actum (44.22, 67.26, 85.20). See entry 85.20, n. 1.

Sub certa forma. In 21 entries we are told that something was done in court *sub certa forma*. (We found one more entry [74.37] where the phrase is in the plural, *sub certis modo et forma*, but we did not search for these systematically.) The great majority of these entries refer to oral libels: *libellato per partem actricem/appellantem oretenus sub certa forma*, with minor variations (18 cases). In one case it refers to an oral ‘petition’ against the citation mandates (33.23), in one to the *litis contestacio* (70.19), in one to a sentence (73.10: *sententiam excommunicacionis in ipsum per nos latam sub certis modo et forma superius* [probably a reference to the previous entry in the case] *contentam*), and in one to exceptions (92.9). The range of types of cases in which it appears is broad: tithes (5.13, 70.19, 74.37), breach of faith (20.16, 42.36), testamentary (39.42, 49.27, including ‘ecclesiastical testamentary’: 33.23), appeal (41.12 [defamation], 63.24 [marriage], 73.12 [substance unclear], 77.43 [marriage]), defamation (41.12, 58.27, 66.30, 68.32, 68.34, 75.36, 105.1), marriage (60.21, 63.24, 73.10, 77.43), mortuary (92.9). As is the case with many of Foxton’s stock phrases, instances of *sub certa forma* tend to be clustered, in this case in sessions 58–77, where 14 of the 22 instances noted occur.

This last point leads to our first suggestion about the phrase *sub certa forma*: Whatever it means, we should not draw a negative inference from its absence. There are dozens, perhaps even hundreds, of libels mentioned in the register that are not qualified by this phrase. It is hard to imagine that all of these were not *sub certa forma*. Perhaps we can draw the negative inference about libels that are not so marked within the clustered sessions, but we may doubt even this.

So what is Foxton trying to tell us about those libels where he does include the phrase? In the first place, all but one of them are said to have been made orally, at least initially. (The one exception [20.16] may also have been oral.) In 9 entries the submission of the oral libel is followed immediately by the *litis contestacio*, and no mention is made of the libel’s ever having been submitted in writing: 20.16, 49.27, 54.23, 58.27, 60.21, 66.30, 73.10, 75.36, 105.1. To these we should probably add the 2 oral libels in appeal cases that are immediately followed by a waiver of the appellee’s right to insist that the taking of the appeal be proven: 63.24, 77.43, or by a confession of the substance of the libel: 42.36. That leaves 6 cases where the oral libel is followed

⁸⁴ See Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, 321.

by a written one, either because the defendant insists on it (5.13, 39.42), or, it would seem, the court insists on it (41.12, 73.12), or, it would seem, the plaintiff already had it with her in writing (68.32, 68.34).

Treatises on Romano-canonical procedure contain many acceptable forms of libels. In practice, the proctors tended to use relatively few such forms, usually the ones that contained the fewest specifics, so that whatever came out in proof might be held to conform to the libel. At a minimum, the libel had to contain the names of the plaintiff and defendant, a reference to the judge who would try the case, what the plaintiff sought and by what right, and a petition for relief.⁸⁴ Many of the plaintiffs who submitted oral libels were appearing at this stage of the proceedings *pro se*, although they may have gotten some professional advice before they came to court. In many cases, it may have taken some time to get them to say enough to fulfill the requirements of a libel (and to get them to leave out what they did not need to say at this point). We suspect that when they had done so, Foxton noted *libel-lato oretenus sub certa forma*, i.e., the plaintiff had said enough to fulfill the requirements of standard-form libel in whatever type of case he or she was bringing. If we use the translation ‘sufficient to meet the requirements of the standard form’ for *sub certa forma*, it fits almost all of the uses of this phrase.

There are cases where it probably does not. In 70.19, the only case where the phrase *sub certa forma* is applied to a *litis contestacio*, and in this case, very unusually, the *litis contestacio* is put in writing and delivered to the plaintiff’s proctor. This was a tithes case (*Thorney/Whittlesey (1)*), where the issue was the appropriate division of the tithes between an abbey and its vicar. The *litis contestacio* may well have raised that issue. In this case, then, *sub certa forma* probably does not imply a standard form but quite the opposite: ‘in an unusual (but acceptable) form’. The same also seems to be the meaning in 92.9, a mortuary case, where we learn that the defendant had proposed *quibusdam excepcionibus sub certa forma conceptis contra materiam principalem factum contrarium continentibus*. *Factum contrarium* is a term from summary procedure where the defendant was required to raise all his factual defences to the action in one document. Earlier (71.19), these exceptions are called *materia exclusoria*, another term from summary procedure. What is unusual here is that pieces of summary procedure are used in a case that otherwise seems to be proceeding according to the long form, hence ‘exceptions in an unusual (but acceptable) form’. This meaning may also be the one intended in the two other cases where the phrase is applied to something other than a libel: 33.23, 74.37, but of this we can be less sure.

Sub gestura sua. *Gestura* is not a classical word, but it does appear in Latham with the meaning ‘bearing’, ‘behaviour’. That makes it highly likely

that when the court releases someone without punishing him for an offence for which it could have punished him *sub gestura sua*, what that means is that the release is conditional on the defendant's good behaviour in the future.

APPENDIX: TABLES

TABLE 1. *ELY ACT BOOK: SESSION JUDGES, DATES AND PLACES*

The following table gives the date of each court session in the *Acta*, the presiding judge with some indication of how he is styled, and the place where the court session was held. A legend explaining the abbreviations follows.

Acta-No	Before	StartDate	EndDate	Place	Adjm Entry
A.	NR, off	21 Mar 1374		Ely	
B.	NR, off	24 Apr 1374		ASJ, C	
C.	NR, off	04 May 1374		ASJ, C	
1	TG, comm	24 Mar 1374		SML, C	1.9
2	NR, off	13 Apr 1374		ASJ, C	2.9
3	HB, comm	11 May 1374		ASJ, C	3.9
4	NR, off	02 Jun 1374		ASJ, C	4.8
5	NR, off	22 Jun 1374		ASJ, C	5.8
6	NR, off	17 Jul 1374		ASJ, C	
7	WW, comm	22 Sep 1374		ASJ, C	7.13
8	NR, off	20 Oct 1374		ASJ, C	8.1
9	NR, off	26 Oct 1374		ASJ, C	9.13
10	NR, off	24 Nov 1374		ASJ, C	10.8
11	NR, off	14 Dec 1374		ASJ, C	
12	NR, off	11 Jan 1375		ASJ, C	
13	NR, off	01 Feb 1375		ASJ, C	13.9
14	NR, off	23 Feb 1375		ASJ, C	14.9
15	NR, off	22 Mar 1375		ASJ, C	15.17
16	NR, off	06 Apr 1375		ASJ, C	16.16
17	NR, off	04 May 1375		ASJ, C	17.16
18	TG and JP, comms	24 May 1375		ASJ, C	18.16
19	NR, off	22 Jun 1375		ASJ, C	19.18
20	NR, off	12 Jul 1375		ASJ, C	20.15

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21	TG, comm of TW	04 Oct 1375		ASJ, C	
22	TG, comm	25 Oct 1375		ASJ, C	22.15
23	TG, comm	15 Nov 1375		ASJ, C	23.1
24	RS, off	07 Dec 1375		SMi, C	
25	RS, off	10 Jan 1376		SMi, C	
26	RS, off	13 Feb 1376		SMi, C	
27	RS, off	28 Feb 1376		SMi, C	
28	RS, off	20 Mar 1376		SMi, C	
29	RS, off	03 Apr 1376		SMi, C	
30	RS, off	24 Apr 1376		SMi, C	
31	comm (unspecified)	16 May 1376		SMi, C	
32	comm (unspecified)	13 Jun 1376		SMi, C	
33	RS, off	03 Jul 1376		SMi, C	
34	RS, off	24 Jul 1376		SMi, C	
35	TG, JN, and WB, comms	25 Sep 1376		SMi, C	
36	TG, JP, and JN, comms	16 Oct 1376		SMi, C	
37	TG, JP, and JN, comms	13 Nov 1376		SMi, C	
38	RS, off	04 Dec 1376		SMi, C	
39	TG, comm	08 Jan 1377		[omitted]	
40	TG, comm	05 Feb 1377		SMi, C	
41	TG, comm	26 Feb 1377		SMi, C	
42	RS, off	19 Mar 1377		SMi, C	
43	RS, off	10 Apr 1377		SMi, C	
44	TG, comm gen	30 Apr 1377		SMi, C	
45	TG, comm gen	29 May 1377		SMi, C	
46	TG, comm gen	18 Jun 1377		SMi, C	
47	TG, comm gen	09 Jul 1377		SMi, C	
48	TG, comm gen	30 Jul 1377		SMi, C	
49	TG, comm gen	01 Oct 1377		SMi, C	
50	TG, comm gen	22 Oct 1377		SMi, C	
51	RS, off	12 Nov 1377		SMi, C	
52	RS, off	03 Dec 1377		SMi, C	
53	RS, off	22 Dec 1377		SMi, C	
54	RS, off	14 Jan 1378		SMi, C	
55	[?TG], comm	04 Feb 1378		SMi, C	
56	RS, off	25 Feb 1378		SMi, C	
57	RS, off	18 Mar 1378		SMi, C	

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58	RS, off	08 Apr 1378		SMi, C	
59	[?TG], comm	29 Apr 1378		SMi, C	
60	[?TG], comm	13 May 1378		SMi, C	
61	[?TG], comm	16 Jun 1378		SMi, C	61.3
62	[?TG], comm	08 Jul 1378		SMi, C	
63	[?TG], comm	29 Jul 1378		SMi, C	
64	[?TG], comm	01 Oct 1378		SMi, C	
65	[?TG], comm	21 Oct 1378		SMi, C	
66	[?TG], comm	10 Nov 1378		SMi, C	
67	[?TG], comm	02 Dec 1378		SMi, C	
68	[?TG], comm	23 Dec 1378		SMi, C	
69	[?TG], comm	13 Jan 1379		SMi, C	69.3
70	[?TG], comm	03 Feb 1379		SMi, C	
71	[?TG], comm	25 Feb 1379		SMi, C	
72	[?TG], comm	17 Mar 1379	18 Mar 1379	SMi, C	
73	[?TG], comm	21 Apr 1379	22 Apr 1379	SMi, C	
74	[?TG], comm	23 May 1379	24 May 1379	SMi, C	
75	[?TG], comm ?et al	10 Jun 1379	11 Jun 1379	SMi, C	
76	[?TG], comm	30 Jun 1379	01 Jul 1379	SMi, C	
77	[?TG], comm	21 Jul 1379	23 Jul 1379	SMi, C	
78	JN, off	22 Sep 1379	23 Sep 1379	SMi, C	
79	JN, off	13 Oct 1379	14 Oct 1379	SMi, C	
80	JN, off	03 Nov 1379	04 Nov 1379	SMi, C	
81	JN, off	24 Nov 1379	25 Nov 1379	SMi, C	
82	JN, off	09 Dec 1379	10 Dec 1379	SMi, C	
83	JN, off	12 Jan 1380	13 Jan 1380	SMi, C	
84	JN, off	03 Feb 1380	04 Feb 1380	SML, C	
85	JN, off	23 Feb 1380	24 Feb 1380	SML, C	
86	JN, off	15 Mar 1380	16 Mar 1380	SML, C	
87	JN, off	05 Apr 1380	06 Apr 1380	SML, C	
88	JN, off	26 Apr 1380	27 Apr 1380	SML, C	
89	JN, off	25 May 1380	26 May 1380	SML, C	
90	JN, off	14 Jun 1380		SML, C	
91	JN, off	12 Jul 1380		SML, C	91.9
92	JN, off	23 Jul 1380		SML, C	
93	JN, off	04 Oct 1380		SML, C	93.16
94	JN, off	25 Oct 1380		SML, C	

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95	JN, off	15 Nov 1380		SML, C	95.9
96	JN, off	05 Dec 1380		SML, C	96.13
97	JN, off	10 Jan 1381		SML, C	97.16
98	JN, off	31 Jan 1381		SML, C	98.25
99	JN, off	28 Feb 1381		SML, C	99.17
100	JN, off	14 Mar 1381		SML, C	100.25
101	JN, off	05 Apr 1381		SML, C	101.23
102	JN, off	02 May 1381		SML, C	102.32
103	JN, off	24 May 1381		SML, C	103.29
104	JN, off	14 Jun 1381		SML, C	104.9
105	JN, off	19 Sep 1381		SML, C	105.2
106	JN, off	10 Oct 1381		SML, C	106.36
107	JN, off	30 Oct 1381	31 Oct 1381	SML, C	107.33
108	JN, off	12 Nov 1381	13 Nov 1381	SML, C	108.45
109	JN, off	28 Nov 1381	29 Nov 1381	SML, C	109.28
110	JN, off	12 Dec 1381	13 Dec 1381	SML, C	
111	JN, off	16 Jan 1382	17 Jan 1382	SML, C	111.35
112	JN, off	06 Feb 1382	07 Feb 1382	SML, C	112.35
113	JN, off	27 Feb 1382	28 Feb 1382	SML, C	113.28

Legend: ActaNo = the number of the session in the *Acta*. Before = the judge who presided at the session: comm = commissary; gen = general; off = official; HB, comm = Henry Bowet, comm of Nicholas Ross, off of Ely; JN, comm = John Newton, comm of Richard Scrope, off of Ely; JN, off = John Newton, DCivL., off of Ely; JP, comm = John Potton, comm of Nicholas Ross, off of Ely, and comm of Richard Scrope, off of Ely; NR, off = Nicholas Ross, rector of Tattersham (Linc dioc), DCivL., official and comm of the bishop of Ely; RS, off = Richard Scrope, canon of York, off of Ely; TG, comm = Thomas Gloucester, comm of Nicholas Ross, off of Ely and comm of Richard Scrope, off of Ely, and “comm of Ely”; TG, comm gen = Thomas Gloucester, comm gen of Richard Scrope, off of Ely; TG, comm of TW = Thomas Gloucester, comm of Mr Thomas de Wormenhale; TW = Mr Thomas de Wormenhale, can of Salisbury, vicar gen in spiritualities in absence of the bishop of Ely; WB, comm = William de Bland, comm of Richard Scrope, off of Ely; WW, comm = William de Willingham, comm of Nicholas Ross, off of Ely. StartDate = the date mentioned at the heading of the *acta* as the beginning date of session. EndDate = the last date of session, if one is mentioned. Place = the place where the session was held: ASJ, C = Cambridge, All Saints Jewry; Ely = Ely cathedral, chapter house; SMi, C = Cambridge, St Michael’s; SML, C = Cambridge, St. Mary the Less. AdjEntry = the number of the entry where the adjournment of the session is given, if there is such an entry.

TABLE 2. FOLIATION, HEADERS AND FOOTERS

The following table shows the headers and footers in the manuscript, which we have not

TABLE 2: FOLIATION, HEADERS

reproduced in our edition. As we saw above (xi), virtually every recto page has a centre header, a right header, a centre footer, and right footer. The centre header recto unusually contains the year of grace in various forms; the right header the name of the official, an abbreviated form of the year of grace, and the folio number; the centre footer recto the number of the quire followed by *q'* (probably an abbreviation for *quaternio*); and the right footer recto Foxton's signature, frequently the folio number of the quire, and very occasionally a catchword. The centre header verso contains the year of grace, normally in a more abbreviated form, and the right footer verso holds, much more often than the recto, a catchword. The Table gives two foliations (the 'real' one [AFol] and the one that appears in the manuscript [MFol]) and the contents of the four blocks of text: Caution: Although we made some effort to capture the different forms that are used for the year of grace, we have probably, consciously or unconsciously, normalized them. What is clear that is that different forms were being experimented with, and that the later quires make more use of shortenend forms than do the earlier ones.

AFol.	MFol.	Center Head	Right Head	CFoot	RtFoot
1r	1r	[note 1]	j Roos R' primum	j q'	
1v	1v	m ^o ccc ^{mo} lxxiiij ^{to}	Roos		[carryover]
2r	2r	millmo' ccc ^{mo} lxxiiij ^{to}	Roos [note 2a]	j q'	[note 2b]
2v	2v	millmo' ccc ^{mo} lxxiiij ^{to}	Roos		
3r	3r	millmo' ccc ^{mo} lxxiiij ^{to}	Roos iij	j q'	ffoxton
3v	3v	millmo' ccc ^{mo} lxxiiij ^{to}			
4r	4r	millmo' ccc ^{mo} lxxiiij ^{to}	Roos iiij lxxiiij	j q'	ffoxton
4v	4v	millmo' ccc ^{mo} lxxiiij ^{to}			
5r	5r	millmo' ccc ^{mo} lxxiiij ^{to}	Roos v lxxiiij	j q'	ffoxton
5v	5v	millmo' ccc ^{mo} lxxiiij ^{to}			
6r	6r	millmo' ccc ^{mo} lxxiiij ^{to}	Roos vj lxxiiij	j q'	ffoxton
6v	6v	millmo' ccc ^{mo} lxxiiij ^{to}			
7r	7r	millmo' ccc ^{mo} lxxiiij ^{to}	Roos vij lxxiiij	j q'	ffoxton
7v	7v	millmo' cccmo lxxiiij ^{to}			
8r	8r	millmo' cccmo lxxiiij ^{to}	Roos viij lxxiiij	j q'	ffoxton; [carryover]
8v	8v	millmo' cccmo lxxiiijto			[carryover]
9r	9r	millmo' cccmo lxxiiijto	Roos ix lxxiiij	ij q'	ffoxton
9v	9v	millmo' cccmo lxxiiijto			[carryover]
10r	10r	millmo' cccmo lxxiiijto	Roos x lxxiiij	ij q'	ffoxton
10v	10v	mo cccmo lxxiiijto			[carryover]
11r	11r	.m. cccmo lxxiiijto	Roos xj lxxiiij	ij q'	ffoxton iiij fo.
11v	11v	.m. cccmo lxxiiijto			
12r	12r	.m. cccmo lxxiiijto	Roos xij lxxiiij	ij q'	ffoxton iiij fo.
12v	12v	.m. cccmo lxxiiijto			
13r	13r	.m. cccmo lxxiiijto	Roos xij lxxiiij	ij q'	ffoxton v fo.

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13v	13v	.m. cccmo lxxiiijto			[carryover]
14r	17r	.m. cccmo lxxiiijto	Roos xvij lxxiiij	ij q'	ffoxton vj fo.
14v	17v	.m. cccmo lxxiiijto			
15r	18r	.m. cccmo lxxiiijto	Roos xvij lxxiiij	ij q'	ffoxton vij fo.
15v	18v	.m. cccmo lxxiiijto			
16r	19r	.m. cccmo lxxiiijto	Roos xix lxxiiij	ij q'	ffoxton viij fo.
16v	19v	.m. cccmo lxxiiijto			[carryover]
17r	20r	.m. cccmo lxxiiijto	Roos xx lxxiiij	iiij q'	ffoxton j fo.
17v	20v	.m. cccmo lxxiiijto			
18r	21r	.m. cccmo lxxiiijto	Roos xxj lxxiiij	iiij q'	ffoxton ij fo.
18v	21v	.m. cccmo lxxiiijto			
19r	22r	.m. cccmo lxxvto	Roos xxij lxxvto	iiij q'	ffoxton iiij fo.
19v	22v	.m. cccmo lxxvto			[carryover]
20r	23r	.m. cccmo lxxvto	Roos xxiiij lxxvto	iiij q'	ffoxton iiiij fo.
20v	23v	.m. cccmo lxxvto			
21r	24r	.m. cccmo lxxvto	Roos xxiiij lxxvto	iiij q'	ffoxton .v. fo.
21v	24v	.m. cccmo lxxvto			
22r	25r	.m. cccmo lxxvto	Roos xxv lxxvto	iiij q'	ffoxton vj fo.
22v	25v	.m. cccmo lxxvto			
23r	26r	.m. cccmo lxxvto	Roos xxvj lxxvto	iiij q'	ffoxton vij fo.
23v	26v	.m. cccmo lxxvto			
24r	27r	.m. cccmo lxxvto	Roos xxvij lxxvto	iiij q'	ffoxton viij fo.
24v	27v	.m. cccmo lxxvto			[carryover]
25r	28r	.m. cccmo lxxvto	Roos xxviiij lxxvto	iiij q'	ffoxton j fo.
25v	28v	.m. cccmo lxxvto			
26r	29r	.m. cccmo lxxvto	Roos xxviiiij lxxvto		ffoxton
26v	29v	.m. cccmo lxxvto			
27r	30r	.m. cccmo lxxvto	Roos xxx lxxvto		ffoxton
27v	30v	.m. cccmo lxxvto			
28r	31r	.m. cccmo lxxvto	Roos xxxj lxxvto		ffoxton
28v	31v	millmo' cccmo lxxvto	Roos		
29r	32r	millmo' cccmo lxxvto	Roos xxxij lxxvto		ffoxton
29v	32v	millmo' cccmo lxxvto	Scrop'		loco
30r	33r	millmo' cccmo lxxvto	Scrop' lxxvto xxxiiij		[carryover]

TABLE 2: FOLIATION, HEADERS

30v	33v	millmo' cccmo lxxvto	Scrop'		
31r	34r	millmo' cccmo lxxvto	Scrop' lxxvto xxxiiij		[carryover]; ffoxton
31v	34v	millmo' cccmo lxxvto	Scrop'		[carryover]
32r	35r	millmo' cccmo lxxvto	Scrop' lxxvto xxxv		ffoxton; [car- ryover]
32v	35v	millmo' cccmo lxxvto	Scrop'		
33r	36r	millmo' cccmo lxxvto	Scrop' lxxvto xxxvj	.v. q'	ffoxton j fol.
33v	36v	millmo' cccmo lxxvto	Scrop'		[carryover]
34r	37r	millmo' cccmo lxxvto	[note 3]	.v. q'	ffoxton ij fol.
34v	37v	millmo' cccmo lxxvto	Scrop'		
35r	38r	millmo' cccmo lxxvto	Scrop' lxxvto xxxviiij	.v. q'	ffoxton iiij fol.
35v	38v	millmo' cccmo lxxvto			[carryover]
36r	39r	millmo' cccmo lxxvto	Scrop' lxxvto xxxix	.v. q'	ffoxton iiij fol.
36v	39v	millmo' cccmo lxxvto	Scrop'		
37r	40r	millmo' cccmo lxxvto	Scrop' lxxvto xl	.v. q'	ffoxton v fol.
37v	40v	millmo' cccmo lxxvto	Scrop'		
38r	41r	millmo' cccmo lxxvto	Scrop' lxxvto xli	.v. q'	ffoxton vj fol.
38v	41v	millmo' cccmo lxxvto	Scrop'		
39r	42r	millmo' cccmo lxxvto	Scrop' lxxvto xliij	.v. q'	ffoxton vij fol.
39v	42v	millmo' cccmo lxxvto	Scrop'		
40r	43r	millmo' cccmo lxxvto	Scrop' lxxvto xliij	.v. q'	ffoxton viij fol.
40v	43v	millmo' cccmo lxxvto			
41r	44r	millmo' cccmo lxxvto	Scrop' lxxvto xliiij	vj q'	ffoxton j fol.
41v	44v	millmo' cccmo lxxvjto			[carryover]
42r	45r	millmo' cccmo lxxvjto	Scrop' lxxvjto xlv	vj q'	ffoxton ij fol.
42v	45v	millmo' cccmo lxxvjto			
43r	46r	millmo' cccmo lxxvjto	Scrop' lxxvjto xlvj	vj q'	ffoxton iiij fol.
43v	46v	millmo' cccmo lxxvjto			[carryover]
44r	47r	millmo' cccmo lxxvjto	Scrop' lxxvjto xlvij	vj q'	ffoxton iiij fol.
44v	47v	millmo' cccmo lxxvjto			[carryover]
45r	48r	millmo' cccmo lxxvjto	Scrop' lxxvjto xlviiij	vj q'	ffoxton
45v	48v	millmo' cccmo lxxvjto			

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46r	49r	millmo' cccmo lxxvjto	Scrop' lxxvjto xlix	vj q'	ffoxton
46v	49v	millmo' cccmo lxxvjto			
47r	50r	millmo' cccmo lxxvjto	Scrop' lxxvjto l	vj q'	ffoxton vij fol
47v	50v	millmo' cccmo lxxvjto			
48r	51r	millmo' cccmo lxxvjto	Scrop' lxxvjto lj	vj q'	ffoxton viij fol
48v	51v	millmo' cccmo lxxvjto			[carryover]
49r	52r	millmo' cccmo lxxvjto	Scrop' lxxvjto lij	vij q'	ffoxton j fol
49v	52v	millmo' cccmo lxxvjto			
50r	53r	millmo' cccmo lxxvjto	Scrop' lxxvjto liij	vij q'	ffoxton ij fol
50v	53v	millmo' cccmo lxxvjto			
51r	54r	millmo' cccmo lxxvjto	Scrop' lxxvjto liiij	vij q'	ffoxton iij fol
51v	54v	millmo' cccmo lxxvjto			[carryover]
52r	55Ar	millmo' cccmo lxxvjto	Scrop' lxxvjto lv	vij q'	ffoxton iiij fol
52v	55Av	millmo' cccmo lxxvjto			[carryover]
53r	56Ar	millmo' cccmo lxxvjto	Scrop' lxxvjto lvj	vij q'	ffoxton .v. fol
53v	56Av	millmo' cccmo lxxvjto			[carryover]
54r	55Br	millmo' cccmo lxxvjto	Scrop' lxxvjto lv	vij q'	ffoxton vj fol
54v	55Bv	millmo' cccmo lxxvjto			[carryover]
55r	56Br	millmo' cccmo lxxvjto	Scrop' lxxvjto lvj	vij q'	ffoxton vij fol
55v	56Bv	millmo' cccmo lxxvjto			[carryover]
56r	57r	millmo' cccmo lxxvjto	Scrop' lxxvjto lvij	vij q'	ffoxton; [carryover]; viij fol
56v	57v	millmo' cccmo lxxvjto			[carryover]
57r	58r	millmo' cccmo lxxvjto	Scrop' lxxvjto lviiij	viij q'	ffoxton j fol
57v	58v	millmo' cccmo lxxvjto			
58r	59r	millmo' cccmo lxxvjto	Scrop' lxxvjto lix	viij q'	ffoxton ij fol
58v	59v	millmo' cccmo lxxvjto			[carryover]
59r	60r	millmo' cccmo lxxvjto	Scrop' lxxvjto lx	viij q'	ffoxton; [carryover]; iij fol
59v	60v	millmo' cccmo lxxvjto			[carryover]
60r	61r	millmo' cccmo lxxvjto	Scrop' lxxvjto lxj	viij q'	ffoxton iiij fol
60v	61v	millmo' cccmo lxxvjto			[carryover]
61r	62r	millmo' cccmo lxxvjto	Scrop' lxxvjto lxij	viij q'	ffoxton .v. fol

61v	62v	millmo' cccmo lxxvjto			[carryover]
62r	63r	millmo' cccmo lxxvjto	Scrop' lxxvjto lxiij	viiij q'	ffoxton vj fol
62v	63v	millmo' cccmo lxxvjto			[carryover]
63r	64r	millmo' cccmo lxxvjto	Scrop' lxxvjto lxiij	viiij q'	ffoxton vij fol
63v	64v	millmo' cccmo lxxvjto			[carryover]
64r	65r	millmo' cccmo lxxvjto	Scrop' lxxvjto lxxv	viiij q'	ffoxton viij fol
64v	65v	millmo' cccmo lxxvjto			[carryover]
65r	66r	millmo' cccmo lxxvjto	Scrop' lxxvjto lxxvj	ix q'	ffoxton j fol
65v	66v	millmo' cccmo lxxvjto			[carryover]
66r	67r	millmo' cccmo lxxvjto	Scrop' lxxvjto lxxvij	ix q'	ffoxton ij fol
66v	67v	millmo' cccmo lxxvjto			[carryover]
67r	68r	millmo' cccmo lxxvijmo	Scrop' lxxvijto lxxvij	ix q'	ffoxton iij fol
67v	68v	millmo' cccmo lxxvijmo			[carryover]
68r	69r	millmo' cccmo lxxvijmo	Scrop' lxxvijmo lxxviij	ix q'	ffoxton; [carryover]; iiij fol
68v	69v	millmo' cccmo lxxvijmo			[carryover]
69r	70r	millmo' cccmo lxxvijmo	Scrop' lxxvijmo lxx	ix q'	ffoxton v fol
69v	70v	millmo' cccmo lxxvijmo			[carryover]
70r	71r	millmo' cccmo lxxvijmo	Scrop' lxxvijmo lxxj	ix q'	ffoxton vj fol
70v	71v	millmo' cccmo lxxvijmo			[carryover]
71r	72r	millmo' cccmo lxxvijmo	Scrop' lxxvijmo lxxij	ix q'	ffoxton vij fol
71v	72v	millmo' cccmo lxxvijmo			[carryover]
72r	73r	millmo' cccmo lxxvijmo	Scrop' lxxvijmo lxxiij	ix q'	ffoxton viij fol
72v	73v	millmo' cccmo lxxvijmo			[carryover]
73r	74r	millmo' cccmo lxxvijmo	Scrop' lxxvijmo lxxiiij	x q'	ffoxton j fol
73v	74v	millmo' cccmo lxxvijmo			[carryover]
74r	75r	millmo' cccmo lxxvijmo	Scrop' lxxvijmo lxxv	x q'	ffoxton ij fol
74v	75v	millmo' cccmo lxxvijmo			[carryover]
75r	76r	millmo' cccmo lxxvijmo	Scrop' lxxvijmo lxxvj	x q'	ffoxton iij fol
75v	76v	millmo' cccmo lxxvijmo			[carryover]
76r	77r	mo cccmo lxxvijmo	Scrop' lxxvijmo lxxvij	x q'	ffoxton iiij fol
76v	77v	m cccmo lxxvijmo			[carryover]
77r	78r	mo cccmo lxxvijmo	Scrop' lxxvijmo lxxviij	x q'	ffoxton v fol

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77v	78v	m cccmo lxxvijmo			[carryover]
78r	79r	m cccmo lxxvijmo	Scrop' lxxvijmo lxx- viiiij	x q'	ffoxton vj fol
78v	79v	mo cccmo lxxvijmo			[carryover]
79r	80r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxx	x q'	ffoxton vij fol
79v	80v	.m.cccmo lxxvijmo			[carryover]
80r	81r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxxj	x q'	ffoxton viij fol
80v	81v	.m.cccmo lxxvijmo			[carryover]
81r	82r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxxij	xj q'	ffoxton j fol
81v	82v	.m.cccmo lxxvijmo			[carryover]
82r	83r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxxiiij	xj q'	ffoxton ij fol
82v	83v	.m.cccmo lxxvijmo			[carryover]
83r	84r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxxiiij	xj q'	ffoxton iiij fol
83v	84v	.m.cccmo lxxvijmo			[carryover]
84r	85r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxxv	xj q'	ffoxton iiiij fol
84v	85v	.m.cccmo lxxvijmo			[carryover]
85r	86r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxxvj	xj q'	ffoxton v fol
85v	86v	.m.cccmo lxxvijmo			[carryover]
86r	87r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxx- vij	xj q'	ffoxton vj fol
86v	87v	.m.cccmo lxxvijmo			[carryover]
87r	88r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxx- viiij	xj q'	ffoxton vij fol
87v	88v	.m.cccmo lxxvijmo			
88r	89r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxx- viiiij		[bottom of fol. missing]
88v	89v	.m.cccmo lxxvijmo			
89r	90r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxxx	xij q'	ffoxton j fol
89v	90v	.m.cccmo lxxvijmo			
90r	91r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxxxj	xij q'	ffoxton ij fol
90v	91v	.m.cccmo lxxvijmo			[carryover]
91r	92r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxxxij	xij q'	ffoxton iiij fol
91v	92v	.m.cccmo lxxvijmo			[carryover]
92r	93r	.m.cccmo lxxvijmo	Scrop' lxxvijmo lxxxxiiij	xij q'	ffoxton iiiij fol

92v	93v	.m.cccmo lxxvijvo			[carryover]
93r	94r	.m.cccmo lxxvijvo	Scrop' lxxvijvo lxxxiiij	xij q'	ffoxton v fol
93v	94v	.m.cccmo lxxvijvo			[carryover]
94r	95r	.m.cccmo lxxvijvo	Scrop' lxxvijvo lxxxv	xij q'	ffoxton vj fol
94v	95v	.m.cccmo lxxvijvo			[carryover]
95r	96r	.m.cccmo lxxvijvo	Scrop' lxxvijvo lxxx- vj	xij q'	ffoxton vij fol
95v	96v	.m.cccmo lxxvijvo			[carryover]
96r	97r	.m.cccmo lxxvijvo	Scrop' lxxvijvo lxxx- vij	xij q'	ffoxton viij fol
96v	97v	.m.cccmo lxxvijvo			
97r	98r	.m.cccmo lxxvijvo	Scrop' lxxvijvo lxxx- vij	xiiij q'	ffoxton j fol
97v	98v	.m.cccmo lxxvijvo			
98r	99r	.m.cccmo lxxvijvo	Scrop' lxxvijvo lxxx- ix	xiiij q'	ffoxton ij fol
98v	99v	.m.cccmo lxxvijvo			
99r	100r	.m.cccmo lxxvijvo	Scrop' lxxvijvo c	xiiij q'	ffoxton iij fol
99v	100v	.m.cccmo lxxvijvo			[carryover]
100r	101r	.m.cccmo lxxvijvo	Scrop' lxxvijvo cj	xiiij q'	ffoxton iiij fol
100v	101v	.m.cccmo lxxvijvo			[carryover]
101r	102r	.m.cccmo lxxvijvo	Scrop' lxxvijvo cij	xiiij q'	ffoxton v fol
101v	102v	.m.cccmo lxxvijvo			[carryover]
102r	103r	.m.cccmo lxxvijvo	Scrop' lxxvijvo ciiij	xiiij q'	ffoxton vj fol
102v	103v	.m.cccmo lxxvijvo			[carryover]
103r	104r	.m.cccmo lxxvijvo	Scrop' lxxvijvo ciiij	xiiij q'	ffoxton vij fol
103v	104v	.m.cccmo lxxvijvo			[carryover]
104r	105r	.m.cccmo lxxvijvo	Scrop' lxxvijvo cv	xiiij q'	ffoxton viij fol
104v	105v	.m.cccmo lxxvijvo			[carryover]
105r	106r	.m.cccmo lxxvijvo	Scrop' lxxvijvo cvj	xiiij q'	ffoxton j fol
105v	106v	.m.cccmo lxxvijvo			[carryover]
106r	107r	.m.cccmo lxxvijvo	Scrop' lxxvijvo cvij	xiiij q'	ffoxton ij fol
106v	107v	.m.cccmo lxxvijvo			[carryover]
107r	108r	.m.cccmo lxxvijvo	Scrop' lxxvijvo cvij	xiiij q'	ffoxton iij fol
107v	108v	.m.cccmo lxxvijvo			[carryover]

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108r	109r	.m.cccmo lxxviiijvo	Scrop' lxxviiijvo cix	xiiij q'	ffoxton iiij fol
108v	109v	.m.cccmo lxxviiijvo			[carryover]
109r	110r	.m.cccmo lxxviiijvo	Scrop' lxxviiijvo cx	xiiij q'	ffoxton v fol
109v	110v	.m.cccmo lxxviiijvo			
110r	111r	.m.cccmo lxxviiijvo	Scrop' lxxviiijvo cxj	xiiij q'	ffoxton vj fol
110v	111v	.m.cccmo lxxviiijvo			[carryover]
111r	112r	.m.cccmo lxxviiijvo	Scrop' lxxviiijvo cxij	xiiij q'	ffoxton vij fol
111v	112v	.m.cccmo lxxviiijvo			[carryover]
112r	113r	.m.cccmo lxxviiijvo	Scrop' lxxviiijvo cxiiij	xiiij q'	ffoxton viij fol
112v	113v	.m.cccmo lxxixno			[carryover]
113r	114r	.m.cccmo lxxixno	Scrop' lxxixno cxiiij	xv q'	ffoxton j fol
113v	114v	.m.cccmo lxxixno			[carryover]
114r	115r	.m.cccmo lxxixno	Scrop' lxxixno cxv	xv q'	ffoxton ij fol
114v	115v	m.ccc. lxxixno.			[carryover]
115r	116r	.m.ccc.lxxix.	Scrop' lxxixno cxvj	xv q'	ffoxton; iij fol.
115v	116v	.m.ccc.lxxix.			
116r	117r	.m.ccc.lxxix.	Scrop' lxxixno cxvij	xv q'	ffoxton iiij fol.
116v	117v	.m.ccc.lxxix.			[carryover]
117r	118r	.m.ccc.lxxix.	Scrop' lxxix cxviiij	xv q'	ffoxton v fol.
117v	118v	.m.ccc.lxxix.			[carryover]
118r	119r	.m.ccc.lxxixno.	Scrop' lxxix cxix	xv q'	ffoxton
118v	119v	.m.ccc.lxxix.			[carryover]
119r	120r	.m.ccc.lxxix.	[note 4]	xv q'	ffoxton; vij fol.
119v	120v	.m.ccc.lxxix.			[carryover]
120r	121r	.m.ccc.lxxix.	Neuton lxxix cxxj		ffoxton; viij fol.
120v	121v	.m.ccc.lxxix.			[carryover]
121r	122r	.m.ccc.lxxix.	Neuton lxxix cxxij	xvi q'	ffoxton; j fol.
121v	122v	mo cccmo lxxixno			[carryover]
122r	123r	.m. cccmo lxxixno	Neuton lxxix cxxiiij	xvi q'	ffoxton;ij fol.
122v	123v	.m.ccc.lxxix.			[carryover]
123r	124r	.m.ccc.lxxix.	Neuton lxxix cxxiiij	xvi q'	ffoxton; iij fol.

123v	124v	.m.ccc.lxxix.			[carryover]
124r	125r	.m.ccc.lxxix.	Neuton lxxix cxxv	xvi q'	ffoxton; iiij fol.
124v	125v	.m.ccc.lxxix.			[carryover]
125r	126r	.m.ccc.lxxix.	Neuton lxxix cxxvj	xvi q'	ffoxton; v fol.
125v	126v	.m.ccc.lxxix.			[carryover]
126r	127r	.m.ccc.lxxix.	Neuton lxxix cxxvij	xvi q'	ffoxton; vj fol.
126v	127v	.m.ccc.lxxix.			[carryover]
127r	128r	.m.ccc.lxxix.	Neuton lxxix cxxviiij	xvi q'	ffoxton; viij fol.
127v	128v	.m.ccc.lxxix.			
128r	129r	.m.ccc.lxxix.	Neuton lxxix cxxix	xvi q'	ffoxton; ?viiij fol.
128v	129v	lxxix			[carryover]
129r	130r	.m.ccc.lxxix.	Neuton lxxix cxxx	xvij q'	ffoxton; ?j fol.
129v	130v	lxxix			[carryover]
130r	131r	mo.ccc lxxix	Neuton lxxix cxxxj	xvij q'	ffoxton
130v	131v	.lxxix.			
131r	132r	.m.ccc.lxxix.	Neuton lxxix cxxxij	xvij q'	ffoxton
131v	132v	lxxixno			
132r	133r	lxxixno	Neuton lxxixno cxxxiiij	xvij q'	ffoxton
132v	133v	lxxixno			[carryover]
133r	134r	.lxxix.	Neuton lxxixno cxxxiiij	xvij q'	ffoxton; v fol.
133v	134v	lxxixno			[carryover]
134r	135r	lxxixno.	Neuton lxxixno. cxxxv	xvij q'	ffoxton
134v	135v	lxxixno			
135r	136r	lxxxmo	Neuton lxxxmo cxxxvj	xvij q'	ffoxton
135v	136v	lxxxmo.			
136r	137r	lxxxmo.	lxxxmo Neuton cxxx-vij	xvij q'	
136v	137v	lxxxmo			
137r	138r	.m.ccc.lxxix.	Neuton lxxx cxxxviiij	xviiij q'	ffoxton
137v	138v	lxxxmo.			[carryover]
138r	139r	lxxxmo.	Neuton lxxxmo. cxxx-ix		ffoxton

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138v	139v	lxxxmo			
139r	140r	mo. cccmo lxxxmo.	Neuton .lxxxmo. cxl	xviiij q'	ffoxton
139v	140v	m.ccc.lxxix.			
140r	141r	millmo'.cccmo.lxxxmo	Neuton lxxxmo cxlj	xviiij q'	ffoxton; ?
140v	141v	lxxxmo.			[carryover]
141r	142r	millmo'.cccmo.lxxxmo.	Neuton lxxxmo cxlij	xviiij q'	ffoxton
141v	142v	lxxxmo.			[carryover]
142r	143r	millmo'.cccmo.lxxxmo.	Neuton lxxxmo cxliij	xviiij q'	ffoxton
142v	143v	lxxxmo.			
143r	144r	millmo' cccmo.lxxxmo.	Neuton lxxxmo. cxliiij	xviiij q'	ffoxton
143v	144v	lxxx.			
144r	145r	millmo' .cccmo.lxxxmo.	Neuton lxxxmo cxlv	xviiij q'	ffoxton
144v	145v	lxxx			[carryover]
145r	146r	m.cccmo lxxxmo.	Neuton lxxx cxlvj	xix q'	ffoxton; j fol.
145v	146v	lxxxmo.			
146r	147r	m.cccmo lxxxmo.	Neuton lxxxmo. cxlvij	?	ffoxton
146v	147v	lxxxmo.			
147r	148r	millmo' .cccmo. lxxxmo.	Neuton lxxxmo cxlviiij		ffoxton
147v	148v	lxxxmo.			
148r	149r	millmo' .cccmo. lxxxmo.	Neuton lxxxmo. cxlix		ffoxton; [carryover]
148v	149v	lxxxjmo			[carryover]
149r	150r	millmo' .cccmo. lxxxjmo	Neuton lxxxjmo cl		ffoxton
149v	150v	lxxxj.			
150r	151r	millmo' .cccmo. lxxxjmo.	Neuton lxxxjmo. clj		ffoxton
150v	151v	lxxxjmo			
151r	152r	millmo' .cccmo. lxxxjmo	Neuton lxxxjmo. clij		ffoxton
151v	152v	lxxxjmo			
152r	153r	millmo' .cccmo. lxxxjmo.	Neuton lxxxjmo. cliij		ffoxton
152v	153v	lxxxjmo			
153r	154r	lxxxjmo.	Neuton lxxxjmo. cliiij	xx q'	[carryover]; ffoxton

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153v	154v	lxxxjmo			
154r	155r	millmo' cccmo lxxxjmo.	Neuton lxxxjmo. clv		ffoxton
154v	155v	lxxxjmo			
155r	156r	millmo' .cccmo. lxxxjmo.	Neuton lxxxjmo. clvj		ffoxton
155v	156v	lxxxj			
156r	158r	millmo' .cccmo. lxxxjmo	Neuton lxxxjmo. [note 5]		ffoxton
156v	158v	lxxxj			
157r	159r	millmo' cccmo lxxxjmo	Neuton lxxxjmo. clix		ffoxton
157v	159v	lxxxjmo			[carryover]
158r	160r	millmo' cccmo lxxxjmo	Neuton lxxxj clx		ffoxton
158v	160v	lxxxj			
159r	161r	millmo' cccmo lxxxjmo.	Neuton lxxxjmo. clxj		ffoxton
159v	161v	lxxxjmo			
160r	162r	millmo' cccmo lxxxjmo.	Neuton lxxxiiijto [note 6]		ffoxton
160v	162v	lxxxjmo			

note 1: *Registrum primum causarum consistorii Epi Elie de tempore domini T. de Arundel* (begins in left margin and runs across most of the head).

note 2a: Adds in different hand: *Nomen officialis Elie' magister Nicholaus Roos.*

note 2b: *Nomen Registrarii consistorii Elie'* (with streamers running to *ffoxton* in the same hand).

note 3: *Magister Ricardus Scrop' offic' Elie lxxvto xxxvij.*

note 4: *Magister Johannes de Neuton Officialis Eliensis.*

note 5: With magnification it is possible to see a *C* and possibly *lviii*, but the ink is faded and there is bleeding from the other side of the parchment. A folio number was skipped; the next number is clearly 159, but we cannot be sure whether it was 157 or 158 that was skipped.

note 6: That is clearly what it says, and it is equally clear that it is wrong. The right section of the header is in a different ink and probably a different hand from the central header. It was probably written later. The foliation is missing.

TABLE 3. CASES

The following table gives, in the order of their appearance in the book, the identifying number of the case hyperlinked to the case, the number of the first entry, its style, the substance of the case where known, an indication of whether there is an introduction to the case, and references to the Introduction if any. Cases styled as ‘X c Y’ are instance cases, unless they are specifically said to be appeal cases. Cases styled Office c X are office cases. Cases styled as ‘Office and X c Y’ are promoted office cases. A query (?) before ‘office’ indicates that the case migrates from office to instance or vice versa. In appeal cases, the original parties are labelled as such and the appellant is indicated by his or her position as the first named. It would seem that if the appellee is the judge *a quo*, the case was originally an office case. ‘*In re*’ indicates that the case was an administrative matter, i.e., so far as we can tell it did not become contentious. In appeal cases, the court appealed from is given in parentheses following the indication of appeal (adn = archdeacon, comm = commissary [of the official of the consistory], bp = bishop [the last, of course, not being a technical appeal but a collateral attack on the judgment]). The substance follows Foxton’s designations, and does not, for example, distinguish between two-party and three-party marriage cases, unless Foxton did so. A query in round brackets indicates that the substance is uncertain.

This table is followed by one (Table 4) that gives the case names in alphabetical order with their identifying numbers and one (Table 5) that gives the case numbers in numerical order followed by their names.

Cases Begun in 1374

1. 1.1. Poulton. John Kellock of Ely c Annora daughter of John Poulton of the same. Marriage.
2. 1.2. Lister. Joan Painter of Huntingdon, resident of Ely c. Richard Lister of the same and Emma his *de facto* wife. Marriage.
3. 1.3. Dreng. John Dreng of Chatteris, defendant (and Agnes Piron of the same) c Amy Peck of the same, plaintiff. Appeal (?internal), marriage, nullity of sentence.
4. 1.4. Gransden/Shanbery. (a) Margaret widow of Geoffrey Gransden of Chesterton, defendant (and William Shanbery of Chesterton) c William son of Henry Angold, plaintiff. Appeal (adn), marriage. (b) Office c Margaret Gransden, William Shanbery, and Geoffrey Smyth, each of Chesterton. Illegal solemnization. (c) William Shanbery of Chesterton and Margaret widow of Geoffrey Gransden, his *de facto* wife c William son of Henry Angold of Chesterton. Appeal (comm), marriage. Case introduction. Introduction: p. xviii, xix, xxxiv & n.
5. 1.5. Cumpyn. Margaret Cumpyn of Reach c Joan Hitchcock of Swaffham Prior and John her son. Defamation.
6. 1.7. Candlesby (1). Mr Hugh Candlesby, registrar of the archdeacon c John Freeborn of Fulbourn. Salary. Case introduction. Introduction: p. xlii.
7. 1.8. Andre (1). Office c Richard Andre of Swavesey and Agnes his *de facto* wife. Divorce. Introduction: p. xvii, xviii.
8. 3.7. Baylham. William Baylham of Cambridge c John vicar of Holy Sepulchre, Cambridge. Appeal (?), (?). Introduction: p. xxvii n., xlv, xlviii.
9. 5.12. Riggs. Office c John Riggs of Ely, clerk, and Katherine daughter of Geoffrey Buggs of Ely. Marriage.
10. 5.13. Ely (1). Brother John of Ely, monk and sacristan of Ely Cathedral, holding to his use

Holy Trinity and St Mary's, Ely c Thomas Scot of Witchford. Tithes.

11. 5.14. Barnwell/Tavern. Office c Stephen Barnwell of Cambridge, poulterer and married man, and Isabell Tavern of Cambridge, godmother of Stephen's children. Adultery and incest. Introduction: p. xxxv, xxxiii, lxxv.

12. 6.8. Day. Nicholas Day of Bourn, defendant c Isabell Spinner of Bourn, plaintiff. Appeal (adn), marriage. Introduction: p. xxxiv, xlvi, xlviii, lxiii, lxxx.

13. 6.9. Bottisham/Baylham. William Baylham of Cambridge c Mr Nicholas de Bottisham, archdeacon's official. Appeal (adn), (?). Case introduction. Introduction: p. xlvi.

14. 6.10. Bottisham/Botler. Margaret wife of Richard Botler of Cambridge c Mr Nicholas de Bottisham, archdeacon's official. Appeal (adn), (?). Introduction: p. xlvi.

15. 6.12. Guilden Morden. Richard de Boxworth, vicar of Guilden Morden c Mr Nicholas de Bottisham, archdeacon's official. Appeal (adn), (?). Introduction: p. xlvi, xlviii.

16. 6.13. Bond. (a) Office c Richard vicar of Wendy. Illegal solemnization and contempt. (b) Agnes Bond of Wimpole, plaintiff c John Yutte of Wendy, defendant. Appeal (adn), marriage. (c) Office c William Molt of Wendy. Illegal solemnization and contempt. Introduction: p. xlvi, xlviii, lxiii.

17. 6.19. Butcher. Office c Henry Butcher of Hardwick and Alice residing with John Ward of Whitwell in Barton. Marriage.

18. 7.12. Harpour. Seaman Harpour, chaplain residing at Anglesey Priory c William vicar of Bottisham. Appeal (adn), tithes. Introduction: p. xlvi, xlviii.

19. 7.14. Whaddon. *In re* pension of Whaddon (John Reading, citizen of London and farmer of Whaddon, appropriated to the dean and college of Windsor; Thomas vicar of Whaddon). Pension.

20. 7.15. Caxton. *In re* pension of Caxton (Bartholomew vicar and farmer of Caxton, appropriated to the dean and college of Windsor; John Reading, citizen of London). Pension.

21. 7.16. Wickham (1). *In re* pension of [West] Wickham (prior and convent of Colne, London diocese, having the use of Wickham; Robert Boure, farmer of Wickham; the prior of Colne). Pension.

22. 7.17. Girton. *In re* Mr William Santer, rector of Girton. Administrative, infirm priest.

23. 7.18. Shepreth. *In re* Robert Elys, vicar of Shepreth. ?Infirm priest.

24. 7.19. Robinson. Office c John Robinson snr of Swaffham Prior and Joan daughter of Geoffrey Morris of Swaffham Prior. Abjuration *sub pena nubendi*.

25. 9.17. Reading/Rand. Office c Henry Rand of Barnwell, carpenter (Cecilia wife of John Reading of Cambridge, furbisher). Execution of judgment, ?breach of faith. Case introduction.

26. 9.19. Landbeach. (a) *In re* John atte Church, rector of Landbeach. Infirm and deceased rector. (b) John Campion, executor of John atte Church c Henry Sander of Landbeach and Alice his wife. Testamentary. Introduction: p. xxvii n.

27. 11.14. Cambridge. Office c. John de Dunwich, chancellor of Cambridge University. Obedience and tutorial appeal. Case introduction. Introduction: p. lxviii, lxxv, lxxvii.

Cases Begun in 1375

28. 12.8. Draper. John Draper of Cambridge c Mr William Rookhawe, archdeacon's official.

- Appeal (adn), (?). Introduction: p. xxvii n, li & n, lii n, liii.
29. 13.10. Camps. (a) Office c Richard Alwyn, chaplain of Hildersham, dean of Camps. (b) Office c Richard, vicar of Westley Waterless, dean of Camps. Contempt. Introduction: p. l.
30. 15.8. Reed (1). Edmund Reed of Chatteris c Edward Clench of Chatteris. Defamation. Introduction: p. xxvi n.
31. 15.9. Warlock. William Warlock of Cottenham, executor of William Warlock, his father c Thomas Marshall of Cottenham. Testamentary. Introduction: p. xxvii n.
32. 15.10. Smyth (1). Office and John Smyth of Croxton c Matilda Swetyngt of the same. Defamation.
33. 15.11. Shepherd/Wright. (a) Office c [John Bluntisham], chaplain of Croxton. Contempt. (b) Thomas Shepherd of Croxton c John Wright of the same. Defamation. (c) John Wright of Croxton, defendant c Thomas Shepherd of the same, plaintiff. Appeal (adn), (?). Case introduction. Introduction: p. li n, liii.
34. 16.11. Hinton. Office and William Netherstreet, chaplain of Fulbourn, Roger in le Herne, Thomas Gillet, Richard King, Thomas Beveridge, Robert Godfrey, Hugh Marling, John Collin, John Dill, William Swettok, and John Rolf, parishioners of Fulbourn c William Fool, vicar of Cherry Hinton. Unjust excommunication. Introduction: p. xxvii n., xxx.
35. 17.10. Elm. William Petworth, rector of Elm c Robert Kirkham of Elm. Tithes.
36. 17.11. Caster (1). (a) Geoffrey Caster of Cambridge c Richard Ingham tailor (*sutor*) of Cambridge. Appeal (adn), (?). (b) Geoffrey Caster of Cambridge c Richard Ingham cobbler (*sutor*) of Cambridge, Alice his wife, and Margaret daughter of the late William Clopton, cobbler of the same. Appeal (adn), (?). (c) Geoffrey Caster of Cambridge c Joan d'Ireland *al.* Whitchurch of the same. Appeal (adn), (?). Case introduction. Introduction: p. li n. liv.
37. 18.18. Bette (1). John Bette and Matilda Multon of Hardwick c Mr William de Rookhawe, archdeacon's official. Appeal, (?). Introduction: p. li & n, lii n, lxxv.
38. 18.19. Cheseman (1). (a) John Cheseman of Cambridge c Mr William de Rookhawe, archdeacon's official. Appeal (adn), (?). (b) Office c John vicar of Holy Sepulchre, Cambridge, and dean of Cambridge. Contempt. Introduction: p. xxvii n, li & n, lii n, lxxv.
39. 18.20. Netherstreet (1). William atte Netherstreet, chaplain of Fulbourn c Mr William de Rookhawe, archdeacon's official. Appeal (adn), (?). Introduction: p. li & n, lii n, lxxv.
40. 18.21. St John. Master and brothers of the hospital of St John the Evangelist, Cambridge c John Speed of Great Shelford and Joan wife of Lawrence Chapman of the same, executors of John Tiler of Cambridge. Testamentary. Introduction: p. xxvii n.
41. 18.28. Candlesby (2). Office c Hugh Candlesby, registrar of the archdeacon. Contempt.
42. 18.29. Lokenore. John Lokenore of Willingham c Reginald de Wood of Carlton. Defamation. Introduction: p. xxvi n.
43. 18.30. Chesterton (1). Office c William vicar of Chesterton. Failure to attend synod.
44. 18.31. Wright. Office c Alexander Wright and Isabell daughter of John de Wisbech of Cambridge and stepdaughter of William Walden of Cambridge. Marriage. Introduction: p. xviii.
45. 19.14. Clerk (1). Robert Clerk *al.* Carter, clerk and steward of the bishop in the city of Ely, defendant c Anna daughter of John Sergeant of Ely, plaintiff. Appeal (sacristan of Ely Cathed-

dral), marriage. Introduction: p. lxv.

46. 19.20. Glasswright. Thomas Glasswright of Cambridge c Robert Trump of Great Abington. Breach of faith.

47. 19.21. Abington (1). *In re* John Spenser, vicar of Abington, deceased. Death of vicar. Introduction: p. lxix.

48. 19.24. Carlton (1). Office c Thomas Ansell, rector of Carlton. Non-residence.

49. 19.25. Saffrey (1). Office c John Saffrey of Wimpole and Alice daughter of Richard Molt of Wendy. Marriage.

50. 20.13. Mason (1). Andrew Mason of Trumpington, Margaret his wife, and Christine her daughter c Mr William de Rookhawe, archdeacon's official. Appeal (adn), (?). Introduction: p. li n, lii n, liii.

51. 20.14. Grebby. Office c John Grebby, chaplain residing at Cambridge. Contempt.

52. 20.17. Simond. Office c John son of William Simond of Leverington and Alice daughter of William Page of the same. Marriage.

53. 20.18. Halpenny Cloke. Office c John son of William Halpenny Cloke of Wisbech and Katherine Denyfeld of the same. Marriage.

54. 20.20. Collins. Thomas Collins *al.* Cook cutler of Cambridge c John Everard, tailor, formerly residing with Lawrence Taylor of Cambridge. Breach of faith.

55. 20.21. Downham. *In re* Thomas Amys, rector of Downham, deceased. Death of rector.

56. 20.24. Wisbech. Office c John de Tittleshall, dean of Wisbech. Abuse of office. Introduction: p. lvii.

57. 20.26. Willingham (1). *In re* Mr Robert Sustead, DCivL, rector of Willingham, deceased. Death of rector.

58. 20.27. Cottenham (1). (a) *In re* John de Thorp, rector of Cottenham, deceased. Death of rector. (b) Parishioners and wardens of Cottenham c John Marris, John Difford, rector of ?Whaddon, Robert Beveridge, and William Burton, executors of John de Thorp. Testamentary. Introduction: p. xlv, lxxv.

59. 20.30. Knapwell. (a) *In re* chaplain of Knapwell. Warning. (b) John Ward, John Smyth jnr, Thomas Daniel, and John Hoot, parishioners of Knapwell c Richard de Troft, rector of Knapwell. Subtraction of parish clerk and divine services. (c) ?Office and Richard de Troft, rector of Knapwell c John Ward, parishioner of Knapwell and layman. Subtraction of tithes, impeding of services, obstruction of offerings. Introduction: p. xxvii n.

60. 21.14. Ickleton (1). John Quayle, vicar of Ickleton c John Pye miller of Babraham. Tithes. Introduction: p. xxvii n.

61. 23.3. Hardwick. *In re* Richard Beadshall, rector of Hardwick, deceased. Death of rector.

62. 24.18. Swaffham (1). *In re* John de Dunham, vicar of St Mary's, Swaffham Prior, deceased. Death of vicar.

63. 24.21. Littleport/Lakenheath. (a) Office c Simon de Lakenheath, vicar of Littleport. Fornication and incest. (b) Office c Margaret Lakenheath. Fornication. Introduction: p. xxxiii, xxxv, lxxv.

64. 24.24. Wilcockson. Office c John Wilcockson and Agnes daughter of John Hare, residing

in Barnwell. Marriage.

65. 24.25. Humbleton. Office c Thomas Humbleton tailor of Cambridge and Agnes Folville of the same. Marriage.

66. 24.26. Starr/Fiskerton. (a) Margery Starr of Cambridge and Joan Fiskerton of the same c Adam Reynold dyer (*lystere*) of the same. Marriage. (b) Office c Joan Fiskerton of Cambridge, *al.* Cornwaille. Adultery. Case introduction. Introduction: p. l n, lxxv.

67. 24.27. Drayton. Office c Mr Thomas of Newmarket, rector of Dry Drayton. Defect of birth.

68. 24.31. Grinder. Joan wife of John Grinder shearman (*schechere*) of Cambridge c William Taylor of St Botolph's, Cambridge. Defamation. Introduction: p. xxvi n.

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69. 25.16. Lovely. Richard Lovely, rector of Maulden, Lincoln diocese c William Fitton of Little Eversden. Defamation. Introduction: p. xxvi n., l.

70. 25.17. Thriplow. John Thriplow of Fowlmere c Denise Marvel of the same. Defamation. Introduction: p. xxvi n.

71. 25.18. Warden. Matilda daughter of John Warden of Madingley c John Moor of Madingley and his *de facto* wife Joan daughter of John Codling, each of the same. Marriage and divorce.

72. 25.19. Wickham (2). John Taylor, Simon Smart, Stephen Milner, and Walter Tredgett parishioners of [West] Wickham c prior of St Mary of Colne, London diocese, having the use of Wickham. Subtraction of divine services and clerk.

73. 25.20. Oak. Rose wife of John atte Oak c Margaret wife Thomas Rayson of Milton. Defamation. Introduction: p. xxvi n.

74. 25.23. Hart/Hammond. John Hart and William Hammond, each of Barton c Mr William de Rookhawe, archdeacon's official. Appeal (adn), (?). Introduction: p. xxvii n., li & n., lii n., liii.

75. 25.24. Roper. Margaret Roper of Cambridge c Mr William de Rookhawe, archdeacon's official. Appeal (adn), (?). Introduction: p. xxvii n., li & n., lii n.

76. 25.25. Gayton. Margaret Gayton of Cambridge c Mr William de Rookhawe, archdeacon's official. Appeal (adn), (?). Introduction: p. li, lii n., liii.

77. 26.25. Band. Thomas Band of Chesterford c Isabell widow of John Prime of Thriplow. Marriage.

78. 26.26. Leverington. Parishioners of Leverington c John Wilkinson of the same. Subtraction of rents and dues to chapel of St John.

79. 26.29. Bourn. Office c Roger vicar of Eversden, dean of Bourn. Contempt.

80. 26.30. Barber/Souster. (a) Office c Thomas Barber of St Benet's, Cambridge, and Joan Souster, his long-time concubine. Marriage. (b) Office c Thomas Barber of St Benet's, Cambridge. Adultery. Introduction: p. lxxiii, lxxv.

81. 27.19. Hart (1). John Hart of Barton c William Rich of the same. Defamation. Introduction: p. xxvi n.

82. 27.24. Mount Sion. *In re* St Mary of Mount Sion (Richard de Boxted, monk and proctor of the hospital of St Mary of Mt. Sion near Jerusalem). Alms-seeking. Introduction: p. xlv, lix n.

83. 28.19. Barton (1). William vicar of Barton c John Hart of the same. Breach of faith. Introduction: p. xxvii n.

84. 28.20. Kingston (1). John de Podington, rector of Kingston c Mr William de Rookhawe, archdeacon's official. Appeal (adn), (?). Introduction: p. lii n., liii.
85. 28.23. Valley. Margaret Valley of Cambridge c Mr William de Rookhawe, archdeacon's official. Appeal (adn), (?). Introduction: p. lii n., liii.
86. 28.24. Carter. Agnes wife of William Carter of Littleport c Henry Palmer and Joan his wife, of the same. Defamation.
87. 28.26. Stokesley. Richard Stokesley and John Milner, both of Westley Waterless c Margaret wife of Hugh Cook of the same. Defamation. Introduction: p. xxvi n.
88. 28.28. Dalling/Savage. (a) Office c Adam Savage serjeant and Christine Wafre. Fornication and marriage. (b) Office c Adam Savage serjeant and Matilda de Worsley *al.* Ward of Oakington, spinner of Cambridge. Marriage. (c) Office c Adam Savage serjeant and Agnes Dalling of Cambridge. Marriage.
89. 29.24. Stow (1). (a) John chaplain of Stow c William Hubert, Walter Fowler, Henry Kinman and Robert Newman, each of Stow. Salary. (b) William Hubert, Walter Fowler, Henry Kinman and Robert Hart, each of Stow c Alan Bird of Quy. Breach of faith. Case introduction. Introduction: p. xlii.
90. 30.20. Potton/Caprik. Mr John Potton, advocate of Ely consistory, and Peter Caprik, proctor of Ely consistory c Robert Kirkham of Elm. Salary. Introduction: p. xlii.
91. 30.22. Bargon. John Bargon of Westley Waterless c Margaret Smyth of the same. Appeal (adn), marriage. Introduction: p. lii n., liv.
92. 31.17. Sadler/Lister. (a) Alice Sadler, residing with Walter Smyth of St Andrew, Cambridge c John son of Thomas Lister of Cambridge and Margaret stepdaughter of Robert Ballard. Marriage. (b) Office c John son of Thomas Lster and Margaret stepdaughter of Robert Ballard, each of Cambridge. Marriage.
93. 31.19. Langton. Thomas de Langton, chaplain of Emneth c Mr William de Rookhawe, archdeacon's official. Appeal (and), (?). Introduction: p. li, lii n., liii.
94. 31.20. Chandler (1). Agnes former servant of Richard Masterman of Barnwell, now residing with Roger Chandler of Cambridge c Mr William de Rookhawe, archdeacon's official. Appeal (adn), (?). Introduction: p. lii n. liii.
95. 31.21. Walpole. Office c Thomas de Walpole, parish chaplain of St John in Milne Street, Cambridge. Excessive salary. Introduction: p. lxxv, lxxvi n., lxxvii.
96. 31.22. Draper/Durrant. (a) Agnes Durrant of Orwell c John Draper tailor of Cambridge. Marriage. (b) Alice Cakebread of Barley, London diocese c John Draper tailor of Cambridge. Marriage. (c) Office c John Draper tailor of Cambridge and Alice Cakebread of Barley, London diocese. Illegal solemnization. (d) John Draper tailor of Cambridge and Alice Cakebread of Barley, London diocese c Agnes Durrant of Orwell. Appeal (comm), marriage. (e) Office c John Draper tailor of Cambridge and Agnes Durrant of Orwell. Execution of judgment, marriage.
97. 32.17. Bowet. Mr Henry Bowet, advocate of Ely consistory c Richard Stokesley of Westley Waterless. Salary. Introduction: p. xlii.
98. 32.20. Lingwood/Howe. Office c Matilda Howe of Wisbech, tavern keeper of Alice Terington of Cambridge, and John Lingwood wright of Cambridge. Marriage. Case introduction.
99. 33.18. Sare. John Sare of Cambridge and Joan his wife, defendants c Margery Baldock of

St Botolph's, Cambridge, plaintiff. Appeal (adn), defamation. Introduction: p. xviii n., li n., liii–liv.

100. 33.19. Horn. Robert Horn, chaplain of Tydd St Giles c John Tivetshall, dean of Wisbech and commissary general of archdeacon. Appeal (adn), (?). Introduction: p. lii n., liii.

101. 33.23. Kirtling/Bernard. Mr John Bernard, rector of Kirtling, Norwich diocese c master of St John the Evangelist, Cambridge. Execution of judgment, repair of defects in chancel. Case introduction.

102. 33.24. Wiltshire. John Wiltshire c Alice Bradbury and Marion her daughter. Defamation.

103. 33.25. Lingwood (1). John Lingwood carpenter of Cambridge c John Jocelyn butcher of Cambridge. Defamation. Introduction: p. xxvi n.

104. 34.16. Dix. John Dix of March c Matilda Pape of the same. Defamation.

105. 34.17. Bayser. Matilda wife of Henry Bayser of Cambridge c Margery wife of Simon Shuman of the same. Defamation.

106. 34.23. Anglesey/Burton/Peacock. (a) *In re* Geoffrey de Burton, chaplain residing in Anglesey Priory, deceased. Death of a chaplain. (b) Agnes Peacock c Walter Mitelway and Thomas Gerard of Bottisham, executors of Geoffrey Burton of Anglesey, chaplain. Testamentary. (c) Executors of Geoffrey Burton of Anglesey, chaplain c John Herne, Agnes Lister, and John Scot, each of Bottisham. Testamentary. (d) Office and Agnes Peacock of Bottisham c Walter Mitelway of the same. (?).

107. 34.24. Hildersham. Office c John Sollars, rector of Hildersham. Failure to attend synod.

108. 34.25. Conington. (a) *In re* chaplain of Conington (John Cook, residing in Knapwell). Warning. (b) Office and Stephen rector of Conington c John Rich of Oakington, chaplain. Service as chaplain. Case introduction.

109. 34.32. Gamlingay. Thomas Oliver, rector of half of Gamlingay, and Robert vicar of half of Gamlingay c William Chelestre of Gamlingay. Tithes.

110. 34.33. Lichfield (1). John Lichfield of Cambridge c John Leighton of St Andrew's, Histon. Breach of faith.

111. 34.34. Honyter. Adam Honyter of March c Simon Foulman of the same. Breach of faith.

112. 35.14. Trenet. Thomas Trenet of Cambridge c John Little of Chesterton. Breach of faith. Introduction: p. xxvii n.

113. 35.17. Boxworth. Office c John Boxworth of Sutton and Christine Messenger of the same. Marriage.

114. 35.18. Wolron. Office c Thomas Wolron of Holy Trinity, Ely, and Margaret servant of Richard Leicester of Ely. Marriage. Case introduction.

115. 35.19. Leicester. Office c Robert servant of Richard Leicester, of Holy Trinity, Ely, and Mariota servant of the same Richard. Marriage. Case introduction.

116. 35.20. Thorney/Whittlesey (1). (a) Abbot and convent of Thorney holding the use of Whittlesey and Brother Nicholas de Fletton, monk of Thorney Abbey, defendants c Robert de Elsworth, perpetual vicar of St Mary's, Whittlesey, plaintiff. Appeal (adn), tithes. (b) Robert de Elsworth, vicar of St Mary of Whittlesey c Abbot of Thorney. Tithes. Case introduction. Introduction: p. xxvi n., xxvii n., lii n., liv, lxxi, lxxv, lxxxiv.

117. 35.21. Wolverton. John Wolverton of Littleport c Emma wife of Richard Eustace of the

same. Defamation.

118. 36.15. Brice. John Brice of Cambridge c Alice wife of Robert Christmas of the same. Defamation. Introduction: p. xxvi n.

119. 36.18. Green (1). Amy atte Green of Girton c Robert Priest of Melbourn, residing with Roger de Trumpinton. Marriage.

120. 36.23. Caldecote. Office c John vicar of Caldecote. Failure to attend synod.

121. 36.26. Candlesby/Wilburton. Office c Mr Hugh Candlesby, archdeacon's registrar. Unlawful farm of church. Introduction: p. xl n., lxix.

122. 36.29. Boyton. Office c John Boyton, servant of John Fyssh of Ely, and Margaret Andre of Stretham. Marriage.

123. 36.30. Everard. Office c John Everard of Ely and Joan residing with Robert Bennet of Ely. Marriage. Case introduction.

124. 37.17. Sutton (1). William Sutton of Wimpole c John Cook of Wimpole, executor of Mr Thomas Griffin late rector of Wimpole. Testamentary. Introduction: p. xxvii n.

125. 37.18. Brinkley (1). John Brinkley of Sawston c Ellen Cobbet of Sawston. Appeal (adn), defamation. Introduction: p. li n., liii.

126. 37.26. Pattishall/Candlesby. (a) Agnes Pattishall, residing with Stephen Morris of Cambridge c Hugh Candlesby, registrar of archdeacon, and Alice widow of Jacob le Eyre fisher of Cambridge. Marriage. (b) Office c Hugh Candlesby, registrar of archdeacon. Illegal solemnization. (c) Office c William chaplain of a chantry in St Clement's Cambridge. Illegal solemnization. Office c John de Grebby, priest and commissary general of archdeacon's official. Illegal solemnization. Case introduction. Introduction: p. xl, xli n., lxix.

127. 38.16. Catt. John Catt of Chesterton c Isabell Cook of the same. Defamation. Introduction: p. xxvi n.

128. 38.18. Allain. John Allain of Teversham c John Bowl of the same. Defamation. Introduction: p. xxvi n., xxvii.

129. 38.19. Wormegay. William Wormegay of Ely c Robert Bluntisham of the same and Anna his wife. Defamation. Introduction: p. xxvi n.

130. 38.20. Teversham (1). Richard chaplain of Teversham c John Muriel of the same. Defamation. Introduction: p. xxvi n.

131. 38.21. Barker. Thomas Barker of Kingston c Peter Taylor of the same. Defamation. Introduction: p. xxvi n.

132. 38.22. Tiler. John Tiler of Castle Camps c John Milner of Linton and Matilda his wife. Defamation.

133. 38.23. Barton (2). William Brian, perpetual vicar of Barton c Prior and convent of Merton, having the use of Barton. Pension. Introduction: p. xxvii n.

134. 38.24. Mill. Robert Mill of Little Downham c Anabel Cordell of the same. Marriage.

135. 38.28. Stow (2). Office and Thomas rector of Stow cum Quy c William Siger de Long Stanton, chaplain. Service as chaplain.

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136. 39.8. Daines. Ralph Daines of Swaffham, defendant c Isabell Souster of the same, plain-

tiff. Appeal (adn), marriage.

137. 39.9. Bilney. Walter Bilney of Cambridge c John de Grebby, chaplain, and commissary general of the archdeacon's official. Appeal (adn), (?). Introduction: p. lv, lxiii n., lxvi.

138. 39.10. Cheseman (2). John Cheseman of Cambridge and Margaret Gayton of Cambridge c Mr Henry Bowet, archdeacon's official. Appeal (adn), (?). Introduction: p. lx n.

139. 39.11. Wildman. Ellen Wildman of Hildersham, ?defendant c John Clay of Shudy Camps, ?plaintiff. Appeal (adn), marriage. Introduction: p. lx n.

140. 39.26. Couper (1). (a) Alice daughter of Robert Couper of Sutton, ?plaintiff c John Carter of the same, ?defendant. Appeal (adn), defamation. (b) Robert Couper of Sutton, ?plaintiff c John Carter of the same, ?defendant. Appeal (adn), ?defamation. (c) Alice daughter of Robert Couper of Sutton, ?plaintiff c John Carter of the same, ?defendant. Appeal (adn), ?defamation. Introduction: p. xxvii n., xxx n., lx n.

141. 39.27. Hadstock. Henry de Shangton, rector of Hadstock c John Streit, residing at Linton and farmer of Linton church, Michael Cook, and Thomas Hunnyng of Linton. Tithes. Case introduction.

142. 39.29. Danny/Gibb. Joan Gibb c John Danny of March and Alice Lenton of the same. Marriage.

143. 39.42. Coche. John Coche of Whittlesford, coexecutor of Joan, late wife of William Perkin of Pampisford c the same William, coexecutor of the same testament. Testamentary. Introduction: p. xxiv, lxix.

144. 39.43. Grigg. Office c Amy wife of John Grigg. Defamation.

145. 40.13. Gilbert. (a) William son of John Breton of Ely c John Gilbert chaplain of Bassingbourn, Ely diocese, and Warren White of Ely. Appeal (adn), (?). (b) Office and John Ing of Bassingbourn c John Gilbert of the same, chaplain. Assault on a clerk, breach of faith, incitement of violence. (c) Office and Robert vicar of Bassingbourn c John Gilbert chaplain Bassingbourn. Illegal solemnization, engaging in secular business inappropriate for a cleric. Case introduction. Introduction: p. xxviii, xxvii n., xxx, lx n.

146. 40.14. Baldock. Margery Baldock of Cambridge c Mr Henry Bowet, archdeacon's official. Appeal (adn), (?). Introduction: p. lx n.

147. 40.15. Neal. John Neal of Clopton, defendant c Avis servant of Thomas Clopton of the same, plaintiff. Appeal (adn), marriage.

148. 40.37. Freeborn. Office c John Freeborn of Fulbourn (Alice Attepool of the same). Execution of judgment, marriage. Introduction: p. lxxiii.

149. 41.16. Comberton (1). Amy Comberton of Cambridge, defendant c Robert Maxey maniple of scholars of Cambridge, ?plaintiff. Appeal (chancellor of university of Cambridge), (?). Introduction: p. lxvi.

150. 41.29. Foxton (1). Office c William Smyth of Foxton, John Smyth, William Poulter, Hugh Plowright, Thomas Hockley, Peter Law, Thomas servant of William Poulter, and William King of the same. Sacrilege. Introduction: p. lxx.

151. 42.26. Viner. Joan Viner servant of Peter Glover of Holy Trinity, Cambridge c Robert Cook servant of William Purser (Glover) of St Mary's, Cambridge. Marriage.

152. 42.27. Fulbourn/Bilney. William, a minor, son of John Fulbourn skinner of Cambridge, deceased c Walter Bilney of Cambridge, Hugh Leach, and Agnes widow of John, executors of

John. Testamentary. Introduction: p. xliii.

153. 42.28. Sutton (2). Office c Ed[war]d vicar of Sutton. Contempt.

154. 42.29. Hubert. John Hubert of Stow cum Quy c Amy wife of John Lomb of the same. Defamation.

155. 42.30. Teversham (2). Mr William de Bridge, rector of Teversham c Nicholas Baldewyne of Teversham. Mortuary. Introduction: p. xxvii n.

156. 42.31. Johns. John Johns of Whittlesey c Roger Good of the same. Defamation.

157. 42.32. Reed (2). Walter Reed, chaplain of Girton and executor of Alexander atte Hall of Howe, priest c John Strike of Chesterton. Testamentary. Introduction: p. lxxiii.

158. 42.33. Abington (2). John de Binbrook, vicar of Little Abington c Amy wife of John Gerant of the same. Tithes. Introduction: p. xxvii n.

159. 42.34. Ely (2). Sacristan of Ely, rector of both churches of the city c John Fisher of the same. Tithes.

160. 42.35. Hervey. *In re* Agnes Hervey, deceased in the priory of Ickleton. Probate and account.

161. 42.36. Perry (1). Andrew Perry of Teversham c Christine wife of Thomas Dende of Duxford. Breach of faith.

162. 42.37. Burwell (1). Alice daughter of Robert Burwell c John Russel of Ely and Katherine Selvald, his wife. Marriage and divorce.

163. 42.38. Bower. John Sutton bowyer (*bowyere*) of Cambridge c Margaret servant of Alice Terrington of the same. Defamation.

164. 42.39. Hundreder. Office c Roger servant of Roger Hundreder of Ely and Margaret Garthmaker of the same. Marriage.

165. 42.41. St Anthony. *In re* hospital of St Anthony, Vienne dioc (Richard Martin messenger, William Bailey and John Abyngdon, alms-seekers and proctors of the master and brothers of the hospital). Alms-seeking.

166. 43.34. Fordham. Office c Robert de Bury, tailor residing in Cambridge, and Leticia Littlebury of Fordham, taverner (*tabernaria*) of Luke Lockyer of Cambridge. Marriage.

167. 43.35. Chesterton (2). Office c Henry vicar of St Etheldreda, Histon, dean of Chesterton. Contempt.

168. 43.37. Sutton (3). William Sutton of Wimpole, chaplain c Mr Henry Bowet, archdeacon's official. Appeal (adn), (?). Introduction: p. lx n.

169. 44.26. Trukke (1). Richard Trukke of Cambridge c Mr Henry Bowet, archdeacon's official. Appeal (adn), (?). Introduction: p. lx n.

170. 44.28. Langdon. Office c John Langdon of Cambridge and Margaret Clifford of Blisworth, Lincoln dioc, residing at Cambridge. Marriage.

171. 44.35. Henny. Office c John Henny of Cambridge and Margery Baldock. Marriage.

172. 45.22. Weston/Brettenham. (a) John Weston of Sutton, physician (leche) c Agnes daughter of Nicholas atte Hull of Stretham. Marriage. (b) John Brettenham of Stretham c Agnes daughter of Nicholas atte Hull of Stretham. Marriage.

173. 45.23. Willingham (2). (a) Agnes wife of John Willingham of Cambridge c Robert Sparhawk of the same. Defamation. (b) Agnes wife of John Willingham of Cambridge c John Hogen of the same. Defamation. Introduction: p. xxvi n.
174. 45.26. Kymwell. Office c Simon Kymwell of Caldecote, layman. Assault upon and homicide of a priest. Case introduction.
175. 45.27. Burwell (2). Office c John Burwell of Horseheath and Margaret Stisted of Wickham. Marriage.
176. 45.29. Whiteside. Office c William Whiteside of Cottenham. Contempt. Case introduction.
177. 45.37. Stanford. (a) Executors of Mr Roger de Stanford, late rector of Over c John Buckland of the same. Testamentary. (b) Executors of Mr Roger de Stanford, late rector of Over c Richard de Thurrock of Cambridge. Testamentary. Case introduction.
178. 45.38. Bassingbourn (1). (a) Robert vicar of Bassingbourn c William Adkyn of Bassingbourn. Defamation. (b) Office and William Adkyn of Bassingbourn c Robert vicar of the same. Adultery. Case introduction. Introduction: p. lxvii.
179. 46.31. Teversham (3). Rector of Teversham c William de Eye and William Wetyng of the same. Tithes. Case introduction.
180. 47.29. Bassingbourn (2). Office c Mr William Bridge, rector of Teversham, and Margaret widow of Robert Bassingbourn, executors of Robert. Testamentary. Case introduction. Introduction: p. lix.
181. 47.32. Brinkley (2). Office and John rector of Brinkley c Simon Gisne of the same. Tithes.
182. 47.34. Curtis (1). Thomas Curtis snr of Sawston c Alice Pooley of the same. Marriage.
183. 47.36. Geoffrey. Alice Geoffrey of Trumpington c John Myntemoor of Trumpington, priest and canon of Anglesey, OSA. Marriage.
184. 47.38. Taylor (1). Office c Richard Taylor of St Michael's, Cambridge. Usury.
185. 48.24. Rampton. (a) *In re* rector of Rampton. Death of rector. (b) Master and brothers of St John's, Cambridge, and William vicar of All Saints' Jewry, Cambridge c Executors of the rector of Rampton. Testamentary.
186. 48.25. Caprik (1). Peter Caprik, proctor general of the consistory c John Woodcock of Stuntney Salary. Introduction: p. xxvii n., xlii.
187. 48.26. Cattesos/Barnsdale. (a) Matilda Cattesos of Beeford in Holderness c John Brigham of Cambridge and Alice Pyttok, his wife. Marriage and divorce. (b) Office c Geoffrey Barnsdale of Chesterton, Matilda Cattesos his *de facto* wife, William vicar of Chesterton, and John Grantham, chaplain. Illegal solemnization. Introduction: p. lxxv.
188. 49.24. Weedon. John Weedon jnr c Geoffrey Cobbe of Wimpole and Eleanor Frances, Geoffrey's *de facto* wife. Marriage and divorce. Introduction: p. lxxi.
189. 49.26. Marion. Robert Marion of Melbourn c Agnes Humphrey of the same, his *de facto* wife. Divorce.
190. 49.27. Morris (1). John Morris of Hardwick c Joan widow of John Feltwell of Chesterton, executor of his testament and administrator of his goods. Testamentary.
191. 51.21. Hostler. [Heloise] wife of Henry Hostler [of Cambridge] c John Wright of the same. Defamation. Introduction: p. xxvi n.

192. 51.22. Clerk (2). (a) Richard Clerk of Wendy, clerk c Peter Molt of the same. Violence. (b) Peter Molt of Wendy c Richard Clerk of the same. Appeal (comm), violence. Introduction: p. xxvii n., lxxv.

193. 52.22. Poulter (1). Isabell Poulter c Joan Salisbury of Cambridge. Breach of faith.

194. 52.23. Finchingfeld (1). Margaret wife of Richard Fynchingfeld c John Chadenhale of Cambridge. Breach of faith.

195. 52.24. Fisher/Frost. (a) John Fisher of Wilburton c John son of John Frost of Wilburton and Amy widow of Robert Bird. Marriage and divorce. (b) Office c Robert Mustell, chaplain of Wilburton. Illegal solemnization. (c) Office c John Tate of Wilburton, chaplain. Illegal solemnization. (d) Office c John Frost snr of Wilburton. Illegal solemnization. (e) Office c John son of John Frost of Wilburton and Amy widow of Robert Bird. Illegal solemnization. (f) John son of John Frost and Amy widow of Robert Bird, defendants c John Fisher of Wilburton, plaintiff. Marriage and divorce, nullity of sentence (bp). Introduction: p. xxxvii, lxix, lxxiii.

196. 52.29. Thresher. Adam Thresher of Trumpington and Matilda Higgon c Joan Stokes of the same. Appeal (?), (?). Introduction: p. lx n.

197. 52.35. Potton/Candlesby. (a) *In re* St Mary Rouncivall near Charing Cross. Alms-seeking. (b) Office c Mr John Potton, archdeacon's official. Impeding authorized alms-seeker. (c) Office c Mr Hugh Candlesby, archdeacon's registrar. Impeding authorized alms-seeker. Introduction: p. xl, xli n., lxix.

198. 52.37. Netherstreet (2). Office c William Netherstreet of Fulbourn, chaplain. Adultery, divination, assault on clerics, seduction, concubinage, frequenting of taverns, engagement in secular business. Introduction: p. lii n.

199. 53.25. Sawston (1). John vicar of Sawston c William Dovenel of the same. Tithes. Introduction: p. xxvii n.

200. 53.28. Arnold. Nicholas Arnold of Fulbourn, defendant c Margaret Hook of the same, plaintiff (Agnes servant of John Palgrave of the same). Appeal (adn), marriage. Introduction: p. lx & n.

201. 53.29. Chapman (1). (a) Alice wife of John Chapman of Whittlesey c William Haimes of the same. Defamation. (b) Alice wife of John Chapman of Whittlesey c John Carter of the same. Defamation. Introduction: p. xxvi n.

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202. 54.22. Caster (2). Geoffrey Caster of Cambridge c Agnes widow of Ralph Clerk of the same and Ralph's executor. Testamentary.

203. 54.23. Caster (3). John Caster of St Benet's, Cambridge c John Taylor of the same. Defamation.

204. 54.24. Hertecoumbe. Ada Hertecoumbe of St Michael's, Cambridge c John Taylor of the same. Defamation.

205. 54.33. Tod. Richard Tod of Litlington c Nicholas Walsh of the same and Matilda his wife. Defamation. Introduction: p. xxvi n.

206. 54.34. Pitts. Richard Pitts, general proctor of the consistory c Margaret Gransden, widow of William Shanbery of Chesterton. Salary. Introduction: p. xlii.

207. 55.26. Waltesshef. (a) Agnes wife of Richard Waltesshef of Sutton c Robert Couper of the same and his wife. Defamation. (b) Agnes wife of Richard Waltesshef of Sutton c Alice

- daughter of Robert Couper of the same. Defamation. Introduction: p. xxvi n.
208. 55.28. Lichfield (2). John Lichfield of Cambridge c Richard vicar of Westley Waterless. Breach of faith.
209. 55.30. Wilcock. William Wilcock of Hinton c John Wise of the same. Defamation. Introduction: p. xxvi n.
210. 55.31. Barnwell. Office c Mr John Potton, archdeacon's official, and John Hostler, apparitor of Cambridge deanery. Contempt, jurisdiction. Introduction: p. lix.
211. 55.33. Trumpington. (a) *In re* John Punch, vicar of Trumpington. Obedience. (b) Office c John Punch, vicar of Trumpington. Contempt. Introduction: p. lxxv.
212. 56.11. Blofeld. (a) Margaret Blofeld of Chatteris c John de Lile and Katherine daughter of Ed[mund] Reed each of the same. Marriage. (b) Office c John Lile of Chatteris and Katherine Reed of the same. Execution of sentence.
213. 57.21. Caldecote/Taylor/Choke. (a) Agnes wife of Thomas Caldecote and Denise wife of Robert Danhurst tailor c Margaret wife of John Scot butcher of Cambridge. Defamation. (b) Denise Choke, wife of Robert Taylor of Cambridge c Margaret wife of John Scot. Defamation. Case introduction.
214. 57.22. Caprik (2). Peter Caprik, proctor general of the consistory c John Baldwin of Fulbourn, executor of the vicar of [Cherry] Hinton. Salary. Introduction: p. xlii.
215. 57.23. Madingley. Joan daughter of Robert Pyncote of Kingston, wife of John Madingley c the same John. Divorce.
216. 57.24. Sawston (2). [John] vicar of Sawston c John Brinkley of Fulbourn. Tithes.
217. 57.27. Height. Warren White and Agnes his wife, executors of Simon Height of Bassingbourn c William Tiler of Bourn. Testamentary.
218. 58.26. Hind. William Hind of Whittlesey c William Kelful of the same. Defamation. Case introduction.
219. 58.27. Morris (2). Felicia wife of John Morris of Hardwick c Christine Edmond and Emma Gregory, each of the same. Defamation. Introduction: p. xxvi n.
220. 58.28. Natesby. Office c Margaret widow of Gilbert Natesby of Whaddon. (?). Introduction: p. lxxi.
221. 59.20. Hunt. Executors of John Hunt of Brampton, Lincoln diocese c Robert West of Croxton. Testamentary. Introduction: p. xxvii n.
222. 59.21. Swaffham (2). Prioress of Swaffham c Robert Dash of Swaffham. Non-payment of rent. Introduction: p. xxvii n., xxx.
223. 59.24. Teversham (4). *In re* Mr William Bridge, rector of Teversham and archdeacon's commissary general. Obedience. Case introduction.
224. 59.25. Poulter (2). Office c John Caster, servant of the vicar of Swavesey, and Marion Poulter of the same. Marriage.
225. 59.26. Champain. Agnes Champain of Teversham c Mr William de Bridge, rector of the same. Refusal to give communion.
226. 59.27. Coton. Office and Nicholas, priest and rector of Coton c John Wymark and Henry Prior, each of Coton. Assault on a cleric (Nicholas). Introduction: p. xxvii n.

227. 59.28. Hart (2). Office and Richard clerk of St Giles', Cambridge c Thomas Hart barker of St Botolph's, Cambridge, John Hart of St Giles', John and Henry sons of John Hart, and John Aylesbury glover of All Saints' Jewry, Cambridge. Assault on a cleric (Richard).

228. 62.22. Brodyng. Joan Brodyng of Gedney, Lincoln diocese c William Taylor and Alice Treves of Halstead [Leics], his *de facto* wife, both residing in Cambridge. Marriage and divorce.

229. 62.23. Bette (2). John Bette of Little Wilbraham c William Taylor and John Quay, each of the same. Violence. Introduction: p. xxvii n.

230. 62.24. Drew/Pope. (a) Katherine daughter of John Drew of Newton c Elias son of John Newton. Marriage. (b) John Pope of Newton c Katherine daughter of John Drew of the same. Marriage.

231. 62.27. West. Office and Agnes wife of Robert West of Croxton c John Christmas of the same. Defamation.

232. 62.28. Stannard. Office c Thomas son of John Stannard and Agnes daughter of John Molt of Bourn. Divorce.

233. 63.23. Gallon/Woolman. (a) Richard Gallon woolman of St Neots, Lincoln diocese c Official of the archdeacon. Appeal (adn), (?). (b) Richard Gallon of Eaton [Socon] c Hugh Candleseby, archdeacon's registrar. Defamation. (c) Office c Richard Woolman of Cambridge and Matilda Philip, his *de facto* wife. Divorce. (d) Richard Gallon woolman of Cambridge and Matilda Philip c Official of the archdeacon. Appeal (adn), (?). (e) Office c Richard Woolman of Cambridge and Matilda Philip, his *de facto* wife. Divorce. (f) Richard Woolman of Cambridge c Mr Geoffrey de Gidding commissary general of the archdeacon's official. Appeal (adn), (?). (g) Office and Richard Woolman c Mr Geoffrey de Gidding commissary general of the archdeacon's official. Contempt. (h) Office c Dean of Cambridge. Contempt. Case introduction. Introduction: p. xxi, lx n., lxi n., lxiii, lxiv n., lxxv, lxxvii.

234. 63.24. Worlidge/Mason. Agnes Worlidge *al.* Mason of Newnham near Cambridge, plaintiff c Alice atte Wells of Westhorpe, Norwich diocese, (and Robert Joly of Newnham, her husband), defendant. Appeal (adn), marriage and divorce. Introduction: p. lx & n., lxii.

235. 63.31. Joseph. Office c John son of Adam Joseph snr of Castle Camps and Alice wife of John Couper of the same. Adultery and incest. Introduction: p. xxxiii, lxxv, lxxiii.

236. 63.34. Candlesby (3). Mr Hugh Candlesby, proctor general of the consistory c Robert Tate of Wilburton, chaplain. Salary. Introduction: p. xlii.

237. 64.31. Witchford. John Malt, vicar of Witchford c Humphrey Fielding of the same. Mortuary. Introduction: p. xiv n.

238. 64.33. Foxton/Snow. Margaret servant of Robert Foxton of Cambridge c John atte Hull, servant of Robert Bracer of the same. Marriage.

239. 65.29. Poynaunt. Office c John Poynaunt, Joan Swan, his former wife, Robert Goadby, Joan's now-husband, and Isabell Peebles, John's now-wife, each of Thriplow. Divorce, nullity of sentence (adn).

240. 65.32. Colacre. Sarah Colacre of Wimblington c Alice wife of John Reeve of Doddington. Defamation. Introduction: p. xxvi n.

241. 65.33. Keech. Mabel Keech of March c John Wells of the same. Defamation. Introduction: p. xxvi n.

242. 65.36. Swaffham (3). William atte Mead of Bartlow, perpetual vicar of Swaffham Prior c Eva Wastnage, prioress of Swaffham and the convent, OSB. Tithes administration of sacraments.

243. 65.42. Sutton/Linton. Office c Alexander de Sutton, chaplain celebrating at Linton church. Proof of ordination.

244. 66.30. Lichfield (3). Alice wife of John Lichfield courier (*cunreyor*) of Cambridge c John Wiles servant of Richard Ingham cobbler (*soutere*) of the same. Defamation.

245. 66.33. Chilterne. Office c William Chilterne of Leverington, of Ely, Amicia Neve of Ely, his wife, and Joan Spinner of Whittlesey, *al.* Squire of Kirkby. Divorce, nullity of sentence (adn). Introduction: p. lii n., lvi, lx, lxxi.

246. 66.36. Halle. Margaret daughter of John de Halle of Bottisham c Thomas Carlton of the same. Defamation. Introduction: p. xxvi n., xxxvii, xliv.

247. 67.35. Caster (4). John Caster of Cambridge c Official of the archdeacon. Appeal (adn), (?). Introduction: p. lxii.

248. 68.32. Dunton. Alice wife of Thomas Dunton baker (*baxtere*) of Cambridge c Margaret Skinner of Holy Trinity, Cambridge. Defamation.

249. 68.33. Herd. (a) Richard Herd of Cottenham c William Gilbert of Kingston. Breach of faith. (b) Richard Herd of Cottenham c Robert Boyton of Barton. Breach of faith. Case introduction.

250. 68.34. Garland. Alice wife of John Garland of Histon c Alice wife of John Chapman of Howe. Defamation. Introduction: p. xxvi n.

251. 68.35. Kingston (2). Office and parishioners of Kingston c John de Podington, rector of Kingston. Provision of candles, provision of divine services, visitation the sick and pregnant, cutting timber and damaging cemetery wall, repair of chancel roof, unauthorized excommunication, fornication (2 instances), gossiping. Introduction: p. xl n., lxxi.

252. 68.36. Aston. Mr Thomas de Aston, rector of Warboys, Lincoln diocese c Nicholas Rose of Lolworth. Breach of faith.

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253. 70.33. Edlin. Richard Edlin c Katherine wife of William Bond of Sutton. Defamation. Introduction: p. xxvi n.

254. 70.34. Tyars. Stephen Tyars of Whittlesey c William Witham and William Hunt, each of the same. Breach of faith. Introduction: p. xxvii n.

255. 70.37. Woodway. Office and Walter Woodway c John Burden of Guilden Morden. Breach of faith. Introduction: p. xxvii n., lxxv.

256. 70.38. Slory/Angold. (a) Office c John Slory of Chesterton and Joan widow of John de Feltwell of the same. Illegal solemnization. (b) Office c John Angold of Chesterton and John Andre of the same. Illegal solemnization.

257. 70.40. Carlton (2). William atte Brook, rector of Carlton c Richard Herteshull of Carlton, chaplain. Violence.

258. 70.43. Jack/Johnson. (a) Agnes daughter of Henry Jack of Emneth c William Alcock of the same. Marriage. (b) Agnes daughter of John of Emneth c William Alcock of the same. Marriage. Case introduction. Introduction: p. lxvi.

259. 71.40. Finchingfeld (2). Margaret wife of Richard Finchingfeld of Cambridge c Joan wife of Simon tenant of the same Richard. Defamation. Introduction: p. xxvi n.
260. 72.40. Cheseman (3). John Cheseman of Cambridge c Ellen wife of John Bracer of Trumpington Street. Defamation. Introduction: p. xxvi n.
261. 72.42. Brigham. Office c William Beardfield of Cambridge and Juliana Spenser, executors of John Brigham of Newnham. Testamentary.
262. 72.46. Jocelyn. (a) Anastasia widow of John Jocelyn of Cambridge, defendant c Thomas Frobisher of Cambridge, plaintiff. Appeal (adn), marriage. (b) Anastasia widow of John Jocelyn of Cambridge c John Pinxton, archdeacon's official. Contempt. Introduction: p. lxii, lxxiii.
263. 72.48. Peterhouse. Master and scholars of Peterhouse, Cambridge, having the use of St Mary the Less, Cambridge c Roger Toller of the same. Tithes.
264. 72.50. Swaffham (4). (a) Margaret Swaffham, residing with Margaret Tavern of Cambridge c Mr John de Pinxton, archdeacon's official. Appeal (adn), (?). (b) Margaret Swaffham, residing with Margaret Tavern of Cambridge c Mr John de Pinxton, archdeacon's official. Appeal (adn), ?contempt. Case introduction. Introduction: p. lxii.
265. 72.51. Candlesby (4). Mr Hugh Candlesby, public notary and proctor general of the consistory c John Sare jnr of Cambridge and Joan his wife. Salary. Introduction: p. xlii.
266. 72.52. Page. Office c John Page of Little Shelford and Margery Chapman of the same. Marriage. Case introduction.
267. 73.9. Martin. Hugh Martin of Melbourn c Clarisa Edmond of the same. Appeal (adn), marriage. Introduction: p. xxxvii, xlv, lxiii.
268. 73.40. Taylor (2). Geoffrey Taylor of Cambridge c John Folville of the same. Defamation. Introduction: p. xxvi n.
269. 73.47. Westley (1). Richard vicar of Westley Waterless c William Ingham of Cambridge. Violence.
270. 73.48. Kingston (3). John de Podington, rector of Kingston c Mr John de Pinxton, archdeacon's official. Appeal (adn), (?). Introduction: p. lxii.
271. 73.49. Trinity (1) . Office and Thomas vicar of Holy Trinity, Cambridge c Simon Williamson (?Johnson) of the same, the master and scholars of King's Hall, Cambridge, intervening. Tithes and oblations. Introduction: p. lxxi.
272. 74.35. Caprik (3). Peter Caprik, proctor general of the consistory, and John Dunham, clerk and mandatary of the same c John Frost jnr of Wilburton. Salary. Introduction: p. xxvii n. xxxvii, xlii.
273. 74.36. Cattel. Clarisa Cattel of Duxford c Margery Denis of the same. Defamation. Introduction: p. xxvii n.
274. 75.36. Virley. Alice Virley, servant of John Wimbush of St Michael's, Cambridge c Peter Taylor of the same. Defamation.
275. 75.37. Glover. Ralph Glover of Cambridge c Alexander Skinner of Bottisham. Defamation.
276. 75.38. Shrewsbury. Office c John Shrewsbury cordwainer of St Edward, Cambridge and Joan Curtis, servant of John Caley of St Botolph's, Cambridge. Marriage.
277. 75.39. Ernest. Office c John Ernest cordwainer of Cambridge and Etheldreda daughter of

Nigel Salman of Trumpington. Marriage.

278. 75.40. Saffrey (2). John Saffrey c Robert Thurrock of Cambridge. Breach of faith. Introduction: p. xxvii n.

279. 77.40. Trukke (2). Richard Trukke of Cambridge c John Brundysse of Cottenham. Defamation. Introduction: p. xxvi n.

280. 77.41. Towselond. Cecilia Towselond of Elsworth c Henry Kembtheved of Lolworth. Marriage.

281. 77.43. Tydd. Matilda widow of John Tydd, defendant c Walter Quernepekkere of Cambridge, plaintiff. Appeal (adn), marriage. Introduction: p. lxiii.

282. 77.44. Chapman (2). Agnes servant of John Chapman of Bourn c John Cheney of the same. Marriage.

283. 77.45. Bradenho. Philip son of Richard Bradenho of Doddington c Joan daughter of William Taylor of March. Marriage.

284. 78.16. Chandler (2). (a) Bartholomew Chandler of Cambridge and Katherine Hostler c Mr John de Pinxton, archdeacon's official. Appeal (adn), adultery. (b) Office c Hugh Candlesby, registrar and minister of the archdeacon. Contempt. Introduction: p. lxii.

285. 78.43. Kingston (4). ?Office and Robert Gilbert, Robert Plumbery, Robert Harsent atte Wood, and William Hykeney, lay parishioners of Kingston c John de Podington, rector of the same. Deprivation [?of divine services]. Introduction: p. xxxix & n., xl n.

286. 78.44. Taylor (3). John Taylor of Cambridge c John Lopham of Chesterton. Breach of faith.

287. 79.41. Crisp. Juliana daughter of Walter Crisp of Abington Pigotts c Lawrence Taylor of Cambridge and Katherine his wife. Marriage and divorce.

288. 79.42. Sawston (3). John vicar of Sawston c Thomas Smyth of Haslingfield. Tithes.

289. 79.45. Bonaleyn/Exning. (a) Joan Bonaleyn of Wilbraham c Henry Martin of the same. Marriage. (b) Agnes Taylor of Exning c Henry Martin of Wilbraham. Marriage.

290. 80.38. Swaffham (5). vicar of St Mary's, Swaffham Prior c John Fisher of Swaffham. Tithes.

291. 80.46. Westley (2). Richard Winchcomb, vicar of Westley Waterless c Prior and convent of Binham [Norfolk], having the use of the church. Augmentaion of portion. Introduction: p. xxx.

292. 80.47. Siger (1). Isabell widow of John Siger of Cottenham, William Siger, and Thomas Siger of Histon, executors of the same John c John Halden of Cottenham. Testamentary.

293. 80.48. Teversham (5). Parishioners of Teversham (William Taylor, *yconomus*) c John Bowl of the same. Breach of faith. Case introduction.

294. 80.49. Lavender. Joan Lavender of Cambridge c Henry Russel of Croyden. Breach of faith.

295. 82.38. Townsend. Joan wife of Henry atte Townsend of Bourn c [Mr Ralph de Selby], archdeacon's official. Appeal (adn), (?). Introduction: p. lii n., lxiv n.

296. 82.39. London. Alice wife of John London of Chesterton c Mr Ralph de Selby, archdeacon's official. Appeal (adn), (?). Introduction: p. lii n., lxiv n.

297. 82.40. Coggesford. Robert Coggesford of Cambridge c Richard Raine of Milton. Breach of faith.

298. 82.41. Mepal. Office and Robert rector of Mepal c Ed[ward] vicar of Sutton and John Wimpole of the same. Mortuary. Case introduction. Introduction: p. xxvii n.

299. 82.42. Taylor (4). Isabell wife of Nicholas Taylor of Swaffham c Robert son of Peter Hitchcock of Swaffham. Defamation.

300. 82.44. Pickerell. Isabell Pickerell of Wisbech c Thomas Bacon of the same. Marriage.

301. 82.45. Wardale. Robert Wardale of Wisbech c Richard Bittering of the same. Usury. Introduction: p. xxvii n.

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302. 83.43. Manciple. Thomas Manciple of Cambridge c John Popelyngton of the same. Defamation.

303. 83.44. Siger (2). Isabell servant of John Siger of Lolworth c William French of Lolworth. Marriage.

304. 83.53. Hankin/Lessing. (a) John Hankin of Gidding [Hunts] c Richard Lessing of Conington. Breach of faith. (b) Richard Lessing of Conington c William Andre of Swavesey. Breach of faith. Case introduction. Introduction: p. xxvii n.

305. 84.50. Wrong. Office c John Hankin of Barnwell and Margaret daughter of John Wrong of the same. Marriage.

306. 84.51. Kirkby. Office c William Kirkby of Barnwell and Margaret Pocket of the same. Marriage.

307. 85.38. Foxton (2). Robert Foxton, registrar of the consistory c Humphrey Fielding of Witchford. Salary. Introduction: p. xlii.

308. 85.39. Sutton (4). Matilda Sutton, servant of Robert Baylham of Cambridge c John Reynold of Arrington. Marriage. Case introduction.

309. 85.42. Skinner. Alexander Skinner of Bottisham c Alice wife of Thomas Mortimer of the same. Defamation. Introduction: p. xxvi n.

310. 85.44. Leverton. Office c William Leverton, clerk exercising the office of proctor general in the consistory. Interdict (disbarment).

311. 85.48. Comberton (2). *In re* John Crisp of Comberton, deceased (William vicar of Comberton and John Willmin, executors). Testamentary.

312. 85.62. Branch. Joan Branch of [King's or Bishop's] Lynn [Norfolk], residing in Elm c John son of Thomas Delhay of Elm. Marriage. Introduction: p. lxvi.

313. 85.64. Colchester. Joan wife of John Colchester of Cambridge c Margaret wife of Richard Finchingfeld of the same. Defamation. Introduction: p. xxvi n.

314. 85.65. Curtis (2). Margaret wife John Curtis of Stretham c Ralph Webster of Stretham. Defamation.

315. 85.66. Reeve. John le Reeve of Madingley c Henry Larke of the same. Defamation.

316. 85.68. Lolworth. Richard chaplain of Lolworth c John Boyden snr of the same. Defamation. Introduction: p. xxvii & n.

317. 85.69. Littleport (1). Mr and brothers of St John, Ely, having the use of Littleport church c William Warboys and John Emmison of Littleport. Tithes. Introduction: p. lxxi.
318. 85.70. Depden. Robert Skinner of Depden [Norwich] and John Rich of the same c William Muriel of Melbourn. Breach of faith. Introduction: p. xxvii n.
319. 86.46. Wake. John Wake jnr of Sutton c Agnes wife of William Watt of the same. Defamation. Introduction: p. xxvii n.
320. 86.47. Rous/Smyth. (a) Rose Rous of Barnwell c Adam servant of John Smyth of the same. Marriage. (b) Adam servant of John Smyth of Barnwell c Rose Rous of the same. Appeal (comm), marriage.
321. 87.36. Biley. Office c Thomas Biley of Cambridge and Alice Burwell of Barnwell. Marriage. Case introduction.
322. 88.29. Lovechild. Office c John Lovechild of Littleport and Tilla Taylor of Littleton. Marriage.
323. 88.31. Chesterton (3). Office c Boniface de Castelleto, John Santer, John Lucas, and Reginald Felice of Chesterton. Detention of money received from the common chest of the church.
324. 88.32. Myntemor. Robert Myntemor of Trumpington and John Rolf of Grantchester c Alice Northern of Grantchester. Marriage.
325. 89.31. Baldwin. (a) Executors of John Baldwin of Cambridge c Henry Souter of Over. Testamentary. (b) Executors of John Baldwin of Cambridge c John Blauncpayn, Richard Martin, and John Whithobbe. Testamentary. Introduction: p. xxvii n.
326. 89.35. Gidding. Office [?and Walter Bilney of Cambridge] c Mr Geoffrey de Gidding, commissary of the archdeacon's official. Contempt. Introduction: p. lxiii.
327. 89.36. Bakewhyt. Alice Bakewhyt of Malmesbury, Salisbury diocese c Hugh Mayhew of Trumpington and Isabell Loot of the same, his wife. Marriage and divorce.
328. 89.37. Sturbridge. *In re* John Mulshe, keeper of Sturbridge hospital, Ely diocese. Title and account.
329. 89.38. Potton/Knott. Office c William son of Nicholas de Potton of Cambridge, subdeacon and brother of the hospital of St John, Cambridge, and Agnes Knott, widow of Ralph Clerk. Marriage. Introduction lxxiii.
330. 89.39. Greatford. (a) Office of the bishop c Alice wife of Thomas Greatford of Doddington. Adultery. (b) Alice wife of Thomas Greatford of Doddington c John Hervey of the same. Defamation. Introduction: p. lxxi, lxxiv.
331. 89.41. Fisher. Office of the bishop c Richard Fisher of Chatteris. Spousal abuse. Introduction: p. lxxi.
332. 90.34. Stenkyn. John Stenkyn of Wimpole c Eva daughter of William Bond of the same. Marriage.
333. 91.7. Lewin. John son of William Lewin of Grantchester c Isabell Allain of Coton. Marriage.
334. 91.8. Baker (1). Reginald Baker of Stow cum Quy, chaplain c John Elys, parish chaplain of Stow cum Quy. Appeal (adn), (?). Introduction: p. lii n., lxiv n.
335. 92.34. Couper (2). John Couper of Cambridge c Margaret Clifford of St Botolph's, Cambridge. Defamation. Introduction: p. xxvi n.

336. 92.35. Upex. Office c John Upex, chaplain of the chantry of St Katherine in Boxworth. Title and dilapidation.

337. 92.38. Gobat/Pertesen. (a) Office c Stephen Gobat of Sawston (Juliana Bygott of Sawston). Execution of sentence bp, marriage. (b) Stephen Pertesen of Pampisford c Juliana Bygott of Sawston. Marriage. Introduction: p. lxxiii, lxxv.

338. 92.39. Spalding (1). John Spalding, Simon Woolfrey, and William Brown jnr of Barton c John Swetery of the same. Defamation. Introduction: p. xxvi n.

339. 93.12. Bradenham. Margery Bradenham of Swavesey c John son of Thomas Bette of the same. Marriage.

340. 93.13. Ferrer. Agnes wife of William Ferrer c John Stybold of Melbourn and Margaret wife of William Stybold of the same. Defamation. Introduction: p. xxvi n.

341. 94.35. Barton (3). (a) John Hart of Barton c John Adkin and Robert Canon. Appeal, (?debt to the church). (b) Office and John Hart of Barton c [William] vicar of Barton. Contempt. Case introduction. Introduction: p. lii n., lxiv n.

342. 94.36. Littleport (2). Walter vicar of Littleport c William Milner of the same. Tithes.

343. 94.38. Kingston/Gissing. [John de Podington] rector of Kingston c Thomas Smyth of Haslingfield and John Bourn of Comberton, Thomas Gissing, kt and patron of Kingston, intervening. Tithes. Case introduction. Introduction: p. lxxiii, lxxv.

344. 94.39. Stow (3). Thomas Carlton, rector of Stow cum Quy c John Elys, priest, and Amy Royston of Cambridge. Appeal (?adn), (?). Case introduction. Introduction: p. lii n., lxiv n.

345. 96.11. Little. (a) John Godmanchester of Chesterton, chaplain c John Little of Chesterton. Reclamation against general sentence against those defaming Little. (b) Office and John Little c John Godmanchester *al.* Grantham of Chesterton, chaplain. Magic. (c) John Little c John Godmanchester *al.* Grantham of Chesterton, chaplain, and Hugh Clerk of Chesterton. Appeal (?adn), (?). Case introduction. Introduction: p. lii n., lxiv n., lxxiii, lxxv.

346. 96.12. Ickleton (2). John vicar of Ickleton c Reginald Browning of Whittlesford. Breach of faith.

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347. 97.12. Osborn. John Osborn c William Fuller of Ely and Magota his wife. Defamation.

348. 98.17. Mason/Baker. (a) Office c Nicholas Mason of Barnwell and Agnes Coe of Arrington. Marriage. (b) Office c Robert Baker of Cambridge and Agnes Coe of Arrington. Marriage.

349. 98.20. Newman/Ripon/Smyth. (a) Thomas Newman of Elsworth c Alice wife of John Ripon of the same. Defamation. (b) Thomas Smyth of Eltisley c Alice Ripon of Elsworth. Introduction: p. xix.

350. 98.21. Snow. John Snow of Stanton, plaintiff c William Adam of the same and Margaret his wife, defendants. Appeal (adn), defamation.

351. 98.22. Grigg/Crook. William Grigg of Kingston c Thomas Henry *al.* de Kingston, residing in Over. Breach of faith. (b) John Stannard of Bourn, Simon Fuller of Bourn, Simon Norman of Bourn, and John Canon of Stow, executors of John Crook c Thomas Henry *al.* de Kingston, residing in Over. Testamentary. Case introduction.

352. 100.15. Mason (2). William Mason and Agnes his wife c Robert Wake of Swavesey,

- Stephen Drayton, and Margery Gibb, executors of John Sarson of the same. Testamentary.
353. 100.21. Perry (2). Andrew Perry of Teversham c Ed[war]d Leach of Stow and Iota his wife. Breach of faith.
354. 100.23. Rayner. Stephen Rayner, priest c Simon Bass of Streetly of West Wickham. Violence.
355. 100.24. Brackley. Nicholas Brackley c Richard Lessing of Conington. Breach of faith.
356. 101.18. Hain. Abilia Marker of Little Gransden c Emma wife of John Hain of Little Gransden. Reclamation against sentence in favour of Emma.
357. 101.21. Webster. (a) John Webster of Ely c Isabell daughter of John Herbert of Walden, living in Ely. Marriage. (b) Office c Robert de Sampford, former servant of Richard Rougham, now residing with Roger Bullman cordwainer of St Ives.
358. 101.22. Keel. William Keel of Balsham c Ellen his wife (Alice Burgoyne of Hockham, Norwich diocese). Divorce. Case introduction.
359. 102.18. Andre (2). Robert Andre and Alice Eddings of Swavesey c Nicholas Andre and Margery Solsa of the same. Marriage.
360. 102.19. Pike. Richard Pike of Landbeach c Amy Hakhay of the same. Defamation. Introduction: p. xxvii n.
361. 102.25. Malin. Margaret *de facto* wife of John Malin snr of Whittlesford Bridge c the same John. Divorce.
362. 102.26. Ranlyn/Ward. (a) John Ranlyn of Bourn c Amy Delhay of the same. Defamation. (b) Cecilia wife of Robert Ward of Bourn c Amy Delhay of the same. Defamation. Introduction: p. xxix.
363. 102.28. Pool/Potter. (a) Thomas atte Pool of Wilbraham c Alice Bridgeman of Carlton. Marriage. (b) John Potter of Carlton c Alice Bridgeman of the same. Marriage.
364. 102.31. Couper (3). Lawrence Couper of Wisbech c Mr Geoffrey Gidding, commissary of the archdeacon's official (Mr John de Wilford, rector of Doddington). Appeal (adn), (?). Introduction: p. lii n., lxiv n.
365. 103.25. Spalding (2). Thomas Spalding of Ely, chaplain c John vicar of Melbourn. Breach of faith. Introduction: p. lxxvii.
366. 103.28. Chapman (3). Thomas Chapman and Henry Seaborn of Elsworth c Edward Alderman of the same and Margery his wife. Defamation.
367. 104.2.. Trinity (2). Thomas de Wiggshall, perpetual vicar of Holy Trinity, Cambridge c Roger Moor, priest residing in Cambridge. Defamation. Introduction: p. lxxiii.
368. 104.3. Cottenham (2). Executors of Simon de Cottenham c Richard Wretil of Oakington. Testamentary.
369. 104.7. Barber . Office c Adam Barber of Thorney and Agnes Whitehead of Chatteris (and Alice Cook of Chatteris). Marriage. Case introduction.
370. 105.1. Hunn. Thomas Hunn of Chesterton and Margery his wife c John Ellington tailor of the same and Agatha his wife. Defamation.
371. 106.28. Ely/Wisbech. *In re* deans of Ely and Wisbech. Inhibition not to hear marriage and other serious cases.

372. 106.30. Smyth (2). (a) Matilda wife of John Smyth of Cambridge c Richard Pitts, commissary of the archdeacon's official (Amicia Rose of Cambridge). Appeal (adn), (?). (b) Office c John Fulbourn skinner of Cambridge. Contempt. Introduction: p. lii n., lxiv n.

373. 106.31. Couper (4). Executors of Agnes Couper of Histon c John Reynold of the same. Testamentary.

374. 106.32. Puf. Office c Robert Puf of Little Shelford and Ivette his wife. Divorce.

375. 107.26. Lingwood (2). Office c John Lingwood of Cambridge and Joan servant of John Reesham of the same. Marriage.

376. 107.29. Pardon. Gilbert Pardon, clerk c Robert Thurrock of Cambridge. Violence. Introduction: p. xxvii n., xxx.

377. 107.30. Baker (2). John Baker of Cambridge and his wife c Margery Norris of the same. Defamation.

378. 108.20. Dash. ? Dash c ?. Appeal (?), (?). Case introduction. Introduction: p. lii n.

379. 109.19. Smyth (3). William Smyth of Steeple Morden c John Baron of the same. Testamentary. Introduction: p. xxvii n.

380. 109.20. Sawston (4). Executors of vicar of Sawston c John Kentish of the same. Testamentary.

381. 109.22. Swaffham/Bekedale. Thomas Swaffham of Reach and John Bekedale of Swaffham c Richard Pitts, clerk. Appeal (adn), (?).

382. 109.26. Albin. Office c Marion Albin of Horningsea. (?).

383. 109.27. St Botolph. Office c prior and convent of Barnwell, having the use of St Botolph's, Cambridge, master and scholars of Corpus Christi and St Mary's College, Cambridge, receiving the income of its rectory, and John Snaylwell, perpetual vicar of St Botolph's, having custody of its income. Repair of chancel.

384. 110.26. Green (2). Matilda wife of John atte Green of Linton c Robert vicar of Dullingham. Testamentary.

385. 110.27. Clopton. Rector of Clopton c Henry Derby of the same. Tithes.

386. 110.31. Horkesley. Office and John Horkesley of Childerley c John Figg of the same, chaplain. (?).

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387. 111.28. Thorney/Whittlesey (2). (a) Abbot and convent of Thorney, having the use of St Mary's, Whittlesey c William Whitehead. Tithes. (b) Abbot and convent of Thorney and vicar of St Mary's Whittlesey c Robert Marsh, William Danny, John Wells, Ralph Emm, Thomas Bowler of the same. Office of holy water clerk. (c) Abbot and convent of Thorney and vicar of St Mary's Whittlesey c Ralph Emm and William Champain. Oblations. (d) Abbot and convent of Thorney c John Cotes and Adam Rich of the same. Tithes and mortuary. Case introduction. Introduction: p. xxvii n., lxxi.

388. 112.24. Sutton (5). Walter Sutton, proctor general of the consistory c John vicar of Hinton. Salary. Introduction: p. xlii.

389. 112.30. Colne. Office c Thomas Colne ploughwright of Chesterton and Isabell Robert of Fulbourn. Marriage.

390. 112.31. Trinity (3). Thomas vicar of Holy Trinity, Cambridge c John vicar of Holy Sepulchre, Cambridge. Burial rights.

391. 112.34. Shelford. Office c William Donnebrugge, rector of Great Shelford. Non-residence. Introduction: p. lxix, lxxv.

392. 113.24. Barre. John Barre of Sutton c Roger atte Church, chaplain, and Nicholas Northampton, each of Hadenham. Failure to return lost money.

TABLE 4. CASE NAMES AND NUMBERS

The following table gives the case names in alphabetical order using the short form used throughout the book followed by the number of the case.

Abington (1)	47	Blofeld	212
Abington (2)	158	Bonaleyn/Exning	289
Albin	382	Bond	16
Allain	128	Bottisham/Baylham	13
Andre (1)	7	Bottisham/Botler	14
Andre (2)	359	Bourn	79
Anglesey/Burton/Peacock	106	Bower	163
Arnold	200	Bowet	97
Aston	252	Boxworth	113
Baker (1)	334	Boyton	122
Baker (2)	377	Brackley	355
Bakewhyt	327	Bradenham	339
Baldock	146	Bradenho	283
Baldwin	325	Branch	312
Band	77	Brice	118
Barber/Souster	80	Brigham	261
Barber	369	Brinkley (1)	125
Bargon	91	Brinkley (2)	181
Barker	131	Brodyng	228
Barnwell/Tavern	11	Burwell (1)	162
Barnwell	210	Burwell (2)	175
Barre	392	Butcher	17
Barton (1)	83	Caldecote/Taylor/Choke	213
Barton (2)	133	Caldecote	120
Barton (3)	341	Cambridge	27
Bassingbourn (1)	178	Camps	29
Bassingbourn (2)	180	Candlesby (1)	6
Baylham	8	Candlesby (2)	41
Bayser	105	Candlesby (3)	236
Bette (1)	37	Candlesby (4)	265
Bette (2)	229	Candlesby/Wilburton	121
Biley	321	Caprik (1)	186
Bilney	137	Caprik (2)	214

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Carlton (1)	48
Carlton (2)	257
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Caster (1)	36
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Caster (3)	203
Caster (4)	247
Catt	127
Cattel	273
Cattesos/Barnsdale	187
Caxton	20
Champaign	225
Chandler (1)	94
Chandler (2)	284
Chapman (1)	201
Chapman (2)	282
Chapman (3)	366
Cheseman (1)	38
Cheseman (2)	138
Cheseman (3)	260
Chesterton (1)	43
Chesterton (2)	167
Chesterton (3)	323
Chilterne	245
Clerk (1)	45
Clerk (2)	192
Clopton	385
Coche	143
Coggesford	297
Colacre	240
Colchester	313
Collins	54
Colne	389
Comberton (1)	149
Comberton (2)	311

Conington	108
Coton	226
Cottenham (1)	58
Cottenham (2)	368
Couper (1)	140
Couper (2)	335
Couper (3)	364
Couper (4)	373
Crisp	287
Cumpyn	5
Curtis (1)	182
Curtis (2)	314
Daines	136
Dalling/Savage	88
Dash	378
Day	12
Danny/Gibb	142
Depden	318
Dix	104
Downham	55
Draper/Durrant	96
Draper	28
Drayton	67
Dreng	3
Drew/Pope	230
Dunton	248
Edlin	253
Elm	35
Ely (1)	10
Ely (2)	159
Ely/Wisbech	371
Ernest	277
Everard	123
Ferrer	340
Finchingfeld (1)	194
Finchingfeld (2)	259

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Fisher	331
Fordham	166
Foxton (1)	150
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Gallon/Woolman	233
Gamlingay	109
Garland	250
Gayton	76
Geoffrey	183
Gidding	326
Gilbert	145
Girton	22
Glasswright	46
Glover	275
Gobat/Pertesen	337
Gransden/Shanbery	4
Grebby	51
Green (1)	119
Green (2)	384
Grigg/Crook	351
Grigg	144
Grinder	68
Gritford	330
Guilden Morden	15
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Halle	246
Halpenny Cloke	53
Hankin/Lessing	304
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Harpour	18
Hart (1)	81

Hart (2)	227
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Henny	171
Herd	249
Hertecoumbe	204
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Hildersham	107
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Horkesley	386
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Ickleton (1)	60
Ickleton (2)	346
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Kingston (1)	84
Kingston (2)	251
Kingston (3)	270
Kingston (4)	285
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Langdon	170
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Leicester	115
Leverington	78
Leverton	310
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Lichfield (1)	110
Lichfield (2)	208
Lichfield (3)	244
Lingwood (1)	103
Lingwood (2)	375
Lingwood/Howe	98
Lister	2
Little	345
Littleport (1)	317
Littleport (2)	342
Littleport/Lakenheath	63
Lokenore	42
Lolworth	316
London	296
Lovechild	322
Lovely	69
Madingley	215
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Reed (1)	30
Reed (2)	157
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Shrewesbury	276
Siger (1)	292
Siger (2)	303
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Smyth (1)	32
Smyth (2)	372
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Spalding (1)	338
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Stow (2)	135
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Sutton (1)	124
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Sutton/Linton	243
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Swaffham (2)	222
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Swaffham (5)	290
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Taylor (1)	184
Taylor (2)	268
Taylor (3)	286
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Whiteside	176
Wickham (1)	21
Wickham (2)	72
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Wildman	139
Willingham (1)	57
Willingham (2)	173
Wiltshire	102
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Wolron	114
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TABLE 5. CASE NUMBERS AND NAMES

The following table gives the case numbers in numerical order followed by the name of the case in the short form used throughout the book.

1	Poulton	35	Elm
2	Lister	36	Caster (1)
3	Dreng	37	Bette (1)
4	Gransden/Shanbery	38	Cheseman (1)
5	Cumpyn	39	Netherstreet (1)
6	Candlesby (1)	40	St John
7	Andre (1)	41	Candlesby (2)
8	Baylham	42	Lokenore
9	Riggs	43	Chesterton (1)
10	Ely (1)	44	Wright
11	Barnwell/Tavern	45	Clerk (1)
12	Day	46	Glasswright
13	Bottisham/Baylham	47	Abington (1)
14	Bottisham/Botler	48	Carlton (1)
15	Guilden Morden	49	Saffrey (1)
16	Bond	50	Mason (1)
17	Butcher	51	Grebby
18	Harpour	52	Simond
19	Whaddon	53	Halpenny Cloke
20	Caxton	54	Collins
21	Wickham (1)	55	Downham
22	Girton	56	Wisbech
23	Shepreth	57	Willingham (1)
24	Robinson	58	Cottenham (1)
25	Reading/Rand	59	Knapwell
26	Landbeach	60	Ickleton (1)
27	Cambridge	61	Hardwick
28	Draper	62	Swaffham (1)
29	Camps	63	Littleport/Lakenheath
30	Reed (1)	64	Wilcockson
31	Warlock	65	Humbleton
32	Smyth (1)	66	Starr/Fiskerton
33	Shepherd/Wright	67	Drayton
34	Hinton	68	Grinder

TABLE 5: CASE NUMBERS AND NAMES

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69	Lovely	106	Anglesey/Burton/Peacock
70	Thriplow	107	Hildersham
71	Warden	108	Conington
72	Wickham (2)	109	Gamlingay
73	Oak	110	Lichfield (1)
74	Hart/Hammond	111	Honyter
75	Roper	112	Trenet
76	Gayton	113	Boxworth
77	Band	114	Wolron
78	Leverington	115	Leicester
79	Bourn	116	Thorney/Whittlesey (1)
80	Barber/Soustere	117	Wolverton
81	Hart (1)	118	Brice
82	Mount Sion	119	Green (1)
83	Barton (1)	120	Caldecote
84	Kingston (1)	121	Candlesby/Wilburton
85	Valley	122	Boyton
86	Carter	123	Everard
87	Stokesley	124	Sutton (1)
88	Dalling/Savage	125	Brinkley (1)
89	Stow (1)	126	Pattishall/Candlesby
90	Potton/Caprik	127	Catt
91	Bargon	128	Allain
92	Sadler/Lister	129	Wormegay
93	Langton	130	Teversham (1)
94	Chandler (1)	131	Barker
95	Walpole	132	Tiler
96	Draper/Durrant	133	Barton (2)
97	Bowet	134	Mill
98	Lingwood/Howe	135	Stow (2)
99	Sare	136	Daines
100	Horn	137	Bilney
101	Kirtling/Bernard	138	Cheseman (2)
102	Wiltshire	139	Wildman
103	Lingwood (1)	140	Couper (1)
104	Dix	141	Hadstock
105	Bayser	142	Danny/Gibb

TABLE 5: CASE NUMBERS AND NAMES

143	Coche	180	Bassingbourn (2)
144	Grigg	181	Brinkley (2)
145	Gilbert	182	Curtis (1)
146	Baldock	183	Geoffrey
147	Neal	184	Taylor (1)
148	Freeborn	185	Rampton
149	Comberton (1)	186	Caprik (1)
150	Foxton (1)	187	Cattesos/Barnsdale
151	Viner	188	Weedon
152	Fulbourn/Bilney	189	Marion
153	Sutton (2)	190	Morris (1)
154	Hubert	191	Hostler
155	Teversham (2)	192	Clerk (2)
156	Johns	193	Poulter (1)
157	Reed (2)	194	Finchingfeld (1)
158	Abington (2)	195	Fisher/Frost
159	Ely (2)	196	Thresher
160	Hervey	197	Potton/Candlesby
161	Perry (1)	198	Netherstreet (2)
162	Burwell (1)	199	Sawston (1)
163	Bower	200	Arnold
164	Hundreder	201	Chapman (1)
165	St Anthony	202	Caster (2)
166	Fordham	203	Caster (3)
167	Chesterton (2)	204	Hertecoumbe
168	Sutton (3)	205	Tod
169	Trukke (1)	206	Pitts
170	Langdon	207	Waltesshef
171	Henny	208	Lichfield (2)
172	Weston/Brettenham	209	Wilcock
173	Willingham (2)	210	Barnwell
174	Kymwell	211	Trumpington
175	Burwell (2)	212	Blofeld
176	Whiteside	213	Caldecote/Taylor/Choke
177	Stanford	214	Caprik (2)
178	Bassingbourn (1)	215	Madingley
179	Teversham (3)	216	Sawston (2)

TABLE 5: CASE NUMBERS AND NAMES

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217	Height	254	Tyars
218	Hind	255	Woodway
219	Morris (2)	256	Slory/Angold
220	Natesby	257	Carlton (2)
221	Hunt	258	Jack/Johnson
222	Swaffham (2)	259	Finchingfeld (2)
223	Teversham (4)	260	Cheseman (3)
224	Poulter (2)	261	Brigham
225	Champaign	262	Jocelyn
226	Coton	263	Peterhouse
227	Hart (2)	264	Swaffham (4)
228	Brodyng	265	Candlesby (4)
229	Bette (2)	266	Page
230	Drew/Pope	267	Martin
231	West	268	Taylor (2)
232	Stannard	269	Westley (1)
233	Gallon/Woolman	270	Kingston (3)
234	Worlidge/Mason	271	Trinity (1)
235	Joseph	272	Caprik (3)
236	Candlesby (3)	273	Cattel
237	Witchford	274	Virley
238	Foxton/Snow	275	Glover
239	Poynaunt	276	Shrewesbury
240	Colacre	277	Ernest
241	Keech	278	Saffrey (2)
242	Swaffham (3)	279	Trukke (2)
243	Sutton/Linton	280	Toweslond
244	Lichfield (3)	281	Tydd
245	Chilterne	282	Chapman (2)
246	Halle	283	Bradenho
247	Caster (4)	284	Chandler (2)
248	Dunton	285	Kingston (4)
249	Herd	286	Taylor (3)
250	Garland	287	Crisp
251	Kingston (2)	288	Sawston (3)
252	Aston	289	Bonaleyn/Exning
253	Edlin	290	Swaffham (5)

TABLE 5: CASE NUMBERS AND NAMES

291	Westley (2)	328	Sturbridge
292	Siger (1)	329	Potton/Knott
293	Teversham (5)	330	Gritford
294	Lavender	331	Fisher
295	Townsend	332	Stenkyn
296	London	333	Lewin
297	Coggesford	334	Baker (1)
298	Mepal	335	Couper (2)
299	Taylor (4)	336	Upex
300	Pickerell	337	Gobat/Pertesén
301	Wardale	338	Spalding (1)
302	Manciple	339	Bradenham
303	Siger (2)	340	Ferrer
304	Hankin/Lessing	341	Barton (3)
305	Wrong	342	Littleport (2)
306	Kirkby	343	Kingston/Gissing
307	Foxton (2)	344	Stow (3)
308	Sutton (4)	345	Little
309	Skinner	346	Ickleton (2)
310	Levertón	347	Osborn
311	Comberton (2)	348	Mason/Baker
312	Branch	349	Newman/Ripón/Smyth
313	Colchester	350	Snow
314	Curtis (2)	351	Grigg/Crook
315	Reeve	352	Mason (2)
316	Lolworth	353	Perry (2)
317	Littleport (1)	354	Rayner
318	Depden	355	Brackley
319	Wake	356	Hain
320	Rous/Smyth	357	Webster
321	Biley	358	Kell
322	Lovechild	359	Andre (2)
323	Chesterton (3)	360	Pike
324	Myntemor	361	Malin
325	Baldwin	362	Ranlyn/Ward
326	Gidding	363	Pool/Potter
327	Bakewhyt	364	Couper (3)

TABLE 5: CASE NUMBERS AND NAMES

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365	Spalding (2)
366	Chapman (3)
367	Trinity (2)
368	Cottenham (2)
369	Barber
370	Hunn
371	Ely/Wisbech
372	Smyth (2)
373	Couper (4)
374	Puf
375	Lingwood (2)
376	Pardon
377	Baker (2)
378	Dash
379	Smyth (3)
380	Sawston (4)
381	Swaffham/Bekedale
382	Albin
383	St Botolph
384	Green (2)
385	Clopton
386	Horkesley
387	Thorney/Whittlesey (2)
388	Sutton (5)
389	Colne
390	Trinity (3)
391	Shelford
392	Barre

TABLE 6. PROPORTIONS OF CASE SUBJECTS

The following table compares the proportions of the subjects of the ‘cases’ in our volume with the proportions contained in Donahue, *Law, Marriage and Society* [LMS], p. 223 (Table 6.1). For the results, see p. xxi.

<i>LMS Topic</i>	<i>No</i>	<i>%</i>	<i>LMS %</i>
Breach of faith	27	7%	6%
Court	25	6%	7%
Defamation	79	20%	16%
Ecclesiastical	77	19%	25%
Matrimonial	110	28%	23%
Other	4	1%	1%
Testamentary	23	6%	11%
Unknown	37	9%	8%
Violence	10	2%	2%
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Totals do not add up due to rounding

TABLE 7. DISTRIBUTION OF OATHS IN THE REGISTER

Ex off = *ex officio*, inst = instance case. For discussion, see p. lxxx.

parties swear *de calumpnia*, *de veritate dicenda*, *de collusionione*, and *de malicia*: 20.17, 24.26, 25.18, 31.23, 37.15, 37.26, 42.37, 45.23, 47.36, 48.26, 49.18, 62.22, 71.42, 88.32, 89.33, 89.36, 89.38, 92.36, 93.12, 94.21, 101.22, 103.23, 108.19, 112.30

parties swear *de calumpnia*, *de veritate dicenda*, and *de collusionione*: 64.33, 64.34

parties swear *de calumpnia*, *de veritate dicenda*, and *de malicia*: 42.26, 86.47, 90.32, 90.34, 99.13, 106.32

parties swear *de calumpnia* and *de veritate dicenda*: 5.6, 5.12, 6.4, 6.8, 19.5, 19.7, 20.6, 20.16, 20.6, 20.18, 27.13, 27.20, 28.15, 28.29, 28.30, 30.14, 31.17, 31.22, 35.19, 36.5, 36.18, 36.29, 36.30, 37.26, 38.24, 40.8, 40.9, 40.10, 40.22, 41.7, 41.11, 41.15, 42.14, 42.25, 43.12, 45.22, 45.24, 47.34, 49.18, 49.27, 50.16, 53.19, 54.23, 55.8, 56.10, 56.11, 57.23, 58.15, 58.27, 59.12, 59.15, 59.27, 60.21, 60.24, 62.24, 62.25, 65.36, 66.23, 66.29, 66.30, 66.33, 67.28, 68.30, 68.32, 68.34, 70.19, 83.44, 85.62, 86.36, 86.40, 86.47, 87.24, 87.36, 88.26, 91.7, 92.20, 95.3, 100.11, 100.13, 100.14, 102.25, 103.15, 103.22, 105.1, 108.12, 112.16, 113.16, 113.19

parties swear *de calumpnia*, no mention of *de veritate dicenda*: 53.17 (*ex officio promoto*), 58.17 (and *de collusionione* when third-party joins action), 64.32 (and one party *de collusionione*), 72.18 (the swearing comes later than *litis contestacio*), 89.40 (informal process before bishop)

case is set down for swearing *de calumpnia*; no mention of *de veritate dicenda*: 17.7, 18.7, 19.4, 20.4, 20.6, 27.16, 27.17, 28.16, 32.9, 33.8, 41.14, 47.21, 48.15, 51.18, 54.9, 71.18, 97.10, 112.19

parties swear *de collusionione*, *de malicia*, and *de veritate dicenda*: 20.18 (ex off), 101.21 (ex off)

parties swear *de collusionione* and *de malicia*: 101.14 (when a 2-party marriage case becomes

3-party)

party, proctor, reclaimer, intervenor swears *de malicia* only, when s/he raises substantive exception or objection: 6.3, 9.9, 14.7, 20.17, 36.30, 44.19, 46.29, 56.11, 57.8, 59.26, 60.11, [71.19], 73.8, 90.7, 92.38, 102.18

party swears *de veritate dicenda* only, when s/he makes statement for the record in either *ex officio* or instance case: 7.19 (ex off), 11.8 (ex off), 18.31 (ex off), 19.25 (ex off), 20.17 (inst), 20.18 (inst), 24.21 (ex off), 24.24 (ex off), 24.25 (ex off), 24.26, 26.30 (ex off), 27.24 (ex off), 28.28 (ex off), 31.18 (ex off), 34.20 (ex off), 32.20 (ex off), 35.17 (ex off), 35.18 (ex off), 37.15 (inst), 38.13 (inst), 39.29 (ex off), 41.29 (ex off), 42.39 (ex off), 42.40 (ex off), 43.34 (?ex off), 43.35 (ex off), 44.28 (ex off), 44.35 (ex off), 45.26 (ex off), 45.27 (ex off), 46.31 (ex off), 47.29 (ex off), 47.32 (ex off), 49.26 (ex off), 52.37 (ex off), 53.21 (ex off), 53.23 (ex off), 53.24 (ex off), 58.28 (ex off), 60.21 (inst), 63.31 (ex off), 65.29 (ex off), 66.33 (ex off), 71.42 (inst), 83.44 (inst), 84.50 (ex off), 84.51 (ex off), 88.29 (ex off), 88.32 (inst), 89.33 (inst), 94.36 (inst), 99.12 (ex off), 99.13 (inst), 103.19 (ex off), 104.7 (ex off), 106.32 (inst), 107.26 (ex off), 109.1 (inst), 112.30 (inst), 113.24 (inst)

TABLE 8. FORMS OF COMPARERE IN THE REGISTER

For discussion, see p. xv

spelled out unambiguously as *comparet* in entries: 1.7 (fol. 5v), 5.14 (fol. 9r), 19.20 (fol. 26v), 21.14 (fol. 32r), 24.31 (fol. 36r), 25.17 (fol. 36v), 25.22 (fol. 37r), 27.10 (fol. 40v), 29.9 (fol. 45r), 30.22 (fol. 46v), 32.17 (fol. 49v), 33.25 (fol. 51v), 34.16 (fol. 52v), 42.34 (fol. 67v), 45.20 (fol. 73r), 51.11 (fol. 81v), 52.22 (fol. 82v), 53.30 (fol. 85v), 64.30 (fol. 98v), 67.34 (fol. 105v), 68.13 (fol. 106r), 70.33 (fol. 108r), 70.37 (fol. 108r), 82.40 (fol. 125v), 85.38 (fol. 131v), 89.31 (fol. 138r), 92.39 (fol. 143v), 98.20 (fol. 147r)

spelled out unambiguously as *comparuit* in entries: 54.24 (fol. 86v), 57.14 (fol. 91r), 68.36 (fol. 107r), 71.36 (fol. 110v), 74.35 (fol. 116r), 74.36 (fol. 116r), 79.42 (fol. 122r), 101.20 (fol. 149r), 102.19 (fol. 150r), 107.31 (fol. 155r), and, perhaps, 111.31 (fol. 160v)

ambiguous *compar^e* is used in entries: 34.4 (fol. 52r), 52.37 (fol. 84v), 57.21 (fol. 91r), 58.12 (fol. 92r), 59.25 (fol. 93r), 62.29 (fol. 96r), 63.31 (fol. 97v), 79.31 (fol. 121v), 86.10 (fol. 134r), 106.29 (fol. 153v), 70.37 (fol. 108r), 79.32 (fol. 121v), 83.28 (fol. 123r), 90.28 (fol. 140v), 92.34 (fol. 143r) [a case of contempt], 92.34 (fol. 143r), 94.36 (fol. 145r), 96.12 (fol. 146r), 98.17 (fol. 147r), 98.18 (fol. 147r), 98.22 (fol. 147v), 98.23 (fol. 147v), 98.24 (fol. 147v), 99.14 (fol. 147v), 99.15 (fol. 148r), 101.18 (fol. 149r), 101.19 (fol. 149r), 102.9 (fol. 150r), 109.18 (fol. 158r), 109.19 (fol. 158r), 109.26 (fol. 158v), 110.16 (fol. 159r), 110.23 (fol. 159r), 110.31 (fol. 159v), 113.24 (fol. 162r)

ACTA

Administrative *Acta*: 21 March 1374 to 4 April 1374

Registrum primum causarum consistorii episcopi Eliensis de tempore domini T[home] de Arundell'.^a

A. ACTA, 21 MARCH 1374

[A.0] *Acta* before Nicholas Ross, rector of Tattershall, Lincoln diocese, DCivL, official and commissary of the bishop of Ely, in Ely chapter house, 21 March 1374.

^bActa coram nobis Nicholao Roos, rectore ecclesie parochialis de Tatershale, Lincoln' diocesis, legum doctore, venerabilis in Christo patris et domini domini Thome de Arundell, Dei gracia electi Elien' et confirmati, officiali et commissario ad infrascripta sufficienter deputato, in domo capitulari monasterii Elien' die martis proximo post festum Sancti Edwardi regis et martyris videlicet duodecimo kalendas aprilis anno Domini millesimo trecentesimo septuagesimo tercio. [fol. 1r]

[A.1] The prior and chapter of Ely have been convoked by Ross to hear and see the publication of papal letters concerning Arundel's election and confirmation, and to swear obedience to the bishop. The prior and chapter appear personally. Ross's commission is read and published, along with the papal appointment. The prior and chapter admit¹ Arundel as bishop of Ely and swear obedience to him. By order of the bishop, Ross appoints John de St Ives, a monk of the cathedral, cellarer of the monastery. Ross's commission follows.

Publicacio litterarum apostolicarum capitulo Elien' – obediencia capituli – prefecio celerarii] Cum nos .. priorem et capitulum ecclesie cathedralis Elien' ad dictos diem et locum litteras apostolicas eidem venerabili patri super ipsius eleccione^e et confirmatione confectas visuros et audituros ac obedienciam canonicam eidem venerabili patri prestituros fecerimus coram nobis congregari, idem .. prior et capitulum comparuerunt personaliter coram nobis die et loco supradictis, lectis de mandato nostro,^d commissione dicti venerabilis patris nobis facta ac eciam litteris apostolicis supradictis, ipsas commissionem et litteras apostolicas publicavimus. Tunc ibidem ipsique .. prior et capitulum ipsum venerabilem patrem admiserunt in Elien' episcopum et pastorem ac eidem obedienciam canonicam prestiterunt. Ac postmodum in pleno capitulo prefecimus fratrem Johannem de Sancto Ivone, monachum dicte ecclesie, in eiusdem monasterio celerarium de ipsius venerabilis patris commissione et mandato speciali. Tenor vero commissionis nostre talis est. [fol. 1r]

^a *This is the left running head of the folio; see Introduction.* ^b *This entry and all the other session headings are written in litterae notabiliores.* ^c *lectione.* ^d *nostro] interlined.*

¹ The use of this word, which is common throughout the register, is not quite caught by the English 'admit'. 'Acknowledge' might be better in this context, though the word also appears where a superior admits an inferior to an office, as in the admission by the bishop of a cleric presented to a benefice.

[A.2] Arundel appoints Nicholas Ross, DCivL, his official in the city and diocese of Ely. He is to have cognizance in, to proceed with, to record, and to terminate cases brought at the petition of a party or *ex officio* and appeals brought by the bishop's subjects in the city and diocese. He is to correct excesses and crimes of the bishop's subjects which pertain to his forum, and to punish them canonically. In every case permitted by law or custom, he has the right, himself or through another, to sequester and hold safe the profits of an ecclesiastical benefice and the goods of anyone of the city and diocese, to admit probates of testaments, to insinuate (i.e., register) and approve them, and to commit the administration of goods to the executors named in the testament or others appointed in their places. He is able to dispose of the goods of those dying intestate and to commit their administration to another as seems expedient to the well-being of their souls. He has the right to receive oaths of obedience from all subjects of the city and diocese bound to swear obedience. He is able to celebrate synods and to convoke pertinent clergy and laity, punishing the contumacy of those absent. He is permitted to do beyond the mandate whatever is necessary to exercise the jurisdiction. These things are committed to Ross until they are revoked. Given on 17 March 1374 at London, under seal.

Commissio] Thomas, permissione divina electus Elien' confirmatus, venerabili et discreto viro magistro Nicholao Roos, legum doctore, Lincoln' diocesis, salutem in domino. De tuis circumspeccione, fidelitate et industria plenam in domino fiduciam optinentes, te officialem nostrum in nostris civitate et diocesi preficimus, constituimus et tenore presencium deputamus ad cognoscendum et eciam procedendum in omnibus causis et negociis sive ad instanciam partis sive ex officio in consistorio seu alibi in dictis nostris civitate et diocesi motis seu movendis ac eas et ea fine debito terminanda ac ad appellaciones et querelas quorumcumque subditorum dictarum civitatis et diocesis ad nos legitime interponendas, ad quas de iure seu consuetudine rescribi consuevit vel fuerit rescribendum, excessusque subditorum nostrorum civitatis et diocesis predictarum pro eorum culpis et excessibus ipsis detectis, quatenus ad forum nostrum pertinet, corrigendos et canonice puniendos, necnon ad sequestrandum per te alium seu alios fructus, redditus et proventus beneficiorum ecclesiasticorum et alia bona quorumcumque nostrarum civitatis et diocesis predictarum, que casu quocumque a iure, constitucione vel consuetudine permissum fuerit sequestranda et sequestrata custodienda seu facienda per alios custodiri, testamentorum probaciones, quatenus ad nos de iure vel consuetudine attinet, admittendas ipsaque insinuanda et approbanda administracionemque bonorum huiusmodi testancium executoribus in eisdem nominatis vel aliis loco eorumdem deputandis in forma iuris committendam ac de bonis ab intestato decedencium disponendis et administracionem bonorum huiusmodi aliis committendam prout saluti animarum eorundem videris utilius expedire, necnon recipienda iuramenta obediencie et obedienciam a quibuscumque subditis dictarum civitatis et diocesis ad nos spectantibus, qui ad iuramentum, prestacionem et obedienciam ut premittitur sunt astricti, ac synodum celebrandam, clerumque [et] populum, quatenus ad nos pertinet, convocandos, absencium contumacias puniendas, synodalia dicte nostre

diocesis petenda et recipienda, tibi que omnem iurisdictionem et ipsius exercitium, que ad officialem huiusmodi de iure seu consuetudine in nostris civitate et diocesi pertinent, necnon [ad] faciendum, expediendum, gerendum omnia et singula que de iure vel consuetudine facienda fuerint in hac parte et que in premissis fuerint necessaria seu oportuna, etiam si mandatum exigant speciale, vices nostras committimus per presentes quousque eas ad nos duxerimus revocandas. In cuius rei testimonium sigillum confirmationis nostre quo ad presens utimur presentibus apposuimus. Data London' septimo decimo die marci anno Domini millesimo trecentesimo septuagesimo tercio. [fol. 1r]

[A.3] Gregory XI's mandate to the chapter was given at Villeneuve, Avignon diocese, on 13 August 1373.

Littere apostolice capitulo directe] Littere vero apostolice eidem venerabili patri super ipsius electione et confirmatione confecte dictisque .. priori et capitulo Elien' ad obediendum sibi directe sic incipiunt. Gregorius episcopus servus servorum Dei dilectis filiis .. capitulo ecclesie Elien', ordinis Sancti Benedicti, salutem et apostolicam benedictionem et cetera. Et sic terminantur. Quocirca discrecioni vestre per apostolica scripta mandamus quatinus eundem Thomam, electum tanquam patrem et pastorem animarum vestrarum, grato admittentes honore ac exhibentes sibi obedienciam et reverenciam eius salubria mandata suscipiatis humiliter et cetera. Data apud Villamnovam Avinionen' diocesis idus augusti pontificatus nostri anno tercio. [fol. 1r]

[A.4] On 21 March 1374, in the marketplace of Ely, where people had been summoned by Ross's order, Ross showed and published in English the papal letters sent to them concerning Arundel's election and confirmation. Gregory XI's mandate to the people was given at Villeneuve d'Avignon on 13 Aug. 1373.

Publicacio litterarum apostolicarum populo – littere apostolice populo directe] Subsequenter post hoc eodem die ad locum mercati civitatis Elien' accessimus factoque de mandato nostro publico preconizato congregato populo in magna multitudine litteras apostolicas super ipsius venerabilis patris electione et confirmatione confectas ac populo civitatis et diocesis Elien' directas ostendimus et exhibuimus ac in lingua materna publicavimus tunc ibidem quarum quidem litterarum apostolicarum tenor sic incipit. Gregorius episcopus servus servorum Dei dilectis filiis populo civitatis et diocesis Elien' salutem et apostolicam benedictionem et cetera. Et sic finit. Quocirca universitatem vestram rogamus et hortamur attente per apostolica vobis scripta mandantes quatinus eundem Thomam, electum Elien', tanquam patrem et pastorem animarum vestrarum devote suscipientes et debita honorificencia prosequentes ipsius salubribus monitis et mandatis humiliter intendatis ita quod ipse in vobis devocionis filios et vos in ipsum per

consequens patrem invenisse benivolum gaudeatis. Data apud Villamnovam Avinion' diocesis idus augusti pontificatus nostri anno tercio. [fol. 1v]

[A.5] Memorandum that on 9 April 1374 Thomas Arundel was consecrated as bishop by William Whittlesey, archbishop of Canterbury, who was assisted by the bishops of London and Rochester.²

Consecratio] Memorandum quod nono die mensis aprilis videlicet die dominica^e qua cantatur officium *Quasi modo geniti* anno Domini millesimo trecentesimo septuagesimo quarto dictus venerabilis pater consecratus fuit in episcopum per dominum Willelmum, Dei gracia Cantuarien' archiepiscopum, assistantibus sibi episcopis London' et Roffen'. [fol. 1v]

^e Cross hatch marks inserted here to fill the space between dominica and qua.

² Simon Sudbury, bishop of London, 1333–1389; Thomas Brinton, bishop of Ro-

B. ACTA, 24 APRIL 1374

[B.0] *Acta* before Nicholas Ross, rector of Tattershall, DCivL, official and commissary of the bishop, in the church of All Saints Jewry, Cambridge, 24 April 1374.

Acta coram nobis Nicholao Roos, rectore ecclesie de Tatershale, legum doctore, venerabilis in Christo patris et domini domini Thome de Arundell, Dei gracia episcopi Elien', officiali et commissario ad infrascripta sufficienter deputato, in ecclesia Omnium Sanctorum in Judaismo Cantebr' [*sic*] die lune proximo post festum sancti Georgii martyris anno Domini millesimo trecentesimo septuagesimo quarto. [fol. 1v]

[B.1] Mr Nicholas de Bottisham, the archdeacon's official, was called according to certification to see and hear the publication of papal letters and to swear obedience to the bishop, his official, and their commissaries and ministers.

The official appears personally before Ross, witnesses the publication, admits Arundel as bishop, and swears obedience. Witnesses: Mr's William de Willingham and Thomas Gloucester; Stephan Randolph, rector of Conington and public notary; and Peter Caprik, cleric, of Ely and Lincoln diocese *et al.* The official maintains inaccurately that the deans and clergy are not required to swear obedience to the bishop. He has not cited them, acting in contempt of the jurisdiction of the bishop and his official, and he has attempted to cover his contempt with false excuses, according to the certification. Although the official could rightfully punish him, Ross spares the official and orders him, by virtue of his oath of obedience, to cite peremptorily for 4 May 1374 all deans, rectors, vicars, and scholars holding ecclesiastical benefices from the deaneries of Camps, Barton, Shingay, Bourn, Chesterton, and Cambridge. He is to certify the official about the names and surnames of those cited. Witnesses: as above.

Obediencia officialis archidiaconi prestita episcopo Elien'] Cum nos ad citandum peremptorie seu citari faciendum omnes et singulos .. decanos, rectores et vicarios ac totum clerum scholarem civitatis et diocesis Elien'

qui eidem venerabili patri ad prestacionem obediencie faciendam tenentur de consuetudine vel de iure publicacionem litterarum apostolicarum eidem venerabili patri super ipsius eleccione et confirmacione confectarum ac clero civitatis et diocesis predictarum directarum visuros et audituros ac obedienciam canonicam dicto venerabili patri, nobis ac ceteris ipsius et nostris commissariis et ministris prestituros discreto viro magistro Nicholao de Bodekesham .. officiali domini archidiaconi Elien' nuper dederimus in mandatis eidemque mandaverimus et iniunxerimus ut de nominibus et cognominibus eorum omnium et singulorum nos dictis die et loco certificaret ac ipsum magistrum Nicholaum officialem ad videndam et audiendam publicacionem dictarum litterarum apostolicarum et prestandum obedienciam canonicam dicto venerabili patri, nobis ac ceteris ipsius et nostris commissariis et ministris, quatenus eum et officium suum pertinuit, ad dictos diem et locum fecerimus coram nobis ad iudicium evocari, idem magister Nicholaus officialis comparens personaliter coram nobis dictas litteras apostolicas vidit et audivit per nos solempniter publicari ipsumque venerabilem patrem admisit in Elien' episcopum et pastorem ac canonicam obedienciam eidem venerabili patri, nobis ac ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis ad sancta Dei evangelia per ipsum corporaliter visa et tacta prestitit et iuravit. Presentibus magistris Willelmo de Wynelyngham et Thoma de Gloucestre, Stephano Randulph, rectore de Conyton, notario publico, et Petro Caprik', clerico, Elien' et Linc' diocesum et aliis in multitudine copiosa testibus vocatis ad premissa specialiter et rogatis. RF: Foxton.^a

Prefatus insuper .. officialis archidiaconi Elien' asserens et pretendens minus veraciter predictos .. decanos et clerum ad prestandum eidem venerabili patri obedienciam non teneri dictumque clerum ab huiusmodi obediencie prestacione per phas et nephas tanquam subditus indomitus et rebellis pro viribus subtrahens, prefatos .. decanos et clerum citare seu citari facere non curavit sed protervo et rebeli animo distulit in dicti venerabilis patris iurisdiccioni et mandatorum nostrorum licitorum illusionem et contemptum manifestum. Et ut proterviam et rebellionem huiusmodi sub umbra cuiusdem simulate excusacionis posset subdole palliare quasdam causas fictas, falsas, frivolas et erroneas et ex quadam precogitata malicia ut apparuit conceptas, quarum occasione ipsos decanos et clerum asseruit se non posse citare subterfugia querendo proposuit et allegavit prout in certificatorio suo nobis in ea parte facto cuilibet intuenti liquide poterit apparere. Et quamquam pro contemptu, protervia et rebellionem huiusmodi ipsum potuissemus merito punivisse, ex nostra tamen benignitate sibi adhuc parcentes in hac parte ad

^a RF: Foxton] *the combination of Foxton's 'sign manual' and his signature; see Introduction.*

ipsius maliciam convincendam eidem .. officiali in virtute obediencie, qua dicto patri et nobis tenetur, iniunximus et mandavimus quatinus omnes et singulos .. decanos, rectores, vicarios et alios quoscumque scolares beneficia ecclesiastica optinentes decanatum de Caumpes, [fol. 1v] Berton, Schenegeye, Brunne, Chesterton et de Cantebr', Elien' diocesis, ad diem iovis proximo post festum invencionis Sancte Crucis proximo futurum loco quo supra citaret seu citari faceret peremptorie ad sui petitionem quodque de ipsorum citatorum nominibus et cognominibus nos ibidem clare et distincte certificaret. Presentibus testibus superius nominatis vocatis et rogatis. RF: Foxton. [fol. 2r]

[B.2] Mr John Potton, rector of Hungry Hatley, was warned peremptorily under pain of excommunication to swear obedience to the bishop, his official, and their commissaries and ministers. After many arguments, John swears and admits Arundel as bishop. Witnesses: as above.

Hattele obediencia] Eisdem vero die et loco magister Johannes de Potton', rector ecclesie de Hungri Hattele, Elien' diocesis, tunc ibidem presens, monitus est primo, secundo et tercio ac peremptorie sub pena excommunicacionis quod prestat obedienciam dicto venerabili patri, qui post multas altercaciones tandem dictam obedienciam dicto venerabili patri, nobis ac ceteris ipsius et nostris commissariis et ministris ad sancta Dei evangelia per ipsum corporaliter tacta prestitit et iuravit dictumque venerabilem patrem admisit in suum episcopum et pastorem. Presentibus testibus superius nominatis. RF: Foxton. [fol. 2r]

C. ACTA, 4 MAY 1374

[C.0] *Acta* before Nicholas Ross, rector of Tattershall, DCivL, official and commissary of the bishop, in the church of All Saints' Jewry, Cambridge, 4 May 1374.

Acta coram nobis Nicholao Roos, rectore ecclesie de Tatershale, legum doctore, venerabilis in Christo patris et domini domini Thome de Arundell, Dei gracia episcopi Elien', officiali et commissario ad infrascripta sufficienter deputato, loco quo supra die iovis proximo post festum invencionis Sancte Crucis anno Domini supradicto. [fol. 2r]

[C.1] The official of the archdeacon has certified orally that all rectors and vicars of the deaneries were cited to said day and place to witness the publication of papal letters and to swear obedience to the bishop, etc.

The official summons them and publishes Gregory XI's mandate sent to the clergy. The rectors and vicars admit Arundel as bishop and swear obedience, appearing according to the following schedule. Gregory XI's mandate to the clergy was given at Villeneuve, Avignon diocese, on 13 August 1373.

Congregacio cleri pro obediencia prestanda, publicacio litterarum apostolicarum clero – littere apostolice clero directe] Cum constiterit nobis

per certificationem officialis domini archidiaconi Elien' nobis factum oretenus rectores et vicarios omnes et singulos dictorum decanatum de Caumpes, Berton', Schenegeye, Brunne, Chestreton' et Cantebr' coram nobis fuisse citatos ad diem et locum supradictos publicacionem dictarum litterarum apostolicarum visuros et audituros ac obedienciam canonicam dicto venerabili patri, nobis ac ceteris ipsius et nostris commissariis et ministris prestituros, de quorum nominibus et cognominibus per quandam cedula[m] per dictum .. officialem domini archidiaconi nobis traditam liquere poterit manifeste, quorum quidam personaliter, quidam per procuratores suos comparuerunt, quidam vero nullo modo comparuerunt, unde ipsos non comparentes pronuntiavimus prout erant merito contumaces reservata nobis pena, comparentes vero singillatim fecimus preconizari ac litteras apostolicas eidem venerabili patri super ipsius eleccione et confirmacione confectas ac dicto clero directas coram eisdem publicavimus et de verbo ad verbum perlegi fecimus tunc ibidem, dictique rectores et vicarii, quidam in propriis personis, quidam per suos procuratores, dictum venerabilem patrem admiserunt in episcopum Elien' et pastorem, et obedienciam canonicam dicto venerabili patri, nobis ac ceteris ipsius et nostris commissariis et ministris ad sancta Dei evangelia presterunt pariter et iuraverunt, nomina vero comparencium et non comparencium ac qui in propriis personis obedienciam presterunt et qui per procuratores et per quos inferius plenius continentur. Tenor vero litterarum apostolicarum predictarum sic incipit. Gregorius episcopus servus servorum Dei delectis filiis clero civitatis et diocesis Elien' salutem et apostolicam benedicionem et cetera. Et sic finit. Quocirca universitatem vestram rogamus et hortamur attente per apostolica vobis scripta mandantes quatinus eundem Thomam, electum Elien', tanquam patrem et pastorem animarumstrarum grato admittentes honore ac exhibentes ei obedienciam et reverenciam debitam et devotam eius salubria monita et mandata suscipiatis humiliter et efficaciter adimplere curetis alioquin sentenciam quam idem electus rite tulerit in rebellos ratam habebimus et faciemus auctore domino usque ad satisfaccionem condignam inviolabiliter observari. Data apud Villamnovam Avinion' diocesis idus augusti pontificatus nostri anno tercio. [fol. 2r]

[C.2] Deanery of Camps: vicar of Great Wilbraham, personally; rector of Little Wilbraham, absent and later personally; rector Burrough Green, Caprik; vicar St. Mary of Swaffham Prior, Foxton; vicar St. Cyriac of same personally; vicar of Swaffham 'monastery' [Swaffham Bulbeck] personally; rector Brinkley, Foxton; rector Willingham, Caprik; rector Weston Colville, absent and later Candlesby (registrar of archdeacon); vicar Westley Waterless, absent and later personally (receives penance for contumacy); rector Balsham, absent and expected; vicar Bottisham, absent and later personally (receives penance for contumacy); vicar West Wrating, Caprik; vicar Stetchworth, absent and later personally (receives penance); vicar Dullingham, absent and the next Saturday personally (alleges and swears that he was cited very late, but has

come nevertheless.); rector Stow, Foxton; rector Carlton, personally; vicar Great Abington, personally; vicar Ickleton, Foxton and later personally; rector Bartlow, Caprik; rector Linton, not cited;¹ vicar of same, personally. (After swearing, he proposes that the rectors and vicars of churches within the bishop's collation are not required to swear obedience to the archdeacon of Ely. Knowing that his vicarage pertains to the bishop, he secretly swore obedience to the archdeacon in his official's chambers because he had been coerced by ministers of the archdeacon. He declares that it was not his intention to commit himself or his successors to obey the archdeacon. The official of the archdeacon, then present, asserts that he had not induced the vicar to swear. Given in All Saints Jewry, 24 April 1374 before the official. Witnesses: Mr's William de Willingham, Thomas Gloucester, Peter Caprik *et al.* [NS]) Rector Pampisford, Foxton; vicar Sawston, Foxton; vicar Babraham, personally; rector Whittlesford, absent and later personally; prior and convent of Colne, [London] – holding [West] Wickham, not cited; vicar Hinxton, Foxton; rector St. Peter of Duxford, personally; rectors St. John of same [master and fellows of Clare College Cambridge], not cited; vicar of same, personally; rector Castle Camps, Foxton; vicar Shudy Camps, absent and later personally. (For his contumacy, he is ordered to go to the tomb of St. Etheldreda and offer 40*d*) Rector Horseheath, absent and later personally (submits to court's grace for absence); rector Hildersham, Foxton.

Admitted and given possession of the office of vicar of Stetchworth (vacant by the resignation of Simon, former vicar) and cited to swear obedience, John Wright of Stetchworth, priest, appears personally at Ross's residence in Cambridge on 7 May 1375 and swears obedience.

Decanatus de Caumpes]

Vicarius de Wilburgham Magna comparet^a personaliter, prestitit obedienciam et admisit eum in episcopum ut superius continentur. [fol. 2r]

Rector ecclesie de Wilburgham Parva non comparet. Postea comparet personaliter, prestitit obedienciam et admisit. [fol. 2r]

Rector ecclesie de Burgh' comparet per Petrum Caprik', clericum, procuratorem suum, qui prestitit pro eo obedienciam et admisit. [fol. 2r]

Vicarius ecclesie Sancte Marie de Swafham Prior comparet per Robertum de Foxton', procuratorem suum, qui prestitit obedienciam et admisit ut prius. [fol. 2r]

Vicarius ecclesie Sancti Cirici de Swafham Prior comparet personaliter, prestitit obedienciam et admisit ut prius. [fol. 2r]

Vicarius ecclesie Swafham monasterii comparet personaliter, prestitit obedienciam et admisit ut prius. [fol. 2r]

Rector ecclesie de Binkele comparet per Robertum de Foxton', procuratorem suum, qui prestitit obedienciam et admisit ut prius. [fol. 2r]

^a comparet] *spelled out often enough that we have extended the many ambiguous forms to this until we reach fol. 5r, where Foxton returns to the expected comparuit.*

¹ As might be inferred from what follows, because he was the bishop; see VCH, *Cambridge*, 6:80–105.

Rector ecclesie de Willyngham comparet per Petrum Caprik', procuratorem suum, qui prestitit obedienciam et admisit ut prius. [fol. 2r]

Rector de Weston' non comparet. Postea comparet per Hugonem Candelesby, procuratorem suum, registrarium archidiaconi, qui pro eo prestitit. [fol. 2r]

Vicarius ecclesie de Westlee non comparet. Postea comparet personaliter et iniuncta penitencia pro contumacia prestitit et admisit. [fol. 2r]

Rector ecclesie de Balsham non comparet sed expectatur. [fol. 2r]

Vicarius ecclesie de Bodekesham non comparet. Postea comparet personaliter et iniuncta penitencia pro contumacia prestitit et admisit. [fol. 2r]

Vicarius ecclesie de Wrattyngge comparet per Petrum Caprik', procuratorem suum, qui prestitit obedienciam et admisit ut prius. [fol. 2r]

Vicarius de Stenchesworth' non comparet. Postea comparet personaliter et iniuncta sibi penitencia pro contumacia, prestitit obedienciam dicto venerabili patri et admisit eum in episcopum et pastorem sicut prius. [fol. 2v]

Vicarius de Dullyngham non comparet. Postea die sabbati proximo sequenti comparuit personaliter. Allegat quod ita tarde fuerat citatus quominus potuit venire, unde facta fide super hoc remittitur sibi contumacia, prestitit obedienciam et admisit ut prius. [fol. 2v]

Rector de Stowe comparet per Robertum de Foxton', procuratorem suum, qui prestitit pro eo et admisit ut prius. [fol. 2v]

Rector de Carlton' comparuit personaliter, prestitit et admisit. [fol. 2v]

Vicarius de Abington' Magna comparet per Petrum Brampton', procuratorem suum, qui prestitit pro eo et admisit. [fol. 2v]

Vicarius de Abington' Parva comparuit personaliter, prestitit et admisit. [fol. 2v]

Vicarius de Ikelyngton' comparuit per Robertum de Foxton', procuratorem suum, qui prestitit pro eo et admisit. Postmodum in propria persona prestitit. [fol. 2v]

Rector de Berkelowe comparuit per Petrum Caprik', procuratorem suum, qui prestitit pro eo et admisit. [fol. 2v]

Rector de Lynton' non est citatus. [fol. 2v]

Vicarius eiusdem comparuit personaliter et prestitit obedienciam dicto venerabili patri, nobis ac ceteris ipsius et nostris commissariis et ministris et ipsum venerabilem patrem admisit in episcopum et pastorem. Idem insuper vicarius coram nobis iudicialiter proposuit quod cum rectores et vicarii

diocesis Elien' de collacione dicti venerabilis ad ipsum venerabilem patrem et suos prestare teneantur obedienciam et nullo modo ad archidiaconum Elien' vel suos iuxta modum et consuetudinem in dicta diocesi antiquitus optentes et hucusque usitatas^b idem tamen vicarius, cuius vicaria ad dictum venerabilem patrem pertinere dinoscitur, ad modum et consuetudinem huiusmodi non advertens nec recolens de eisdem et per dolum et cautelas varias ministrorum archidiaconi ipsum ad hoc inducendum timore eciam aliarum fatigacionum sibi comminatarum non in ecclesia sed in quadam camera officialis archidiaconi eidem archidiacono obedienciam prestitit clamdestine et invitus. Ac protestabatur idem vicarius quod non est intencionis sue ipsum aut suos successores per hoc eidem archidiacono ad obedienciam astringere sed officialis archidiaconi Elien' tunc presens asseruit quod per eum non fuerit inductum ad hoc faciendum. Acta in ecclesia Omnium Sanctorum in Iudaismo Cantabr' die lune in crastino Sancti Georgii martyris anno Domini millesimo trecentesimo septuagesimo tercio indiccione duodecimo pontificatus domini Gregorii pape undecimo anno undecimo. Presentibus magistris Willelmo de Wyvelyngham, Thoma de Gloucestre, Petro Caprik' et aliis in multitudine copiosa testibus ad premissa vocatis et rogatis. RF: Foxton. [fol. 2v]

Rector de Pampesworth' comparet per Robertum de Foxton', procuratorem suum, qui prestitit pro eo et admisit. [fol. 2v]

Vicarius de Sauston' comparet per Robertum de Foxton', procuratorem suum, qui prestitit pro eo et admisit. [fol. 2v]

Vicarius de Badburgham comparet personaliter, prestitit et admisit. [fol. 2v]

Rector de Wyttlesford non comparet. Postea comparuit^c personaliter, prestitit obedienciam dicto venerabili patri et admisit ut prius. [fol. 2v]

Prior et conventus de Colne, habentes ecclesiam de Wykham in proprios usus, non citati.^d [fol. 2v]

Vicarius de Hyngeston' comparet per Robertum de Foxton', procuratorem suum, qui prestitit pro eo et admisit. [fol. 2v]

Rector ecclesie Sancti Petri de Dokesworth comparet personaliter, prestitit et admisit.

Rectores ecclesie Sancti Johannis de eadem non sunt citati.^e [fol. 2v]

Vicarius eiusdem comparet personaliter, prestitit et admisit. [fol. 2v]

Rector de Caumpes Magna comparet per Robertum de Foxton', procuratorem suum, qui prestitit et admisit. [fol. 2v]

Vicarius de Shedecaumpes non comparet. Postea comparet personaliter et

^b optentes et hucusque usitata] *the marks of suspension suggest optenta et usitatis, but that would be clearly wrong.* ^c comparuit] *sic.* ^d A blank line follows. ^e A blank line follows.

pro contumacia sua iniungitur sibi quod visitet feretrum Sancte Etheldrede et offerret ibidem quadraginta denarios et prestitit obedienciam domino episcopo et suis officiali et ministris et admisit eum in episcopum. [fol. 2v]

Rector de Horseth' non comparet. Postea comparet personaliter et submitit se gracie nostre eo quod alias non comparuit dictamque obedienciam in propria persona sua prestitit dicto venerabili patri et eius ministris et eum admisit in episcopum et pastorem. [fol. 2v]

Rector de Hildresham comparuit per Robertum de Foxton', procuratorem suum, qui prestitit et admisit. [fol. 2v]

Subsequenter vacante vicaria de Stenchworth per resignacionem domini Simonis vicarii eiusdem, successit sibi dominus Johannes Wright de Stenchworth' presbyter ad dictam vicariam, admissus et institutus et in corporalem possessionem eiusdem inductus, qui, vocatus coram nobis officiali Elien' ad prestandum obedienciam domino episcopo Elien', nobis et aliis ipsius et nostris commissariis et ministris, comparuit personaliter coram nobis officiali Elien' in loco habitationis nostre Cant', obedienciam canonicam dicto venerabili patri, nobis et ceteris supradictis prestitit atque fecit die septima mensis maii anno Domini millesimo trecentesimo septuagesimo quinto. [fol. 2v]

[C.3] Deanery of Barton: vicar Barton, personally; rector Harlton, Caprik; rector Grantchester, Foxton; vicar Arrington, personally; rector Fowlmere, William Montagu, apparitor; master and scholars of Michaelhouse, Cambridge, rectors of Barrington, not cited (later cited and appear by Mr William de Gotham, master of the house and professor of theology); vicar of same; rector Malton, Caprik; rector Coton, absent and later personally (claims that he was detained by illness; after swearing, is dismissed); vicar Hauxton, personally; vicar Comberton, personally; rector Orwell, Foxton; vicar of same, personally;² vicar Shepreth, personally; rector Wimpole, by John atte Ford, who exhibits and provides a copy of his proxy, swears obedience (later personally swears obedience); vicar Trumpington, personally; vicar Haslingfield, by John Tuffield, who exhibits and provides a copy of his proxy and swears obedience; vicar Harston, personally; rector Great Shelford, Cottenham and later personally; rector Little Shelford, personally; master and scholars of Peterhouse Cambridge, rectors Thriplow, not cited; vicar of same, personally; vicar Stapleford, absent because he is imprisoned at Ely as a convicted cleric; vicar Foxton, Foxton.

Decanatus de Berton']

Vicarius de Berton' comparuit personaliter, prestitit et admisit ut prius. [fol. 3r]

Rector de Harlton' comparuit per Petrum Caprik', clericum, procuratorem suum, qui pro eo prestitit et admisit. [fol. 3r]

Rector de Granceste comparet per Robertum de Foxton', procuratorem suum,

² Orwell had both a non-corporate rector *Cambridge*, 5:241–51. and a vicar, a situation explained in VCH,

qui pro eo prestitit et admisit. [fol. 3r]

Vicarius de Arnyngton comparet personaliter, prestitit et admisit. [fol. 3r]

Rector de Foulmere comparet per Willelmum Mountagu, apparitorem, qui pro eo prestitit et admisit. [fol. 3r]

Magister et scolares domus Sancti Michaelis Cant', rectores ecclesie de Barnton', non citati. Postea citati, pro quibus comparent personaliter magister Willelmus de Goorham, magister dicte domus, sacre pagine professor, et prestitit dicto venerabili patri obedienciam et admisit eum in pastorem. [fol. 3r]

Vicarius eiusdem comparet personaliter, prestitit et admisit. [fol. 3r]

Rector de Malketon' comparet per Petrum Caprik', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3r]

Rector de Cotes non comparet. Personaliter comparuit postea, allegavit quod tempore prime comparicionis quod fuit detentus infirmitate et ideo non venit, unde prestitit obedienciam et admisit et dimittitur.^f [fol. 3r]

Vicarius de Hankeston' comparuit^g personaliter, prestitit et admisit. [fol. 3r]

Vicarius de Cumberton' comparet personaliter, prestitit et admisit. [fol. 3r]

Rector de Orewell' comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3r]

Vicarius eiusdem comparet personaliter, prestitit et admisit. [fol. 3r]

Vicarius de Shepereth' comparet personaliter, prestitit et admisit. [fol. 3r]

Rector de Wynpol comparet per dominum Johannem Atteford', procuratorem suum, qui procuratorium suum exhibuit, copiam dimisit et prestitit obedienciam ut prius et admisit. Postmodum personaliter comparuit et prestitit et admisit. [fol. 3r]

Vicarius de Trumpiton' comparet personaliter, prestitit et admisit. [fol. 3r]

Vicarius de Haselyngfeld' comparet per dominum Johannes Tyffeld', procuratorem suum, qui procuratorium suum exhibuit, copiam dimisit, obedienciam prestitit et admisit. [fol. 3r]

Vicarius de Harleston' comparet personaliter, prestitit et admisit. [fol. 3r]

Rector de Schelford' Magna comparet per magistrum Jacobum de Cotenham, procuratorem suum, et postmodum comparuit personaliter, prestitit et admisit. [fol. 3r]

^f Personaliter . . . dimittitur] *a later addition, as can be seen from the change in ink.*
^g comparuit] *sic.*

Rector de Schelford' Parva comparuit personaliter, prestitit et admisit. [fol. 3r]

Magister et scolares domus Sancti Petri Cantebr', rectores ecclesie de Trippelowe, non sunt citati. [fol. 3r]

Vicarius eiusdem comparet personaliter, prestitit et admisit. [fol. 3r]

Vicarius de Stapelford' non comparet quia est incarceratus apud Ely ut clericus convictus. [fol. 3r]

Vicarius de Foxton comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3r]

[C.4] Deanery of Shingay: vicar Shingay, personally; dean and brothers of the college of Windsor, rector Whaddon, not cited; vicar of same, absent and later personally, submitting to the court's grace for his contumacy (penance pending until the bishop comes); vicar Tadlow, absent and later personally; rector Bassingbourn, vicar Meldreth; vicar of same, personally; rector Clopton, Foxton, who swears obedience (later personally swears obedience); rector Abington Pigotts has vacated the church because it was contested (later Robert Martin, rector, personally swears); rector Steeple Morden, Candelesby, registrar of archdeacon; vicar Guilden Morden, personally; vicar Croyden, personally; rector East Hatley, Foxton; vicar Wendy, personally; master and scholars of Clare Hall, rectors Litlington, not cited; vicar of same, personally; vicar Melbourn, personally; vicar Meldreth, personally; Richard perpetual chaplain of St. Swithin chapel in Abington Pigotts, personally.

Decanatus de Schengeye]

Vicarius de Schenegeye comparet personaliter, prestitit et admisit. [fol. 3r]

Decanus et fratres collegii de Windesore, rectores ecclesie de Whaddon', non citati. [fol. 3r]

Vicarius eiusdem non comparet sed postea comparet personaliter, submitit se gracie nostre pro dicta contumacia et prestitit obedienciam et admisit et dicta penitencia pendet usque adventum domini episcopi ad partes. [fol. 3r]

Vicarius de Tadelowe non comparet. Postea comparuit personaliter, prestitit obedienciam dicto domino .. episcopo et eius officiali et ministris in licitis et canonicis mandatis, ipsumque admisit in episcopum et pastorem. [fol. 3r]

Rector de Bassingbourn' comparet per vicarium de Melreth', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3r]

Vicarius eiusdem comparet personaliter, prestitit et admisit. [fol. 3r]

Rector de Clopton' comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. Postmodum in propria persona prestitit et admisit. [fol. 3r]

Rector de Abyngton vacat ecclesia, quare litigiosa. Postea dominus Robertus Marty', rector, personaliter prestitit et admisit. [fol. 3r]

Rector de Stepelmordon' comparet per Hugonem de Candlesby, registrarium domini archidiaconi Elien', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3r]

Vicarius de Gildenmordon' comparet personaliter, prestitit et admisit. [fol. 3v]

Vicarius de Crauden' comparet personaliter, prestitit et admisit. [fol. 3v]

Rector de Esthattele comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3v]

Vicarius de Wendeye comparet personaliter, prestitit et admisit. [fol. 3v]

Magister et scholares aule de Clare, rectores ecclesie de Lyttelyngton', non sunt citati. [fol. 3v]

Vicarius eiusdem comparet personaliter, prestitit et admisit. [fol. 3v]

Vicarius de Meldebourn' comparet personaliter, prestitit et admisit. [fol. 3v]

Vicarius ecclesie de Melreth' comparet personaliter, prestitit et admisit. [fol. 3v]

Dominus Ricardus capellanus perpetuus capelle Sancti Swyththini in Abyngton' comparet personaliter, prestitit obedienciam dicto patri. [fol. 3v]

[C.5] Deanery of Bourn: vicar Bourn, personally; rector Long Stow, Caprik; rector Papworth Everard, personally; rector Papworth St. Agnes, personally; rector Great Childerley, personally; rector Little Childerley, personally; rector Knapwell, Foxton; rector Lolworth, Foxton; rector Fen Drayton, not cited; dean and brothers of Windsor, rectors of Caxton, not cited; vicar of same, personally; rector Hardick, Foxton; rector Toft, absent although cited; vicar Caldecote, Foxton; rector Kingston, absent and later personally; rector Boxworth, absent; rector Hatley St. George has sworn above, after the archdeacon's official; scholars of Merton Hall in Oxford, rectors of one portion of Gamlingay, not cited; rector of the other portion of same, Caprik; vicar of same, personally; rector Elsworth, absent; rector Swavesey, not cited;³ vicar of same, Foxton; rector Croxton, Foxton, who swears obedience (later rector personally swears); rector Eltisley, personally; rector [Little] Gransden, absent; rector Graveley, Mr William de Willingham; vicar Great Eversden, personally; rector Little Eversden, Foxton; rector Conington, personally.

Decanatus de Brunne]

Vicarius de Brunne comparet personaliter, prestitit obedienciam et admisit ut prius. [fol. 3v]

Rector de Longa Stowe comparet per Petrum Caprik', procuratorem suum, qui pro eo [prestitit et admisit]. [fol. 3v]

Rector de Pappeworth' Everard comparet personaliter, qui prestitit et admisit. [fol. 3v]

³ Swavesey Priory had the advowson, but *bridge*, 9:393–6. it was in the king's hands; see VCH, *Cam-*

Rector ecclesie de Pappeworth' Anneys comparet personaliter prestitit et admisit. [fol. 3v]

Rector ecclesie de Childerle Magna comparet personaliter, prestitit et admisit. [fol. 3v]

Rector ecclesie de Childerle Parva comparet personaliter, prestitit et admisit. [fol. 3v]

Rector ecclesie de Knapwell comparet per Robertum de Foxton', qui pro eo prestitit et admisit. [fol. 3v]

Rector ecclesie de Lolleworth comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3v]

Rector de Fendrayton non citatus. [fol. 3v]

Decanus et fratres de Windesore, rectores de Caxton', non citati. [fol. 3v]

Vicarius eiusdem comparet personaliter, prestitit et admisit. [fol. 3v]

Rector de Herdewyk' comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3v]

Rector de Toft citatus non comparet. [fol. 3v]

Vicarius de Caldecote comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3v]

Rector de Kyngeston' non comparet. Postea comparet personaliter, prestitit obedienciam et admisit. [fol. 3v]

Rector de Bokesworth' non comparet. [fol. 3v]

Rector de Hungrihattele prestitit prius, immediate post .. officialem .. archidiaconi. [fol. 3v]

Scolares de Merton Halle in Oxon', rectores unius porcionis ecclesie de Gavelyngeye, non citati. [fol. 3v]

Rector alterius porcionis eiusdem ecclesie comparet per Petrum Caprik', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3v]

Vicarius eiusdem comparet personaliter, prestitit et admisit. [fol. 3v]

Rector de Ellesworth' non comparet. [fol. 3v]

Rector de Swaveseye non citatus. [fol. 3v]

Vicarius eiusdem comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3v]

Rector de Croxton' comparet per dictum Robertum, procuratorem suum, qui

pro eo prestitit et admisit. Postmodum in propria persona prestitit et admisit. [fol. 3v]

Rector de Eltelee comparet personaliter, prestitit et admisit. [fol. 3v]

Rector de Grantenden' non comparet. [fol. 3v]

Rector de Gravele comparet per magistrum Willelmum de Wynelyingham. [fol. 3v]

Vicarius de Eversdon' Magna comparet personaliter, prestitit et admisit. [fol. 3v]

Rector de Everesdon' Parva comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 3v]

Rector de Conyton' comparet personaliter, prestitit et admisit. [fol. 3v]
[fol. 4r]

[C.6] Deanery of Chesterton: rector[s] Chesterton, not cited; vicar of same, Cottenham; rector Willingham is at the Roman *curia*, expected.; rector Over, personally; vicar Madingley, Caprik; rector of All Saints' Long Stanton, Cottenham; rector St Michael of Long Stanton, Cottenham; rector Dry Drayton, Candelesby; vicar Impington, personally; vicar Oakington, Candelesby; rector St. Andrew of Histon, Foxton and later personally; vicar of St. Etheldreda Histon, absent and later personally (having sworn obedience, he submits to the court's grace for his contumacy and swears to perform penance, which will be assigned by Ross after the matter has been discussed with the bishop); rector Landbeach, Candelesby, who swears obedience (later rector personally swears); vicar Waterbeach, personally; rector Girton, Cottenham, and later personally swears; rector Rampton, Cottenham, and later personally swears; rector Cottenham, Candelesby; rector Milton, Foxton; vicar of same, personally.

Decanatus de Chestreton]

Rector ecclesie de Chestreton' non est citatus. [fol. 4r]

Vicarius eiusdem comparet per magistrum Jacobum de Cotenham, procuratorem suum. [fol. 4r]

Rector de Wynelyingham in curia romana, ideo expectatur. [fol. 4r]

Rector de Overe comparuit personaliter, prestitit et admisit. [fol. 4r]

Vicarius de Maddyngle comparet per Petrum Caprik', clericum, procuratorem suum, qui pro eo prestitit et admisit. [fol. 4r]

Rector ecclesie Omnium Sanctorum de Stanton comparet per^h magistrum Jacobum de Cotenham, procuratorem suum. [fol. 4r]

Rector ecclesie Sancti Michaelis de eadem comparet per magistrum Jacobum de Cotenham, procuratorem suum. [fol. 4r]

^h per] *interlined*.

Rector de Driedrayton' comparet per Hugonem Candlesby, registrarium officialis archidiaconi Elien', procuratorem suum, qui pro eo prestitit et admisit ut prius. [fol. 4r]

Vicarius ecclesie de Impyton' comparuit personaliter, qui prestitit et admisit. [fol. 4r]

Vicarius ecclesie de Hokyton' comparuit per dictum Hugonem registrarium, procuratorem suum, qui pro eo prestitit et admisit. [fol. 4r]

Rector ecclesie Sancti Andree de Histon' comparet per Robert de Foxton', procuratorem suum. Postmodum in propria persona sua prestitit et admisit. [fol. 4r]

Vicarius ecclesie Sancte Etheldrede Histon' non comparet. Postea comparet personaliter, prestitit obedienciam ut prius et admisit et pro contumacia submitit se gracie nostre et iuratus quod facere penitenciam sibi iniungendam pro dicta contumacia, unde ipsam reservamus quousque loquatur cum domino episcopoⁱ. [fol. 4r]

Rector de Landbech' comparuit per dictum Hugonem registrarium, procuratorem suum, qui pro eo prestitit et admisit et postmodum personaliter prestitit et admisit.^j [fol. 4r]

Vicarius ecclesie de Waterbech' comparuit personaliter prestitit et admisit. [fol. 4r]

Rector de Grytton' comparuit per magistrum Jacobum de Cotenham procuratorem suum et postmodum personaliter prestitit et admisit. [fol. 4r]

Rector de Rampton' comparet per dictum magistrum Jacobum, procuratorem suum, sed postmodum in propria persona sua prestitit et admisit. [fol. 4r]

Rector de Cotenham comparet per dictum Hugonem registrarium, procuratorem suum, qui pro eo prestitit et admisit. [fol. 4r]

Rector ecclesie de Midelton' comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 4r]

Vicarius eiusdem comparuit personaliter, prestitit et admisit. [fol. 4r]

[C.7] Deanery of Cambridge: John vicar of Holy Sepulchre Cambridge, dean of Cambridge, personally; vicar of St. Clement's Cambridge, absent and later by John atte Deal, proctor by letter; vicar of Holy Sepulchre Cambridge, personally; vicar of All Saints' Jewry Cambridge, personally; vicar of Holy Trinity Cambridge, personally; vicar of St. Edward's Cambridge, absent and later personally; rector of St. Benet's Cambridge, personally; rectors of St. Mary's Cambridge, [incomplete entry]; vicar of St. John's Cambridge, absent and later personally (submits to the court's grace for his contumacy and swears obedience; his penance is pend-

ⁱ postea . . . episcopo] *interlined in smaller script.* ^j prestitit et admisit] *interlined below.*

ing until the bishop comes); rectors of St Michael Cambridge, not cited (later the master of Michaelhouse personally); Philip chaplain of parish chapel within Barnwell Priory, personally; vicar of St. Botolph's Cambridge, Caprik; rector Teversham, absent; rector Cherry Hinton, Mr Thomas Gloucester; vicar of same, absent and later personally; rector Fulbourn St. Vigor, Foxton; vicar of All Saints' Fulbourn, Candelesby; rector Fen Ditton, Foxton; master of hospital of St. John's Cambridge, rector of Horningsea, personally.

12 May 1374 in the church of All Saints Jewry was assigned to all proctors who had not exhibited their proxies to show them and to provide copies of them. On that day, those who exhibited are listed by deanery as above; the principals of those who failed to exhibit will be called to swear personally or by a legal proctor. Upon inspection of the certification of the archdeacon's official, it has been found that the official failed to cite the deans and many scholars of the deaneries, as the official had ordered.

Decanatus Cantebr']

Dominus Johannes vicarius ecclesie Sancti Sepulchri Cantebr', decanus Cantebr', prestitit obedienciam in propria persona sua domino episcopo. [fol. 4r]

Vicarius Sancti Clementis Cantebr' non comparet. Postea comparuit per dominum Johannem Attedele procuratorem suum litteratorie constitutum prestitit obedienciam et admisit.^k [fol. 4r]

Vicarius Sancti Sepulchri Cantebr' comparet personaliter, prestitit et admisit ut prius. [fol. 4r]

Vicarius Omnium Sanctorum in Iudaismo Cantebr' comparuit personaliter, prestitit et admisit. [fol. 4r]

Vicarius Sancti Trinitatis Cantebr' comparuit personaliter, prestitit et admisit. [fol. 4r]

Vicarius Sancti Edwardi Cantebr' non comparet. Postmodum tamen comparuit personaliter prestitit dicto venerabili patri obedienciam canonicam et admisit eum in episcopum et pastorem.^l [fol. 4r]

Rector Sancti Benedicti Cantebr' comparuit personaliter, prestitit et admisit. [fol. 4r]

Rectores Sancte Marie Cantebr'^m [fol. 4r]

Vicarius Sancti Johannis Cantebr' non comparet. Postea comparet personaliter et submitit se gracie nostre pro dicta contumacia, prestitit obedienciam et admisit ut supra, pendet penitencia usque adventum domini episcopi ad partes.ⁿ [fol. 4r]

Rectores ecclesie Sancti Michaelis Cantebr' non citati. Postea comparuit

^k postea . . . admisit] *a later addition, interlined in smaller script.* ^l postmodum . . . pastorem] *a later addition, as can be seen from the change in ink.* ^m Incomplete entry. ⁿ postea . . . partes.] *a later addition, as can be seen from the change in ink.*

personaliter magister domus Sancti Michaelis Cant' pro dicta ecclesia, prestitit et admisit. [fol. 4r]

Dominus Philippus capellanus parochialis capelle infra prioratum de Bernewell comparet personaliter, prestitit et admisit. [fol. 4r]

Vicarius ecclesie Sancti Botulphi Cantebr' comparet per Petrum Caprik', procuratorem suum, qui pro eo prestitit et admisit. [fol. 4r]

Rector ecclesie de Teversham non comparet.^o [fol. 4r]

Rector ecclesie de Hynton' comparet per magistrum Thomam Gloucestre, procuratorem suum, qui pro eo prestitit et admisit. [fol. 4r]

Vicarius eiusdem non comparet. Postea comparuit personaliter, prestitit dicto venerabili patri obedienciam canonicam et admisit eum in episcopum et pastorem.^p [fol. 4r]

Rector de Fulbourn' Vigoris comparuit per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 4r]

Vicarius ecclesie Omnium Sanctorum de Fulbourn' comparet per dictum Hugonem registrarium, procuratorem suum, qui pro eo prestitit et admisit. [fol. 4v]

Rector ecclesie de Dynton' comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 4v]

Magister hospitalis Sancti Johannis Cantebr', rector ecclesie de Hornyngeseye, comparet personaliter, prestitit et admisit. [fol. 4v]

Et subsequenter procuratoribus predictis qui nondum exhibuerunt diem veneris proximo post festum ascencionis^q Domini proximo futurum loco quo supra ad exhibendum eorum procuratoria copiasque eorumdem exhibituri prefigimus et assignamus, quibus die et loco exhibentes in locis decanatum suorum prout superius describantur singillatim fecimus consignari, non exhibencium vero dominos decrevimus fore vacandos ad premissa facienda in propriis personis suis vel per procuratores sufficienter et legitime constitutos. [fol. 4v]

Verum quia inspecto certificatorio .. officialis domini archidiaconi Elien', invenimus eum dictum mandatum nostrum minus sufficienter fuisse executum eo quod .. decanos et plures^r alios de clero scolari dictorum decanatum non citavit, de quibus superius sit mencio, prout eidem nostris litteris dedimus in mandatis.^s [fol. 4v]

[C.8] Obedience of the clergy of Ely and Wisbech deaneries: The dean of Ely has certified that

^o Blank line follows. ^p postea . . . pastorem] a later addition, as can be seen from the change in ink. ^q ascencionis] sic. ^r plures] interlined. ^s Unused lines follow.

the 'school' clergy (*clerum scolarem*) of the deanery of Ely have been cited before the official for 8 July 1374 in Holy Trinity, Ely, to swear obedience. The official summons each of them; each swears obedience and admits Arundel as bishop, personally or by proctor, as listed below.

Congregacio cleri decanatum de Ely et Wysebech prestanda obedienciam] Cum constiterit nobis .. Nicholao Roos, officiali et commissario predicto, clerum scolarem decanatus de Ely per certificatorium decani de Ely coram nobis fuisse citatum ad diem sabbati proximo post festum translacionis Sancti Thome martyris anno Domini supradicto in ecclesia Sancte Trinitatis civitatis Elien' obedienciam canonicam dicto venerabili patri .. episcopo Elien', nobis ac ceteris ipsius et nostris commissariis et ministris prestiturum, ipsum clerum singillatim fecimus preconizari, quorum quidam personaliter, quidam vero per procuratores suos sufficienter constitutos comparuerunt, dictamque obedienciam canonicam dicto venerabili patri, nobis ac certis ipsius et nostris commissariis et ministris in licitis et canonicis mandatis presterunt dictumque venerabilem patrem in eorum episcopum et pastorem admiserunt prout inferius continentur. [fol. 4v]

[C.9] Deanery of Ely: John de Lakenheath, chaplain and dean of Ely, personally; Henry Smyth, rector of Haddenham, by John Lakenheath sufficiently appointed; Mr Robert de Stretton, rector of Stretham, absent; Ed[war]d vicar of Sutton, Foxton; Robert rector of Mepal, personally; Richard vicar of Witcham, personally; Alan rector of Coveney, personally; John vicar of Witchford, personally; John vicar of Wentworth, personally; Thomas rector of [Little] Downham, personally; John chaplain of Harrimere chapel, personally; Robert vicar of Chatteris, Foxton; John rector of Doddington, expected; Robert vicar of St. Mary's Whittlesey, Foxton; John vicar of St. Andrew's Whittlesey, personally.

Decanatus de Ely]

Dominus Johannes de Lakyngheth', capellanus decanus de Ely, comparuit personaliter, prestitit obedienciam et admisit ut prius. [fol. 4v]

Dominus Henricus Smyth, rector ecclesie de Hadenham, comparuit per dictum dominum Johannes Lakyngheth', procuratorem suum sufficienter constitutum, de cuius potestate nobis constat, qui pro eo prestitit et admisit. [fol. 4v]

Magister Robertus de Stretton', rector de Stretham, non comparet, expectatur.¹ [fol. 4v]

Dominus Ed[ward]us vicarius ecclesie de Sutton' comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 4v]

Dominus Robertus rector de Mephale comparuit personaliter, prestitit et admisit. [fol. 4v]

Dominus Ricardus vicarius de Wycham comparuit personaliter, prestitit et

¹ *Unused lines follow.*

admisit. [fol. 4v]

Dominus Alanus rector de Covereye comparuit personaliter, prestitit et admisit. [fol. 4v]

Dominus Johannes vicarius de Wychford' comparuit personaliter, prestitit et admisit. [fol. 4v]

Dominus Johannes vicarius de Wynteworth' comparuit personaliter, prestitit et admisit. [fol. 4v]

Dominus Thomas rector de Downham comparuit personaliter, prestitit et admisit. [fol. 4v]

Dominus Johannes capellanus capelle de Haveryngmer comparuit personaliter, prestitit et admisit. [fol. 4v]

Dominus Robertus vicarius de Chateris comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 4v]

Dominus Johannes rector de Dodyngton expectatur.^u [fol. 4v]

Dominus Robertus vicarius de Wittles Mar' comparet per Robertum de Foxton', procuratorem suum, qui pro eo prestitit et admisit. [fol. 4v]

Dominus Johannes vicarius de Wittless' Andr' comparuit personaliter, prestitit et admisit. [fol. 4v]

[fol. 5r]

[C.10] Deanery of Wisbech: The dean of Wisbech has certified that the rectors, vicars, and scholars having ecclesiastical benefices within the deanery have been cited for 10 July 1374 in Wisbech church to swear obedience to the bishop, his official, and their commissaries and ministers. The official summons each of them; each swears obedience and admits Arundel as bishop, personally or by proxy: John de Holbech, chaplain and dean of Wisbech, personally; Mr William de Newton, vicar of Wisbech, by John Warin, appointed by letter; Mr John de Barnet, rector of Leverington, by Thomas Domesday, chaplain; Robert de Goddington, rector of Newton, personally; Robert Mitchel, rector of Tydd St. Giles, by William Palmer, chaplain; William de Petworth, rector of Elm, by Foxton; Walter vicar of the same, personally; John de Holbech, chaplain of a Leverington chantry, personally; Nicholas Law, chaplain of the same, personally; Thomas Howe, chaplain of the same, personally; William Hungerford, chaplain of an Emneth chantry, personally; William son of Adam, chaplain of the same, personally.

Decanatus Wysebech'] Cum constiterit nobis .. officiali et commissario predicto per certificatorium decani de Wysebeth' clerum scolarem eiusdem decanatus videlicet rectores, vicarios et alios beneficia ecclesiastica scolares^v in dicto decanatu optinentes coram nobis fuisse citatum ad diem lune proximo post festum translacionis Sancti Thome martyris anno Domini supradicto in

^u expc] *in margin.* ^v alios beneficia ecclesiastica scolares] *single minim interlined before alios and double minims bracketed by dots over scolares; Foxton probably intended to rearrange the words to alios scolares beneficia ecclesiastica in dicto decanatu optinentes, etc.*

ecclesia parochiali de Wysebech' obedienciam canonicam dicto .. venerabili patri domino Thome Dei gracia episcopo Eliens' nobis ac ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestiturum, ipsos omnes et singulos fecimus preconizari, quorum quidam personaliter, quidam vero per procuratores suos sufficienter constitutos comparuerunt, obedienciamque canonicam dicto venerabili patri, nobis ac ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis presterunt prefatumque venerabilem patrem in eorum episcopum et pastorem expresse admiserunt prout inferius continetur. [fol. 5r]

Dominus Johannes de Holbech', capellanus decanus de Wysebech', comparuit^w personaliter, prestitit obedienciam et admisit ut supra. [fol. 5r]

Magister Willelmus de Neuton', vicarius ecclesie de Wysebech' comparuit per Johannem Waryn, clericum, procuratorem suum litteratorie sufficienter constitutum, qui pro eo prestitit et admisit. [fol. 5r]

Magister Johannes de Barnet, rector ecclesie de Leveryngton', comparuit per dominum Thomam Dumpesday, capellanum, procuratorem suum sufficienter constitutum, qui pro eo prestitit et admisit. [fol. 5r]

Dominus Robertus de Gadyngton', rector ecclesie de Neuton', comparuit personaliter, prestitit et admisit. [fol. 5r]

Dominus Robertus Michel, rector ecclesie Sancti Egidii de Tyd, comparuit per dominum Willelmum Palmere, capellanum, procuratorem suum sufficienter constitutum, de cuius potestate nobis constat, qui pro eo prestitit et admisit. [fol. 5r]

Dominus Willelmus de Petteworth', rector ecclesie de Elm, comparuit per Robertum de Foxton', procuratorem suum, de cuius potestate nobis constat, qui pro eo prestitit et admisit. [fol. 5r]

Dominus Walterus vicarius eiusdem comparuit personaliter, prestitit et admisit. [fol. 5r]

Dominus Johannes de Holbech' capellanus cantarie in Leveryngton', comparuit personaliter, prestitit et admisit. [fol. 5r]

Dominus Nicholaus Lawe, capellanus cantarie in Leveryngton', comparuit personaliter, prestitit et admisit. [fol. 5r]

Dominus Thomas Howe, capellanus cantarie in Leveryngton', comparuit personaliter, prestitit et admisit. [fol. 5r]

Dominus Willelmus Edward', capellanus cantarie in Leveryngton', comparuit

^w comparuit] *sic, and sic to the end of fol. 5r.* ^x About half a page is left blank.

personaliter, prestitit et admisit. [fol. 5r]

Dominus Willelmus Hungerford', capellanus cantarie in Enemeth', comparuit personaliter, prestitit et admisit. [fol. 5r]

Dominus Willelmus filius Ade, capellanus cantarie in Enemeth', comparuit personaliter, prestitit et admisit. [fol. 5r]^y

^y *About half a page is left blank.*

Case *Acta*: 24 March 1374 to 28 February 1382

1. ACTA, 24 MARCH 1374

[1.0] *Acta* before Thomas of Gloucester, commissary of Mr Nicholas Ross, DCivL, official of Ely, in the church of St Mary outside Trumpington Gate, Cambridge, 24 Mar. 1373/4. *Agenda* [i.e., next session] in the church of All Saints' Jewry, Cambridge, 13 Apr. 1374.

Acta coram nobis Thoma de Gloucestria reverendi viri magistri Nicholai Roos legum doctoris officialis Elien' commissario in ecclesia Sancte Marie extra Trumpiton' gates Cant' die veneris proximo post festum Sancti Benedicti abbatis anno Domini supradicto. Et agenda in ecclesia Omnium Sanctorum in Iudaismo Cantebr' coram dicto domino officiali, nobis vel alio ipsius commissario die iovis proximo post dominicam qua cantatur officium *Quasi modo geniti* proximo tunc sequentem. [fol. 5v]

[Case entries 1.1 (1), 1.2 (2), 1.3 (3), 1.4 (4), 1.5 (5), 1.6 (4), 1.7 (6), 1.8 (7).]

[1.9] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proximum in statu quo nunc sunt. [fol. 5v]

2. ACTA, 13 APRIL 1374

[2.0] *Acta* before Nicholas Ross, DCivL, official of Ely, in All Saints' Jewry, Cambridge, 13 Apr. 1374. Next session in the same place, 11 May.

Acta coram nobis Nicholao Roos legum doctore officiali Elien' in ecclesia Omnium Sanctorum in Iudaismo Cantebr' die iovis proximo post dominicam qua cantatur officium *Quasi modo geniti* anno Domini millesimo trecentesimo septuagesimo quarto et agenda ibidem die iovis proximo post festum Sancti Johannis ante portam latinam proximo sequens. [fol. 5v]

[2.1] The commission of the officiality of Ely made by Bishop Arundel for Ross was published in full consistory by the official.¹

Commissio publicata] Exhibita per nos commissione officialitatis Elien' per dictum venerabilem patrem nobis facta ipsam commissionem in pleno consistorio publicavimus et de verbo ad verbum fecimus recitari. [fol. 5v]

[Case entries: [fol. 5v] 2.2 (1), 2.3 (2), 2.4 (3), 2.5 (4), 2.6 (5), 2.7 (4), 2.8 (7).]

[2.9] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proximum in statu quo nunc sunt. [fol. 6r]

[2.10] 4 May 1374 before the official, John vicar of Holy Sepulchre, Cambridge, personally appoints Richard Pitts his proctor in all cases and business moved or to be moved by or against him before all judges (ordinary, delegate, or their commissaries) with the power to

¹ Curiously, the commission is not entered Ross is not sitting. until the next set of *acta*, in a session when

act, defend, except, replicate, propose, articulate, produce witnesses, give and receive libels, contest suits, swear *de calumpnia* and *de veritate dicenda*, challenge (*provocandi*), appeal, notify and proceed in challenges and appeals; to request and receive *apostoli*, costs, damages, absolution from sentences of suspension, excommunication, and interdict and restitution; to substitute and revoke a substitute; and to do everything, with security as to ratification (*cum cautione de rato*).

Procuratorium] Quarto die mensis maii anno Domini supradicto comparens personaliter coram nobis dominus Johannes vicarius ecclesie Sancti Sepulchri Cantebr' et constituit Ricardum Pyttes clericum procuratorem suum in omnibus causis et negociis pro se vel contra se motis seu movendis coram quibuscumque iudicibus ordinariis, delegatis vel eorum commissariis cum potestate agendi, defendendi, excipiendi, repplicandi, ponendi, articulandi, testes producendi, libellum dandi et recipiendi, litem contestandi, iurandi de calumpnia et de veritate dicenda, provocandi, appellandi, eas [provocaciones et appellaciones] notificandi et earum causas prosequendi, apostolos, expensas, dampna, beneficium absolucionis a quibuscumque sentenciis suspensionis, excommunicationis et interdicti ac restitutionis in integrum petendi, recipiendi et optinendi, substituendi et substitutum revocandi, omnia alia et singula faciendi etc., cum caucione de rato etc. [fol. 6r]

3. ACTA, 11 MAY 1374

[3.0] *Acta* before Henry Bowet, commissary of the official, in All Saints' Jewry, Cambridge, 11 May 1374.¹ Next session in the same place before the official, Bowet, or another commissary, 2 June.

Acta coram nobis Henrico Bowet clerico domini .. officialis Elien' commissario ad diem et locum infrascriptos sufficienter deputato loco quo supra die iovis proximo post festum Sancti Johannis ante portam latinam anno Domini supradicto. Et agenda ibidem coram dicto domino .. officiali, nobis vel alio ipsius commissario die veneris proximo post festum Sancte Trinitatis proximo sequens. [fol. 6r]

[Case entries: 3.1 (1), 3.2 (2), 3.3 (3), 3.4 (4), 3.5 (5), 3.6 (7), 3.7 (8) [fol. 6r–6v].]

[3.8] Arundel's commission to Nicholas Ross to act as his official in the Ely consistory was given under seal at Reigate Castle, 20 Apr. 1374.²

Commissio] Tenor vero commissionis dicti domini .. episcopi Elien' nobis facti sequitur in hunc modum: Thomas permissione divina episcopus Elien' venerabili et discreto viro magistro Nicholao Roos legum doctori Lincoln'

¹ 11 May 1374 was Ascension Thursday. *Dates*, 73. The feast of St John before the Latin Gate, which is used to reference the day in Foxton's entry, was a holiday in the Arches.

² See *Acta* 2, n. 1.

diocesis salutem, gratiam et benedictionem. De tuis circumspecone, fidelitate et industria plenam in domino fiduciam obtinentes te officialem nostrum in nostris civitate et diocesi preficimus, constituimus et tenore presencium deputamus ad cognoscendum et eciam procedendum in omnibus causis et negociis sive ad instanciam partis sive ex officio in consistorio nostro seu alio in dictis nostris civitate et diocesi motis seu movendis ac eas et ea fine debito terminanda ac ad appellaciones et querelas quorumcumque subditorum dictarum civitatis et diocesis ad nos legitime interponendas ad quas de iure vel consuetudine rescribi consuevit rescribendas excessusque subditorum nostrarum civitatis et diocesis eorumque culpas, crimina et delicta quatenus ad forum ecclesiasticum et nostram iurisdiccione[m] pertinet corrigendos et canonice puniendos necnon ad sequestrandum per te, alium seu alios fructus, redditus et proventus beneficiorum ecclesiasticorum et alia bona quorumcumque subditorum nostrarum civitatis et diocesis predictis que casu quocumque a iure, constitutione vel consuetudine permissum fuerit sequestranda et sequestrata huiusmodi custodienda seu facienda per alios custodiri, testamentorum probaciones quatenus ad nos de iure vel consuetudine attinet admittendas ipsaque insinuanda et approbanda administracionemque bonorum huiusmodi testancium executoribus in eisdem nominatis vel aliis loco eorundem deputandis in forma iuris committendam ac de bonis ab intestato decedencium disponendis et administracionem bonorum huiusmodi aliis committendam prout saluti animarum eorundem videris utilius expedire necnon recipiendum iuramenta obediencie et obedienciam a quibuscumque subditis dictarum civitatis et diocesis ad nos spectantibus qui ad iuramenti prestacionem et obedienciam ut premittitur sunt astricti ac synodum nostram celebrandam clerumque et populum quatenus ad nos pertinet convocandos, absencium contumacias puniendas, synodalia dicte nostre diocesis petenda et recipienda tibi que omnem iurisdiccione[m] et ipsius exerciciu[m] que ad officialem huiusmodi de iure vel consuetudine in nostris civitate et diocesi pertinent necnon ad faciendum expediendum et gerendum omnia et singula que de iure vel consuetudine facienda fuerint in hac parte et que in premissis fuerint necessaria seu opportuna, eciam si mandatum exigant speciale, vices nostras committimus per presentes cum cuiuslibet inhibicionis canonice potestate quousque eas ad nos duxerimus revocandas. In cuius rei testimoniu[m] sigillum nostrum fecimus hiis opponi. Data apud castrum de Reygate duodecimo kalendas maii anno Domini millesimo trecentesimo septuagesimo quarto et nostre consecracionis primo. [fol. 6v]

[3.9] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proximum in statu quo nunc sunt. [fol. 6v]

[Case entries: 3.10 (9).]

4. ACTA, 2 JUNE 1374

[4.0] *Acta* before Nicholas Ross, official of Ely, in All Saints' Jewry, Cambridge, 2 June 1374. Next session in the same place, 22 June.

Acta coram nobis .. officiali predicto loco quo supra die veneris proximo post festum Sancte Trinitatis anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Botulphi proximo sequens. [fol. 6v]

[Case entries: 4.1 (1), 4.2 (2), 4.3 (3) [fol. 6v], 4.4 (4), 4.5 (5), 4.6 (8), 4.7 (9).]

[4.8] Other unfinished matters are adjourned until the next session in their present state.

Continuacio] Alia non expedita continuamus usque proximum in statu quo nunc sunt. [fol. 7r]

[4.9] Memorandum that on 10 June 1374 Richard vicar of Guilden Morden personally appointed William Killerwick his proctor *apud acta* in all cases and businesses moved or to be moved before all judges (ordinary, delegate, or their commissaries). He was given power to act, defend, except, replicate, propose, articulate, give and receive libels, contest the suit, swear the oath against calumny, and produce and exhibit witnesses, letters, and instruments. Furthermore, he was given the power to make *provocaciones* and appeals, to substitute another or others and to revoke substitutions, to request and receive absolution from sentences of suspension, excommunication, and interdict, and to ask for and receive *restitutio in integrum*, *apostoli*, damages, costs, and interest, to swear as to costs, to take any lawful and canonical oath required for due process, and to do all other things which are necessary and fitting, even if they require a special mandate, with security as to authorization, etc.

Procuratorium] Memorandum quod quarto idus iunii anno Domini millesimo trecentesimo septuagesimo quarto comparens personaliter dominus Ricardus vicarius ecclesie de Gildenmord' constituit apud acta Willelmum Kellerwyk' clericum procuratorem suum in omnibus causis et negociis coram quibuscumque iudicibus ordinariis, delegatis seu eorum commissario ex officio vel ad partis instanciam motis seu movendis cum potestate agendi, defendendi, excipiendi, replicandi, ponendi, articulorum libellum dandi et recipiendi, litem contestandi, iurandi de calumpnia, testes litteras et instrumenta producendi et exhibendi, provocandi et appellandi, provocaciones et appellaciones notificandi et earum causas proseguendi, alium et alios substituendi, substitutum revocandi, beneficium absolucionis a quibuscumque sentenciis suspensionis, excommunicationis seu interdicti latis seu ferendis ac restitutionem in integrum, apostolos, dampna, expensas et interesse petendi et recipiendi, ac super expensis iurandi, ac quodlibet aliud iuramentum licitum et canonicum quod postulat ordo iuris prestandi, omniaque alia faciendi et expediendi que in premissis necessaria fuerint seu etiam opportuna etsi mandatum exigant speciale, cum caucione de rato etc. [fol. 7r]

[4.10] At the presentation of the brothers of the hospital of St John the Evangelist, Cambridge, Thomas Arundel commissioned Nicholas Ross, official, to examine and determine the suitability of Henry Brown, brother, as the hospital's keeper, vacant after the death of William Bear. Given by the bishop on 11 Apr. 1374 at London. On 16 Apr., Ross, finding Brown suitable, appoints him master and keeper and puts him in possession of the keepership. The brothers of the hospital are ordered by Ross to submit to and obey Brown, who in turn swears obedience to Arundel. Witnesses: Mr's William de Willingham and Thomas de Gloucester, of Ely and Lincoln dioceses, and others.

Sancti Johannis commissio – prefecio – installacio – obediencia^a] In Dei nomine amen. Cum nos Nicholaus Roos, officialis Elien', mandatum venerabilis patris et domini domini Thome Dei gracia episcopi Elien' nuper receperimus in hec verba. Thomas permissione divina episcopus Elien' dilecto nobis in Christo magistro Nicholao Roos, legum professori, officiali nostro Elien', salutem, gratiam et benedictionem. Presentarunt nobis dilecti filii fratres hospitalis nostri Sancti Johannis evangeliste Cantebr' nostre diocesis fratrem Henricum Brou', dicti hospitalis confratrem, virum ut asserunt providum et discretum, in etate legitima et presbyteratus ordine constitutum, in spiritualibus et temporalibus circumspexit, liberum, legitimum et de legitimo matrimonio procreatum, ordinem regularem^b in dicto hospitali expresse professum ad custodiam dicti hospitalis nostri vacantis per mortem fratris Willelmi Bear ultimi custodis eiusdem. Quocirca de vestris fidelitate et industria plurimum confidentes ad examinandum dictum fratrem Henricum super premissis et ad inquirendum super eisdem et si eundem fratrem Henricum sufficientem et ydoneum inveneritis tunc ipsum in magistrum et custodem dicti hospitalis nostri preficiendum iuxta modum et formam ordinationis inde facte, necnon ad installandum per vos vel alium seu alios eundem fratrem Henricum et in corporalem possessionem custodie dicti hospitalis inducendum ac etiam ad mandandum et iniungendum fratribus dicti hospitalis, quatinus eidem fratri Henrico tamquam magistro et custodi in omnibus et singulis ad dictam custodiam pertinentibus, obediant, pareant et intendant omniaque alia et singula facienda, gerenda et exercenda que in dicto negocio prefata ordinacio exigit et requirit vobis tenore presencium committimus vices nostras cum cuiuslibet coercionis canonice potestate, mandantes, quatinus expedito dicto negocio, nos de omni eo quod feceritis in premissis clare et distincte reddatis fideliter cerciores cum per partem dicti fratris Henrici congrue fueritis requisiti. Data London' tercio idus aprilis anno Domini millesimo trecentesimo septuagesimo quarto et nostre consecracionis primo. Nos .. officialis predictus dictum fratrem Henricum super premissis articulis et eorum singulis examinavimus et super eisdem sexto decimo kalendas maii anno Domini supradicto inqui-

^a *Spread down margin in the appropriate places. For prefecio, see Latham, s.v.* ^b *ordinem regularem] sic; this will parse if we take profiteri in its original active sense: 'who had professed the ordo of the rule'.*

sivimus diligenter. Et quia eundem fratrem Henricum sufficientem invenimus et ydoneum, ipsum in magistrum et custodem dicti hospitalis prefecimus iuxta modum et formam ordinacionis inde facte eundemque fratrem Henricum installavimus et in corporalem possessionem custodie dicti hospitalis induximus ac mandavimus et iniunximus fratribus dicti hospitalis ut eidem fratri Henrico tamquam magistro et custodi eorum in omnibus et singulis ad dictam custodiam pertinentibus obedirent, parerent et intenderent ipsique fratres omnes et singuli tunc ibidem personaliter existentes eidem fratri Henrico ut eorum magistro et custodi obedienciam canonicam prestiterunt ac obedienciam canonicam a dicto fratre Henrico magistro et custode nomine dicti venerabilis patris admisimus tunc ibidem. Presentibus magistris Willelmo de Wyvelyngham et Thomas de Gloucestr' Elien' et Lincoln' diocesum et aliis in multitudine copiosa testibus ad premissa vocatis specialiter et rogatis. RF: Foxton. [fol. 7r]

5. ACTA, 22 JUNE 1374

[5.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 22 June 1374. Next session in the same place, 17 July.

Acta coram nobis officiali predicto loco quo supra die iovis proximo post festum Sancti Botulphi abbatis anno Domini supradicto. Et agenda ibidem die lune proximo post festum translacionis Sancti Swithini proximo sequens. [fol. 7v]

[Case entries: 5.1 (1), 5.2 (2), 5.3 (3), 5.4 (4), 5.5 (5), 5.6 (9), 5.7 (8).]

[5.8] Unfinished matters are adjourned until the next session.

Continuacio] Omnia non expedita continuamus usque proximum in statu quo nunc sunt. [fol. 7v]

[5.9] 25 June 1374 Gilbert Streit of Heydon, John Streit of Weston Colville, Henry Dorward of ?Bocking [Essex] and Richard Smyth of West Wratting each personally appoints Peter Caprik and William Killerwick his proctors to act separately or jointly.

Procuratorium] Septimo kalendas iulii anno Domini supradicto comparentes personaliter Gilbertus Screyth' de Hidingham Johannes Screyth' de Weston' Henricus Doreward de Bekkyng et Ricardus Smyth' de Westwratting' constituerunt et quilibet eorum constuit Petrum Caprik' et Willelmum Killerwyk' clericos procuratores suos coniunctim et divisim cum omnibus et singulis clausulis et articulis in procuratorio vicarii de Gilden'morden' superius contentis cum caucione de rato etc. [fol. 7v]

[Case entries: 5.10 (6).]

[5.11] 15 July 1374 before Nicholas Ross at Ely, Agnes Piron of Chatteris personally appoints

Mr Thomas Gloucester and William Cook *al.* Clerk her proctors to act separately or jointly.

Procuratorium] Idus iulii anno Domini supradicto comparuit personaliter coram nobis apud Ely Agnes Pyron' de Chateris Elien' diocesis et constituit magistrum Thomam de Gloucestre et Willelmum Coke alias Clerik procuratores suos coniunctim et divisim et quemlibet eorum insolidum ita quod non sit melior condicio occupantis sed quod unus eorum inciperit alius prosequi valeat et finire cum potestate agendi, defendendi, excipiendi, repliandi, ponendi, articulandi, posicionibus et articulis respondendi, libellum seu articulum et quascumque petitiones summarias dandi et recipiendi, litem contestandi tam de calumpnia quam de veritate dicenda iurandi, testes, litteras et instrumenta producendi et exhibendi, in causis concludendi, sentencias diffinitivas et interlocutorias audiendi et ab eis et quolibet alio gravamine provocandi et appellandi, provocaciones et appellaciones notificandi et earum causas prosequendi, substituendi, substitutum revocandi, procuratoris officium reassumendi omniaque alia et singula faciendi et expediendi que per veros et legitimos procuratores fieri poterunt seu expediri cum caucione de rato et iudicatum solvendo. [fol. 8r]

[Case entries: 5.12 (9) [fol. 8r], 5.13 (10), 5.14 (11) [fol. 8v–9r].]

[5.15] 22 July 1374 Nicholas Ross, DCivL and official, appoints John Doke of Cambridge apparitor in the deanery of Cambridge. John swears to execute the office faithfully.

Prefeccio apparitoris Doke] Memorandum quod die iouis proximo post festum Sancti Botulphi anno Domini supradicto nos Nicholaus Roos, doctor legum officialis Elien', dilectum nobis in Christo Johannem Doke de Cantebr', litteratum, in [nomine] venerabilis patris domini Thome Dei gracia episcopi Elien' et nostrum in decanatu Cantebr' preficimus apparitorem, recepto ab eo iuramento corporali de fideliter exequendo officium suum. [fol. 9r]

6. ACTA, 17 JULY 1374

[6.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 17 July 1374. Next session in the same place, 22 Sep.

Acta coram nobis .. officiali supradicto loco quo supra die lune proximo post festum translacionis Sancti Swythini anno Domini supradicto. Et agenda die veneris proximo post festum Sancti Mathei proximo sequens. [fol. 9v]

[Case entries: 6.1 (1), 6.2 (2), 6.3 (3), 6.4 (4) [fol. 9v], 6.5 (5), 6.6 (8), 6.7 (4), 6.8 (12) [fol. 10r], 6.9 (13), 6.10 (14), 6.11 (7), 6.12 (15) [fol. 10v], 6.13 (16).]

[6.14] 21 July 1374 Richard Pitts, original proctor of William Shanbery, Margaret Gransden, and Geoffrey Smyth of Chesterton personally substitutes Hugh Candlesby.

Substitutio] Duodecimo kalendas augusti anno Domini supradicto, compa-

rens personaliter Ricardus Pyttes, procurator originalis Willelmi Shanbery, Margarete de Granteden' et Galfridi Smyth' de Chestreton', habens potestatem substituendi, substituit Hugonem de Candelesby clericum iuxta omnem vim, formam et effectum in dicto procuratorio suo contenta. [fol. 11r]

[6.15] 22 July 1374 Nicholas Day of Bourn personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Undecimo kalendas augusti anno Domini supradicto, comparens personaliter Nicholaus Deye de Brunne et constituit apud acta Petrum Caprik', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis in procuratorio Agnetis Piron' de Chateris superius recitatis.^a [fol. 11r]

[6.16] 29 July 1374 before the court Isabel Spinner of Bourn personally appoints Mr Thomas Gloucester her proctor.

Procuratorium] Quarto kalendas augusti anno Domini supradicto, comparens personaliter coram nobis Isabella Spynnere de Brunne et constituit magistrum Thomas Gloucester' procuratorem suum cum omnibus et singulis clausulis et articulis superius designatis. [fol. 11v]

[6.17] 8 Aug. 1374 Peter Caprik, original proctor for Nicholas Day of Bourn and William Angold of Chesterton personally substitutes William Killerwick and John Hostler, apparitor, as proctors to act separately or jointly.

Substitutio] Sexto idus augusti anno Domini supradicto comparens personaliter Petrus Caprik' clericus procurator originalis Nicholai Deye de Brunne et Willelmi Anegold' de Chestreton' habens inter cetera potestatem substituendi substituit apud acta Willelmum Killerwyk' et Johannem Hostiler apparitorem coniunctim et divisim iuxta vim, formam et effectum procuratorii sui supradicti. [fol. 11v]

[6.18] 9 Aug. 1374 Richard Pitts, proctor general of the consistory, personally substitutes Mr James de Cottenham and Mr Henry Bowet as proctors to act separately or jointly in all his cases pending in the consistory.

Substitutio] Quinto idus augusti anno Domini supradicto comparens personaliter Ricardus Pyttes clericus procurator generalis consistorii nostri in omnibus suis causis et negociis in consistorio nostro pendentibus habens a dominis suis potestatem substituendi substituit magistrum Jacobum de Cottenham et Henricum Bowet coniunctim et divisim iuxta omnem vim, formam et effectum procuratoriorum suorum predictorum. [fol. 11v]

[Case entries: 6.19 (17).]

^a superius recitatis] *tucked into the lower margin on the right.*

7. ACTA, 22 SEPTEMBER 1374

[7.0] *Acta* before William de Willingham, commissary of the official, in All Saints' Jewry, Cambridge, 22 Sep. 1374. Next session in the same place, 20 Oct.

Acta coram nobis Willelmo de Wyvelyngham clerico domini .. officialis Elien' commissario loco quo supra die veneris proximo post festum Sancti Mathei apostoli et evangeliste. Et agenda ibidem coram dicto domino .. officiali nobis vel alio ipsius commissario die veneris proximo post festum Sancti Luce evangeliste proximo sequens. [fol. 11v]

[Case entries: 7.1 (1), 7.2 (2), 7.3 (3), 7.4 (4), 7.5 (5), 7.6 (8) [fol. 11v], 7.7 (4), 7.8 (12), 7.9 (13), 7.10 (14), 7.11 (7), 7.12 (18).]

[7. 13] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum consistorium in statu quo nunc sunt. [fol. 12r]

[Case entries: 7.14 (19), 7.15 (20), 7.16 (21), 7.17 (22), 7.18 (23) [fol. 12r], 7.19 (24).]

8. ACTA, 20 OCTOBER 1374

[8.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 20 Oct. 1374. Next session in the same place, 26 Oct.

Acta coram nobis .. officiali supradicto loco quo supra die veneris proximo post festum Sancti Luce evangeliste anno Domini supradicto. Et agenda ibidem coram nobis vel nostro commissario die iovis proximo post festum Sancti Romani episcopi proximo sequens. [fol. 12v]

[8.1] Unfinished matters are continued to the next consistory.

Continuacio] Omnes causas in dicto consistorio nostro pendentes et introducendas de consensu omnium parcium tunc comparencium continuamus usque proximum consistorium absentes cum presentibus expectando in statu quo nunc sunt. [fol. 12v]

9. ACTA, 26 OCTOBER 1374

[9.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 26 Oct. 1374. Next session in the same place, 24 Nov.

Acta coram nobis .. officiali supradicto loco quo supra die iovis proximo post festum Sancti Romani anno Domini supradicto. Et agenda ibidem die veneris proximo post festum Sancti Clementis pape proximo sequens. [fol. 12v]

[Case entries: 9.1 (1), 9.2 (2) [fol. 12v], 9.3 (3).]

[9.4] 24 Oct. 1374 Peter Caprik, proctor general of the consistory, personally substitutes Wil-

liam Killerwick, Richard Pitts and John Hostler to act jointly and separately in all his cases pending in the consistory.

Substitutio] Memorandum quod nono kalendas novembris anno Domini supradicto comparens personaliter Petrus Caprik' clericus procurator generalis consistorii nostri in omnibus causis suis in eodem consistorio pendentibus substituit loco suo Willelmum Killerwyk' Ricardum Pyttes et Johannem Hostiler coniunctim et divisim et quemlibet eorum insolidum iuxta potestatem, formam et effectum procuratorii sui originalis. [fol. 13r]

[Case entries: 9.5 (4), 9.6 (5), 9.7 (8), 9.8 (4), 9.9 (12), 9.10 (13), 9.11 (14), 9.12 (7).]

[9.13] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum consistorium. [fol. 13r]

[9.14] Ross pronounces contumacious all abbots and priors having the use of churches within the diocese of Ely and all rectors and vicars of the diocese who should have appeared at the bishop's synod on 23 Oct. 1374, but have not; he reserves for himself their punishment. Witnesses: Mr's William de Willingham, Thomas Gloucester, and Peter Caprik, clerics, of Ely and Lincoln dioceses.

Synodus] In dei nomine amen. Nos Nicholaus Roos doctor legum venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus omnes et singulos .. abbates .. priores et alios quoscumque ecclesias in et infra^a civitatem et diocesim Elien' in proprios usus optinentes rectores quoque et vicarii dicti diocesis in sancta synodo dicti venerabilis patris per nos auctoritate sua celebratur hac die lune proximo post festum Sancti Luce evangeliste anno Domini supradicto [fol. 13r] videlicet decimo kalendas novembris comparere debentes et nullo modo comparentes pronunciamus contumaces, penam pro dicta contumacia nobis specialiter reservantes. Presentibus magistris Willelmum de Wyvelyngham Thoma de Gloucestr' et Petro Caprik' clericis Elien' et Lincoln' diocesum testibus vocatis et rogatis et aliis in multitudo copiosa. [fol. 13v]

[9.15] Contrary to custom, Nicholas de Bottisham, archdeacon's official, presumed to appoint a Carmelite friar to preaching at the synod on 23 Oct. 1374. Nicholas Ross, authorized by the bishop to celebrate the synod, inhibits him so he will not preach in the name of the archdeacon or his official. Claiming that he intends to preach in the name of the Lord only, the friar is licensed to preach by Ross. Witnesses: Mr's William de Willingham and Thomas Gloucester, clerics, of Ely and Lincoln dioceses.

Synod'] Cum magister Nicholaus de Bodekesham officialis domini archidiaconi Elien' quemdam fratrem de ordine Carmelitarum ad predicandum in sancta synodo die et anno predictis per nos celebrata assignare presumpsisset auctoritate propria dicti venerabilis patris domini .. episcopi Elien' et nostro

^a infra] followed by *redundant* diocesis.

consensu minime requisito contra morem et consuetudinem in diocesi Elien' hactenus observatam, nos Nicholaus Roos doctor legum venerabilis patris domini Thome Dei gracia episcopi Elien' officialis et commissarius dictam synodum auctoritate dicti venerabilis patris celebrantes volentes ipsius officialis archidiaconi presumpcioni obviare inhibuimus tunc ibidem eidem fratri ne ipse nomine dicti .. archidiaconi seu officialis sui predicaret ibidem, qui quidem frater respondebat quod intendebat ibidem predicare verbum Dei nomine Domini dumtaxat. Unde eundem fratrem ad sic predicandum licenciavimus tunc ibidem. Presentibus magistris Willelmo de Wyvelyngham et Thoma de Gloucestr' clericis Elien' et Lincoln' diocesum et aliis in multitudine copiosa. RF.^b [fol. 13v]

[Case entries: 9.16 (16), 9.17 (25).]

[9.18] 23 Oct. 1374 Reginald Mason of Stapleford, chaplain, appointed the vicar of Stapleford by Ross's predecessor (because Walter the vicar of Stapleford had been incarcerated in the bishop of Ely's prison), personally appears and estimates that he has been the vicar for one and a half years. The official gives to him the income of the vicarage for his maintenance.

Stapelford compotus] Memorandum quod die lune proximo post festum Sancti Luce evangeliste anno Domini supradicto comparuit personaliter coram nobis .. officiali Elien' dominus Reginaldus Mason' de Stapelford capellanus cui commendata fuit vicaria ecclesie de Stapelford per predecessorem nostrum in officio, domino Waltero vicario eiusdem ecclesie in carcere domini .. episcopi Elien' tanquam clericus convictus existente, computavit nobis de tempore quo ibidem stetit et regimen ipsius vicarie habuit per modum commende ut prefertur videlicet per annum et dimidium fructusque de eadem vicaria provenientes supportatos omnibus eidem vicarie incumbentibus eidem vicario pro sui sustentacione duximus liberandum.^c [fol. 13v]^d

[Case entries: 9.19 (26) [fol. 17r], 9.20 (26).]

^b RF] *Foxton's 'sign manual'*; see Introduction. ^c liberandum] *tucked into lower margin on right.* ^d *The folio numbering jumps from 13 to 17, but nothing seems to be missing.*

10. ACTA, 24 NOVEMBER 1374

[10.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 24 Nov. 1374. Next session in the same place, 14 Dec. 1474.

Acta coram nobis .. officiali Elien' loco quo supra die veneris proximo post festum Sancti Clementis pape anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancte Lucie proximo sequens. [fol. 17v]

[Case entries: 10.1 (1), 10.2 (2), 10.3 (3), 10.4 (4), 10.5 (5), 10.6 (12), 10.7 (7).]

[10.8] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proximum consisto-

rium ad idem. [fol. 17v]

11. ACTA, 14 DECEMBER 1374

[11.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 14 Dec. 1374. Next session in the same place, 11 Jan.

Acta coram nobis .. officiali predicto loco quo supra die iovis proximo post festum Sancte Lucie virginis anno Domini supradicto. Et agenda ibidem die iovis proximo post festum epiphanie Domini proximo sequens. [fol. 18r]

[Case entries: 11.1 (1), 11.2 (2), 11.3 (3), 11.4 (4), 11.5 (5), 11.6 (12), 11.7 (7), 11.8 (16) [fol. 18r], 11.9 (16).]

[11.10] On 4 Jan. 1375 Mr William de Rookhawe, archdeacon's official, personally appears before Nicholas Ross, official and commissary of the bishop, at Ross's residence. William swears to obey all lawful mandates of the bishop, his official, and their ministers. Witnesses: Mr's Thomas of London and William de Morton, clerics, of London and Lichfield dioceses.

Obediencia officialis domini archidiaconi Elien' prestita domino episcopo Elien'] Memorandum quod quarto die mensis januarii anno Domini millesimo trecentesimo septuagesimo quarto indicione duodecima pontificatus domini Gregorii pape undecimo anno quarto computando a coronacione in hospicio habitacionis reverendi viri domini et magistri Nicholai Roos legum doctoris venerabilis in Christo patris et domini Thome Dei gracia episcopi Elien' officialis et commissarii^a coram eodem domino .. officiali et commissario iuxta prefixionem sibi factam comparens personaliter magister Willelmus de Rookhawe officialis domini archidiaconi Elien' obedienciam dicto venerabili patri domino .. episcopo Elien' eiusque officiali et ministris in licitis et canonicis mandatis prestitit et iuravit sub hac forma. Prefatus magister Nicholaus Roos officialis Elien' et commissarius predictus tenens in manu sua unum librum oneravit dictum magistrum Willelmum et eidem dixit verba que sequitur: "Tu eris obediens domino Thome Dei gracia episcopo Elien' et eius officiali et ministris in licitis et canonicis mandatis sic Deus te adiuvet et hec sancta Dei evangelia." Dictusque magister Willelmus officialis archidiaconi incontinenti dictum librum respiciens et manu tangens respondit, "ero" et post hec dictum librum^b fuerat osculatus. Presentibus magistro^c Thoma de London' et Willelmo de Morton clericis London' et Lich' diocesum testibus ad premissa vocatis et rogatis. [fol. 18v]

[Case entries: 11.11 (22) [fol. 18v–19r]].

[11.12] 17 Dec. 1374 before Nicholas Ross John Draper of Cambridge personally appoints William Killerwick his proctor.

Procuratorium] Sexto decimo kalendas ianuarii anno Domini millesimo tre-

^a commissarii] commissarius. ^b dictum librum] *repeated*. ^c magistro] *interlined*.

centesimo septuagesimo quarto comparens personaliter coram nobis officiali Elien' Johannes Draper de Cantebr' et constituit Willelmum Killerwyk' clericum procuratorem suum in omnibus causis et negociis pro se vel contra se motis vel movendis coram quibuscumque iudicibus ordinariis delegatis seu eorum commissariis cum potestate agendi, defendendi, excipiendi, replicandi, ponendi, articulandi, posicionibus respondendi, libellum dandi et recipiendi, litem contestandi, iurandi de calumpnia et de veritate dicenda, testes, litteras, et instrumenta producendi et exhibendi, provocandi et appellandi, provocaciones et appellaciones notificandi et earum causas prosequendi, apostolos petendi et recipiendi etc., substituendi, substitutum revocandi etc. omniaque alia et singula faciendi et exercendi que in premissis necessaria fuerint seu opportuna et si mandatum exigant speciale, cum caucione de rato et iudicatum solvendo etc. [fol. 19r]

[11.13] 10 Jan. 1375 Mr William de Rookhawe, archdeacon's official, personally appoints Richard Pitts his proctor in the appeal between John Draper of Cambridge and himself.

Procuratorium] Quarto idus ianuarii anno Domini supradicto comparens personaliter magister Willelmus de Rookhawe officialis domini archidiaconi Elien' constituit Ricardum Pyttes clericum procuratorem suum in quadam causa appellacionis inter Johannem Drap' de Cant' appellantem ex parte una et prefatum officialem appellatum pretensum ex altera in consistorio Elien' mota seu movenda cum clausulis et articulis supradictis et cum caucione de rato et iudicatum solvendo. [fol. 19r]

[Case entry: 11.14 (27) [fol. 19r–20r].]¹

¹ The normal continuation entry is not found in these *acta*.

12. ACTA, 11 JANUARY 1375

[12.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 11 Jan. 1375. Next session in same place, 30 Jan.

Acta coram nobis .. officiali predicto loco quo supra die iovis proximo post festum epiphanie Domini anno Domini supradicto. Et agenda ibidem die iovis proximo post festum conversionis Sancti Pauli proximo sequens. [fol. 20r]

[Case entries: 12.1 (1), 12.2 (2), 12.3 (3), 12.4 (4), 12.5 (5), 12.6 (12), 12.7 (7) [fol. 20r], 12.8 (28).]

[12.9] 21 Jan. 1375 John Dreng of Chatteris appoints John Doke his proctor.

Procuratorium] Duodecimo kalendas februarii anno Domini supradicto Johannes Dreng de Chateris constituit Johannem Doke clericum procuratorem suum in omnibus causis cum omnibus clausulis et articulis in procuratorio Johannis Drap' superius descriptis et cum caucione de rato. [fol. 20v]

[12.10] 31 Jan. 1375 Richard Pitts, proctor general of the consistory, substitutes William Killerwick and John Hostler to act separately or jointly in all cases pending in court.

Substitutio] Secundo kalendas februarii anno Domini supradicto Ricardus Pyttes clericus procurator generalis consistorii nostri habens inter cetera potestatem substituendi in omnibus causis in dicto consistorio pendentibus substituit Willelmum Killerwyk' et Johannem Hostiler coniunctim et divisim iuxta omnem potestatem sibi datam. [fol. 20v]

13. ACTA, 1 FEBRUARY 1375

[13.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 1 Feb. 1375. Next session in same place, 23 Feb.

Acta coram nobis officiali Elien' loco quo supra die iouis proximo post festum conversionis Sancti Pauli anno Domini supradicto. Et agenda ibidem die veneris proximo post festum Sancti Petri in cathedra proximo sequens. [fol. 20v]

[Case entries: 13.1 (1), 13.2 (2), 13.3 (3), 13.4 (4), 13.5 (5), 13.6 (12), 13.7 (28), 13.8 (7).]

[13.9] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proximum consistorium ad idem quod pridem. [fol. 20v]

[Case entry: 13.10 (29).]

[13.11] 14 Feb. 1375 Emma daughter of William Bourn of Ely and wife of Richard Lister appoints John Doke her proctor.

Procuratorium] Sexto decimo kalendas marcii anno Domini supradicto Emma filia Willelmi Bru'ne de Ely uxor Ricardi Lystere constituit Johannem Doke clericum procuratorem suum in omnibus et singulis clausulis et articulis in supradicto procuratorio comprehensis eciam cum caucione de rato. [fol. 20v]

[13.12] 22 Feb. 1375 Peter Caprik, proctor general of the consistory, substitutes William Killerwick and Richard Pitts to act jointly or separately in all his cases pending in court.

Substitutio] Octo kalendas marcii anno Domini supradicto Petrus Caprik' clericus procurator generalis consistorii nostri substituit in omnibus causis in quibus occupavit Willelmum Killerwyk' et Ricardum Pyttes clericos coniunctim et divisim cum omnibus et singulis clausulis et articulis in procuratoriis suis contentis. [fol. 20v]

[13.13] 22 Feb. 1375 John Freeborn of Fulbourn appoints John Petyt his proctor *apud acta*.

Procuratorium] Eodem die Johannes Frebern de Fulbourn' constituit apud acta Johannem Petyt clericum procuratorem suum in omnibus causis et negotiis et cum omnibus et singulis clausulis et articulis in supradicto procura-

torio Johannis Drap' comprehensis et cavebat de rato. [fol. 20v]

14. ACTA, 23 FEBRUARY 1375

[14.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 23 Feb. 1375. Next session in the same place, 22 Mar.

Acta coram nobis .. officiali supradicto loco quo supra die veneris proximo post festum Sancti Petri in cathedra anno Domini supradicto. Et agenda ibidem die iouis proximo post festum Sancti Benedicti abbatis proximo sequens. [fol. 21r]

[Case entries: 14.1 (1), 14.2 (2), 14.3 (3), 14.4 (4), 14.5 (5), 14.6 (12), 14.7 (28), 14.8 (7).]

[14.9] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proximum consistorium ad idem. [fol. 21r]

15. ACTA, 23 FEBRUARY 1375

[15.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 22 Mar. 1375. Next session in the same place, 6 Apr.

Acta coram nobis .. officiali supradicto loco quo supra die iouis proximo post festum Sancti Benedicti abbatis anno Domini supradicto. Et agenda ibidem die veneris proximo ante dominicam in passione Domini proximo sequens. [fol. 21r]

[Case entries: 15.1 (1), 15.2 (2), 15.3 (3), 15.4 (4) [fol. 21r], 15.5 (5), 15.6 (12), 15.7 (28), 15.8 (30), 15.9 (31), 15.10 (32), 15.11 (33).]

[15.12] 21 Mar. 1375 Edmund Reed of Chatteris personally appoints Peter Caprik his proctor.

Procuratorium] Duodecimo kalendas aprilis anno Domini supradicto comparens personaliter Edmundus Rede de Chateris et constituit Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis cum omnibus clausulis et articulis superius designatis eciam cum caucione de rato. [fol. 21v]

[15.13] 23 Mar. 1375 Ed[war]d Clench of Chatteris personally appoints William Killerwick his proctor *apud acta*.

Procuratorium] Decimo kalendas aprilis anno Domini supradicto comparens personaliter Ed[ward]us Clench de Chateris et constituit Willelmum Killerwyk' clericum procuratorem suum apud acta in omnibus causis et negociis cum omnibus clausulis et articulis superius designatis eciam cum caucione de rato. [fol. 21v]

[15.14] 23 Mar. 1375 Thomas Shepherd of Croxton personally appoints Mr William de Sunday his proctor *apud acta*.

Procuratorium] Decimo kalendas aprilis anno Domini supradicto comparens personaliter Thomam Schepherde de Croxton' et constituit magistrum Willelmum de Sondeye clericum procuratorem suum apud acta in omnibus causis et negociis cum omnibus clausulis et articulis superius designatis eciam cum caucione de rato. [fol. 21v]

[15.15] 3 Apr. 1375 Peter Caprik, proctor general of the consistory, personally substitutes William Killerwick, John Doke, and Roger Sterling to act jointly or separately *apud acta*.

Substitutio] Tercio die aprilis anno Domini supradicto comparens personaliter Petrus Caprik' clericus procuratorem generalem consistorii nostri habens a dominis suis substituciendi inter cetera potestatem, substituit apud acta Willelmum Killerwyk' Johannem Doke et Rogerum Sterlyng' clericis coniunctim et divisim iuxta omnem vim formam et effectum procuratoriorum suorum sibi factorum. [fol. 21v]

[Case entries: 15.16 (7).]

[15.17] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum. [fol. 21v]

[Case entries: 15.18 (20) [fol. 21v].]

16. ACTA, 6 APRIL 1375

[16.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 6 Apr. 1375. Next session in the same place, 4 May.

Acta coram nobis .. officiali supradicto loco quo supra die veneris proximo ante dominicam in passione Domini videlicet proximo post festum Sancti Ambrosii anno Domini millesimo trecentesimo septuagesimo quinto. Et agenda ibidem die veneris proximo post festum invencionis Sancte Crucis proximo sequens. [fol. 22r]

[Case entries: 16.1 (1), 16.2 (3), 16.3 (4), 16.4 (5), 16.5 (12), 16.6 (28), 16.7 (30), 16.8 (31), 16.9 (32), 16.10 (33), 16.11 (34).]

[16.12] 11 Apr. 1375 William vicar of Hinton personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Undecimo die aprilis anno Domini supradicto comparens personaliter dominus Willelmus vicarius ecclesie de Hynton' constituit apud acta Petrum Caprik' clericum procuratorem suum cum omnibus et^a singulis clausulis et articulis et in omnibus causis et negociis superius comprehensis.

^a et] *interlined*.

[fol. 22r]

[16.13] 12 Apr. 1375 William Netherstreet, chaplain of Fulbourn, and the parishioners of Fulbourn each personally appoints William Killerwick his proctor *apud acta*.

Procuratorium] Die iovis proximo post dominicam in passione Domini anno Domini supradicto comparentes personaliter dominus Willelmus Netherstreete de Fulbourn' cappellanus et alii parochiani de Fulbourn' superius nominati et constituerunt et quilibet eorum constituit apud acta Willelmum Killerwyk' clericum procuratorem suum in omnibus causis et negociis cum omnibus et singulis clausulis et articulis superius comprehensis. [fol. 22r]

[16.14] 2 May 1375 William Petworth, rector of Elm, personally appoints William Killerwick his proctor *apud acta*.

Procuratorium] Secundo die mensis maii anno Domini supradicto comparentes personaliter dominus Willelmus Petteworth' rector ecclesie parochialis de Elm Elien' diocesis et constituit Willelmum Killerwyk' clericum procuratorem suum apud acta in omnibus causis et negociis et cum omnibus et singulis clausulis et articulis necessariis et consuetis superius comprehensis et cum caucione de rato. [fol. 22v]

[16.16] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum ad idem quod prius. [fol. 22v]

17. ACTA, 4 MAY 1375

[17.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 4 May 1375. Next session in the same place, 24 May.

Acta coram nobis .. officiali Elien' loco quo supra die veneris proximo post [festum] invencionis Sancte Crucis anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Dunstani archiepiscopi proximo sequens. [fol. 22v]

[Case entries: 17.1 (1), 17.2 (3) [fol. 22r], 17.3 (4), 17.4 (5), 17.5 (12), 17.6 (28), 17.7 (30), 17.8 (33), 17.9 (34), 17.10 (35) [fol. 22v], 17.11 (36), 17.12 (33).]

[17.13] 4 May 1375 Robert Kirkham of Elm personally appoints Peter Caprik his proctor *apud acta*.¹

Procuratorium] Quarto nonas maii anno Domini supradicto comparens personaliter Robertus Kirkham de Elm et constituit apud acta Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis cum omnibus et singulis clausulis et articulis superius contentis cum caucione de rato. [fol. 23r]

[Case entries: 17.14 (7).]

¹ See *Potton/Caprik*.

[17.15] 16 May 1375 William Hutchin of Hoole [Ches or Lancs] and Richard de Carlyle appear before Nicholas Ross, official and commissary of the bishop. They had been traveling with Peter de Feriby, merchant and their partner (*socius*), from London north, from where they had come, through the village of Royston when Peter died at an inn in Ely diocese. While dying, Peter made his testament, appointing William and Richard executors. All his goods were sequestered until the will could be proved and the administration of goods legally committed. The executors took the testament to Cambridge seeking the archdeacon, his official, or his commissary for the probate and the commission. After waiting three days, they were told that the archdeacon's official had gone to London and elsewhere outside the diocese, leaving no commissary and having no specified day of return.

William and Richard ask Ross to proceed in the probate and commission since they are strangers and cannot wait for a long time to receive the administration. Finding their request just and reasonable, Ross proves the testament, their faith given about the matter, and commits the administration of goods within Ely diocese to the executors. They swear to bring to the official an inventory of goods and an account of the administration before 29 Sep. Ross releases the sequestration.

Feriby – probacio testamenti] Memorandum quod septimo decimo kalendas iunii anno Domini supradicto ad nos Nicholaum Roos officialem Elien' ac venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarium ad infrascripta sufficienter deputatum Willelmus Huchen de Hool et Ricardus de Carlel accedentes nobis exposuerunt quod cum quidam Petrus de Feriby socius eorum et mercator et ipsi Willelmus et Ricardus itinerando de London' versus partes boriales de quibus erant oriundi per villam de Roiston transitum facientes et in quodam hospicio infra diocesim Elien' hospitantes, predictus Petrus diem suum ibidem clausit extremum quodque idem Petrus tendens ad mortem testamentum suum condidit in quo ipsos Willelmum et Ricardum executores suos deputavit fuerantque omnia bona dicti defuncti sequestrata quousque testamentum suum fuisset legitime approbatum et administracio bonorum suorum in forma iuris commissa. Cumque sicut eorum assercio subiungebat, ipsi Willelmus et Ricardus ad villam Cantebr' accedentes et dictum testamentum cum eis deferentes archidiaconum Elien' eiusve officialem aut commissarium pro dicti testamenti approbacione et administracionis bonorum huiusmodi commissione diligenter inquirentes et apud Cantebr' ubi morari consueverant per triduum continuum expectantes intellexerunt a fidedignis quod officialis domini archidiaconi divertebat se versus London' vel alias partes remotas extra diocesim nullo ibidem dimisso commissario de quo constat et quod archidiaconus in remotis partibus continue moram trahit de quorum reditu ad partes ut asserunt ignoratur. Unde nobis supplicarunt ut ad dicti testamenti approbacionem et bonorum huiusmodi administracionem committendas in dicti archidiaconi et suorum negligenciam et defecta procedere dignaremur presertim cum ipsi extranei sint et non possunt pro huiusmodi administracione recipienda diucius expectare. Nos igitur .. Nicholaus Roos officialis et commissarius pre-

dictus attendentes eorum supplicacionem fore iustam et consonam rationi, predictum testamentum coram nobis per eos exhibitum et probatum duximus approbandum facta primitus fide super premissis et administracionem bonorum dicti defuncti in diocesi Elien' existencium, prefatis Willelmo et Ricardo executoribus in dicto testamento nominatis commisimus in forma iuris ipsosque executores de exhibendo nobis fidele inventarium de dictis bonis et de fideliter computando nobis de eisdem citra festum Sancti Michaelis proximum futurum ad eorum petitionem fecimus iurare ad sancta Dei evangelia per ipsos corporaliter manu tacta dictumque sequestrum duximus relaxandum. [fol. 23r]

[17.16] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum ad idem quod pridem. [fol. 23r]

[17.17] The official of Ely, engaged in other business and unable to be present, commissions Mr's Thomas Gloucester and John Potton, advocates of the consistory, to hold the next consistory, acting jointly or separately.

Commissio] Nos officialis Elien' proximo consistorio aliis negociis prepediti personaliter interesse non valentes ad tenendum dictum proximum consistorium cum suis emergentibus dependentibus et connexis discretis viris magistris Thome de Gloucestr' et Johanni de Potton' consistorii nostri advocatis coniunctim et divisim vices nostras committimus per presentes. [fol. 23r]

18. ACTA, 24 MAY 1375

[18.0] *Acta* before Thomas Gloucester and John Potton, commissaries of official for this session, in All Saints' Jewry, Cambridge, 24 May 1375. Next session before the official, 22 June.

Acta coram nobis Thoma de Glouc' et Johanne de Potton' clericis domini officialis Elien' ad tenendum consistorium Elien' isto die commissio loco quo supra die iovis proximo post festum Sancti Dunstani anno Domini supradicto. Et agenda ibidem coram dicto domino .. officiali die veneris proximo post festum Sancte Trinitatis proximo sequens. [fol. 23v]

[Case entries: 18.1 (1), 18.2 (3), 18.3 (4), 18.4 (5), 18.5 (28), 18.6 (30), 18.7 (33), 18.8 (34), 18.9 (35) [fol. 23v], 18.10 (36), 18.11 (33), 18.12 (33), 18.13 (36), 18.14 (36), 18.15 (7).]

[18.16] Unfinished matters are continued to the next consistory.

Continuacio] Omnia isto die expedienda non expedita continuamus usque proximum consistorium ad idem quod prius. [fol. 24r]

[18.17] 14 June 1375 before the official, Simon Godrich, original proctor of John Bette of Hardwick and Matilda Moulton of Hardwick, personally substitutes William Killerwick.

Substitutio] Duodevicesimo kalendas iulii anno Domini supradicto compa-

rens personaliter coram nobis officiali Elien' Simon Godrich clericus procurator originalis Johannis Bette de Herdewyk' et Matildis Multum' de eadem habens a dictis dominis suis substituendi inter cetera potestatem substituit Willelmum de Killerwyk' clericum iuxta omnem vim formam et effectum procuratorii sui originalis sibi facti. [fol. 24r]

[Case entries: 18.18 (37), 18.19 (38), 18.20 (39), 18.21 (40) [fol. 24r], 18.22 (23).]

[18.23] By authority of the bishop, Nicholas Ross, DCivL, official and commissary of the bishop, celebrates a synod in Barnwell conventual church on 18 June 1375. He warns peremptorily that no one attending the synod is to impede him from proposing or publishing anything, or acting in any way pertinent to the synod, under penalty of major excommunication. Witnesses: Mr's Thomas de Eltisley senior, William de Willingham, Thomas Gloucester, Robert de Eltisley, and John Potton, *iurisperiti*, of Ely and Lincoln dioceses, *et al.*

Monicio facta in synodo – sententia – protocollum] In Dei nomine amen. Nos Nicholaus Roos, doctor legum venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, sanctam synodum auctoritate dicti venerabilis patris celebrantes hac die lune proximo post festum Sancte Trinitatis anno Domini supradicto in ecclesia conventuali de Bernewell' Elien' diocesis, omnibus et singulis in presenti synodo congregatis interdicens et inhibemus expresse ne nos in dicendis et proponendis ac per nos publicandis impediunt seu perturbent, impediunt seu perturbent aliquis eorundem aut quicquam aliud faciant seu faciat, quominus in presenti synodo ea que ad officium dicti venerabilis patris et nostrum in hac parte de iure seu consuetudine noscitur pertinere, exequi debite poterimus cum effectum. Ipsosque omnes et singulos primo, secundo, et tercio ac peremptorie, tenore presencium requirimus et monemus quod ab huiusmodi impedimento et perturbacione quibuscumque abstineant et desistant, abstineant et desistant quilibet eorundem, nos predictam synodum auctoritate dicti patris celebrare libere permittentes sub pena excommunicacionis maioris quam in omnes et singulos impediunt et perturbant supradictos seu quicquam aliud facientes quominus premissa exequi debite poterimus et in eorum quemlibet dicta canonica monicione premissa, dolo et culpa suis precedentibus ferimus in hiis scriptis. Facta fuit supradicta monicio ac dicta sententia lata modo et forma suprascripta per dominum magistrum Nicholaum officialem et commissarium in plena synodo diocesis Elien' in ecclesia conventuali de Bernewell', die lune proximo post festum Sancti Trinitatis videlicet quarto decimo kalendas iulii anno Domini millesimo trecentesimo septuagesimo quinto indiccione quarta [*recte* *tercia*] decima pontificatus domini Gregorii pape undecimi anno quinto. Presentibus magistris Thoma de Elteslee seniore, Willelmo de Wyvelyngham, Thoma de Gloucestr', Roberto de Elteslee, Johanne de Potton', iurisperitis Elien' et Lincoln' diocesum et aliis in multitudine copiosa testibus ad premissa vocatis specialiter et rogatis.

RF: Foxton. [fol. 24v]

[18.24] Articles published in the synod by the official in the presence of the archdeacon's official. It has come to the official's attention by public fame that ecclesiastical judges, among others, have broken the law by exercising jurisdiction in matters of testament, marriage, and correction.

Contrary to the constitution of Ottobuono *Deus omnipotens*,¹ the official of the archdeacon and his commissaries have received money from those who have committed adultery, incest, fornication, and other crimes. These offenses, which have often continued for years to the full knowledge of the community, are not corrected by salutary penance, but under the pretense of correction, by annual payments exacted according to the greed of the church officer.

Contrary to the decretal *Cum eterni tribunale, De sententia et re iudicata*, in the Sext,² these same ministers are so avaricious that they pervert the law when they decide cases for the sake of gifts. As a consequence the guilty are absolved and the innocent are condemned, legal marriages are dissolved and people are compelled unjustly to marry and live as husband and wife.

Contrary to the provincial constitution of Canterbury, *Deberi oportet*,³ the provincial constitution *Item precipimus* of Boniface, former archbishop,⁴ and *Libertatem* of Ottobuono,⁵ these ministers rarely or never approve testaments brought before them until they have received a large sum of money from the executors. If the value of the goods is 100s, they exact 20s before approving the will; if the value is £10, they demand 40s. Once paid, they do not demand an inventory of goods but commit the administration immediately. With the administration barely begun, these ministers falsely assert that the administration has been completed and dismiss the executors from its duty without receiving an account. As a result, the executors consume the property entrusted to them contrary to the last will of the deceased.

Contrary to the provincial constitution of Oxford *Adhec statuimus*⁶ and of Ottobuono *Ecclesiarum dispendia*,⁷ these ministers extort money from beneficed clergy for their induction into their offices. The law requires that prelates who confer churches or benefices should not usurp the uncollected profits of the office, nor extort anything for the institution or for the documenting of it.

Contrary to the provincial constitution of Oxford *Adhec ecclesiastici*,⁸ the official and his commissaries have given sentences of excommunication, suspension, and interdiction against the bishop's subjects, clergy and laity, where excess is not clear and canonical warning or citation has not preceded.

Ross publishes these constitutions before the synod to protect the bishop's subjects and to repress the ministers' transgressions. The official of the archdeacon, then present, is warned peremptorily to abstain from these presumptions, extortions, and excesses. He is responsible for the execution of the constitutions, under penalty of major excommunication.

The articles have been explained and published, the warning and sentence have been given by Ross in Barnwell conventual church on 18 June 1375. Witnesses: Mr's Thomas de Eltisley senior, William de Willingham, Thomas Gloucester, Robert de Eltisley, and John Potton, *iurisperiti*, of Ely and Lincoln dioceses *et al.* [NS]

Articuli expositi et publicati in synodo per .. officialem Elien' in presencia

¹ See Citations to Canon Law, *Deus*.

⁶ See Citations to Canon Law, *Adhec statuimus*.

² See Citations to Canon Law, *Cum eterni*.

³ See Citations to Canon Law, *Deberi*.

⁷ See Citations to Canon Law, *Ecclesiarum*.

⁴ See Citations to Canon Law, *Item*.

⁸ See Citations to Canon Law, *Adhec ecclesiastici*.

⁵ See Citations to Canon Law, *Libertatem*.

.. officialis domini archidiaconi Eliensis] Fama publica referente ad nostrum nuper pervenit auditum quod quamquam sacrorum canonum et eciam constitutionum sanctorum patrum transgressores quicumque et presertim iudices ecclesiastici si quid in officiis suis exequendum circa testamenta, matrimonia sive modum corrigendi excessus suorum subditorum, aliasve causas quascumque et qualitercumque, per eorum simplicitatem, ruditatem, impericiam, aut avariciam commiserint per quod effectus canonum et constitutionum eorundem contigerit impediri, penas et censuras incurrunt multiplices ipso facto. [fol. 24v]

Contra tenorem constitutionis *Deus omnipotens* Ottoboni] Officialis tamen domini archidiaconi Elien' eorumque commissarii et ministri ecclesiastice iurisdiccioni in diocesi Eliens' presidentes, penas et censuras huiusmodi ut debuerant non verentes, sed intollerabili voragine avaricie excecati^a ad illa que in prefatis canonibus et constitutionibus et alias a iure sibi noverint interdicta cicius manus extendunt veluti pro peccatis notoriis adulteriis, incestibus, fornicacionibus, aliis criminibus per annum et annos notorie continuatis et eciam residivatis tota vicinia attestante sub colore cuiusdem fecte correctionis pretense, pecuniarum summas annuatim ut annum censum recipiendo excessivas non penitencias salutes secundum dictos canones et constitutiones recordantes sed potius pecunie questum scilicet quantum quisque dare sufficiat estimantes. [fol. 24v]

Contra tenorem decretalis *Cum eterni tribunale, De sententia et re iudicata*, libro vi] Idem eciam officiales, commissarii et ministri fame sue prodigi et proprii persecutores honoris adeo ut dicitur simplices et avari et munera frequenter expectantes quod in litibus decidendis coram ipsis quid liceat, doceat, seu expediat secundum iura et canonica instituta penitus non considerant ex quo contigit interdum quod nocens absolvitur et innocens condemnatur et quod est iniquius contra conscienciam et iusticiam per gratiam et per sordes iusta et legitima matrimonia de facto divorciant et alios qui de iure coniugi nequeunt ut vir et uxor plures cohabitare faciunt et compellunt per suas iniquas sentencias et iniustas. [fol.25r]

Contra tenorem constitutionis provincialis Cant' provincie *Deberi oportet* – contra tenorem constitutionis parochialis Cantuar' domini Bonifacii nuper archiepiscopi *Item precipimus* et Ottoboni que incipit *Libertatem*] Item cum testamenta defunctorum probanda fuerint coram ipsis raro vel numquam ea approbant nisi prius de bonis defunctorum pro approbacionibus eorundem aliquam exegerint de executoribus testamentorum predictorum pecunie gravem summam quamque si bona huiusmodi testantium concernencia

^a excecati] i.e., 'blinded'; Foxton's use of what looks like an æ ligature here suggests that he is copying from another document.

ad centum solidos vix ascendant exigunt viginti solidos et si ascendant ad decem libros exigunt quadraginta solidos. Et si ab executoribus eisdem ad eorum sufficienciam offeratur tunc nullo facto inventario de bonis huiusmodi testancium statim eisdem executoribus administracionem concedunt et quod est nequius administracione vix incepta ipsos executores asserunt mendaciter administracionem plenarie complevisse et inde per suas patentes litteras ipsos executores acquietant, nullo recepto in ea parte compoto nec audito quo pretextu contingit interdum quod executores huiusmodi inde audaciam assumantes bona defunctorum pro magna parte indebite consumunt et ea usibus propriis usurpant preter et contra voluntates ultimas et legitimas defunctorum et contra constituciones et canonica instituta. [fol.25r]

Contra tenorem constitutionis provincialis Cantuar' Oxon' edite que incipit *Adhec statuimus* et Ottoboni que incipit *Ecclesiarum dispendia*] Item quamquam sepius sit statutum in conciliis Cantuar' provincie quod cum ecclesie aut prebende a prelatis aliquibus conferantur, fructus eiusdem ecclesie seu prebende nondum collectos dicti prelati sibi usurpare non presumant nec pro institucione vel missione in possessionem seu cartis super hoc faciendis aliquis audeat quicquam extorquere nec a suis sustineant extorqueri, prefati tamen .. officiales, commissarii et ministri in premissis casibus ut dicitur fructus huiusmodi et eciam summas graves a quocumque beneficiato in diocesis Elien' per eos inducto eciam ex certis pactis et convencionibus extorserunt in omnibus minus iuste. [fol.25r]

Contra tenorem constitutionis provincialis Cantuar' Oxon' edite que incipit *Adhec ecclesiastici*] Item quamquam per sacros canones et constituciones sanctorum patrum in ea parte editas sit decretum ne .. archidiaconi vel eorum officiales sentencias excommunicacionis, suspensionis vel interdicti in aliquem audeant promulgare ubi excessus non est manifestus nisi monicione canonica precedente prefati tamen .. officiales domini .. archidiaconi Elien' eorumque commissarii et ministri penas et censuras in contravenientes promulgatas non verentes in clericos et laicos diocesis Elien' dicti venerabilis patris et nostros in hac parte subditos ubi excessus non est manifestus nulla monicione vel citacione legitima precedente et aliquociens ubi excessus pretensus est totaliter occultus eciam nulla monicione vel citacione legitima precedente, quoque excommunicacionis quoque suspensionis aut interdicti sentencias promulgarunt. [fol.25r]

Monicio – sentencia – protocollum] Nos igitur Nicholaus Roos doctor legum venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, cupientes dicti venerabilis patris et nostris in hac parte subiectis sic oppressis clipeo defensionis assistere conatusque nepharios reprimere talium persona-

rum prefatas constitutiones et provisa remedia in eisdem coram vobis clero civitatis et diocesis Elien' in presenti synodo dicti venerabilis patris congregato publicamus et ad vestram publicam noticiam deducimus ne a quoquam vestrum de cetero valeant probabiliter ignorari considerantes eciam quod prefati presumptores adeo sunt avaricia excecati quod dum pecunie questum querunt eorum temeritas nec per constitutiones aut canones nec amore iusticie aut penarum formidine poterat hucusque debite coherceri, quorum eciam perversitas ut dicitur adeo se extollit ut promissa eorum scelera iuxta iusticiam et decorem ecclesiastice honestatis dissimulare nequimus diucius incorrecta. Vos .. officialem domini .. archidiaconi Elien' hic presentem primo, secundo et tercio ac peremptorie tenore presencium requirimus et monenus quatinus ab huiusmodi presumpcionibus, extorsionibus, excessibus et erroribus supradictis et eorum quolibet vos de cetero abstineatis et desistatis singulaque vestrum officium concernencia in premissis articulis et eorum singulis executioni debite demandetis iuxta sacrorum canonum et constitutionum in ea parte editarum exigenciam et tenorem sub pena excommunicationis maioris quam in personam vestram dicta canonica monicione premissa vestris mora et culpa precedentibus ferimus in hiis scriptis. Expositi et publicati fuerant dicti articuli et suprascripte moniciones facta ac sentencie late ut prefertur per dominum magistrum Nicholaum officialem et commissarium supradictum in plena synodo diocesis Elien' in ecclesie conventuali de Bernewell die lune proximo post festum Sancti Trinitatis videlicet quarto decimo kalendas iulii anno Domini millesimo trecentesimo septuagesimo quinto indiccione tercia decima pontificatus domini Gregorii pape undecimi anno quinto presentibus magistris Thoma de Elteslee seniore, Willelmo de Wyvelyngham, Thoma de Gloucestre, Roberto de Elteslee, Johanne de Potton' iurisperitis Elien' et Lincoln' diocesum et aliis in multitudine copiosa testibus ad premissa vocatis specialiter et rogatis.^b [fol. 25r]

[18.25] A Carmelite friar who was authorized by the official of the archdeacon to preach at the synod is inhibited from preaching by the official. Since only the bishop and his official have the right to make the appointment, the official licenses him to preach in the name of the bishop. Witnesses: Mr's Thomas de Eltisley senior, William de Willingham, Thomas Gloucester, Robert de Eltisley, and John Potton, *iurisperiti*, of Ely and Lincoln dioceses, *et al.*

Synodus assignacio sermonis] Cum quidam frater de ordine Carmelitarum ad predicandum in presenti synodo per nos Nicholaum Roos officialem et commissarium supradictum die et loco supradictis auctoritate dicti venerabilis patris celebrata ex assignacione ut asseruit .. officialis domini archidiaconi Elien' tunc presentis se ingessisset, nos attendentes quod ad dictum venerabilem patrem et eius officialem pertinet tam de consuetudine quam de iure de huius predicante in synodo providere, eidem fratri inhibuimus publice ne

^b Foxton's signature appears in the lower margin of the folio just below this entry.

ad assignacionem dicti officialis domini archidiaconi seu ipsius auctoritate predicare presumeret tunc ibidem sed si predicare voluit quod predicaret vice nomine et auctore dicti venerabilis patris et ad hoc faciendum eidem licenciam concessimus tunc ibidem. Idem quoque frater sit per nos licenciatus ibidem clero congregato predicavit verbum Dei. Presentibus testibus superius nominatis. RF: Foxton. [fol. 25v]

[18.26] Nicholas Ross pronounces contumacious and reserves for himself the punishment of all abbots and priors holding churches within Ely diocese and all rectors and vicars of the diocese who should have attended the bishop's synod on 18 June 1375 but have not. Next juridical day after 29 Sep. in All Saints' Jewry is assigned for proctors appearing in the synod for ecclesiastics to show their proxies to the official. Witnesses: Mr's Thomas de Eltisley senior, William de Willingham, Thomas Gloucester, Robert de Eltisley, and John Potton, *iurisperiti*, of Ely and Lincoln dioceses, *et al.*

Synodus punicio absencium] In Dei nomine amen. Nos Nicholaus Roos doctor legum venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus omnes et singulos .. abbates .. priores et alios quoscumque ecclesias in et infra civitate et diocesi Elien' in proprios usus optinentes, rectores quoque et vicarii dicte diocesis in sancta synodo dicti venerabilis patris per nos auctoritate sua celebrato hac die lune proximo post festum Sancte Trinitatis anno Domini supradicto coram nobis comparere debentes et nullo modo comparentes pronunciamus contumaces pro dicta contumacia penam nobis specialiter reservantes. Quibus vero procuratoribus pro huiusmodi viris ecclesiasticis in dicta synodo comparentibus proximum diem iuridicum post festum Sancti Michaelis archangeli proximo futurum in ecclesia Omnium Sanctorum in Iudaismo Cantebr' coram nobis vel alio dicti venerabilis patris commissario ad exhibendum procuratoria sua prefigimus et assignamus. Presentibus testibus superius nominatis. RF: Foxton. [fol. 25v]

[Case entries: 18.27 (38), 18.28 (41), 18.29 (42), 18.30 (43), 18.31 (44) [fol. 25v].]

19. ACTA, 22 JUNE 1375

[19.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 22 June 1375. Next session in the same place, 12 July.

Acta coram nobis .. officiali supradicto loco quo supra die veneris proximo post festum Sancte Trinitatis anno Domini supradicto. Et agenda ibidem die iovis proximo post festum translacionis Sancti Thome martyris proximo sequens. [fol. 26r]

[Case entries: 19.1 (1), 19.2 (4), 19.3 (28), 19.4 (33), 19.5 (34), 19.6 (35), 19.7 (36), 19.8 (37), 19.9 (36), 19.10 (36), 19.11 (38), 19.12 (39).]

[19.13] 22 June 1375 Anna daughter of John Sergeant of Ely personally appoints William

Killerwick her proctor *apud acta*.

Procuratorium] Decimo kalendas iulii anno Domini millesimo trecentesimo septuagesimo comparens personaliter Anna filia Johannis Seriaunt de Ely et constituit apud acta Willelmum Killerwyk' clericum procuratorem suum in omnibus causis et negociis sicut prius in aliis procuratoriis cum omnibus et singulis clausulis et articulis necessariis et consuetis et in procuratoriis superscriptis et cum caucione de rato et iudicatum solvendo. [fol. 26r]

[Case entries: 19.14 (45) [fol. 26r], 19.15 (7), 19.16 (42), 19.17 (44).]

[19.18] Unfinished matters are continued to the next consistory.

Continuacio] Omnia isto die expedienda non expedita continuamus usque proximum consistorium ad idem quod prius. [fol. 26v]

[19.19] 23 June 1375 Robert Clerk *al.* Carter of Ely personally appoints Peter Caprik his proctor.

Procuratorium] Nono kalendas iulii anno Domini supradicto comparens personaliter Robertus Clerk' alio nomine Cartere de Ely et constituit Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis sicut prius in aliis procuratoriis cum omnibus clausulis et articulis superscriptis. [fol. 26v]

[Case entries: 19.20 (46), 19.21 (47), 19.22 (47), 19.23 (47) [fol. 26v], 19.24 (48), 19.25 (49).]

[19.26] 22 July 1375 William Petworth, rector of Elm, appoints John Congresbury his proctor *apud acta* without revoking his other proxies.

Procuratorium] Undecimo kalendas augusti anno Domini supradicto dominus Willelmus Petteworth, rector ecclesie de Elm, constituit apud acta Johannem Cungesbury, procuratorem suum, citra tamen revocationem procuratoriorum suorum alias per ipsum constitutorum cum omnibus et singulis clausulis et articulis superius comprehensis et cum caucione de rato. [fol. 27r]

20. ACTA, 12 JULY 1375

[20.0] *Acta* before Nicholas Ross, official, in All Saints' Jewry, Cambridge, 12 July 1375. Next session in the same place, 4 Oct.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post festum translacionis Sancti Thome martyris anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Michaelis archangeli proximo sequens. [fol. 27v]

[Case entries: 20.1 (1), 20.2 (4), 20.3 (28), 20.4 (33), 20.5 (34), 20.6 (35) [fol. 27v], 20.7 (36), 20.8 (36), 20.9 (36), 20.10 (45), 20.11 (44), 20.12 (7), 20.13 (50), 20.14 (51).]

[20.15] Unfinished matters are continued to the next consistory.

Continuacio] Omnia isto die expedienda non expedita continuamus usque

proximum consistorium ad idem quod pridem. [fol. 28v]

[Case entries: 20.16 (46), 20.17 (52), 20.18 (53) [fol. 28v].]

[20.19] John de Tittleshall, chaplain and dean of Wisbech, personally appears before the official in Wisbech church on 26 July 1375 and swears canonical obedience to the bishop, his official, and their commissaries and ministers. Witnesses: Mr's William de Newton, vicar of Wisbech; Walter de la Moor, vicar of Elm and public notary; John de Holbech, public notary; Hugh Candlesby, public notary and registrar of archdeacon; and Mr William de Tittleshall, master of Wisbech scholars, *et al.*

Wysebech' obediencia] Dominus Johannes de Titeshale capellanus decanus decanatus de Wysebech coram nobis Nicholao Roos doctore legum venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officiali et commissario personaliter comparens in ecclesia parochiali de Wysebech' die iovis proximo post festum videlicet in crastino^a Sancti Jacobi apostoli anno Domini millesimo trecentesimo septuagesimo quinto indiccione tercia decima pontificatus domini Gregorii pape undecimi anno quinto, obedienciam canonicam dicto venerabili patri nobis ac ceteris ipsius et nostris in hac parte commissariis et ministris ad sancta Dei evangelia per ipsum corporaliter pretacta prestitit et iuravit in lictis et canonicis mandatis. Presentibus magistris Willelmo de Neuton' vicario ecclesie de Wysebech', Waltero de la Moor vicario ecclesie de Elm notario publico, Johanne de Holbech' notario publico, Hugone de Candelesby clerico domini .. archidiaconi Elien' registrario notario publico, magistro Willelmo Titeshale magistro scholarum de Wysebech' et aliis in multitudine copiosa testibus ad premissa vocatis et rogatis. RF: Foxton. [fol. 29r]

[Case entries: 20.20 (54), 20.21 (55), 20.22 (55) [fol. 29r], 20.23 (55), 20.24 (56), 20.25 (47), 20.26 (57) [fol. 29v], 20.27 (58) [fol. 30r].]

[20.28] Tydd sequestration. 24 Sep. 1375, following the death outside the Roman curia and within the English realm of Robert Mitchel, rector of Tydd St Giles, which is within the bishop's collation, Thomas de Wormenhale, canon of Salisbury and vicar general of spiritualities in the bishop's absence, sequesters Robert's goods, so they will not be alienated. He announces the sequestration effective until Robert's testament, if he made one, can be proved and approved and the administration of his goods committed before the bishop or his commissary. The proof, approval, and recording of the testament of any rector or vicar of a church within the bishop's collation pertains to the bishop by law and custom. Done within the close of Peterhouse, Cambridge. Witnesses: Mr William de Irby and John de Gainsford, cleric, of Lincoln diocese. [NS]

Tyd sequestracio] In Dei nomine amen. Quia dictus Robertus Michel rector ecclesie Sancti Egidii de Tyd Elien' diocesis et ad collacionem venerabilis patris domini episcopi Elien' spectantis mero iure extra romanam curiam et in regno Anglie diem suum clausit extremum nos Thomas de Wormenhale canonicus Sar' venerabilis in Christo patris et domini Thome Dei gracia

^a videlicet in crastino] *interlined.*

episcopi Elien' in ipsius absencia vicarius in spiritualibus generalis timentes verisimiliter ne bona ipsius indebite consumantur seu alienentur omnia bona et catalla ad dictum dominum Robertum rectorem dum vixit spectancia et pertinencia tempore mortis sue in quorumcumque manibus fuerunt inventa sequestravimus et fecimus ac mandavimus publice nunciari quousque testamentum dicti rectoris si quod condidit coram dicto venerabili patre nobis vel alio ipsius patris aut nostro commissario probatum fuerit et approbatum prout ad dictum venerabilem patrem eiusque commissarios et ministros probacio approbacio et insinuacio testamentorum quorumcumque rectorum et vicariorum ecclesiarum ad suam collacionem spectantium tam de iure communi quam de consuetudine hactenus usitata pertineant et sic debeant pertinere et quousque administracionem bonorum eiusdem duxerit vel duxerimus committendam. Acta sunt hec infra claustrum domus sancti Petri Cant' quattuor et vicesimo die mensis septembris anno Domini millesimo trecentesimo septuagesimo quinto indiccione quarta decima incipiente pontificatus domini Gregorii pape undecimi anno quinto. Presentibus magistro Willelmo de Irby et Johanne de Gaynford clericis Lincoln' diocesis testibus ad premissa vocatis specialiter et rogatis. RF: Foxton. [fol. 30v]

[20.29] Sackville sequestration. 2 Sep. 1375, following the death of John Sackville, corrodinary at the hospital of St John the Evangelist, Cambridge, Thomas de Wormenhale, canon of Salisbury and vicar general of spiritualities in the bishop's absence, attending to all hospital inhabitants immediately subject to the bishop and his jurisdiction, sequesters all John's goods within the hospital and diocese, so they will not be alienated. He announces the sequestration effective until John's testament, if he made one, can be proved and approved and the administration of his goods committed before the bishop, the vicar general, or another commissary. Done within the close of Peterhouse, Cambridge. Witnesses: William de Wymer and Thomas de Comberton (*litterati*), of Norwich and Ely dioceses. [NS]

Citation. Subsequently Mr Nicholas Ross, DCivL, William vicar of All Saints, Cambridge, and John Borel, executors of John Sackville, were called to court before the vicar general for 12 Sep. 1375 in St Mary the Less, Cambridge, to show and prove the testament and to receive the administration of goods if they wished.

Probate of Sackville testament. Appearing personally, the executors show and prove the testament, which is closed and sealed with John's seal; they deliver his seal with its silver chain. The testament and a codicil copied from John's papers and referred to in the testament is approved, pronounced legal, and published by the vicar general, who commits the administration to the executors. They swear to administer faithfully, to show a true inventory by 1 Nov., and to return an account to the bishop, vicar general, or commissary. Witnesses: Mr's Thomas Gloucester, BCivL; William de Irby, MA; Thomas Frances, priest; and William Killerwick, cleric, of Lincoln and York dioceses *et al.* Robert Foxton is also present. [NS]

Secchevill sequestracio – citacio – probacio testamenti] In Dei nomine amen. Quia Johannes Secchevill commorans infra hospitem Sancti Johannis Cantebri' et corrodarius eiusdem infra dictum hospitem diem suum clausit extremum nos Thomas de Wormenhale canonicus Sar' venerabilis in Christo

patris et domini domini Thome Dei gracia episcopi Elien' in ipsius absencia vicarius in spiritualibus generalis attendentes dictum hospitem cum omnibus et singulis fratribus, conversis, corrodariis et inhabitatoribus et aliis inibi decedentibus^b eiusdem hospitalis dicto venerabili patri et suis commissariis et ministris solum et insolidum ac immediate subesse et ipsius iurisdictioni subiacere ne ipsius defuncti bona indebite consumantur et alienentur et omnia bona et catalla ipsius defuncti infra dictum hospitem et extra infra civitatem et diocesim Elien' existencia in quorumcumque manibus fuerint inventa isto secundo die mensis septembris anno Domini millesimo trecentesimo septuagesimo quinto sequestravimus et sequestrata denunciavimus quousque testamentum dicti defuncti si quod condidit coram dicto venerabili patre nobis aut alio ipsius commissario fuerit probatum et per eosdem seu nos approbatum et bonorum administracionem in forma iuris commissa. Acta infra claustrum domus Sancti Petri Cantebr' die et anno Domini supradictis indicione tercia decima pontificatus sanctissimi in Christo patris et domini domini Gregorii pape undecimi anno quinto. Presentibus Willelmo de Wygmere et Thoma de Cumberton litteratis Nor'cen' et Elien' diocesum testibus ad premissa vocatis et rogatis. RF.

Et subsequenter magistrum Nicholaum Roos legum doctorem, dominum Willelmum vicarium ecclesie Omnium Sanctorum Cantebr' et Johannem Borle executores testamenti dicti defuncti in eodem testamento ut audivimus nominatos ad diem mercurii proximo post festum nativitatis Sancte Marie videlicet ad duodecimum diem mensis septembris in ecclesia Sancte Marie extra Trumpiton'gat' Cantebr' dictum testamentum et inventarium bonorum dicti defuncti coram nobis exhibituros et probaturos et administracionem bonorum eiusdem si voluerint recepturos fecimus coram nobis ad iudicium evocari. Quibus die et loco predicti magistri Nicholaus dominus Willelmus et Johannes executores prefati coram nobis personaliter comparentes dictum testamentum coram nobis exhibuerunt clausum et sigillo defuncti sigillatum ipsumque testamentum coram nobis probarunt et sigillum dicti defuncti quo dictum testamentum fuerat consignatum penes nos cum cathena argentea dimiserunt, unde nos pronunciato primitus pro dicto testamento et publicato ipsum testamentum una cum codicillo extracto a papiro^c dicti defuncti ad quem in dicto testamento refertur approbavimus et administracionem bonorum dicti defuncti eisdem executoribus de fideliter administrando fidele inventarium exhibendo citra festum Omnium Sanctorum et fidelem compotum dicto venerabili patri nobis seu alii suo seu nostro commissario reddendo in forma iuris iuratis duximus committendam. Presentibus magistris Thoma de Gloucestre iuris civilis baculario Willelmo de Irby magistro in artibus domi-

^b et aliis inibi decedentibus] *interlined; carat for insert should have been placed on the other side of hospitalis.* ^c papiro] pipiro.

no Thoma Fraunceys presbytero et Willelmo Killerwyk' clerico Lincoln' et Ebor' diocesum et aliis in multitudine copiosa testibus ad premissa vocatis specialiter et rogatis me RF: Foxton presente. [fol. 31r]

[Case entries: 20.30 (59).]

[20.31] Barrington vacancy. Because the vicarage of Barrington, which is within the bishop's collation, at the nomination of the master and scholars of St Michael's, Cambridge, has been vacant for ten days through the free resignation of Mr John de Carlton, vicar of Barrington, the official committed the custody of the vacancy to John Chandler, chaplain. He is to give an account to Ross of the income received during the vacancy.

Subsequently on 17 Oct. 1375, after the vicarage was collated by the vicar general of spiritualities, at the master and scholar's nomination, John accounts to Ross for the fruits and delivers 13s 7d; 12d was given to John for his labour.

Baryngton vacacio – liberacio fructuum] Cum vicaria ecclesie parochialis de Baryngton Elien' diocesis et ad collacionem venerabilis patris domini episcopi Elien' ad nominacionem magistri et scholarum domus Sancti Michaelis Cantebr' spectans vacavit per decem dies per liberam resignacionem magistri Johannes de Carlton vicarii eiusdem nos Nicholaus Roos doctor legum venerabilis patris domini Thome Dei gracia episcopi Elien' officialis et commissarius custodiam dicte vicarie tempore vacacionis eiusdem domino Johanni Chaundeler capellano duximus committendam cum onere computandi nobis de fructibus dicto tempore ad eam provenientibus. Subsequenter vero ipsa vicaria auctoritate dicti patris per vicarium suum in spiritualibus generalem collata ad nominacionem predictorum magistri et scholarum septimo decimo kalendas octobris anno Domini millesimo trecentesimo septuagesimo quinto dictus Johannes ad nos accedens de dictis fructibus nobis computavit et tredecim solidos septem denarii de fructibus predictis per eum dicto tempore perceptis nobis liberavit nosque sibi duodecim denarii pro suo labore allocavimus. [fol. 31r]

[20.32] Probate of Tydd testament. 8 Oct. 1375 in Tydd St Giles, the executors of the testament of Robert Mitchel show to Thomas Gloucester, bishop's commissary, the testament, closed and sealed with the rector's seal, and an inventory of goods. They deliver to the commissary the rector's silver seal with its silver chain. The seal is broken and witnesses are brought: parish chaplains of Tydd St Giles and Stephen Lindsey, who are sworn and examined. Thomas publishes and pronounces the testament legal and commits the administration of goods to Thomas de la Land, executor of the testament, then present. He reserves for himself or another commissary the power to commit the administration to others also named in the testament, but absent, whenever they will come and receive it. Witnesses: Mr's William de Sutton, priest; John de Holbech, public notary; and Robert Collinson of Sutton, Lincoln diocese, *et al.* [NS]

Tyd probacio testamenti] Subsequenter vero nos Thomas de Gloucestre clericus venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius in hac parte sufficienter deputatus ad ecclesiam parochialem de Tyd Sancti Egidii predicti pro probacione testamenti domini

Roberti Michel ipsius ecclesie rectoris nunc defuncti in partibus capienda personaliter accessimus exhibitoque per executores testamenti dicti defuncti ipsius testamento clauso et sigillo dicti defuncti consignato exhibito eciam inventario bonorum dicti defuncti et sigillo argenteo eiusdem defuncti cum cathena argentea quod quidem sigillum cum^d cathena penes nos dimiserunt ipso sigillo prius rupto tunc ibidem productisque coram nobis quibusdam testibus videlicet capellanis parochialibus dicte ecclesie qui tunc erant et Stephano Lyndeseye quibus iuratis examinatis ipsum testamentum publicavimus iudicialiter et pronuntiavimus legitime pro eodem administracionemque bonorum dictum defunctum concernencium Thome de la Launde executori in testamento dicti defuncti nominato tunc presenti in forma iuris iurato duximus committendam potestate committendi administracionem dictorum bonorum eciam aliis in eodem testamento nominatis tunc absentibus cum venerint et administracionem recipere voluerint nobis vel alteri dicti patris commissarii cuicumque specialiter reservata. Acta sunt hec in ecclesia Sancti Egidii de Tyd Elien' diocesis anno Domini millesimo trecentesimo septuagesimo quinto indicione quarta decima pontificatus domini Gregorii pape undecimo anno quinto mensis octobris die octo. Presentibus magistris Wilhelmo de Sutton presbytero et Johanne de Olbech notario publico et Roberto Colynson de Sutton' Lincoln' diocesis et aliis in multitudine copiosa testibus vocatis et rogatis. RF: Foxton. [fol. 31v]

[20.33] Vacancy of Tydd. Thomas Gloucester inquires about the income received by the church during the two day vacancy and finds nothing has been received.

Vacacio eiusdem] Et postmodum de fructibus provenientibus ad dictam ecclesiam tempore vacacionis eiusdem inquisivimus diligenter et per huiusmodi inquisitionem invenimus quod dicta ecclesia per duos dies duntaxat vacavit quibus duobus diebus nichil penitus ad dictam ecclesiam devenit quod ratione vacacionis eiusdem nomine dicti venerabilis patris domini .. episcopi Elien' ad quem ipsius ecclesie vacacio noscitur pertinere potuimus recepisse. [fol. 31v]

[20.34] Obedience shown. 8 Oct. 1375 Mr William Irby, cleric and proctor specially deputized to swear obedience for Mr Thomas de Dalby, rector of St Giles', conferred by the bishop, swears obedience to the bishop, his commissaries and ministers.

Prestacio obediencie] Eisdem anno die et loco comparens coram nobis commissario predicto magister Willelmus Irby clericus procurator magistri Thome de Dalby rectoris tunc dicte ecclesie cui dictus venerabilis pater ipsam contulit iure suo ad infrascripta inter alia specialiter deputatus obedienciam canonicam dicto venerabili patri et ceteris ipsius commissariis et ministris prestitit et iuravit in licitis et canonicis [mandatis]. [fol. 31v]

[Case entries: 20.35 (47).]

^dcum] *followed by penes crossed out.*

[20.36] Camps obedience. Richard vicar of Westley Waterless, dean of Camps, appears personally on 22 Dec. 1375 before Richard Scrope, canon of York and official and commissary of Ely, at Scrope's Cambridge residence to swear obedience to bishop, official, their commissaries and ministers.

Caumpes obediencia] Memorandum quod die sabbati proximo post festum Sancti Thome apostoli anno Domini supradicto comparens personaliter coram nobis Ricardo Scrop' canonico Ebor' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officiali et commissario in hospicio habitacionis nostre Cant' dominus Ricardus vicarius ecclesie parochialis de Westlee decanus decanatus de Caumpes Elien' diocesis obedienciam canonicam dicto venerabili patri nobis et ceteris ipsius et nostris commissariis et ministris in lictis et canonicis mandatis prestitit et iuravit ad sancta Dei evangelia per ipsum corporaliter manutacta. [fol 31v]^e

^e Foxton left a blank of several lines here so that the next acta could begin on fol. 32r.

21. ACTA, 4 OCTOBER 1375

[21.0] *Acta* before Thomas Gloucester, commissary of Mr Thomas de Wormenhale canon of Salisbury and vicar general of spiritualities in the bishop's absence, in All Saints' Jewry, Cambridge, 4 Oct. 1375. Next session in the same place, 25 Oct.

Acta coram nobis Thoma de Gloucestre clerico reverendi viri magistri Thome de Wormenhale canonici Sar' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' in ipsius absencia vicarii in spiritualibus generalis commissario loco quo supra die iovis proximo post festum Sancti Michaelis archangeli anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Luce evangeliste proximo sequens. [fol. 32r]

[Case entries: 21.1 (1), 21.2 (4), 21.3 (29), 21.4 (34), 21.5 (35), 21.6 (37), 21.7 (37), 21.8 (37), 21.9 (45), 21.10 (46), 21.11 (7), 21.12 (51), 21.13 (52), 21.14 (60).]¹

¹ The usual continuation entry is not found in these *acta*.

22. ACTA, 25 OCTOBER 1375

[22.0] *Acta* before Thomas Gloucester, commissary, in All Saints' Jewry, Cambridge, 25 Oct. 1375. Next session in the same place, 15 Nov.

Acta coram nobis commissario supradicto loco quo supra die iovis proximo post festum Sancti Luce evangeliste anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Martini proximo sequens. [fol. 32r]

[Case entries: 22.1 (1), 22.2 (4), 22.3 (29), 22.4 (34), 22.5 (35), 22.6 (37), 22.7 (37), 22.8 (37), 22.9 (45) [fol. 32r], 22.10 (7), 22.11 (46), 22.12 (51), 22.13 (60), 22.14 (50).]

[22.15] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proximum consistorium ad idem. [fol. 32v]

23. ACTA, 15 NOVEMBER 1375

[23.0] *Acta* before Thomas Gloucester, commissary, in All Saints' Jewry, Cambridge 15 Nov. 1375. Next session before the official or another president of the consistory in the church of St Michael, Cambridge, 13 Dec. 1375, or the next juridical day.

Acta coram nobis .. commissario supradicto loco quo supra die iovis proximo post festum Sancti Martini anno Domini supradicto. Et agenda in ecclesia Sancti Michaelis Cant' coram domino .. officiali Elien' vel alio consistorii^a Elien' presidente die iovis proximo post festum Sancti Nicholai si iuridicus fuerit alioquin proximo die iuridico tunc sequente. [fol. 32v]

[23.1] Unfinished matters are continued to the next consistory.

Continuacio] Omnes causas isto die expediendas et introducendas continuamus usque proximum consistorium expectando absentes cum presentibus ad proximum ad idem quod pridem de consensu procuratorum et parcium comparencium. [fol. 32v]

[Case entries: 23.2 (58), 23.3 (61) [fol. 32v], 23.4 (61).]

^a *Gap here to avoid flaw in the ms.*

24. ACTA, 7 DECEMBER 1375

[24.0] *Acta* before Richard Scrope, canon of York, official of Ely, in St Michael's, Cambridge, 7 Dec. 1375, since 13 Dec. was not juridical. Next session in the same place, 10 Jan. 1376.

Acta coram nobis Ricardo Scrop' canonico Ebor' officiali Elien' in ecclesia Sancti Michaelis Cantebr' die veneris proximo post festum Sancti Nicholai anno Domini supradicto eo quod dictus dies iovis non fuit iuridicus, et agenda ibidem die iovis proximo post festum epiphanie Domini proximo sequens. [fol. 33r]

[24.1] On 19 Nov. 1375 in St Mary the Less, Cambridge, before a congregation of clergy, gathered concerning a subsidy for the pope, the commission of the officiality of Ely is published by Scrope, inceptor of civil law. [Substantially the same as Ross's commission, A.0.] Given by the bishop at Hatfield on 16 Nov. 1375. Witnesses to publication: Mr's Thomas de Wormenhale, canon of Salisbury and chancellor of the bishop, and William de Rookhawe, official of the archdeacon, *et al.* [NS]

Publicacio commissionis] Exhibita commissione officialitatis Elien' nobis facta et de mandato nostro iudicialiter perlecta ipsam fecimus publicari cuius commissionis tenor de verbo ad verbum sequitur in hunc modum: Thomas permissione divina episcopus Elien' venerabili viro magistro Ricardo le Scrop' iuris civilis inceptor salutem gratiam et benedictionem. De vestris

circumspeccione fidelitate et industria plenam in domino fiduciam optinentes vos officialem nostrum in nostris civitate et diocesi Elien' preficimus, constituimus et tenore presencium deputamus ad cognoscendum et procedendum in omnibus causis et negociis sive ad instanciam partis sive ex officio in consistorio seu alibi in dictis nostris civitate et diocesi motis seu movendis ac eas et ea fine debito terminanda ac ad appellaciones et querelas quorumcumque subditorum earundem civitatis et diocesis ad nos legitime interponendas ad quas de iure seu consuetudine rescribi consuevit vel fuerit rescribendum excessusque subditorum predictorum quatinus ad forum nostrum pertinet corrigendos ipsosque subditos nostros pro suis culpis et excessibus canonice puniendos necnon ad sequestrandum per vos alium seu alios fructus redditus et proventus beneficiorum ecclesiasticorum et alia bona quorumcumque nostrarum civitatis et diocesis predictarum que casu quocumque a iure constitutione seu consuetudine permissum fuerit sequestranda et huiusmodi sequestrata custodienda seu facienda per alios custodiri testamentorum probationes quatenus ad nos de iure vel consuetudine attinet admittendas ipsaque testamenta insinuenda [fol. 33r] et approbanda, administracionemque bonorum huiusmodi testamenta concernencium executoribus in eisdem nominatis vel aliis loco eorundem deputandis in forma iuris committendam ac de bonis ab intestato decedencium disponendis et administracionem bonorum huiusmodi aliis committendam prout saluti animarum eorundem melius videritis expedire necnon ad recipiendum iuramenta obediencie et obedienciam a quibuscumque subditis predictarum nostrarum civitatis et diocesis qui ad obediencie canonice prestacionem nobis sunt astricti ac eciam synodum nostram celebrandam clerumque et populum quatenus ad nos pertinet convocandos absencium contumacias puniendas et ad exercendum omnem et omnimodam iuridiccionem que ad officium huiusmodi de iure vel consuetudine in nostris civitate et diocesi antedictis pertinent necnon ad faciendum expediendum et gerendum omnia et singula que de iure vel consuetudine facienda fuerint in hac parte et que in premissis necessaria fuerint seu opportuna eciam si mandatum exigant speciale vobis vices nostras committimus per presentes quousque eas ad nos duximus revocandas. Data apud Hatfeld' sexto decimo die novembris anno Domini millesimo trecentesimo septuagesimo quinto. Et nostre consistorio secundo. [fol. 33v]

Publicata fuit ista commissio in ecclesia Sancte Marie extra Trumpington' gates Cant' die lune in vigilia Sancti Edwardi regis anno Domini supradicto coram clero civitatis et diocesis Elien' inibi congregato pro subsidio domini pape, indictione quarta decima, pontificatu pape Gregorii undecimi anno quinto. Presentibus magistris Thoma Wormenhale canonico Sar' domini episcopi Elien' cancellario, Willelmo de Rookhawe officiali domini archi-

diaconi Elien' et aliis in multitudine copiosa. RF: Foxton. [fol. 33v]

[Case entries: 24.2 (1), 24.3 (4), 24.4 (37), 24.5 (37), 24.6 (37), 24.7 (46), 24.8 (45), 24.9 (7), 24.10 (51), 24.11 (29), 24.12 (34), 24.13 (35), 24.14 (50), 24.15 (11) [fol. 33v–34r].]

[24.16] 10 Dec. 1375 John Thriplow of Fowlmere personally appoints William Killerwick his proctor *apud acta*.

Procuratorium] Quarto idus decembris anno Domini supradicto comparens personaliter coram nobis Johannes Trippelowe de Foulmer et constituit apud acta Willelmo Killerwyk' clericum procuratorem suum in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis superius descriptis et cum caucione de rato et iudicatum solvendo. [fol. 34r]

[24.17] 28 Dec. 1375 Richard Lovely, rector of Maulden, Lincoln diocese [Beds], personally appoints William Killerwick his proctor *apud acta*.

Procuratorium] Quinto kalendas ianuarii anno Domini supradicto comparens personaliter coram nobis .. officiali Elien' dominus Ricardus Lovelich rector ecclesie parochialis de Maldon' Lincoln' diocesis constituit apud acta Willelmum Killerwyk' clericum procuratorem suum in omnibus causis et negociis etc. cum omnibus clausulis et articulis descriptis superius ac necessariis et opportunis et cum caucione de rato et iudicatum solvendo. [fol. 34r]

[Case entries: 24.18 (62) [fol. 34r–34v].]

[24.19] Sackville account – quittance. 19 Dec. 1375 in Richard Scrope's residence, William vicar of All Saints, Cambridge, and John Borel, surviving executors of John Sackville¹ show the testament and inventory and give a complete account of the administration. Mr Nicholas Ross, the third executor, has died. Since a complete account has been received, the executors are dismissed from the duty of administration.

Segevyle compotus – acquietancia] Die mercurii proximo post festum Sancte Lucie virginis anno Domini supradicto comparentes personaliter coram nobis Ricardo le Scrop' officiali et commissario supradicto in hospicio habitacionis nostre Cantebr' dominus Willelmus vicarius ecclesie Omnium Sanctorum Cant' et Johannes Borle executores testamenti Johannis Segevyle infra clausum hospitalis Sancti Johannis in Cantebr' locum utique dicto patri immediate notorie exemptum, magistro Nicholao Roos legum doctore dicti defuncti tercio executore viam universe carnis ingresso, testamentum et inventarium bonorum dicti Johannis Segevyle exhibentes super administracionem in dictis bonis factam nobis finaliter computarunt. Et quia per dictum compotum invenimus eos bene et fideliter administrasse administracionemque suam plenarius complevisse, ipsos ab onere administracionis huiusmodi et ab ulteriori compoto nobis inde reddendo salvo iure cuiuscumque reddimus absolutos.

¹ This is almost certainly the same decedent who is the subject of the proceedings in entry 20.29, where the name is spelled 'Sechevill'. The executors are the same. In entry 63.30, the testament of Robert, servant of John Sackville (Segevyle) and also resident in St John's, is probated.

[fol. 34v]

[Case entries: 24.20 (62), 24.21 (63), 24.22 (63) [fol. 34v], 24.23 (63), 24.24 (64), 24.25 (65), 24.26 (66) [fol. 35r], 24.27 (67).]

[24.28] 19 Dec. 1375 before Richard Scrope, John Stafford, rector or keeper of the free chapel of Whittlesford Bridge, personally exhibits papal letters which appoint him as rector. He leaves a true copy of the acceptance, collation, institution, and induction in Scrope's registry.² He swears obedience to the bishop, his official, and their ministers.

Wyttlesford' Brugg' – exhibicio tituli – obediencia] Die et anno Domini supradictis comparens coram nobis .. officiali et commissario supradicto Johannes Stafford', clericus rector sive custos libere capelle de Wyttlesford' brugge Elien' diocesis, exhibuit coram nobis litteras apostolicas, processum inde secutum grariam et provisionem apostolicam continentem cuius vigore idem Johannes predictam capellaniam est assecutus necnon acceptacionem, collacionem, institutionem et induccionem eiusdem capelle et eorum veram copiam penes registrum nostrum dimisit et predicto venerabili patri ac nobis et ceteris ipsius et nostris ministris in licitis et canonicis mandatis canonicam obedienciam prestitit atque fecit. [fol. 35v]

[24.29] 30 Jan. 1376 Adam Reynold of Cambridge, dyer (*lystere*), personally appoints John Wiltshire his proctor *penes acta*.

Procuratorium] Tercio kalendas februarii anno Domini supradicto comparens personaliter Adam Reynold' de Cantebr' *Lystere* et constituit penes acta Johannnem Wiltesshire clericum procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi, excipiendi, replicandi, libellum dandi et recipiendi, litem contestandi, iurandi de calumpnia, testes producendi, provocandi, appellandi, eas [provocaciones et appellaciones] et earum causas notificandi et prosequendi, substituendi et substitutum revocandi, procuratoris officium reassumendi omniaque alia et singula faciendi etc., cum caucione de rato et iudicatum solvendo. [fol. 35v]

[Case entries: 24.30 (66) [fol. 35v], 24.31 (67).]

² For this translation, see Introduction.

25. ACTA, 10 JANUARY 1376

[25.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 10 Jan. 1376. Next session in the same place, 13 Feb.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post festum epiphanie Domini anno Domini supradicto. Et agenda ibidem die mercurii proximo post festum Sancte Scolastice virginis proximo sequens. [fol. 36r]

[Case entries: 25.1 (1), 25.2 (4), 25.3 (36), 25.4 (36), 25.5 (36), 25.6 (45), 25.7 (44), 25.8 (7),

25.9 (50), 25.10 (28) [fol. 36r], 25.11 (33), 25.12 (34), 25.13 (49), 25.14 (59).]

[25.15] 4 Jan. 1376 Richard rector of Knapwell personally appoints William Killerwick his proctor without revoking his other proxies.

Procuratorium] Memorandum quod quarto die mensis ianuarii anno Domini supradicto comparens personaliter dominus Ricardus rector ecclesie de Knapwell' et constituit Willelmum Killerwyk' clericum procuratorem suum citra revocationem aliorum procuratoriorum suorum cum omnibus et singulis clausulis et articulis superius comprehensis et cum caucione de rato. [fol. 36v]

[Case entries: 25.16 (69), 25.17 (70), 25.18 (71) [fol. 36v], 25.19 (72), 25.20 (73).]

[25.21] 26 Jan. 1376 Rose wife of John atte Oak personally appoints William Killerwick her proctor *apud acta*.

Procuratorium] Dicto die sabbati comparens personaliter coram nobis dicta Roisia et constituit Willelmum Killerwyk' clericum procuratorem suum apud acta in omnibus causis et negociis etc. cum potestate agendi, defendendi et cum omnibus et singulis clausulis et articulis necessariis et consuetis et cum caucione de rato. [fol. 37r]

[Case entries: 25.22 (6), 25.23 (74), 25.24 (75) [fol. 37r], 25.25 (76).]

[25.26] 4 Jan. 1376 William Hammond of Barton, John Hart of Barton, and Margaret Gayton of Cambridge each personally appoints William Killerwick his/her proctor *apud acta*.

Procuratorium] Memorandum quod quarto die mensis ianuarii anno Domini supradicto comparentes personaliter coram nobis Willelmus Hamond' Johannes Hert de Berton et Margar' Geyton' de Cantebr' constituerunt et quilibet eorum constituit apud acta Willelmum Killerwyk' clericum procuratorem suum in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis superius descriptis. [fol. 37v]

[Case entries: 25.27 (58).]

[25.28] 10 Jan. 1376 in Scrope's residence, Simon vicar of Littleport, dean of Ely, personally swears obedience to the bishop, the official, and their commissaries and ministers.

Ely] Memorandum quod die iovis proximo post festum epiphanie Domini anno Domini supradicto comparens personaliter coram nobis Ricardo Scrop' canonico Ebor' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officiali et commissario in hospicio habitacionis nostre Cantebr' dominus Simon vicarius ecclesie parochialis de Lyttelport' decanus decanatus de Ely obedienciam canonicam dicto venerabili patri nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit ad sancta Dei evangelia per ipsum corporaliter manutacta. [fol. 37v]

26. ACTA, 13 FEBRUARY 1376

[26.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 13 Feb. 1376. Next session in the same place, 28 Feb.

Acta coram nobis .. officiali Elien' loco quo supra die mercurii proximo post festum Sancte Scolastice virginis anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Mathie apostoli. [fol. 38r]

[Case entries: 26.1 (1), 26.2 (4) [fol. 37v], 26.3 (36), 26.4 (36), 26.5 (45), 26.6 (44), 26.7 (7), 26.8 (33), 26.9 (34), 26.10 (49), 26.11 (59), 26.12 (69) [fol. 38r], 26.13 (70), 26.14 (71), 26.15 (72), 26.16 (73), 26.17 (74), 26.18 (75), 26.19 (76) [fol. 38v], 26.20 (67), 26.21 (65).]

[26.22] Proxy. 13 Feb. 1376 John Taylor, Simon Smart, Stephen Milner, and Walter Tredgett each personally appoints John Wiltshire his proctor.

Procuratorium] Die mercurii proximo post festum Sancte Scolastice virginis anno Domini supradicto constituti personaliter Johannes Taillo' Simon Smert Stephanus Milner et Walterus Treget parochiani de Wykham Elien' diocesis constituerunt et quilibet ipsorum constituit Johannem Wiltesshire clericum procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi, excipiendi, repplicandi, ponendi, articulandi, libellum dandi et recipiendi, litem contestandi, iurandi de calumpnia, testes producendi, alias probationes ministrandi, provocandi, appellandi, aposotos petendi et recipiendi, causas appellacionis prosequendi, provocandi et appellaciones notificandi, substituendi, substitutum revocandi, procuratoris officium reasumendi omniaque alia et singula faciendi et expediendi que necessaria fuerint seu opportuna eciam si mandatum exigant speciale, cum caucione de rato et iudicatum solvendo. [fol. 39r]

[26.23] Proxy. 13 Feb. 1376 before the official, Isabel widow of John Prime of Thriplow personally appoints Richard Pitts her proctor to act and defend in all cases and especially to defend the marriage case which Thomas Band of Chesterford intends to move against her in the consistory.

Procuratorium] Die et anno Domini supradictis comparens personaliter coram nobis .. officiali Elien' Isabella nuper uxor Johannis Pryme de Trippelowe et constituit Ricardum Pyttes procuratorem suum apud acta ad agendum et defendendum in omnibus causis et negociis pro ipsa vel contra eam motis seu movendis et specialiter ad defendendum causam matrimonialem quam Thomas Band de Chestreford in consistorio nostro Elien' movere intendit cum omnibus et singulis clausulis et articulis superius contentis cum caucione de rato. [fol. 39r]

[26.24] Proxy. 13 Feb. 1376 before the official, Thomas Band of Chesterford personally appoints John Wiltshire his proctor to act and defend in all cases and especially to act in the marriage case which he intends to move against Isabel widow of John Prime of Thriplow in the consistory.

Procuratorium] Die et anno Domini supradictis comparens personaliter coram nobis .. officiali Elien' Thomas Band de Chestreford et constituit Johannem Wiltesshire clericum procuratorem suum apud acta ad agendum et defendendum in omnibus causis et negociis pro se vel contra se motis seu movendis et specialiter ad agendum in causa matrimoniali quam idem constituens erga Isabellam nuper uxorem Johannis Pryme de Trippelowe in consistorio nostro Elien' movere intendit cum omnibus et singulis clausulis et articulis superius reiteratis cum caucione de rato et iudicatum solvendo. [fol. 39r]

[Case entries: 26.25 (77), 26.26 (78) [fol. 39r].]

[26.27] Proxy. 18 Feb. 1376 John Wilkinson of Leverington appoints Peter Caprik his proctor.

Procuratorium] Duodecimo kalendas marcii anno Domini supradicto Johannes Wylkynesson de Leveryngton constituit Petrum Caprik' procuratorem suum in omnibus causis et negociis cum omnibus clausulis et articulis necessariis et consuetis cum caucione de rato et iudicatum solvendo. [fol. 39v]

[Case entries: 26.28 (29), 26.29 (79), 26.30 (80) [fol. 39v], 26.31 (27).]

27. ACTA, 28 FEBRUARY 1376

[27.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 28 Feb. 1376. Next session in the same place, 20 Mar.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post festum Sancti Mathie apostoli anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Edwardi regis proximo sequens. [fol. 40r]

[27.1] Proxy. 29 Feb. 1376 William Rich of Barton personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Memorandum quod secundo kalendas marcii anno Domini supradicto comparens personaliter Willelmus Rich' de Berton' Elien' diocesis et constituit Petrum Caprik' clericum procuratorem suum apud acta cum omnibus et singulis clausulis et articulis superius recitatis. [fol. 40r]

[Case entries: 27.2 (1), 27.3 (4), 27.4 (36), 27.5 (36), 27.6 (45), 27.7 (44), 27.8 (7), 27.9 (33), 27.10 (34), 27.11 (49) [fol. 40r], 27.12 (59), 27.13 (69), 27.14 (71), 27.15 (72), 27.16 (74), 27.17 (76), 27.18 (65), 27.19 (81) [fol. 40v], 27.20 (77).]

[27.21] Proxy. 3 Mar. 1376 William vicar of Barton personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Memorandum quod tercio die marcii anno Domini supradicto comparens personaliter dominus Willelmus vicarius ecclesie de Berton' Elien' diocesis et constituit Petrum Caprik' clericum procuratorem suum apud acta cum potestate agendi, defendendi, excipiendi, repplicandi, ponendi, articulandi, libellandi, litem contestandi, iurandi de calumpnia, testes produ-

cendi, provocandi, appellandi, apostolos petendi et recipiendi, appellaciones notificandi et earum causas prosequendi, substituendi, substitutos revocandi, omnia alia facendi etc. cum caucione de rato et iudicatum solvendo. [fol. 41r]

[27.22] Substitution. 2 Mar. 1376 Richard Pitts, proctor of Isabel widow of John Prime of Thriplow, substitutes Peter Caprik as proctor.

Substitutio] Memorandum quod secundo die marcii anno Domini supradicto comparens personaliter Ricardus Pyttes clericum procuratorem originale Isabelle nuper uxoris Johannis Pryme de Trippelowe habens substituendi inter cetera potestacionem substituit Petrum Caprik' clericum vigore procuratorii sui originalis supradicti. [fol. 41r]

[Case entries: 27.23 (46), 27.24 (82) [fol. 41r–42v].]

[27.25] Election of proctors of the clergy of Ely diocese for parliament. 4 Feb. 1376 the clergy of Ely diocese were convoked in St Michael's by Richard Scrope, as mandated by the bishop, to elect two suitable proctors for the king's parliament, to be held on 12 Feb. at Westminster. Some clergy appeared personally and some by proxy. Those who did not appear were found contumacious and as penalty, the election was held in their absence. Mr William de Gotham, professor of theology, and Mr John de Dunwich, doctor of laws, were elected and halfpenny for every mark at which the clerics' benefices are valued was granted for their costs.

Eleccio procuratorum cleri Elien' diocesis ad parlamentum] Cum nos .. officialis Elien' .. clerum diocesis Elien' ad diem lune proximo post festum purificationis Beate Marie virginis anno Domini supradicto in ecclesia Sancti Michaelis Cantebr', auctoritate mandati venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' nobis in ea parte directi, coram nobis fecerimus evocari duos procuratores ydoneos ad comparendum pro eodem clero in parlamento domini nostri regis Angl' apud Westm' duodecimo die februarii tenendo electurum iuxta formam et tenorem mandati dicti venerabilis patris, idem clerus comparuit coram nobis, quidam videlicet personaliter quidam per procuratores suos, aliqui vero nullo modo comparuerunt. Ideo ipsos non comparentes reputavimus contumaces et in penam contumacie sue huiusmodi decrevimus fore procedendum ad eleccionem dictorum procuratorum eorum absentia et contumacia non obstante. Idem quoque .. clerus tunc presens habito prius inter eos tractatu diligenti venerabilis viros magistros Willelmum de Gootham, sacre pagine professorem, et Johannem de Dovewyco, decretorum doctorem, in procuratores suos concorditer elegerunt ipsosque procuratores suos ordinarunt, fecerunt et constituerunt iuxta omnem ipsius mandati exigenciam et tenorem, eisdemque procuratoribus de singulis marcis taxatis beneficiorum ecclesiasticorum civitatis et diocesis predictarum unum obolum pro suis procuracionibus concesserunt. [fol. 42v]

28. ACTA, 20 MARCH 1376

[28.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 20 Mar. 1376. Next session in the same place, 3 Apr.

Acta coram nobis .. officiali supradicto loco quo supra die iovis proximo post festum Sancti Edwardi regis anno Domini supradicto. Et agenda ibidem die iovis proximo post dominicam in passione Domini proximo sequens. [fol. 42v]

[Case entries: 28.1 (1), 28.2 (4), 28.3 (36), 28.4 (36), 28.5 (45), 28.6 (44) [fol. 42v], 28.7 (7), 28.8 (33), 28.9 (34), 28.10 (59), 28.11 (69), 28.12 (71).]

[28.13] Proxy. 20 Mar. 1376 Agnes wife of William Carter of Littleport personally appoints William Killerwick her proctor.

Procuratorium] Eodem die comparens personaliter Agnes uxor Willelmi Carter' de Lyttelport et constituit Willelmum Killerwyk' clericum procuratorem suum cum omnibus et singulis clausulis et articulis superius contentis et cum caucione de rato. [fol. 43r]

[Case entries: 28.14 (72), 28.15 (74), 28.16 (76), 28.17 (81), 28.18 (77) [fol. 43r], 28.19 (83), 28.20 (84), 28.21 (80).]

[28.22] Proxy. 30 Mar. 1376 Katherine Hunt of Lambeth in Middlesex county [*recte* Surrey] appoints William Killerwick, Peter Caprik, and John Wiltshire her proctors to act separately or jointly.

Procuratorium] Tercio kalendas aprilis anno Domini supradicto Katerina Hunte de Lambeth' in comitatu Middelsex' constituit Willelmum Killerw' Petrum Caprik' et Johannem Wiltesshire clericos procuratores suos coniunctim et divisim etc. cum omnibus et singulis clausulis et articulis superius descriptis et cum caucione de rato. [fol. 43v]

[Case entries: 28.23 (85), 28.24 (86).]

[28.25] Proxy. 20 Mar. 1376 Agnes wife of William Carter of Littleport personally appoints William Killerwick her proctor *apud acta*.¹

Procuratorium] Eodem comparens coram nobis in iudicio Agnes uxor^a Willelmi Cartere de Lyttelport et constituit Willelmum Killerwyk' clericum procuratorem suum apud acta in omnibus et singulis clausulis et articulis supradictis et cum caucione de rato. [fol. 43v]

[Case entries: 28.26 (87).]

[28.27] Proxy. 20 Mar. 1376 Richard Stokesley of Westley Waterless and John Milner of Westley Waterless each personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Eodem die comparentes personaliter Ricardus Stokeslee de Westles et Johannes Milner' de eadem constituerunt et quilibet eorum constituit apud acta Johannem Wiltesshire clericum procuratorem suum cum

^a uxor] uxoris.

¹ This entry duplicates 28.13.

omnibus et singulis clausulis et articulis supradictis. [fol. 43v]

[Case entries: 28.28 (88), 28.29 (88) [fol. 43v], 28.30 (88).]

[28.31] Proxy. 3 July 1376 John Tiveteshall, priest and dean of Wisbech, personally appoints William Killerwick his proctor *apud acta*.

Procuratorium] Memorandum quod tercio die iulii anno Domini supradicto comparens personaliter dominus Johannes Tyvetteshale presbyter decanus de Wysbech' et constituit apud acta Willelmum Killerwyk' clericum procuratorem suum cum potestate agendi, defendendi, excepiendi etc., provocandi, appellandi, apostolos petendi, causas appellacionum prosequendi etc., substituendi, substitutos revocandi etc., omnia alia et singula faciendi etc., cum caucione de rato et iudicatum solvendo. [fol. 44r]

[28.32] 12 July 1376 in St Michael's before Richard Scrope, official and commissary of the bishop, John Say of Stretham, priest and newly appointed dean of Ely, personally swore obedience to the bishop, his official, and their commissaries and ministers. Witnesses: Roger vicar of Great Eversden, dean of Bourn; Mr Thomas Gloucester, commissary of official; and Hugh Candlesby, registrar of archdeacon, of Ely, *et al.*

Obediencia per decanum de Ely prestita] Memorandum quod die sabbati proximo post festum translacionis Sancti Thome martyris anno Domini supradicto comparens personaliter coram nobis Ricardo Scrop' canonico Ebor' venerabilis patris domini .. episcopi Eliens' officiali et commissario in ecclesia Sancti Michaelis Cantebr', dictus Johannes Say de Stretham, presbyter decanus decanatus de Ely de novo prefectus, obedienciam canonicam dicto venerabili patri nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit. Presentibus domino Rogero vicario de Eversdon' Magna decano de Brunne, magistro Thoma de Gloucestr' commissario nostro, Hugone de Candlesby domini archidiaconi Elien' registrario et aliis in multitudine copiosa. [fol. 44r]

29. ACTA, 3 APRIL 1376

[29.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 3 Apr. 1376. Next session in the same place, 24 Apr.

Acta coram nobis .. officiali supradicto loco quo supra die iovis proximo post dominicam in passione Domini anno Domini millesimo trecentesimo septuagesimo sexto. Et agenda ibidem die iovis proximo post dominicam qua cantatur officium *Quasi modo geniti* proximo sequens. [fol. 44v]

[Case entries: 29.1 (1), 29.2 (4), 29.3 (45), 29.4 (33), 29.5 (36), 29.6 (36) [fol. 44v], 29.7 (44) [fol. 44v-45r], 29.8 (7), 29.9 (34), 29.10 (71), 29.11 (72), 29.12 (74), 29.13 (76), 29.14 (77), 29.15 (83), 29.16 (84) [fol. 45r], 29.17 (80), 29.18 (85), 29.19 (86), 29.20 (87), 29.21 (88), 29.22 (88).]

[29.23] Proxy. 7 Apr. 1376 Thomas Langton, chaplain of Emneth, appoints William Killer-

wick and Peter Caprik his proctors to act separately or jointly.

Procuratorium] Memorandum quod septimo idus aprilis anno Domini millesimo trecentesimo septuagesimo sexto dominus Thomas Langeton' de Enemeth' capellanus et constituit Willelmum Killerwyk' et Petrum Caprik' clericos procuratores suos coniunctim et divisim etc. [fol. 45v]

[Case entries: 29.24 (89), 29.25 (30).]

30. ACTA, 24 APRIL 1376

[30.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 24 Apr. 1376. Next session in the same place, 16 May.

Acta coram nobis .. officiali predicto loco quo supra die iovis proximo post dominicam qua cantatur officium *Quasi modo geniti* anno Domini supradicto. Et agenda ibidem die veneris proximo post festum Sanctorum Nerrei et Achillei proximo sequens. [fol. 45v]

[Case entries: 30.1 (1), 30.2 (36), 30.3 (36).]

[30.4] Proxy. 23 Apr. 1376 Alan Bird of Quy personally appoints Mr William de Quy and John Wiltshire his proctors *apud acta* to act separately or jointly.

Procuratorium] Memorandum quod nono kalendas maii anno Domini supradicto comparens personaliter Alanus Brid de Quye et constituit apud acta magistrum Willelmum de Quye et Johannem Wiltesshire procuratores suos coniunctim et divisim etc. cum potestate substituendi etc. cum caucione de rato. [fol. 45v]

[Case entries: 30.5 (44), 30.6 (7), 30.7 (34) [fol. 45v], 30.8 (71), 30.9 (72), 30.10 (76), 30.11 (77), 30.12 (84), 30.13 (80), 30.14 (85), 30.15 (86), 30.16 (87), 30.17 (88), 30.18 (88), 30.19 (89) [fol. 46r], 30.20 (90), 30.21 (4), 30.22 (91).]

31. ACTA, 16 MAY 1376

[31.0] *Acta* before an unnamed commissary of the official in St Michael's, Cambridge, 16 May 1376. Next session before the official, this commissary, or another, in the same place, 13 June.

Acta coram nobis .. commissario reverendi viri domini .. officialis Elien' loco quo supra die veneris proximo post festum Sanctorum Nerrei et Achillei anno Domini supradicto. Et agenda ibidem coram dicto domino .. officiali, nobis vel alio ipsius commissario die veneris proximo post festum Sancte Trinitatis proximo sequens. [fol. 46v]

[Case entries: 31.1 (1), 31.2 (36), 31.3 (36), 31.4 (44), 31.5 (7), 31.6 (76), 31.7 (85) [fol. 46v], 31.8 (4), 31.9 (91), 31.10 (34), 31.11 (72), 31.12 (77), 31.13 (80), 31.14 (88), 31.15 (88), 31.16 (89), 31.17 (92) [fol. 47r], 31.18 (92), 31.19 (93), 31.20 (94), 31.21 (95) [fol. 47v], 31.22 (96), 31.23 (96).]

[31.24] Proxy. 6 June 1376 Agnes Durrant personally appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Memorandum quod dicto die veneris proximo post festum Pentecostes predicta Agnes Durant personaliter constituta in iudicio et constituit apud acta Petrum Caprik' clericum procuratorem suum cum potestate agendi, defendendi, excipiendi, repplicandi, ponendi, articulandi, libellandi, litem contestandi, iurandi de calumpnia, testes, litteras et instrumenta producendi, provocandi, appellandi, provocaciones et appellaciones prosequendi, apostolos petendi et recipiendi, substituendi, substitutos revocandi, procuratoris officium reassumendi omniaque alia et singula facienda et exercenda que in hac parte necessaria fuerint seu eciam opportuna, cum caucione de rato et iudicatum solvendo. [fol. 48r]

[31.25] Proxy. 15 June 1376 Matilda Worsley *al.* Ward de Oakington personally appoints John Wiltshire her proctor.

Procuratorium] Memorandum quod septimo decimo kalendas iulii anno Domini supradicto comparuit personaliter Matildis Weresle alias Warde de Hokyton' commorans in Cant' et constituit Johannem Wiltesshire clericum procuratorem suum etc. cum potestate agendi, defendendi etc., substituendi etc., provocandi et appellandi etc., cum caucione de rato et iudicatum solvendo etc. [fol. 48r]

[31.26] Monition made at synod. At the synod celebrated by Richard Scrope canon of York, keeper of the free chapel of Tickhill [Yorks], and official of Ely and commissary of the bishop, in the conventual church of Barnwell on 9 June 1376, the official (Scrope) peremptorily ordered that no one attending the synod should inhibit him, openly or secretly, from proposing or publishing anything, under penalty of major excommunication. Witnesses: Mr's Thomas Gloucester, John Newton, and John Potton, *iurisperiti* and advocates of consistory; Peter Caprik, William Killerwick, and John Wiltshire, clerics and proctors of consistory; John de Masham, cleric and public notary, of Lincoln, York, Ely, and Salisbury dioceses, *et al.* [NS]

Monicio facta in synodo – sententia – prothocollum] In Dei nomine amen. Nos Richardus le Scrop' canonicus Ebor' custos libere capelle de Tykhull' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, sanctam synodum auctoritate dicti patris celebrantes hac die lune proximo post festum Sancte Trinitatis anno Domini millesimo trecentesimo septuagesimo sexto in ecclesia conventuali de Bernewell' Elien' diocesis, omnibus et singulis in presenti synodo congregatis interdiciamus et inhibemus expresse ne nos in dicendis, proponendis et publicandis impediunt seu perturbent per se vel alios publice vel occulte, directe vel indirecte impediat seu perturbet aliquis eorundem aut quicquam aliud faciant seu procurent, quominus in presenti synodo ea que ad officium dicti venerabilis patris et nostrum in hac parte de iure seu consuetudine noscitur pertinere, exequi debite poterimus cum effectu, ipsosque omnes et singulos primo, secundo et tercio ac peremptorie,

tenore presencium requirimus et monemus quod ab huiusmodi impedimento et perturbacione quibuscumque abstineant et desistant, abstineat et desistat quilibet eorundem, nos predictam synodum auctoritate dicti patris celebrare eaque omnia et singula expedire et perficere que expediri debeant in eadem libere permittentes sub pena excommunicacionis maioris quam in ipsos omnes et singulos impediētes et perturbantes aut quicquam in contrarium nostre monicioni facientes per se vel alios publice vel occulte directe vel indirecte et in eorum quemlibet dicta canonica monicione premissa, dolo, mora et culpa suis precedentibus exnunc ut extunc ferimus in hiis scriptis. Facta fuit supradicta monicio ac dicta sententia lata modo et forma suprascripta per dominum magistrum Richardum officialem et commissarium supradictum in plena synodo diocesis Elien' in ecclesia conventuali de Bernewell', die et anno Domini supradictis indiccione quarta decima pontificatus domini Gregorii pape undecimo anno sexto. Presentibus magistris Thoma de Gloucestre, Johannem de Neweton' et Johanne de Potton' iurisperitis consistorii Elien' advocatis, Petro Caprik', Willelmo Killerw'c et Johanne Wiltesshire clericis dicti consistorii procuratoribus ac Johanne de Masham clerico notario publico Lincoln', Ebor', Elien' et Sar' diocesium ac aliis in multitudine copiosa testibus ad premissa vocatis specialiter et rogatis. RF: Foxton. [fol. 48v]

[31.27] Penalty of those absent from synod. Richard Scrope pronounced contumacious and reserved for himself the punishment of all abbots and priors having the use of churches within the diocese of Ely and all rectors and vicars of the diocese who should have attended the bishop's synod on 9 June 1376 but have not. 14 June 1376 in St Michael's, Cambridge, was assigned for proctors appearing in the synod for ecclesiastics to show their proxies to Scrope or another commissary of the bishop. Witnesses: as 31.26. [NS]

Punicio absencium in synodo] Cum nos officialis et commissarius supradictus omnes et singulos abbates, priores et alios quoscumque ecclesias in et infra civitatem et diocesim Elien' in proprios usus optinentes rectores quoque et vicarii dicte diocesis in dicta synodo nostra comparere debentes fecerimus publice preconizari, quidam ex ipsis personaliter quidam vero per procuratores comparuerunt, qui vero nullo modo comparuerunt, unde ipsos non comparentes reputavimus prout erant merito contumaces pena nobis specialiter reservata. Omnibus vero procuratoribus pro huiusmodi viris ecclesiasticis in dicta synodo comparentibus diem sabbati proximo futurum in ecclesia Sancti Michaelis Cantebr' coram nobis vel alio dicti patris commissario ad exhibendum procuratoria sua pretensa prefigimus et assignamus. Presentibus testibus suprascriptis. RF: Foxton. [fol. 48v]

[31.28] Exhibition of synodal proxies. Since the proctors have failed to appear on 14 June, they are expected 18 June to show the proxies.

18 June the following proctors appear personally before said commissary: Brother Thomas de Thorney, proctor of abbot and convent of Thorney; Peter Caprik, proctor of rectors of

?Wickham,¹ Burrough Green, Willingham, Gamlingay, Longstowe, and Harlton and of the vicars of St Andrew of Whittlesey, Madingley, Elm, and Caxton; Robert Foxton, proctor of the priors of Anglesey Priory, Hatfield [Broad Oak, Essex], and Binham [Norf], of the abbot of Dereham [Norf], and of the prioresses of Ickelton and Swaffham Prior for their benefices within Ely diocese and also of [the rectors and vicars] of the churches of Stow cum Quy, Stetchworth, Dullingham, Brinkley, Carlton, Camps, Ickleton, Pampisford, Sawston, Little Shelford, Thriplow, Orwell, Little Eversden, Clopton, East Hatley, Kingston, Knapwell, Croxton, Fen Drayton, Swavesey, Papworth Everard, Lolworth, Milton, Fen Ditton, Teversham, Fulbourn St Vigor, Leverington, Elm, Littleton, Chatteris, Whittlesey St Mary, and Sutton. After the proxies have been exhibited, examined, and returned, the proctors are found to have appeared legally and are dismissed. Principals whose proctors failed to show their proxies are found contumacious; they and anyone who failed to appear at the synod are called to receive a penance for contumacy.

Exhibicio procuratorii comparencium in synodo – examinacio procuratorii] Subsequenter vero die sabbati predicto adveniente, nullis procuratoribus pro tunc comparentibus, expectamus eos usque diem mercurii proximo post festum Sancti Botulphi abbatis ad idem faciendum loco quo supra coram nobis vel commissario suprascripto. Quo die mercurii adveniente, comparuerunt personaliter coram dicto commissario loco quo supra frater Thomas monachus de Thorneye procurator .. abbatis et conventus de Thorneye, Petrus Caprik' clericus procurator rectoris de Wykham, rectoris de Burgh', rectoris de Willingham, rectoris de Gameleye, rectoris de Longa Stowe, rectoris de Harlton', vicarii Sancti Andree de Wyttes', vicarii de Maddynge, vicarii de Elm et vicarii de Caxton' dicte diocesis et Robertus de Foxton' procurator prioris de Anglesseye, abbatis de Derham, prioris de Hattefeld, prioris de Bynham, priorisse de Ikelyngton', priorisse de Swafham pro beneficiis suis in diocesis Elien' ac eciam ecclesiarum de Stowe cum Quye, Stenchworthy', Dullyngham, Brinkele, Carlton', Caumpes, Ikelyngton, Pampesworth', Sauston', Schelford' Parva, Trippelowe, Orewell', Everesden' Parva, Clopton', Esthattele, Kyngeston', Knapwell', Croxton', Fendrayton', Swavesaye, Papp' Everard', Lolleworth', Midelton', Dytton', Teversham, Fulbourn' [St] Vigoris, Leveryngton', Elm, Lyttelport, Chateris, Wyttesseye Sancte Marie, Sutton' dicte diocesis. Rectorum et vicariorum procuratoria sua exhibuerunt; quibus examinatis et ipsis procuratoribus retraditis pronunciamus et reputamus eos legitime et sufficienter comparuisse ipsosque dimisimus per presentes. Alios vero viros ecclesiasticos quorum procuratores non exhibuerunt procuratoria

^a reputatos contumaces eosque] *interlined*.

¹ This may be Wickham. West Wickham in this period was appropriated to the priory of Colne. See *Wickham* (2), which was pending at this time. The mention, however, of a rector of 'Wykham' in 108.13 in a context where Wickham is virtually certain to be what is meant suggests that the priory may have

used their appropriation as an advowson. In C.9 where Wickham is clearly meant, Foxton spells it 'Wyham'. We have been unable to consult the manuscripts cited in VCH, *Cambridge*, 6:113–124 at nn. 373–374, which might clarify the matter.

loco et terminis assignatis reputatos contumaces eosque^a et qui dicta synodo non comparuerunt decernimus fore vocandos penitenciam pro huiusmodi contumaciis recepturos. [fol. 48v]

[31.29] Publications and injunctions in synod. At the synod held on 9 June 1376, Richard Scrope publishes the bishop's mandate which orders the clergy to pay the procurations (1½*d* for every mark [at which their benefices are valued]) to the archbishops of Ravenna and Rouen and to Egidius of 'St Minion',² papal nuncios, before 7 July. The official also enjoins the clergy to pay without delay the papal subsidy owed for the past term (one fourth of a tithe) and the annual tax owed by the churches of Ely, namely 'Elysilver'. If payment is not made, they will be excommunicated and denounced.

Publicaciones et iniunxiones in synodo] Item dicto die synodi post preconizacionem coram tota synodo mandatum dicti venerabilis patris domini .. episcopi Elien' pro procuracionibus dominorum Raven' et Rothomagen' archiepiscoporum et domini Egidii Sancti Minionis sedis apostolice nunciorum videlicet de singulis marcis, denarium et obolum eisdem solvendis citra festum translacionis Sancti Thome martyris proximo futurum duximus pupplicandum ac clero dicte diocesis inibi congregato ut dictas procuraciones citra dictum terminum persolverent sub penis et censuris in dicto mandato contentis duximus iniungendo iniunximus eciam eidem clero tunc ibidem quod subsidium domini pape pro ultimo termino videlicet quartam partem decime ac eciam censum annuum ecclesie Elien' debitum videlicet Elysilver soluant sine mora ac non solventes pro termino elapso excommunicatos fecimus nunciari et eorum nomina legi. [fol. 48v]

[31.30] Assignment of sermon in synod. Although the archdeacon's official has assigned a friar of the order of St Augustine to preach at the synod on 9 June 1376 (a provision which pertained to the bishop or his official by custom and law), there is not enough time for the sermon because of the publication of synodal constitutions, injunctions, monitions, and mandates. If time permits, Scrope will appoint a preacher.

The synod is completed without impediment or intrusion; the friar leaves the synod without preaching; the bishop's constitutions are read and published by the registrar and ordered upheld by Scrope.

Assignacio sermonis in synodo] Cum quidam frater de ordine Augustini ad predicandum in presenti synodo per nos Ricardum le Scrop' officialem et commissarium supradictum dictis die et loco auctoritate dicti^b patris celebrata ad assignacionem ut asseruit .. officialis domini archidiaconi Elien' tunc presentis se ingessisset, nos attendentes quod ad dictum venerabilem patrem et eius officialem pertinet tam de consuetudine quam de iure de huiusmodi predicante in synodo providere, quodque propter nimiam occupacionem in

^b dicti] *interlined*. ^c tamen] *interlined*.

² *Egidius Sancti Minionis* is properly *Egidius Sancii Munionis*, which translates to 'Gil Sánchez Muñoz'. There were four men of that name who were canons of Valencia in

this period. Kelly, "Ruiz Directory", 90 n.8. One of them was a nuncio to England. Lunt, *Financial Relations*, 2:110–11. For the archbishops, see IPP.

synodo predicta tamen^e circa lecturam constitutionum synodaliū ad quas clerus presertim scolaris dicti diocesis necessario est astrictus tamen circa iniunciones, moniciones et mandata ex parte dicti patris per nos facta et faciēda ad predicandum tempus non permittit et si permisisset de predicante utique provideremus, eidem fratri inhiuimus publice ne ibidem ad tunc predicaret sed nos dictam synodum nostram perficere et in ea expedienda expedire absque impedimento seu interrupcione quibuscumque sub pena excommunicationis maioris primitus per nos late. Idem quoque frater a dicta synodo se subtrahens ab omni predicatione ibidem et abstinuit illa die. Quibus sic gestis constitutiones synodales domini .. episcopi Elien' coram toto clero inibi congregato per registrarium nostrum legi fecimus pariter et publicari ne a quoquam dicti cleri contenta in eis valeant probabiliter ignorari eidemque clero iniungimus et mandavimus quod ipsas constitutiones ac omnia et singula in eis contenta teneant et observent. [fol. 49r]

[31.31] Election of proctors of Ely clergy for council. 6 June 1376 at St Michael's, Cambridge, by the bishop's authority Richard Scrope has called the Ely clergy to elect two suitable proctors to appear before the archbishop of Canterbury at the provincial council. The council will begin on 9 June 1376 in St Paul's, London.

Some clerics appear personally, some by proctors, some are absent and found contumacious. As penalty to the absent, the election proceeds unhindered; after some discussion Mr John de Dunwich, DCnL, and Richard Large, rector of Long Stanton All Saints, are appointed proctors. If they stay only fifteen days, the clergy concedes to each of them $\frac{1}{2}d$ on each mark at which the clerics' benefices are assessed; if they are delayed a whole month, $1d$ on each pound.

Eleccio procuratorum cleri Elien' diocesis ad concilium] Cum nos .. officialis Elien' clerum dicesis Elien' ad diem veneris proximo post festum Pentecostes anno Domini supradicto in ecclesia Sancti Michaelis Cantebr' auctoritate mandati venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' nobis in ea parte directi coram nobis fecerimus evocari duos procuratores ydoneos ad comparandum pro eodem clero in concilio provinciali sive congregacione cleri tocus provincie Cantuar' in ecclesia Sancte Pauli London' coram domino .. archiepiscopo Cantuar', ipsiusve commissarii die lune in crastino Sancte Trinitatis proximo futuro cum continuacione et prorogacione dierum sequencium electurum. Idem clerus comparuit coram nobis, quidam videlicet personaliter, quidam per procuratores suos, aliqui vero nullo modo comparuerunt, ideo ipsos non comparentes reputavimus prout erant merito contumaces et in penam contumacie sue huiusmodi, decrevimus fore procedendum ad eleccionem dictorum procuratorum eorum absentia seu contumacia non obstante. Idem quoque clerus tunc presens habito prius inter eos tractatu diligenti venerabiles viros magistrum Johannem de Donewye decretorum doctorem et dominum Ricardum Large rectorem ecclesie Omnium Sanctorum de Stanton' Elien' diocesis in procuratores suos concorditer ele-

gerunt ipsosque procuratores suos ordinarunt, fecerunt et constituerunt iuxta omnem ipsius mandati exigenciam et tenorem eisdemque procuratoribus si ultra quindecim inibi non morentur de singulis marcis taxacionis beneficiorum suorum ecclesiasticorum civitatis et diocesis predictarum unum obolum, si vero per mensem integre commorentur de singulis libris taxacionis beneficiorum predictorum unum denarium pro eorum procuracionibus concesserunt. [fol. 49r]

32. ACTA, 13 JUNE 1376

[32.0] *Acta* before the unnamed commissary in St Michael's, Cambridge, 13 June 1376. Next session before the official, this commissary, or another, in the same place, 3 July.

Acta coram nobis .. commissario supradicto loco quo supra die veneris proximo post festum Sancte Trinitatis anno Domini supradicto. Et agenda ibidem coram dicto domino .. officiali, nobis vel alio ipsius commissario die iovis proximo post festum apostolorum Petri et Pauli proximo sequens. [fol. 49r]

[Case entries: 32.1 (1), 32.2 (36), 32.3 (36), 32.4 (44), 32.5 (7), 32.6 (76), 32.7 (85), 32.8 (4) [fol. 49r], 32.9 (91), 32.10 (34), 32.11 (72)], 32.12 (77), 32.13 (80), 32.14 (88), 32.15 (88), 32.16 (89), 32.17 (97), 32.18 (96) [fol. 49v], 32.19 (96), 32.20 (98).]

33. ACTA, 3 JULY 1376

[33.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 3 July 1376. Next session before Scrope or his commissary in the same place, 24 July.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post festum apostolorum Petri et Pauli anno Domini supradicto. Et agenda ibidem coram nobis vel nostro commissario die iovis proximo post festum Sancte Marie Magdalene proximo sequens. [fol. 50r]

[Case entries: 33.1 (44), 33.2 (7), 33.3 (1), 33.4 (36), 33.5 (36), 33.6 (85), 33.7 (4), 33.8 (91), 33.9 (34) [fol. 50r], 33.10 (72), 33.11 (77), 33.12 (80), 33.13 (88), 33.14 (88), 33.15 (89), 33.16 (96), 33.17 (96), 33.18 (99) [fol. 50v], 33.19 (100), 33.20 (97), 33.21 (33), 33.22 (91), 33.23 (101) [fol. 51r], 33.24 (102), 33.25 (103), 33.26 (22).]

34. ACTA, 24 JULY 1376

[34.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 24 July 1376. Next session in the same place, 25 Sep.

Acta coram nobis .. officiali supradicto loco quo supra die iovis proximo post festum Sancte Marie Magdalene anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Mathei apostoli et evangeliste proximo sequens. [fol. 51v]

[Case entries: 34.1 (96) [fol. 51v], 34.2 (44), 34.3 (7), 34.4 (85), 34.5 (4), 34.6 (91), 34.7 (99), 34.8 (34), 34.9 (72), 34.10 (80), 34.11 (88), 34.12 (88) [fol. 52r], 34.13 (89), 34.14 (101), 34.15 (103), 34.16 (104), 34.17 (105).]

[34.18] Proxy. 21 July 1376 Matilda wife of Henry Bayser personally appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Duodecimo kalendas augusti anno Domini supradicto comparens personaliter Matildis uxor Henrici Bayser de Cant' et constituit apud acta Petrum Caprik' clericum procuratorem suum cum potestate agendi, defendendi, excipiendi, libellandi, litem contestandi, iurandi de calumpnia, testes producendi, provocandi, appellandi earumque causas prosequendi etc., apostolos petendi etc., substituendi, substitutiones revocandi etc., cum caucione de rato et iudicatum solvendi. [fol. 52v]

[34.19] Proxy. 2 Aug. 1376 Margery wife of Simon Shuman personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Secundo die augusti anno Domini supradicto comparens personaliter Margeria uxor Simonis Shaman de Cant' et constituit apud acta Johannem Wiltesshire clericum procuratorem suum cum omnibus et singulis clausulis et articulis supradictis et cum caucione de rato et iudicatum solvendo. [fol. 52v]

[Case entries: [fol. 52v] 34.20 (96), 34.21 (47), 34.22 (19) [fol. 53r], 34.23 (106), 34.24 (107), 34.25 (108).]

[34.26] Proxy. 24 Sep. 1376 Robert de Elsworth, vicar of St Mary's, Whittlesey, personally appoints Peter Caprik his proctor *apud acta* without revoking his other proxies.

Procuratorium] Octavo kalendas octobris anno Domini supradicto comparens personaliter dominus Robertus de Ellesworth vicarius ecclesie Sancte Marie de Wytlesseye Elien' diocesis et constituit apud acta citra tamen revocationem aliorum procuratorum suorum Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis cum potestate agendi, defendendi, excipiendi, replicandi, ponendi, articulandi, libellum dandi et recipiendi, litem contestandi, iurandi de calumpnia, testes litteras et instrumenta producendi et exhibendi, provocandi et appellandi, provocaciones et appellaciones notificandi et earum causas prosequendi, apostolos petendi et recipiendi, substituendi, substitutum revocandi, omnia alia et singula faciendi et exercendi que in premissis et circa ea necessaria fuerint seu opportuna et si mandatum exigant speciale, cum caucione de rato et iudicatum solvendo. [fol. 53v]

[34.27] Probate of Smyth testament. 17 Sep. 1376 in St Mary's, Ely, John Newton, commissary of the bishop, approves the testament of John Smyth of Littleport. He commits the administration of goods within the city and diocese to Avis, Smyth's widow, and Henry Elgey of Littleport, executors. He appoints William Carter of Littleport supervisor, as contained in the testament. A copy of the testament and inventory are left in the bishop's registry;¹ his seal

¹ For this translation, see Introduction.

is attached to the probate of the testament and the commission of administration.

Smyth' probacio testamenti] Memorandum quod decimo septimo die mensis septembris anno Domini millesimo trecentesimo septuagesimo sexto in ecclesia Sancte Marie civitatis Elien' venerabilis in Christo pater et dominus dominus Thomas Dei gracia episcopus Elien' per magistrum Johannem de Newton' clericum commissarium suum in hac parte specialiter deputatum approbari fecit testamentum Johannis Smyth' de Lyttelpport Elien' diocesis defuncti et administracionem omnium bonorum dicti defuncti in civitate et diocesis Elien' existencium Hawysie uxori sue, Henrico Helegeye de Lyttelpport predictis executoribus in dicto testamento nominatis commisit in forma iuris et Willelmum Cartere de Lyttelpport supervisorem deputavit prout in dicto testamento est contentum, cuius quidem testamenti copiam et inventarium bonorum suorum penes registrum dicti patris dimiserunt quibus approbacioni et bonorum administracioni sigillum dicti patris est appensum. [fol. 53v]

[34.28] Probate of Fisher testament. 17 Sep. 1376 in St Mary's, Ely, John Newton, commissary of the bishop, approves the testament of Agatha wife of John Fisher of Aldreth. He commits the administration of goods within the city and diocese to her husband and John Huntington of Haddenham, chaplain, executors. A copy of the testament and inventory are left in the bishop's registry;¹ his seal is attached to the probate of the testament and the commission of the administration.

Fysschere probacio testamenti] Memorandum quod decimo septimo die mensis septembris anno Domini supradicto loco quo supra dictus venerabilis pater per dominum commissarium suum specialiter deputatum approbari fecit testamentum Agathe uxoris Johannis^a Fysschere de Alderhech' dicte diocesis defuncte et administracionem omnium bonorum suorum in dictis civitate et diocesi existencium dicto Johanni Fysschere et domino Johanni Huntyngdon de Hadenham capellano executoribus in dicto testamento nominatis commisit in forma iuris, cuius quidem testamenti copiam et inventarium bonorum suorum penes registrum dicti patris dimiserunt quibus approbacioni et bonorum administracioni sigillum dicti reverendi patris est appensum. [fol. 53v]

[34.29] Probate of Cook testament. 17 Sep. 1376 in St Mary's, Ely, John Newton, commissary of the bishop, approves the testament of Colette widow of Thomas Cook of Ely. He commits the administration of goods within the city and diocese to William Ketelby of Ely, chaplain, and Ralph Deven of Ely, executors. A copy of the testament and inventory is left in the bishop's registry;² his seal is attached to the probate of the testament and the commission of the administration.

Cook' probacio testamenti] Memorandum quod decimo septimo die mensis septembris anno Domini supradicto loco quo supra dictus venerabilis pater per dictum commissarium specialiter deputatum approbari fecit testamentum Colette nuper uxoris Thome Cook' de Ely defuncte et administracionem om-

^a Johannis] *interlined*.

² For this translation, see Introduction.

nium bonorum suorum in dictis civitate et diocesis existencium domino Wilhelmo Ketelby de Ely capellano et Radulo Deven' de eadem executoribus in dicto testamento nominatis commisit in forma iuris, cuius quidem testamenti copiam et inventarium bonorum suorum penes registrum dicti patris dimiserunt quibus quidem testamenti approbacioni et administracionis commissioni sigillum dicti venerabilis patris est appensum. [fol. 54r]

[34.30] Doggett intestacy. 17 Sep. 1376 in St Mary's, Ely, John Newton, commissary of the bishop, commits the administration of the goods of William Doggett of March, who died intestate, to Philip Austin of Wimblington and Mabel William's widow. They are sworn. The bishop's seal is attached to the commission of the administration.

Doget – ab intestato] Memorandum quod septimo decimo die mensis septembris anno Domini supradicto loco quo supra dictus venerabilis pater per dictum commissarium specialiter deputatum administracionem omnium bonorum Willelmi Doget de Marchford Elien' diocesis ab intestato defuncti Philippo Austyn de Wilmeton' et Mabile relictæ dicti Willelmi in forma iuris iuratis ex officio suo commisit cui administracionis commissioni sigillum dicti reverendi patris est appensum. [fol. 54r]

[34.31] Probate of Couper testament. 22 Sep. 1376 in the chapel of the bishop's manor at Fen Ditton, John Newton, commissary of the bishop, approves the testament of Lawrence Couper of Chesterton. He commits the administration of goods within the city and diocese to Robert Neal of Chesterton and Katherine Lawrence's widow, executors. A copy of the testament and inventory is entered in the bishop's register; his seal is attached to the probate of the testament and the commission of administration.

Coupere probacio testamenti] Memorandum quod secundo et vicesimo die mensis septembris anno Domini supradicto in capella manerii venerabilis patris per dictum commissarium suum specialiter deputatum approbari fecit testamentum Laurencii Coupere de Chestreton' Elien' diocesis et administracionem omnium bonorum suorum in dictis civitate et diocesi existencium Roberto Neel de eadem et Katerine relictæ dicti defuncti executoribus in dicto testamento nominatis commisit in forma iuris, cuius quidem testamenti copiam et inventarium bonorum suorum penes registrum dicti venerabilis patris dimiserunt quibus quidem testamenti approbacioni et administracionis commissioni sigillum dicti venerabilis patris est appensum. [fol. 54r]

[Case entries: 34.32 (109), 34.33 (110), 34.34 (111), 34.35 (59) [fol. 54r].]

35. ACTA, 25 SEPTEMBER 1376

[35.0] *Acta* before Thomas Gloucester, John Newton, and William de Bland, commissaries of the official in St Michael's, Cambridge, 25 Sep. 1376. Next session before the official, these commissaries, or another, in the same place, 16 Oct.

Acta coram nobis Thoma de Gloucestre, Johanne de Neuton' et Willelmo

de Bland', clericis, domini officialis Elien' commissariis loco quo supra die iovis proximo post festum Sancti Mathei apostoli et evangeliste anno Domini supradicto. Et agenda ibidem coram dicto domino officiali, nobis vel alio ipsius commissario die iovis proximo post festum translacionis Sancti Edwardi regis proximo sequens. [fol. 54v]

[Case entries: 35.1 (44), 35.2 (7), 35.3 (85), 35.4 (4).]

[35.5] Proxy. 26 Nov. 1376 John Little of Chesterton personally appoints Richard Pitts his proctor *apud acta*.

Procuratorium] Septimo kalendas octobris anno Domini supradicto comparens personaliter Johannes Litel de Chestreton' et constituit apud acta Ricardum Pyttes clericum procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi etc., provocandi, appellandi, apostolos petendi et recipiendi etc., substituendi etc., cum caucione de rato et iudicatum solvendo. [fol. 54v]

[Case entries: 35.6 (91), 35.7 (99), 35.8 (34), 35.9 (72), 35.10 (80), 35.11 (89), 35.12 (101), 35.13 (103) [fol. 54v], 35.14 (112), 35.15 (105), 35.16 (59), 35.17 (113), 35.18 (114), 35.19 (115), 35.20 (116) [fol. 55Ar],^a 35.21 (117).]

^a *Folios 55 and 56 were duplicated in the original foliation. A later hand has numbered them 55A 56A and 55B 56B.*

36. ACTA, 16 OCTOBER 1376

[36.0] *Acta* before Thomas Gloucester, John Potton, and John Newton, commissaries of the official in St Michael's, Cambridge, 16 Oct. 1376. Next before the official, these commissaries, or another, in the same place, 13 Nov.

Acta coram nobis Thoma de Gloucestre, Johanne de Potton' et Johanne de Neweton', clericis, reverendi viri domini officialis Elien' commissariis loco quo supra die iovis proximo post festum translacionis Sancti Edwardi regis anno Domini supradicto. Et agenda coram dicto domino .. officiali, nobis vel alio ipsius commissario loco quo supra die iovis proximo post festum Sancti Martini proximo sequens. [fol. 55Av]

[Case entries: 36.1 (44), 36.2 (7), 36.3 (4), 36.4 (91), 36.5 (99), 36.6 (34), 36.7 (72), 36.8 (80), 36.9 (89), 36.10 (103), 36.11 (112), 36.12 (105), 36.13 (59) [fol. 55Av], 36.14 (116), 36.15 (118).]

[36.16] Proxy. 27 Oct. 1376 William Sutton, chaplain of Wimpole, personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Memorandum quod sexto kalendas novembris anno Domini supradicto comparens personaliter dominus Willelmus de Sutton' de Wynpol capellanus constituit apud acta Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi etc., sub-

stituendi etc., cum caucione de rato et iudicatum solvendo. [fol. 56Ar]

[36.17] Proxy. 10 Nov. 1376 William son of William Hubert of Stow personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Item quarto idus novembris anno Domini supradicto compars personaliter Willelmus filius Willelmi Huberd' de Stowe Elien' diocesis constituit apud acta Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi etc., substituendi etc., cum caucione de rato et iudicatum solvendo. [fol. 56Ar]

[Case entries: 36.18 (119).]

[36.19] Penalty of those absent from synod. Richard Scrope pronounces contumacious and reserves for himself the punishment of all abbots and priors having the use of churches within the city or diocese of Ely and all rectors and vicars of the diocese who should have attended the bishop's synod on 20 Oct. 1376 in the conventual church of Barnwell but have not. He orders them called to receive penalty for their contumacy.

Punicio absencium in synodo] Cum nos Ricardus le Scrop' canonicus Ebor' custos libere capelle de Tykhull' venerabilis in Christo patris et domini domini Thome Dei gracia Elien' episcopi officialis et commissarius ad infrascripta sufficienter deputatus sanctam synodum auctoritate dicti patris celebrantes, hac die lune proximo post festum Sancti Luce evangeliste anno Domini supradicto in ecclesia conventuali de Bernewell' Elien' diocesis, omnes et singulos abbates .. priores et alios quoscumque ecclesias in et infra civitatem et diocesim Elien' in proprios usus optinentes, rectores quoque et vicarios dicti diocesis in sancta synodo nostra comparere debentes fecerimus publice preconizari, quibus ex ipsis personaliter, quidam vero per procuratores comparuerunt, nonnulli vero nullo modo comparuerunt, unde ipsos non comparentes reputavimus prout erant merito contumaces pena nobis specialiter reservata et decernimus eos fore vocandos penam condignam pro dicta contumacia recepturos. [fol. 56Ar]

[36.20] Publication and injunctions made in synod. On 20 Oct. at the synod before the congregation Scrope pronounces excommunicated anyone who has failed to pay the papal subsidy (half a tithe) and the procurations of the papal nuncios, the archbishops of Ravenna and Rouen and Egidius 'of St Minion' [see IPP] (1½*d* per mark). He also warns the clergy to pay to the proctors sent to parliament and provincial council what is owed them within the month, under penalty of major excommunication.

Publicaciones et iniuncciones facte in synodo] Idem dicto die synodi post preconizacionem coram tota synodo denunciavimus excommunicatos omnes qui non solverunt subsidium domini pape videlicet medietatem unius decime ac eciam procuraciones dominorum Raven' et Rothomag' archiepiscoporum et domini Egidii Sancti Minionis sedis apostolice nunciorum de singulis marcis denarium et obolum. Item eodem die eisdem loco et hora monuimus clerum Elien' diocesis quod solvant procuraciones debita et concessa eisdem

procuratoribus ad parliamentum destinatis videlicet de marca obolum et ad concilium provinciale destinatis videlicet de singulis libris denarium infra mensem sub pena excommunicacionis maioris. [fol. 56Ar]

[36.21] Publications in the synod. 20 Oct. 1376 Scrope publishes a mandate of the bishop. According to a royal writ, there should be no execution against foreigners living in the realm by the king's license issued or to be issued.

Publicaciones in synodo] Item eisdem loco, die et anno coram tota synodo publicavimus mandatum dicti domini .. episcopi nobis directum continens breve regium eidem venerabili patri porrectum de non faciendo execucionem contra alienigenas in regno Angl' de licencia domini nostri regis Angl' comorantes si que emanavit seu inposterum emanabit. [fol. 56Av]

[36.22] Assignment of sermon in synod. Assigned to preach at the synod by the bishop, friar John de Paris, Dominican and professor of theology, is admitted by Scrope.

Assignacio sermonis in synodo] Cum venerabilis in Christo pater et dominus dominus Thomas Dei gracia episcopus Elien' quemdam fratrem Johannem de Parys ordinis predicatorum sacre pagine professorem ad proponendum clero Elien' diocesis in presenti synodo congregato verbum Dei assignasset et ob illam causam ad dictos diem et locum destinasset, nos Ricardus le Scrop canonicus Ebor' dicti venerabilis patris officialis et commissarius dictam synodum celebrantes, ipsum fratrem Johannem ad predicandum inibi verbum Dei admisimus et ibidem publice predicavit. [fol. 56Av]

[Case entries: 36.23 (120).]

[36.24] Chesterton. William vicar of Chesterton church was cited before the commissary for contumacy because he had [not] appeared at the synod.

He appears personally. He claims that he was detained by illness. He swears that this is true and is dismissed.

Chestreton' punicio absencie in synodo] Dominus Willelmus vicarius ecclesie parochialis de Chestreton' Elien' diocesis citatus coram nobis .. commissario Elien' super eo quod [non] comparuit in synodo nostra dictis die et loco per nos celebrata penitenciam pro sua contumacia recepturus, comparuit personaliter coram nobis et allegavit quod detentus fuit infirmitate corporis sui quod commode venire non potuit, unde super hoc facta fide dimittitur. [fol. 56Av]

[36.25] Proxy. ?29 Oct 1376 Robert Priest of Melbourn personally appoints Peter Caprik his proctor.

Procuratorium] Memorandum quod quarto^a kalendas novembris anno Domini supradicto comparens personaliter Robertus Preest de Meldebourne et consticiuit Petrum Caprik' clericum procuratorem suum in omnibus causis

^a quarto] *seems to have been written over an erasure.*

et negociis pro se vel contra se motis seu movendis cum omnibus et singulis clausulis et articulis superius designatis et cum potestate substituendi etc. et cum caucione de rato et iudicatum solvendo. [fol. 56Av]

[Case entries: 36.26 (121), 36.27 (95) [fol. 56Av], 36.28 (65), 36.29 (122) [fol. 55Br], 36.30 (123).]

[36.31] Proxy. 4 Nov. 1376 Joan residing with Robert Bennet appoints John Wiltshire, her proctor *apud acta*.

Procuratorium] Quarto die novembris anno Domini supradicto predicta Johanna constituit apud acta Johannem Wiltesshire' clericum procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato et iudicatum solvendo. [fol. 55Bv]

[36.32] Proxy. 4 Nov. 1376 John Everard personally appoints Peter Caprik, his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Johannes Everard de Ely et constituit apud acta Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi, excipiendi etc., provocandi, appellandi, apostolos petendi et recipiendi etc., substituendi et substitutum revocandi etc., cum caucione de rato et iudicatum solvendo. [fol. 55Bv]

[Case entries: 36.33 (65) [fol. 56Br].]

[36.34] Proxy. 3 Dec. 1376 Robert Bluntisham of Ely and Anna, his wife, each personally appoints John Wiltshire his/her proctor *apud acta*.

Procuratorium] Memorandum quod tercio nonas decembris anno Domini supradicto comparens personaliter Robertus Bluntesham de Ely et Anna uxor eius constituerunt et quilibet eorum constituit apud acta Johannem Wiltesshire' clericum procuratorem suum in omnibus causis et negociis personam suam [*sic*] seu res suas concernentibus motis seu movendis cum potestate agendi, defendendi, excipiendi, replicandi, libellum dandi et recipiendi, litem contestandi, iurandi de calumpnia, testes producendi, provocandi et appellandi, apostolos petendi etc., substituendi etc., cum caucione de rato et iudicatum solvendo. [fol. 56Br]

[36.35] Proxy. 21 Dec. 1376 William son of John Breton of Bassingbourn personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Duodecimo kalendas ianuarii anno Domini supradicto comparens personaliter Willelmus filius Johannis Breton' de Bassingbourn' et constituit apud acta Johannem Wiltesshire' clericum procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi, excipiendi, replicandi, libellum dandi et recipiendi, litem contestandi, iurandi de ca-

lumpnia, testes producendi, provocandi, appellandi, provocaciones et appellaciones notificandi et earum causas prosequendi, substituendi, substitutos revocandi etc., cum caucione de rato et iudicatum solvendo. [fol. 56Br]

37. ACTA, 13 NOVEMBER 1376

[37.0] *Acta* before Thomas Gloucester, John Potton, and John Newton, commissaries of the official in St Michael's, Cambridge, 13 Nov. 1376. Next before the official, these commissaries, or another, in the same place, 4 Dec.

Acta coram nobis .. commissariis supradictis loco quo supra die iovis proximo post festum Sancti Martini anno Domini supradicto. Et agenda ibidem coram dicto domino .. officiali Elie', nobis vel nostrum aliquo alio seu aliis dicti domini .. officialis commissario vel commissariis die iovis proximo post festum Sancti Andree apostoli proximo sequens. [fol. 56Bv]

[Case entries: 37.1 (44), 37.2 (7), 37.3 (4), 37.4 (91), 37.5 (99), 37.6 (34), 37.7 (72), 37.8 (80), 37.9 (89), 37.10 (116), 37.11 (118), 37.12 (119), 37.13 (121), 37.14 (123) [fol. 56Bv], 37.15 (88), 37.16 (22), 37.17 (124), 37.18 (125), 37.19 (109) [fol. 57r].]

[37.20] Proxy. 13 Nov. 1376 John Cook of Wimpole personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Idus novembris anno Domini supradicto comparens personaliter coram nobis in iudicio Johannes Cook de Wynepool executor testamenti magistri Thome Griffyn nuper rectoris ecclesie de Wynepol constituit apud acta Johannem Wiltesshire clericum procuratorem suum in omnibus causis et negociis motis seu movendis cum potestate agendi, defendendi, excipiendi, replicandi, ponendi, articulandi, libellum et articulum dandi et recipiendi, litem contestandi, iurandi de calumpnia et de veritate dicendi, testes et instrumenta producendi et exhibendi, provocandi, appellandi, provocaciones et appellaciones notificandi, earum causas prosequendi, apostolos petendi et recipiendi, beneficium absolucionis a sentenciis suspensionis excommunicationis seu interdicti ab homine vel a iure latis seu ferendis, restitutionem in integrum, dampna, expensas et interesse petendi et recipiendi ac super expensis iurandi, substituendi, substitutum revocandi etc., omniaque alia faciendi et expediendi que in hac parte necessaria fuerint seu etiam opportuna et si mandatum exigant speciale, cum caucione de rato et iudicatum solvendo. [fol. 57v]

[37.21] Proxy. 13 Nov. 1376 Ellen Cobbet of Sawston personally appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter coram nobis Elena Cobat de Sauston' constituit apud acta Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis motis vel movendis etc. cum potestate agendi, defendendi etc. ut supra proximo, provocandi, appellandi, apostolos petendi

etc. ut supra, substituendi etc. ut supra, cum caucione de rato et iudicatum solvendo. [fol. 57v]

[37.22] Proxy. 30 Nov. 1376 John Catt of Chesterton personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Ultimo die novembris anno Domini supradicto comparens personaliter coram nobis Johannes Cate de Chestreton' Elien' diocesis et constituit apud acta Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis motis vel movendis etc. cum omnibus et singulis clausulis et articulis in procuratorio Johannis Cook' suprascripto specificatis eciam cum caucione de rato et iudicatum solvendo. [fol. 57v]

[37.23] Proxy. 2 Dec. 1376 Isabel Cook of Chesterton personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Secundo die mensis decembris anno Domini supradicto comparens personaliter coram nobis Isabella Cook' de Chestreton' Elien' diocesis et constituit apud acta Johannem Wiltesshire clericum procuratorem suum in omnibus causis et negociis motis vel movendis etc. cum omnibus et singulis clausulis et articulis in procuratorio Johannis Cook' predicto specificatis et cavebat de rato et iudicatum solvendo. [fol. 57v]

[37.24] Proxy. 21 Nov. 1376 John Allain of Teversham personally appoint Peter Caprik and John Wiltshire his proctors *apud acta* to act separately or jointly.

Procuratorium] Undecimo kalendas decembris anno Domini supradicto comparens personaliter coram nobis Johannes Aleyn de Teversham' Elien' diocesis et constituit apud acta Petrum Caprik' et Johannem Wiltesshire clericos procuratores suos coniunctim et divisim etc. in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis superius specificatis et cavebat de rato et iudicatum solvendo. [fol. 57v]

[37.25] Proxy. 2 Dec. 1376 John Milner of Linton and Margaret his wife personally appoint Peter Caprik their proctor *apud acta*.

Procuratorium] Secundo die mensis decembris anno Domini supradicto comparens personaliter coram nobis Johannes Milner' de Lynton' et Margar' uxor sua et constituerunt Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis etc. cum omnibus et [singulis] clausulis et articulis superius specificatis in procuratorio Johannis Cook' suprascripti et cavebant de rato et iudicatum solvendo. [fol. 57v]

[Case entries: 37.26 (126) [fol. 57v], 37.27 (126), 37.28 (126) [fol. 58r].]

38. ACTA, 4 DECEMBER 1376

[38.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 4 Dec. 1376. Next

session before Scrope or his commissary, in the same place, 8 Jan. 1377.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post festum Sancti Andree apostoli anno Domini supradicto. Et agenda ibidem coram nobis vel nostro commissario die iovis proximo post festum epiphanie Domini proximo sequens. [fol. 58v]

[Case entries: 38.1 (44), 38.2 (7), 38.3 (4), 38.4 (91), 38.5 (99), 38.6 (116), 38.7 (125), 38.8 (34), 38.9 (72), 38.10 (80), 38.11 (89), 38.12 (121), 38.13 (123) [fol. 58v], 38.14 (88), 38.15 (124), 38.16 (127), 38.17 (65), 38.18 (128), 38.19 (129), 38.20 (130) [fol. 59r], 38.21 (131), 38.22 (132), 38.23 (133), 38.24 (134), 38.25 (58), 38.26 (66) [fol. 59v], 38.27 (66), 38.28 (135) [fol. 60r–60v].]

39. ACTA, 8 JANUARY 1377

[39.0] *Acta* before Thomas Gloucester, commissary of the official in an unnamed place, 8 Jan. 1377. Next session before the official, Gloucester, or another commissary, in the same place, 5 Feb.

Acta coram nobis Thoma de Gloucestr' clerico reverendi viri domini .. officiali Elien' commissario die iovis proximo post festum epiphanie Domini anno Domini supradicto. Et agenda ibidem coram dicto domino .. officiali, nobis vel alio ipsius commissario die iovis proximo post festum purificationis Beate Marie virginis proximo sequens. [fol. 60v]

[Case entries: 39.1 (44), 39.2 (7), 39.3 (4), 39.4 (91), 39.5 (99), 39.6 (116), 39.7 (125) [fol. 60v], 39.8 (136), 39.9 (137), 39.10 (138), 39.11 (139), 39.12 (34), 39.13 (72), 39.14 (80), 39.15 (89), 39.16 (121), 39.17 (88) [fol. 61r], 39.18 (124), 39.19 (127), 39.20 (65), 39.21 (128), 39.22 (129), 39.23 (130), 39.24 (131), 39.25 (133), 39.26 (140), 39.27 (141), 39.28 (141), 39.29 (142) [fol. 61v–62r].]

[39.30] Proxy. 8 Jan. 1377 John Streit, Michael Cook, and Thomas Hunnings living in Linton each personally appoints John Wiltshire his proctor.

Procuratorium] Die iovis proximo post festum epiphanie Domini anno Domini supradicto comparentes personaliter Johannes Screyth' Michael Cok' et Thomas Hunnyng' commorantes in Lynton' constituerunt et quilibet eorum constituit Johannem Wiltesshire clericum procuratorem suum in omnibus causis et negociis pro se vel contra se motis vel movendis cum potestate agendi, defendendi, excipiendi, replicandi, ponendi, articulandi, posicionibus respondendi, libellandi, articulandi, litem contestandi, iurandi de calumpnia et de veritate dicendi, testes et instrumenta producendi, provocandi, appellandi, provocaciones et appellaciones notificandi, earum causas proseguendi, apostolos petendi et recipiendi, beneficium absolucionis a quibuscumque sentenciis suspensionis excommunicationis seu interdicti in eos latis seu ferendis ab homine vel a iure, restitutionem in integrum, dampna, expensas et interesse quodlibet petendi, recipiendi et optinendi, substituendi substitutum revocandi, procuratoris officium reassumendi omniaque alia et

singula faciendi et exercendi que in premissis necessaria fuerint seu quomolibet opportuna eciam si mandatum exigant speciale, cum caucione de rato et iudicatum solvendo. [fol. 62r]

[39.31] Proxy. 8 Jan. 1377 Mr Henry Bowet, archdeacon's official, personally appoints William Killerwick his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter magister Hericus Bowet officialis domini .. archidiaconi Elien' et constituit apud acta Willelmum Killerwyk' clericum procuratorem suum in omnibus causis et negociis cum omnibus et singulis clausulis et articulis superius descriptis et contentis eciam cum caucione de rato et iudicatum solvendo. [fol. 62r]

[39.32] Proxy. 8 Jan. 1377 John Grebby, priest and commissary of archdeacon's official, personally appoints William Killerwick his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter dominus Johannes Grebby presbyterus .. officialis domini .. archidiaconi Elien' commissarius se pretendens et constituit apud acta dominum Willelmum Killerwyk' procuratorem suum in omnibus causis et negociis supradictis cum omnibus et singulis clausulis et articulis superius descriptis et contentis cum caucione de rato et iudicatum solvendo. [fol. 62r]

[39.33] Proxy. 8 Jan. 1377 Ellen Wildeman of Hildersham personally appoints William Killerwick her proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Elena Wildeman de Hildersham constituit apud acta Willelmum Killerwyk' predictum procuratorem suum in omnibus causis et negociis cum omnibus clausulis et articulis superius descriptis eciam cum caucione de rato et iudicatum solvendo. [fol. 62r]

[39.34] Proxy. 12 Jan. 1377 John Gilbert of Bassingbourn, chaplain, and Warren White of Bassingbourn each personally appoints Richard Pitts his proctor.

Procuratorium] Secundo idus ianuarii anno Domini supradicto comparentes personaliter dominus Johannes Gilberd de Bassingbourn capellanus et Warinus White de eadem constituerunt et eorum quilibet constituit Richardum Pyttes clericum procuratorem suum in omnibus causis et negociis et cum omnibus clausulis et articulis superius descriptis et contentis eciam cum caucione de rato et iudicatum solvendo. [fol. 62r]

[39.35] Obedience of archdeacon's official to bishop. 24 Jan. 1377 in St Michael, Mr Henry Bowet, official of the archdeacon and successor to Mr William Rookhawe, former official, appears personally before the official and swears obedience to the bishop, his official, and their commissaries and ministers. Witnesses: Mr Thomas Gloucester, official's commissary, and John Newton, advocate of consistory, of Lincoln and York dioceses, and other Ely clergy gathered to elect proctors for the king's parliament.

Obediencia .. officialis domini .. archidiaconi prestita domino .. episcopo et

suis] Memorandum quod undecimo kalendas februarii anno Domini millesimo trecentesimo septuagesimo sexto in ecclesia Sancti Michaelis Cantebr' comparens personaliter coram nobis Ricardo le Scrop' canonico Ebor' venerabilis in Christo patris domini domini Thome Dei gracia episcopi Elien' officiali et commissario ad infrascripta sufficienter deputato magister Henricus Bowet officialis .. archidiaconi Elien' magistri Willelmi Rookhawe dicti domini archidiaconi nuper .. officialis immediatus successor in officio obedienciam canonicam venerabili in Christo patri et domino domino .. episcopo supradicto nobis et aliis ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit ad sancta Dei evangelia per ipsum corporaliter manu tacta. Presentibus tunc ibidem magistris Thome de Gloucestr' commissario nostro, Johanne de Neweton consistorii Elien' advocato Lincoln' et Ebor' diocesum et aliis de clero Elien' diocesis ad eligendum procuratores ad parlamentum domini nostri regis inibi congregatos in multitudine copiosa testibus vocatis et rogatis, indiccione quinta decima pontificatus Gregorii pape undecimi anno septimo. [fol. 62r]

[39.36] Proxy. 26 Jan. 1377 John Brinkley of Sawston personally appoints John Wiltshire his proctor.

Procuratorium] Septimo kalendas februarii anno Domini supradicto comparens personaliter Johannes Brinkele de Sauston' Elien' diocesis constituit Johannem Wiltesshire clericum procuratorem suum in omnibus causis et negociis etc. et cum omnibus clausulis et articulis superius descriptis et contentis eciam cum caucione de rato et iudicatum solvendo. [fol. 62r]

[39.37] Election of proctors for parliament and provincial council. By the bishop's authority, Richard Scrope has convoked the clergy of Ely for 24 Jan. 1377 in St Michael's. They will elect suitable proctors for the king's parliament, which will be held on 27 Jan. at Westminster, and for the Archbishop of Canterbury's provincial council, which will be held on 3 Feb. 1377 in St Paul's, London.

The clergy appear personally or by proctor; those absent are found contumacious. As penalty Scrope proceeds with the election. After some discussion, Mr's William de Gotham, professor of theology and chancellor of Cambridge University, and Henry Bowet, licensed in law and official of archdeacon, are elected; their procurations are established according to the mandate's tenor. The clergy concedes to each of them for expenses $\frac{1}{2}d$ for every pound at which the clerics' benefices are valued, if they do not stay beyond 12 days, and $\frac{1}{2}d$ for every mark, if they stay for 24.

Eleccio procuratorium cleri Elien' diocesis ad parlamentum et concilium provinciale] Cum nos .. officialis Elien' .. clerum Elien' diocesis ad diem sabbati proximo post festum Sancte Agnetis virginis anno Domini supradicto in ecclesia Sancti Michaelis Cantebr' auctoritate mandati venerabilis patris

domini Thome Dei gracia episcopi Elien' nobis in ea parte directi coram nobis fecerimus evocari duos procuratores ydoneos ad comparandum pro eodem clero in parlamento domini regis Angl' in quindena Sancti Hillarii apud Westm' tenendum et in concilio provinciali in ecclesia Sancti Pauli London' coram domino .. archiepiscopo Cantuar', die martis in crastino purificationis Beate Marie virginis eodem anno electurum. Idem clerus comparuit coram nobis quidam videlicet personaliter, quidam per procuratores suos, aliqui vero nullo modo comparuerunt. Ideo ipsos non comparentes reputavimus contumaces et in penam contumacie sue huiusmodi decrevimus fore procedendum ad electionem dictorum procuratorum per comparentes. Idem quoque clerus tunc presens habito prius tractatu diligenti inter eos venerabiles viros magistros Willelmum de Gotham sacre pagine professorem cancellarium universitatis Cantebr' et Henricum Bowet licenciatum in legibus officialem domini archidiaconi Elien' in procuratores suos concorditer elegerunt, ipsosque procuratores suos ordinarunt, fecerunt et constituerunt iuxta ipsius mandati exigenciam et tenorem et eisdem procuratoribus si ultra duodecim dies inibi non morentur de singulis libris obolum si vero per duo et viginti dies ibidem morari contigerint de singulis marcis taxacionis beneficiorum suorum ecclesiasticorum unum obolum pro eorum expensis et procuracionibus concesserunt. [fol. 62r]

[39.38] Admission of advocates and proctors of Ely consistory. On 24 Jan. 1377 in St Michael's before a full congregation of Ely clergy, gathered for the election of proctors to parliament and provincial council, Richard Scrope, licensed in both laws, canon of York, keeper of the free chapel of Tickhill [Yorks], and official of Ely, admits Mr's John Newton, BCivL, and William Laas, BCnL, of York and Lichfield, as advocates of the Ely consistory court. Walter Sutton, public notary, and John Wiltshire, clerics of Worcester and Salisbury dioceses are admitted as proctors general of the court. Each swears to obey the statutes of the court and the following articles, selected from the common law (*de iure communi*) and the constitutions of the holy fathers. Witnesses: Mr Henry Bowet, archdeacon's official; Thomas Gloucester, Scrope's commissary general; John Potton, consistory advocate; and Peter Caprik, proctor general of the consistory, *et al.*, of York, Lincoln, and Ely dioceses. [NS]

Admissio advocatorum et procuratorum consistorii Elien'] Nos Ricardus le Scrop' licenciatus in utroque iure canonicus Ebor' ac custos libere capelle de Tykhull' officialis Elien' die sabbati proximo post festum Sancte Agnetis virginis anno Domini millesimo trecentesimo septuagesimo sexto in ecclesia Sancti Michaelis Cantebr' pro tribunali sedentes ad iura reddenda in plena congregacione cleri Elien' diocesis ad elegendum duos procuratores pro eodem clero ad parliamentum domini nostri regis Angl' et ad consilium provinciale destinandos coram nobis inibi convocata, providos et discretos viros magistros Johannem de Neweton' in legibus et Willelmum Laas in decretis

bacularios Ebor' et Lich' diocesum in advocatos curie sive consistorii Elien' ac Walterum de Sutton' notarium publicum et Johannem Wiltesshire clericos Wygorn' et Sar' diocesum in procuratores generales dicte curie sive consistorii nostra auctoritate ordinaria duximus admittendos prestito primitus per ipsos et eorum quemlibet iuramento corporali de observandis statutis dicte curie et articulis tam a iure communi quam a constitutionibus sanctorum patrum in ea parte editis elicitis et extractis, quos quidem articulos ad perpetuam rei memoriam subsequenter inseri fecimus ad cautelam. Acta die, loco, anno Domini supradictis indiccione quinta decima pontificatus sanctissimi in Christo patris et domini domini Gregorii pape undecimo anno septimo die sabbati in vigilia conversionis Sancti Pauli que fuit proximo dies sabbati post festum Sancte Agnetis ut superius exprimitur. Presentibus magistro Henrico de Bowet tunc officiali domini .. archidiaconi Elien', Thome de Gloucestre commissario nostro generali, Johanne de Potton' curie et consistorii nostri Elien' avvocato et Petro Caprik' clerico dicte curie sive consistorii procuratore generali et aliis de dicto clero Elien' diocesis, Ebor', Lincoln' et Elien' diocesum testibus ad premissa vocatis specialiter et rogatis. RF: Foxton. [fol. 62v]

[39.39] Above mentioned articles.

1. They will earnestly inquire into the truth about cases to which they have given their patronage, as much as possible.
2. With all virtue and diligence they will procure for their clients what they have determined is just and true, leaving nothing unexamined.
3. They will not foster improbable or frivolous cases composed from false allegations, and they will dismiss cases which they know to be false or about which they have a bad conscience.
4. They will not propose or advise the proposal of malicious exceptions in marriage cases, which prevent true marriages from having their due effect and which result in cases continuing a long time, contrary to due process.
5. They will legally defend their client's case without deferring justice from the other party.
6. They will not, personally or through others, instruct witnesses or parties to testify falsely or to suppress the truth.
7. They will give their service to *miserabiles persone* and known paupers willingly and expertly without pay.
8. They will show respect to the official of Ely and anyone presiding over the consistory of Ely.

Articuli de quibus superius fit mencio sequuntur in hec verba.^a

Primus articulus] In primis inquirent diligenter iuxta possibilitatem eis a Deo datam de veritate causarum quibus patrocinium prestabant.

Secundus articulus] Item cum omni virtute et omni opere quod justum et ve-

^a Articuli . . . verba] *written in litterae notabiliores.*

rum estimaverint clientibus suis inferri procurabunt nihil studio reliquentes quatenus est sibi possibile.

Tercius articulus] Item causas improbas vel penitus desperatas et ex mendacibus allegacionibus compositas non fovebunt scientes seu malam conscienciam habentes quomodolibet de eisdem quod cum sciverint seu malam conscienciam habuerint ipsas omnino dimittent.

Quartus articulus] Item quod in causis matrimonialibus maliciose exceptiones non opponent vel opponi procurabunt ne matrimonia vera debitum sorciantur effectum vel ut contra iusticiam processus causarum diucius suspendantur.

Quintus articulus] Item quod in causis quarum patroni erunt fidele prestabunt patrocinium non ad differendam alterius partis iusticiam sed ad causam clientuli legibus defendendam.

Sextus articulus] Item quod nec per se nec per alios testes subornabunt vel partes instruunt falsum deponere vel suppressere veritatem.

Septimus articulus] Item quod in causa miserabilium personarum et notabiliter pauperum absque omni exacione gratis suum prestabunt patrocinium pariter et impendent.

Octavus articulus] Item quod facient debitam reverenciam .. officiali Eliensi et aliis .. presidentibus curie seu consistorii Elien' qui sunt et erunt pro tempore ac eciam curie supradicte. [fol. 62v]

[Case entries: 39.40 (126) [fol. 62v–63r].]

[39.41] Proxy. 30 Jan. 1377 in court before the commissary Amy Grigg personally appoints Peter Caprik her proctor.

Procuratorium] Memorandum quod tercio kalendas februarii anno Domini supradicto comparens personaliter in iudicio coram nobis .. commissario Elien' Amya Gregge constituit apud acta Petrum Caprik' clericum procuratorem suum in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis superius descriptis et contentis cum caucione de rato et iudicatum solvendo. [fol. 63r]

[Case entries: 39.42 (143), 39.43 (144), 39.44 (135).]

40. ACTA, 5 FEBRUARY 1377

[40.0] *Acta* before Thomas Gloucester, commissary of the official in St Michael's, Cambridge, 5 Feb. 1377. Next session before the official, Gloucester, or another commissary, in the same place, 26 Feb.

Acta coram nobis Thoma de Gloucestr', clerico, reverendi domini .. officiali Elien' commissario die iovis proximo post festum purificationis Beate Marie

anno Domini supradicto loco quo supra. Et agenda ibidem coram dicto domino .. officiali, nobis vel alio ipsius commissario die iovis proximo post festum Sancti Mathie apostoli proximo sequens. [fol. 63r]

[Case entries: 40.1 (44), 40.2 (7), 40.3 (4), 40.4 (91), 40.5 (99) [fol. 63r], 40.6 (116) [fol. 63r-v], 40.7 (125), 40.8 (136), 40.9 (137), 40.10 (138), 40.11 (139), 40.12 (140), 40.13 (145), 40.14 (146), 40.15 (147), 40.16 (34), 40.17 (72), 40.18 (80) [fol. 63v], 40.19 (89), 40.20 (121), 40.21 (88), 40.22 (124), 40.23 (127), 40.24 (65), 40.25 (141), 40.26 (141), 40.27 (143), 40.28 (144).]

[40.29] Proxy. 5 Feb. 1377 Margery Baldock of Cambridge personally before the commissary appoints John Wiltshire her proctor in all causes and business. He has the power to seek absolution from the excommunication imposed by the archdeacon's official, after she had appealed to the consistory; to swear to obey the law; and to consent to proceed in the principal case, omitting the article of appeal.

Procuratorium] Nonas februarii anno Domini supradicto comparens personaliter Margeria Baldok' de Cantebr' Elien' diocesis coram nobis in iudicio constituit Johannem Wiltesshire clericum procuratorem suum in omnibus causis et negociis etc. et specialiter cum potestate petendi beneficium absolucionis ad cautelam ante omnia a sententia excommunicationis per .. officialem domini .. archidiaconi Elien' in eam latam post et contra appellacionem ad audienciam nostram interiectam iurandique de stando et parendo iuri etc. necnon ut omisso cuiuscumque appellacionis articulo in causa principali quacumque seu quocumque negocio in curia nostra procedatur consenciendi et in ipsa curia iuxta modum et consuetudinem eiusdem procedendi etc., cum caucione de rato. [fol. 64r]

[40.30] Proxy. 5 Feb. 1377 Ralph Daines of Swaffham personally appoints John Wiltshire his proctor *apud acta* in all causes and business. He has the power to seek absolution from the sentence of excommunication imposed by the archdeacon's official, after he had appealed to the consistory; to swear to obey the law; and to consent to proceed in the principal case, omitting the article of appeal.

Procuratorium] Eodem die comparens personaliter coram nobis Radulus Deynes de Swasham dicte diocesis et constituit apud acta dominum Johannes Wiltesshire' procuratorem suum in omnibus causis et negociis etc. et specialiter cum potestate petendi beneficium absolucionis ad cautelam ante omnia a sententia excommunicationis per .. officialem domini .. archidiaconi Elien' in eum latam post et contra appellacionem ad audienciam nostram interiecta et iurandi ut supra necnon ut omisso cuiuscumque appellacionis articulo in causa principali quacumque seu quocumque negocio in curia nostra procedatur consenciendi et in ipsa curia iuxta modum et consuetudinem eiusdem curie procedendi cum caucione de rato et iudicatum solvendo etc. [fol. 64r]

[40.31] Proxy. 5 Feb. 1377 Avis daughter of William Wendeye of Clopton personally appoints William Killerwick her proctor with the power to consent to proceed in the principal case, omitting the article of appeal.

Procuratorium] Eodem die comparens personaliter coram nobis Hawysia filia Willelmi Wendeye de Clopton' dicte diocesis constituit Willelmum Kilerwyk' procuratorem suum in omnibus causis et negociis etc. et specialiter ut omisso cuiuscumque appellacionis articulo in causa principali quacumque seu quocumque negocio in curia nostra procedatur consenciendi et in ipsa curia iuxta modum et consuetudinem eiusdem curie procedendi provocandi appellandi apostolos petendi etc. substituendi^a et substitutum revocandi etc. omniaque alia facienda et exercenda etc. cum caucione de rato et iudicatum solvendo etc. [fol. 64r]

[40.32] Proxy. 14 Feb. 1377 John Hubert of Stow personally appoints John Wiltshire his proctor.

Procuratorium] Memorandum quod sexto decimo kalendas marcii anno Domini supradicto comparens personaliter Johannes Hubard de Stowe constituit Johannes Wiltesshir' procuratorem suum in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis necessariis et consuetis superius designatis cum caucione de rato etc. [fol 64v]

[40.33] Proxy. 26 Feb. 1377 Amy wife of John Gerant of Abington personally appoints John Wiltshire her proctor.

Procuratorium] Quarto kalendas marcii anno Domini supradicto comparens personaliter Amya uxor Johannis Gerounde de Abyngton' constituit Johannem Wiltesshire clericum procuratorem suum etc. cum omnibus clausulis et articulis necessariis et consuetis superius designatis et cum caucione de rato etc. [fol 64v]

[40.34] Proxy. 26 Feb. 1377 John vicar of Little Abington personally appoints Walter Sutton his proctor.

Procuratorium] Eodem die comparens personaliter dominus Johannes vicarius ecclesie de Abyngton' Parva constituit Walterum de Sutton' clericum procuratorem suum in omnibus causis et negociis etc. cum omnibus clausulis et articulis necessariis et consuetis superius designatis cum caucione de rato. [fol 64v]

[40.35] Proxy. 26 Feb. 1377 John Clay of Histon personally appoints John Wiltshire his proctor.

Procuratorium] Eodem die comparens personaliter Johannes Clay de Histon' constituit Johannem Wiltesshir' clericum procuratorem suum in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis necessariis et consuetis superius designatis et cum caucione de rato. [fol 64v]

[40.36] Proxy. 26 Feb. 1377 Amy Lomb of Stow personally appoints Walter Sutton her proctor.

^a substituendi] prosubstituend'.

Procuratorium] Eodem die comparens personaliter Amycia Lomb de Stowe constituit Walterum de Sutton' clericum procuratorem suum in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis necessariis et consuetis superius designatis et cum caucione de rato. [fol 64v]

[Case entries: 40.37 (148) [fol. 64r].]

41. ACTA, 26 FEBRUARY 1377

[41.0] *Acta* before Thomas Gloucester, commissary; in St Michael's, Cambridge, 26 Feb. 1377. Next session before the official, Gloucester, or another commissary, in the same place, 19 Mar.

Acta coram nobis .. commissario supradicto loco quo supra die iovis proximo post festum Sancti Mathie apostoli anno Domini supradicto. Et agenda ibidem coram dicto domino .. officiali Elien', nobis vel alio ipsius commissario die iovis proximo post festum Sancti Edwardi regis et martyris proximo tunc sequens. [fol. 64v]

[Case entries: 41.1 (44), 41.2 (7), 41.3 (4), 41.4 (91), 41.5 (99), 41.6 (116) [fol. 64v], 41.7 (125), 41.8 (136), 41.9 (137), 41.10 (138), 41.11 (139), 41.12 (140), 41.13 (145), 41.14 (146), 41.15 (147), 41.16 (149), 41.17 (34), 41.18 (72), 41.19 (80) [fol. 65r], 41.20 (89), 41.21 (121), 41.22 (88), 41.23 (124), 41.24 (65), 41.25 (141), 41.26 (141), 41.27 (143), 41.28 (148) [fol. 65v], 41.29 (150).]

42. ACTA, 19 MARCH 1377

[42.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 19 Mar. 1377. Next session before Scrope or his commissary, in the same place, 10 Apr.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post festum Sancti Edwardi regis et martyris anno Domini supradicto. Et agenda ibidem coram nobis vel nostro .. commissario die veneris proximo post dominicam qua cantatur officium *Quasi modo geniti* proximo sequens. [fol. 66r]

[Case entries: 42.1 (44), 42.2 (7), 42.3 (4), 42.4 (91), 42.5 (99), 42.6 (116), 42.7 (125) [fol. 66r], 42.8 (136) [fol. 66r], 42.9 (137), 42.10 (138), 42.11 (139), 42.12 (140), 42.13 (145), 42.14 (146), 42.15 (147), 42.16 (149), 42.17 (34), 42.18 (72), 42.19 (80), 42.20 (89), 42.21 (121), 42.22 (88), 42.23 (124), 42.24 (65) [fol. 66v], 42.25 (143), 42.26 (151), 42.27 (152), 42.28 (153), 42.29 (154), 42.30 (155), 42.31 (156), 42.32 (157) [fol. 67r], 42.33 (158), 42.34 (159), 42.35 (160), 42.36 (161), 42.37 (162), 42.38 (163), 42.39 (164) [fol. 67v], 42.40 (164), 42.41 (165).]

43. ACTA, 10 APRIL 1377

[43.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 10 Apr. 1377. Next session before Scrope or his commissary, in the same place, 30 Apr.

Acta coram nobis .. officiali supradicto loco quo supra die veneris proximo post dominicam qua cantatur officium *Quasi modo geniti* anno Domini millesimo trecentesimo septuagesimo septimo. Et agenda ibidem coram nobis vel nostro commissario die iovis proximo post festum Sancti Marci evangeliste proximo sequens. [fol. 68r]

[Case entries: 43.1 (44), 43.2 (7), 43.3 (4), 43.4 (91), 43.5 (99), 43.6 (116), 43.7 (125), 43.8 (136), 43.9 (137), 43.10 (138) [fol. 68r], 43.11 (139), 43.12 (140), 43.13 (145), 43.14 (146), 43.15 (147), 43.16 (34), 43.17 (72), 43.18 (80), 43.19 (89), 43.20 (121), 43.21 (88), 43.22 (124), 43.23 (65) [fol. 68v], 43.24 (143), 43.25 (151), 43.26 (154), 43.27 (155), 43.28 (158), 43.29 (163), 43.30 (153), 43.31 (96), 43.32 (140).]

[43.33] Proxy. 9 Apr. 1377 John Draper personally appoints William Sutton his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Johannes Draper predictus et constituit apud acta Walterum de Sutton' clericum procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi, excipiendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato et iudicatum solvendo. [fol. 69r]

[Case entries: 43.34 (166), 43.35 (167) [fol. 69r], 43.36 (79), 43.37 (168).]

[43.38] Substitution. 25 Mar. 1377 John Wiltshire, proctor general of the consistory, personally substitutes William Bridge in all matters in which John has been appointed proctor.

Substitutio] Octavo kalendas aprilis comparens personaliter Johannes Wiltshire, clericus procurator generalis consistorii Elien', habens a dominis suis substituendi inter cetera postestatem in omnibus causis et negociis in quibus in dicto consistorio procurator existit substituit Willelmum Brugge iuxta omnem vim, formam et effectum procuratorii sui predicti. [fol. 69v]

[Case entries: 43.39 (19).]

44. ACTA, 30 APRIL 1377

[44.0] *Acta* before Thomas Gloucester, commissary general of the official, in St Michael's, Cambridge, 30 Apr. 1377. Next session before the official, Gloucester, or another commissary, in the same place, 29 May.

Acta coram nobis Thoma de Gloucestr' clerico domini .. officiali Elien' commissario generali loco quo supra die iovis proximo post festum Sancti Marci evangeliste anno Domini supradicto. Et agenda ibidem coram dicto domino officiali, nobis vel alio ipsius commissario die veneris proximo post festum Sancti Augustini proximo sequens. [fol. 69v]

[Case entries: 44.1 (44), 44.2 (7), 44.3 (4), 44.4 (91) [fol. 69v], 44.5 (99), 44.6 (116), 44.7 (125), 44.8 (136), 44.9 (137), 44.10 (138), 44.11 (139), 44.12 (140), 44.13 (145), 44.14 (146), 44.15 (147), 44.16 (168), 44.17 (34), 44.18 (72) [fol. 70r], 44.19 (80), 44.20 (89), 44.21 (121),

44.22 (88) [fol. 70v–71v], 44.23 (143), 44.24 (151), 44.25 (96), 44.26 (169), 44.27 (166), 44.28 (170) [fol. 71v].]

[44.29] Proxy. 30 Apr. 1377 Leticia Littlebury of Fordham, residing in Cambridge, personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Memorandum quod secundo kalendas maii anno Domini supradicto comparens personaliter Leticia Lyttelbury de Fordham commorans in Cant' et constituit apud acta Johannem Wiltesshire clericum procuratorem suum in omnibus causis et negociis cum potestate agendi, defendendi, excipiendi, repplicandi, ponendi, articulandi, posicionibus respondendi, libellum dandi et recipiendi, litem contestandi, iurandi de calumpnia, testes, litteras et instrumenta producendi et contra se producta impugnandi, provocandi, appellandi, apostolos petendi etc., substituendi etc., a quibuscumque sentenciis suspensionis, excommunicacionis seu interdicti latis seu ferendis beneficium absolucionis petendi et optinendi etc., cum caucione de rato et iudicatum solvendo. [fol. 72r]

[44.30] Proxy. 30 Apr. 1377 John Ing of Bassingbourn personally appoints Peter Caprik and John Wiltshire his proctors to act separately or jointly.

Procuratorium] Eodem die comparens personaliter Johannes Ynge de Bassingbourn' Elien' diocesis constituit Petrum Caprik' et Johannem Wiltesshir' procuratores suos coniunctim et divisim ita quod non sit melior condicio occupantis sed quod unus eorum inceperit etc. cum omnibus et singulis clausulis et articulis superius descriptis et cavebat de rato. [fol. 72r]

[44.31] Proxy. 14 May 1377 John Elmham of Swaffham Prior personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Secundo idus maii comparens personaliter Johannes Elmham de Suasham, monachus, Elien' diocesis, constituit Johannem Wiltesshir', clericum, procuratorem suum apud acta cum omnibus et singulis clausulis et articulis superius descriptis et cavebat de rato. [fol. 72r]

[44.32] Proxy. 15 May 1377 John Brettenham of Stretham personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Idus maii anno Domini supradicto comparens personaliter Johannes Bretenham de Stretham Elien' diocesis et constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius descriptis et cavebat de rato. [fol. 72r]

[44.33] Proxy. 1 June 1377 Hugh Leach, one of the executors of John Fulbourn of Cambridge skinner, deceased, personally appoints Peter Caprik and John Wiltshire his proctors *apud acta* to act separately or jointly.

Procuratorium] Primo die iunii anno Domini supradicto comparens personaliter Hugo Leche, unus executorum testamenti Johannis Fulbourn' de

Cantebr' *skynnere* defuncti, constituit apud acta Petrum Caprik' et Johannem Wiltesshir', clericos, procuratores suos coniunctim et divisim ita quod non sit melior condicio occupantis etc. cum omnibus clausulis superius descriptis et cavebat de rato. [fol. 72r]

[44.34] Substitution. 30 May John Wiltshire, proctor of Walter Bilney of Cambridge, one of the executors of the testament of John Fulbourn of Cambridge, personally substitutes Peter Caprik and William Bridge *apud acta* to act separately or jointly.

Substitutio] Penultimo die maii anno Domini supradicto comparens personaliter Johannes Wiltesshir', clericus, procurator Walteri Bilneye de Cantebr', unius executorum testamenti Johannis Fulbourn de Cant', *skynnere*, defuncti, habens a dicto domino suo alium vel alios substituendi inter cetera potestatem Petrum Caprik' et Willelmum Brugge, clericos, coniunctim et divisim substituit et loco suo posuit apud acta iuxta omnem vim, formam et effectum procuratorii sui originalis. [fol. 72r]

[Case entries: 44.35 (171).]

[44.36] Assignment of synodal sermon. Thomas de Dalby, canon of Salisbury and bishop's special commissary appointed to celebrate a synod on 25 May 1377 in Scrope's absence (presently acting in remote areas), admits John Fishlock, Carmelite friar, to preach to the clergy of Ely. John preaches there publicly. Witnesses: Mr Henry Bowet, archdeacon's official; Mr's Thomas Gloucester; John Potton; and John Newton, *et al.*

Assignacio sermonis in synodo] Cum venerabilis vir magister Ricardus le Scrop officialis Elien' quemdam fratrem Johannem Fysslake ordinis Carmelite ad proponendum clero diocesis Elien' in presenti synodo congregato verbum Dei assignasset et ob illam causam ad dictos diem et locum destinasset, nos Thomas de Dalby canonicus Sarum venerabilis patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad celebrandum sanctam synodum hac die lune proximo post festum Sancte Trinitatis anno Domini millesimo trecentesimo septuagesimo septimo specialiter deputatus in absentia dicti domini .. officialis ad presens in remotis agentis dictam synodum auctoritate dicti venerabilis patris celebrantes, ipsum fratrem Johannem ad predicandum inibi verbum Dei admisimus et ibidem publice predicavit. Presentibus magistro Henrico Bowet officiali domini archidiaconi Elien', magistris Thome de Glouc', Johanne de Potton' et Johanne de Neuton' et aliis in multitudine copiosa. [fol. 72r]

[44.37] Punishment of those absent from synod. 25 May 1377 in Barnwell conventual church, Thomas de Dalby, canon of Salisbury, celebrating the synod, pronounces contumacious all those who were expected to attend but have not. He assigns 19 June in St Michael's, before himself or another commissary, for the contumacious to receive their penance and for all proctors appearing at the synod to show their proxies.

19 June. Peter Caprik appears for his principals, Robert Foxton appears for his, and the proctor for the abbot of Thorney appears. They exhibit their proxies and are dismissed. The

proctors of the rector of Eltisley and of the vicar of Trumpington fail to appear. They will be called to receive penalty for contumacy committed when they failed to appear at the synod.

Punicio absencium in synodo] Cum nos Thomas de Dalby canonicus Sar' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad infrascripta specialiter deputatus sanctam synodum auctoritate dicti patris hac die lune proximo post festum Sancte Trinitatis anno Domini supradicto in ecclesia conventuali de Bernwell' celebrantes omnes et singulos .. abbates .. priores et alios quoscumque ecclesias infra civitatem vel diocesim Elien' in proprios usus optinentes, rectores quoque et vicarii dicte diocesis in dicta synodo nostra comparere debentes fecerimus publice preconizari, quidam ex ipsis personaliter, quidam vero per procuratores comparuerunt; nonnulli vero nullo modo comparuerunt. Unde ipsos non comparentes reputavimus contumaces, pena nobis specialiter reservata et decernimus eos fore vocandos penitentiam condignam per dicta contumacia recepturos, procuratoribus vero diem veneris proximo post festum Sancti Botulphi proximo futurum in ecclesia Sancti Michaelis Cant' coram nobis vel alio dicti patris commissario ad docendum de suis procuratoriis prefigimus et assignamus. [fol. 72r]

Exhibicio procuratoriorum comparencium in synodo] Quibus die et loco Petrus Caprik' pro dominis suis, Robertus de Foxton' pro dominis suis, procurator .. abbas de Thorneye comparuerunt et exhibuerunt procuratoria sua et dimittuntur. Procurator rectoris de Eltesle et vicarius de Trumpiton' non comparent, ideo decernimus ipsos fore vocandos ad recipiendum penitentiam pro contumacia contracta in non comparendo in dicta synodo. [fol. 72r]

[44.38] Synodal injunctions. Thomas de Dalby, special commissary deputed to celebrate the synod on 25 May, publishes the constitution of John Stratford *Humana concupiscencia*.¹ It prohibits the solemnization of prohibited or clandestine marriages which have been interdicted by the church, which are contracted while a marriage suit involving both or one of the couple is pending, and which are known to have or are suspected of having an impediment. Each chapter of the constitution along with its penalty is reviewed so that each cleric understands them. The constitution is then ordered published and explained in intelligible language, between masses at each parish church on Sundays and feast days, so that the pretense of ignorance, frequently used, cannot be made. Witnesses: as 44.36.

Iniuncciones facte in synodo] In Dei nomine amen. Nos Thomas de Dalby canonicus Sar' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad infrascripta sufficienter deputatus sanctam synodum diocesis Elien' die, loco et anno Domini supradictis auctoritate dicti patris celebrantes coram toto clero civitatis et diocesis Elien' inibi congregato, constitutionem bone memorie domini Johannis de Stretford' nuper Cant'

¹ See Citations to Canon Law, *Humana*.

archiepiscopi contra solempnizantes solempnizarive facientes et procurantes matrimonia prohibita seu clandestina, contra interdictum ecclesie aut lite pendente super contractu matrimoniali inter dictos contrahentes seu eorum alterum, scientes impedimentum vel suspicionem habentes verisimilem de eodem etc. que incipit *Humana concupiscencia* editam et penam in ea latam fecimus publicari et perlegi et ne a quoquam eorum valeat in futurum verisimiliter ignorari, ipsam constitutionem ac omnia capitula eiusdem una cum pena in contravenientes lata ad eorum omnium et singulorum noticiam fecimus pervenire. Et insuper eisdem omnibus et singulis iniunximus et mandavimus quod dictam constitutionem omniaque capitula eiusdem una cum pena predicta in eorum parochialibus ecclesiis diebus dominicis et festivis intra missarum solempnia cum maior affuerit populi multitudo in lingua intelligibili publicent et exponant ne pretextu ignorancie inposterum contraveniri contingerit sicut prius in civitate et diocesis predictis frequenter ut didicimus fieri consuevit. Presentibus testibus superius nominatis. [fol. 72v]

[Case entries: 44.39 (140), 44.40 (140).]

45. ACTA, 29 MAY 1377

[45.0] *Acta* before Thomas Gloucester, commissary general of the official in St Michael's, Cambridge, 29 May 1377. Next session before the official, Gloucester, or another commissary, in the same place, 18 June.

Acta coram nobis Thoma de Gloucestr' commissario supradicto loco quo supra die veneris proximo post festum Sancti Augustini anno domino supradicto. Et agenda ibidem coram dicto domino .. officiali Elien', nobis vel alio ipsius commissario die iovis proximo post festum Sancti Botulphi abbatis proximo sequens. [fol. 72v]

[Case entries: 45.1 (44), 45.2 (7), 45.3 (4), 45.4 (99), 45.5 (116), 45.6 (125), 45.7 (136), 45.8 (137), 45.9 (138) [fol. 72v], 45.10 (139), 45.11 (140), 45.12 (140), 45.13 (140), 45.14 (145), 45.15 (146), 45.16 (147), 45.17 (168), 45.18 (34) [fol. 73r], 45.19 (80), 45.20 (143) [fol. 73v], 45.21 (96), 45.22 (172), 45.23 (172), 45.24 (145) [fol. 73r], 45.25 (173), 45.26 (174), 45.27 (175) [fol. 73v], 45.28 (152), 45.29 (176), 45.30 (79).]

[45.31] Substitution. 30 May 1377 John Wiltshire, proctor of Walter Bilney of Cambridge, executor of John Fulbourn's testament, substitutes Peter Caprik.

Substitutio] Memorandum quod penultimo die mensis maii anno Domini supradicto Johannes Wiltesshire', procurator Walteri Bilneye de Cant' unius executorum testamenti Johannis Fulbourn' de Cant', *skynnere*, habens a dicto domino suo substituendi substitutos revocandi inter cetera potestatem, Petrum Carprik', clericum, substituit et loco suo posuit iuxta vim, formam et effectum procuratorii sui originalis [fol. 74r]

[45.32] Proxy. 31 May 1377 John Gilbert of Bassingbourn, chaplain, appoints Walter Sutton his proctor *apud acta*.

Procuratorium] Memorandum quod secundo kalendas iunii anno Domini supradicto dominus Johannes Gilberd de Bassinbourn', capellanus, constituit apud acta dilectum sibi in Christo Walterum de Sutton procuratorem suum in omnibus causis et negociis tam ex officio quam ad partis instanciam motis vel movendis cum potestate agendi, defendendi, excipiendi, repplicandi, ponendi, articulandi, posicionibus respondendi, libellum et articulum recipiendi, litem contestandi, iurandi de calumpnia, testes et instrumenta producendi et exhibendi, provocandi, appellandi, provocaciones et appellaciones notificandi et earum causas prosequendi, apostolos petendi et recipiendi, alium vel alios substituendi, substitutum revocandi etc., omnia alia et singula etc., cum caucione de rato etc. [fol. 74r]

[45.33] Proxy. 1 June 1377 Hugh Leach, executor of John Fulbourn's testament, appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Primo die iunii anno Domini supradicto Hugo Leche, unus executor testamenti Johannis Fulbourn' de Cant' defuncti, constituit apud acta Petrum Caprik, clericum, procuratorem suum cum omnibus clausulis et articulis superius descriptis etc., cum caucione de rato etc. [fol. 74r]

[45.34] Proxy. 1 June 1377 Agnes wife of John Willingham appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Eisdem die et anno Agnes uxor Johannis Wyvlyngham de Cant' constituit apud acta dictum Petrum Caprik' procuratorem suum cum omnibus et singulis clausulis et articulis superius descriptis etc. et cum caucione de rato etc. [fol. 74r]

[45.35] Proxy. 1 June 1377 John Burwell of Horseheath appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Eisdem die et anno Johannes Borewell' de Horseth' constituit apud acta dictum Johannes Wiltesshire', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius descriptis etc. et cum caucione de rato etc. [fol. 74r]

[45.36] Proxy. 1 June 1377 Margaret Stisted of Wickham personally appoints Walter Sutton her proctor *apud acta*.

Procuratorium] Eisdem die et anno comparens personaliter coram nobis Margar' Stistede de Wykham constituit apud acta Walterum de Sutton', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius descriptis etc. cum caucione de rato etc. [fol. 74v]

[Case entries: 45.37 (177), 45.38 (178).]

46. ACTA, 18 JUNE 1377

[46.0] *Acta* before Thomas Gloucester, commissary general of the official in St Michael's, Cambridge, 18 June 1377. Next session before the official, Gloucester, or another commissary, in the same place, 9 July.

Acta coram nobis .. commissario supradicto loco quo supra die iouis proximo post festum Sancti Botulphi abbatis anno domino supradicto. Et agenda ibidem coram domino .. officiali Elien', nobis vel alio ipsius commissario die iouis proximo post festum translacionis Sancti Thome martyris proximo sequens. [fol. 74v]

[Case entries: 46.1 (44), 46.2 (7), 46.3 (4), 46.4 (99), 46.5 (125), 46.6 (136), 46.7 (137), 46.8 (138), 46.9 (139), 46.10 (140), 46.11 (146), 46.12 (147), 46.13 (140), 46.14 (140), 46.15 (168) [fol. 74v], 46.16 (34), 46.17 (80), 46.18 (143), 46.19 (172), 46.20 (172), 46.21 (145), 46.22 (173), 46.23 (174), 46.24 (175), 46.25 (152), 46.26 (177), 46.27 (178) [fol. 75r], 46.28 (145), 46.29 (178).]

[46.30] Proxy. 21 June 1377 Margaret wife of John Hugon of Cambridge personally appoints Walter Sutton her proctor *apud acta*.

Procuratorium] Undecimo kalendas iulii anno Domini supradicto comparens personaliter Margar' uxor Johannis Hogon' de Cant' constituit apud acta Walterum Sutton procuratorem suum cum omnibus clausulis et articulis superius descriptis etc. cum caucione de rato etc. [fol. 75v]

[Case entries: 46.31 (179) [fol. 75v].]

47. ACTA, 9 JULY 1377

[47.0] *Acta* before Thomas Gloucester, commissary general of the official in St Michael's, Cambridge, 9 July 1377. Next session before the official, Gloucester, or another commissary, in the same place, 30 July.

Acta coram nobis .. commissario supradicto loco quo supra die iouis proximo post festum translacionis Sancti Thome martyris anno domino supradicto. Et agenda ibidem coram dicto domino .. officiali Elien', nobis vel alio ipsius commissario die iouis proximo post festum Sancti Jacobi apostoli proximo sequens. [fol. 76r]

[Case entries: 47.1 (44), 47.2 (7), 47.3 (4), 47.4 (99), 47.5 (125), 47.6 (136), 47.7 (137), 47.8 (138), 47.9 (139), 47.10 (140), 47.11 (146), 47.12 (147), 47.13 (140), 47.14 (140), 47.15 (34), 47.16 (80), 47.17 (143) [fol. 76r], 47.18 (172), 47.19 (172), 47.20 (145), 47.21 (173), 47.22 (174), 47.23 (152), 47.24 (177), 47.25 (178) [fol. 76v], 47.26 (145), 47.27 (178), 47.28 (173), 47.29 (180).]

[47.30] Proxy. 10 July 1377 Margaret Bassingbourn appoints Peter Caprik and John Wiltshire her proctors to act separately or jointly.

Procuratorium] Die veneris proximo post festum translacionis Sancti Thome martyris anno Domini supradicto dicta Margar' Bass' constituit Petrum Caprik' et Johannem Wiltesshir' clericos procuratores suos coniunctim et divi-

sim etc. cum omnibus clausulis superius expressatis. [fol. 77r]

[Case entries: 47.31 (157) [fol. 77r], 47.32 (181).]

[47.33] Proxy. 15 July 1377 Alice Pooley of Sawston personally appoints Peter Caprik her proctor *apud acta*

Procuratorium] Idus iulii anno Domini supradicto, comparens personaliter Alicia Polay de Sauston' constituit apud acta Petrum Caprik', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis necessariis et consuetis et cum caucione de rato. [fol. 77v]

[Case entries: 47.34 (182), 47.35 (108) [fol. 77v], 47.36 (183).]

[47.37] Proxy. 22 July 1377 John Myntemor, priest and canon of St Augustine of Anglesey Priory, personally appoints Peter Caprik his proctor *apud acta* before and by leave of the Prior of Anglesey.

Procuratorium] Die mercurii in festo Sancte Marie Magdalene anno Domini supradicto comparens personaliter dictus Johannes Myntemoor, presbyteri et canonicus regularis ordinis Sancti Augustini in Prioratu de Anglesseye Elien' diocesis, coram .. priore de Anglesseye et de eius licencia constituit Petrum Caprik', clericum, procuratorem suum apud acta cum omnibus et singulis clausulis et articulis superius designatis. [fol. 78r]

[Case entries: 47.38 (184).]

48. ACTA, 30 JULY 1377

[48.0] *Acta* before Thomas Gloucester, commissary general of the official in St Michael's, Cambridge, 30 July 1377. Next session before the official, Gloucester, or another commissary, in the same place, 1 Oct.

Acta coram nobis commissario supradicto loco quo supra die iovis proximo post festum Sancti Jacobi apostoli anno Domini supradicto. Et agenda ibidem coram dicto domino .. officiali Elien', nobis vel aliis ipsius commissariis vel commissario die iovis proximo post festum Sancti Michaelis archangeli proximo sequens. [fol. 78r]

[Case entries: 48.1 (44), 48.2 (7), 48.3 (4), 48.4 (99), 48.5 (125) [fol. 78r], 48.6 (136), 48.7 (137), 48.8 (138), 48.9 (139), 48.10 (146), 48.11 (147), 48.12 (34), 48.13 (80), 48.14 (143), 48.15 (173), 48.16 (174), 48.17 (152), 48.18 (177), 48.19 (178), 48.20 (178), 48.21 (173) [fol. 78v], 48.22 (182), 48.23 (108), 48.24 (185), 48.25 (186), 48.26 (187). [fol. 79r]]

49. ACTA, 1 OCTOBER 1377

[49.0] *Acta* before Thomas Gloucester, commissary general of the official in St Michael's, Cambridge, 1 Oct. 1377. Next session before the official, Gloucester, or another commissary, in the same place, 22 Oct.

Acta coram nobis commissario predicto loco quo prius die iovis proximo

post festum Sancti Michaelis anno Domini supradicto. Et agenda ibidem coram domino officiali Elien', nobis vel alio seu aliis ipsius commissario seu commissariis, die iovis proximo post festum Sancti Luce evangeliste proximo sequens. [fol. 79v]

[Case entries: 49.1 (44), 49.2 (7), 49.3 (4), 49.4 (99), 49.5 (125), 49.6 (136), 49.7 (137), 49.8 (138), 49.9 (139), 49.10 (146), 49.11 (147), 49.12 (34), 49.13 (80), 49.14 (143), 49.15 (173), 49.16 (174), 49.17 (152), 49.18 (177), 49.19 (178), 49.20 (178), 49.21 (173), 49.22 (182), 49.23 (186), 49.24 (188) [fol. 79v].]

[49.25] Commission. Bishop Arundel commits to Richard Scrope, inceptor of both laws, Thomas Gloucester, BCivL, and John Newton, BCivL, the right to proceed separately or jointly in the case of marriage and divorce between John Wedone junior, plaintiff, and Geoffrey Cobbe of Wimpole and Eleanor Frances, Geoffrey's *de facto* wife, defendant. Because of the gravity of the case, the bishop reserves for himself the right to give the definitive sentence. Arundel orders the entire process sent to him after the case has been concluded. Given at Downham Manor, 10 Sept 1377.

Commissio] Thomas permissione divina Elien' episcopus dilectis filiis magistris Richardo le Scrop', utriusque iuris inceptor, Thome de Glouc' et Johanni de Neweton', in legibus bacallariis, salutem, gratiam et benedictionem. Ad cognoscendum et procedendum in quadam causa matrimoniali et divorcii que inter Johannem Wedon' iuniorem partem actricem ex parte una et Galfridum Cobbe de Wynepol nostre diocesis et Elianoram Fraunceys, quam de facto ut asseritur duxit in uxorem, partem ream ex altera, verti speratur cum suis emergentibus, incidentibus, dependentibus et connexis vobis, de quorum circumspeccione, fidelitate et industria plenam in domino fiduciam optineamus, coniunctim et^a cuilibet vestrum divisim committimus vices nostras cum cuiuslibet coercicionis canonice potestate, sentencie diffinitive prolacione propter ipsius cause gravitatem nobis specialiter reservata, mandantes quatinus totum et integrum processum in dicta causa coram vobis habitum statim post conclusionem in eadem nobis plenarie remittatis vel remittat ille vestrum qui in dicta causa duxerit procedendum. Data in manerio nostro de Dounham nostre diocesis decimo die mensis septembris anno Domini millesimo trecentesimo septuagesimo septimo. Et nostre consecracione quarto. [fol. 80r]

[Case entries: 49.26 (189), 49.27 (190), 49.28 (187) [fol. 80r].]

^a et] *divisim deleted*.

50. ACTA, 22 OCTOBER 1377

[50.0] *Acta* before Thomas Gloucester, commissary general of the official in St Michael's, Cambridge, 22 Oct. 1377. Next session before the official, Gloucester, or another commissary, in the same place, 12 Nov.

Acta coram nobis commissario supradicto loco quo supra die iovis proximo post festum Sancti Luce evangeliste anno Domini supradicto. Et agenda ibi-

dem coram dicto domino .. officiali, nobis aut alio ipsius commissario, die iouis proximo post festum Sancti Martini proximo sequens.^a [fol. 80v]

[Case entries: 50.1 (44), 50.2 (7), 50.3 (4), 50.4 (99), 50.5 (125), 50.6 (136), 50.7 (139), 50.8 (147), 50.9 (34), 50.10 (80), 50.11 (143), 50.12 (173), 50.13 (174), 50.14 (152), 50.15 (177), 50.16 (173), 50.17 (182), 50.18 (188), 50.19 (189) [fol. 80v], 50.20 (190), 50.21 (187), 50.22 (106).]

[50.23] Assignment of synodal sermon. Richard Scrope, official celebrating a synod in Barnwell conventual church on 19 Oct. 1377 by the bishop's authority, assigns and admits a friar of the Carmelite order to preach there. Witnesses: Mr John Potton, archdeacon's official, and Thomas Gloucester, John Newton, and James de Cottenham, advocates of the consistory, *et al.*

Assignacio sermonis in synodo] Cum nos Richardus le Scrop', officialis Elien', quemdam fratrem de ordine Carmelita ad proponendum clero diocesis Elien' in presenti synodo congregato verbum Dei assignavissimus, nos dictam synodum auctoritate venerabilis patris domini .. episcopi Elien' hac die lune proximo post festum Sancti Luce evangeliste anno Domini supradicto in ecclesia conventuali de Bernewell' celebrantes, ipsum fratrem ad predicandum in ibi verbum Dei admisimus et ibidem publice predicavit. Presentibus magistris Johanne de Potton', officiali domini archidiaconi Elien', Thoma de Glouc', Johanne de Neweton' et Jacobo de Cotenham, consistorii Elien' advocatis, et aliis in multitudine copiosa. [fol. 81r]

[50.24] Punishment of those absent from the synod. Scrope orders called publicly to receive penance all abbots and priors having the use of churches within the city or diocese of Ely and all rectors and vicars of the diocese who should have attended the synod [19 Oct. 1377] but did not. All rectors and vicars of the town of Cambridge who are absent will also be called for 12 Nov.

12 Nov. Thomas vicar of Holy Trinity, Cambridge, personally proposes that he was absent from the synod because he had to appear before the chancellor of Cambridge for a cause which required his personal presence. He pledges his faith to this and is dismissed.

Punicio absencium in synodo – excusacio absencie in synodo] In Dei nomine amen. Nos Richardus le Scrop', canonicus Ebor', officialis Elien', sanctam synodum hac die lune et loco ac auctoritate supradictis celebrantes, omnes et singulos abbates, priores et alios quoscumque ecclesias infra civitatem vel diocesem Elien' in proprios usus optinentes, rectores quoque et vicarii de diocesis in dicta synodo nostra comparere debentes fecimus publice preconizari, quibusdam ex ipsis personaliter, quibusdam vero per procuratores comparuerunt, ceteri nullo modo comparuerunt, unde ipsos non comparentes reputavimus contumaces pena nobis specialiter reservata et decernimus eos fore vocandos penitentiam condignam pro huiusmodi contumacia recepturos et decernimus rectores et vicarios ville Cantebr' qui in dicta synodo personaliter non comparent, prout alias iniunximus, fore vocandos coram nobis

^a *Between this entry and the next Joh' R' buss' followed by a scroll is written in a much later script.*

penitenciam pro huiusmodi contumacia recepturos ad proximum diem iuridicum post festum Sancti Martini proximo futurum in ecclesia Sancti Michaelis Cantebr'. Quibus die et loco dominus Thomas vicarius ecclesie Sancte Trinitatis Cantebr' comparuit personaliter coram nobis et pro excusacione absencie sue personalis in synodo proposuit et allegavit quod dicto die fuit coram .. cancellario Cantebr' in quadam causa sua coram eo mota suam personalem presenciam requirente, super quo facta fide dimittitur. [fol. 81r]

[50.25] Exhibition of proxies. 12 Oct. 1377 William Killerwick appears personally before Scrope in St Michael's and exhibits his proxies for the prioress and convent of Haliwell [Middlesex], which has the use of Trumpington church, and for John vicar of Trumpington. 22 Oct. is assigned for William to produce copies for the registry.¹

22 Oct. William is absent; no copies are sent. His principals are called.

Exhibicio procuratoriorum] Die lune proximo post festum Sancti Dionisii anno Domini supradicto comparuit personaliter coram nobis officiali predicto in ecclesia Sancti Michaelis Cantebr' Willelmus Killerwyk', clericus, procurator priorisse et conventus de Haliwell', ecclesiam parochialem de Trumpiton' Elien' diocesis in proprios usus optinencium, ac eciam domini Johannis vicarii ecclesie de Trumpiton' et pro ipsis in dicta synodo comparens. Procuratoria sua predicta exhibuit coram nobis et prefigimus eidem diem iouis proximo post festum Sancti Luce evangeliste loco quo supra ad dimittendum copias registro. Quo die non comparuit nec copias transmisit, ideo vocentur. [fol. 81r]

[50.26] Election of proctors of Ely clergy for provincial council. 19 Oct. 1377 the entire clergy of Ely diocese, cited by Scrope to a full synod according to the bishop's mandate, unanimously elected two proctors to attend a provincial council in St Paul's, London. Mr's John Potton, rector of Hungry Hatley, and John Newton of York diocese, advocates of the consistory, were elected.

Eleccio procuratorum cleri ad concilium provinciale] Die lune proximo post festum Sancti Luce evangeliste anno Domini supradicto, totus clerus diocesis Elien' in plena synodo congregatus et ad eligendum duos procuratores ad comparandum pro eis in concilio provinciali in ecclesia Sancti Pauli London' celebrando, iuxta mandatum venerabilis patris domini .. episcopi Elien' nobis directum, per nos citatus et oneratus duos procuratores ad dictum concilium destinandos videlicet magistros Johannem de Potton', rectorem ecclesie de Hungri Hattele Elien', et Johannem de Neweton', Ebor' diocesis, consistorii nostri Elien' advocatos, unanimiter elegerunt et ipsos procuratores suos ad actum huiusmodi constituerunt. [fol. 81r]

[50.27] Proxy. 22 Oct. 1377 Alice Pyttok personally appoints Peter Caprik her proctor *apud acta*.

¹ For this translation, see Introduction.

Procuratorium] Die iouis supradicto anno Domini supradicto, comparens personaliter Alicia Pyttok' et constituit apud acta Petrum Caprik', clericum, procuratorem suum etc. cum omnibus et singulis clausulis et articulis necessariis et consuetudinibus etc.

[50.28] Substitution. 9 Nov. 1377 Richard Pitts, original proctor for Geoffrey Cobbe, personally substitutes Peter Caprik in his place.

Substitutio] Memorandum quod nono die novembri anno Domini supradicto comparens personaliter Richardus Pyttes, clericus, procurator originalis Galfridi Cobbe habens a dicto domino suo substituendi inter cetera potestatem, substituit dictum Petrum loco quo supra iuxta omnem vim forma in dicto procuratorio suo sibi facta. [fol. 81v]

51. ACTA, 12 NOVEMBER 1377

[51.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 12 Nov. 1377. Next session before Scrope or his commissary, in the same place, 3 Dec.

Acta coram nobis .. officiali supradicto loco quo supra, die iouis proximo post festum Sancti Martini anno Domini supradicto. Et agenda ibidem coram nobis vel nostro commissario die iouis proximo post festum Sancti Andree apostoli tunc proximo sequens. [fol. 81v]

[Case entries: 51.1 (44), 51.2 (7), 51.3 (4), 51.4 (99), 51.5 (125), 51.6 (136), 51.7 (139), 51.8 (147), 51.9 (34), 51.10 (80), 51.11 (143), 51.12 (173), 51.13 (174), 51.14 (152), 51.15 (177), 51.16 (173), 51.17 (182), 51.18 (188) [fol. 81v], 51.19 (190), 51.20 (187), 51.21 (191), 51.22 (192), 51.23 (157).]

[51.24] Proxy. 12 Nov. 1377 Richard Clerk of Wendy appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Dies iouis proximo post festum Sancti Martini anno Domini supradicto Ricardus Clerk' de Wendeye constituit apud acta Johannes Wiltesshire', clericum, procuratorem suum in omnibus causis et negocio etc. cum^a potestate agendi, defendendi, excipiendi, repplicandi, ponendi, articulandi, libellum dandi et recipiendi, litem contestandi, iurandi de calumpnia, testes, litteras et instrumenta producendi et exhibendi, provocandi et appellandi, provocaciones et appellaciones notificandi et earum causas prosequendi, apostolos, dampna expensas et interesse necnon beneficium absolucionis a quibuscumque suspensionis, excommunicacionis seu interdicti sentenciis latis seu ferendis ac restitutionem in integrum petendi, recipiendi et optinendi, substituendi, substitutum revocandi, procuratoris officium reassignandi omniaque alia et singula faciendi etc. cum caucione de rato et iudicantum solvendo. [fol. 82r]

^a cum] *interlined*.

[51.25] Substitution. 16 Nov. 1377 John Wiltshire, original proctor of Richard Clerk, substitutes Walter Sutton in his place.

Substitutio] Sexto decimo die novermbris anno Domini supradicto Johannes Wiltesshir', procurator originalis Ricardi Clerk' de Wendeye habens a dicto domino suo sustitutendi inter certa potestate substituit Walterum de Sutton' iuxta omnem vim, formam et effectum procuratorii sui originalis. [fol. 82r]

52. ACTA, 3 DECEMBER 1377

[52.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 3 Dec. 1377. Next session before Scrope or his commissary, in the same place, 22 Dec.

Acta coram nobis .. officiali supradicto loco quo supra die iovis proximo post festum Sancti Andree apostoli anno Domini supradicto. Et agenda ibidem coram nobis vel nostro commissario die martis proximo post festum Sancti Thome apostoli proximo tunc sequens. [fol. 82r]

[Case entries: 52.1 (44), 52.2 (7), 52.3 (4), 52.4 (99), 52.5 (125), 52.6 (136), 52.7 (139) [fol. 82r], 52.8 (147), 52.9 (34), 52.10 (80), 52.11 (143), 52.12 (173), 52.13 (174), 52.14 (152), 52.15 (177), 52.16 (173), 52.17 (188), 52.18 (190), 52.19 (187), 52.20 (191), 52.21 (192), 52.22 (193), 52.23 (194), 52.24 (195), 52.25 (195) [fol. 82v], 52.26 (195) [fol. 83r], 52.27 (195), 52.28 (195) [fol. 83v], 52.29 (196).]

[52.30] Proxy. 3 Dec. 1377 Joan Stokes of Trumpington personally appoints Peter Caprik and John Wiltshire her proctor *apud acta* to act jointly or separately.

Procuratorium] Tercio die decembris anno Domini supradicto comparens personaliter Johanna Stokes de Trumpiton' constituit apud acta Petrum Caprik' et Johannem Wiltesshir', clericos, procuratores suos coniunctim et divisim etc. cum potestacione agendi, defendendi, excipiendi, repplicandi, ponendi, libellandi, litem contestandi, iurandi de calumpnia etc., provocandi, appellandi etc., substituendi etc. cum caucione de rato etc. [fol. 84r]

[52.31] Proxy. 4 Dec. 1377 John Fisher of Wilburton appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Quarto die decembris anno Domini supradicto Johannes Fyssh'e de Wilb'ton' constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum omnibus et singulis clausulis^a et articulis superius descriptis eciam cum caucione de rato etc. [fol. 84r]

[52.32] Proxy. 5 Dec. 1377 wife of Nicholas Baxter of Newnham appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Quinto die decembris anno Domini supradicto . . .^b uxor Nicholei Baxt'e de Newenham constituit apud acta Petrum Caprik', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius

^a clausulis] *interlined*. ^b Blank space in ms.

descriptis eciam cum caucione de rato etc. [fol. 84r]

[52.33] Admission of alms-seeker of hospital of St John, ?King's Lynn (Lennye).¹ 11 Dec. 1377 John de Muston, proctor of the Hospital of St John, appears personally before Scrope and asks to be admitted to explain, in the individual churches within the diocese and city of Ely, the business of the hospital and to publish the indulgences conceded to its benefactors. After his proxy and the hospital's indulgences and business have been examined and found legitimate by the court, John is admitted to explain the business of the hospital. Scrope orders made for him letters patent directed to the deans, rectors, vicars, and parish chaplains of the diocese, good for one year.

Hospitale Sancti Johannis Lennye questoris admissio] Memorandum quod tercio idus decembris anno Domini supradicto Johannes de Muston', procurator hospitalis Sancti Johannis Baptiste in villa Lennye, comparens personaliter coram nobis Ricardo le Scrop', officiali et commissario supradicto, et peciit se admitti ad exponendum negocia et indigencias dicti hospitalis et indulgencias ipsius benefactoribus concessas publicandas in singulis ecclesiis civitatis et diocesis Elien'. Unde examinatis per nos procuratorio suo indulgenciis et negociis dicti hospitalis, ipsisque ritibus et legitimis inventis, ipsum Johannem ad exponendum negocia et indigencias ac publicandum indulgencias dicti hospitalis in dictis ecclesiis admisimus eidemque litteras nostras patentas singulis decanis, rectoribus, vicariis et capellanis parochialibus civitatis et diocesis predictarum directas concessimus per unum annum a dicta data tummodo duraturum. [fol. 84r]

[Case entries: 52.34 (197), 52.35 (197), 52.36 (197) [fol. 84r], 52.37 (198).]

¹ Identification uncertain but probable; see Knowles and Hadcock, p. 324, 367.

53. ACTA, 22 DECEMBER 1377

[53.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 22 Dec. 1377. Next session before Scrope or his commissary, in the same place, 14 Jan. 1378.

Acta coram nobis .. officiali supra dicto loco quo supra die martis proximo post festum Sancti Thome apostoli anno Domini supradicto. Et agenda ibidem coram nobis vel nostro commissario die iovis proximo post festum Sancti Hillarii proximo tunc sequens. [fol. 84v]

[Case entries: 53.1 (44), 53.2 (7), 53.3 (4), 53.4 (99), 53.5 (136), 53.6 (139), 53.7 (147), 53.8 (34), 53.9 (80), 53.10 (143) [fol. 84v], 53.11 (173), 53.12 (174), 53.13 (152), 53.14 (177), 53.15 (173), 53.16 (188), 53.17 (192), 53.18 (194), 53.19 (195), 53.20 (196), 53.21 (195) [fol. 85r], 53.22 (195), 53.23 (195), 53.24 (195), 53.25 (199).]

[53.26] Proxy. 19 Dec. 1377 William Haimes of Whittlesey personally appoints Walter Sutton his proctor *apud acta*.

Procuratorium] Memorandum quod tercio decimo kalendas ianuarii anno Domini supradicto comparens personaliter Willemus Heymes de Witteles-

seye et constituit Walterum Sutton', clericum, procuratorem suum apud acta cum omnibus et singulis clausulis et articulis supradictis. [fol. 85v]

[53.27] Proxy. 2 Jan. 1378 Richard Tod of Litlington appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Secundo die ianuarii anno Domini supradicto comparens personaliter Ricardus Tod de Lyttelyngton' constituit Johannem Wiltesshire, clericum, procuratorem suum apud acta cum omnibus et singulis clausulis et articulis supradictis. [fol. 85v]

[Case entries: 53.28 (200), 53.29 (201), 53.30 (201) [fol. 85v], 53.31 (198), 53.32 (80), 53.33 (160).]

[53.34] Probate of Canon's testament. John Smyth senior of Ickleton and John Smyth of Ickleton, John senior's son and a priest, executors of the testament of Juliana Canon, corrodiary who had died in the priory of Ickleton and had made a legal testament, were called for 11 Jan. 1378 in the conventual church of the priory to exhibit the testament and inventory, to prove the testament, and to receive the administration, if they wish.

Both appear personally. The testament and inventory are exhibited; the testament is approved, recorded, and published. The administration is committed to the executors, with the court reserving the right to commit it to others named in the testament, if they appear and wish to receive it. The executors swear to administer faithfully and to return an account of the administration.

Canon probacio testamenti] Cum Juliana Canon', corrodiaria in prioratu de Ikelyngton, diem suum in eodem prioratum clausit extremum et testamentum legitime condidisset, nos Ricardus le Scrop', officialis Elien' ac commissarius domini .. episcopi Elien', Johannem Smyth' de Ikelyngton' seniore et dominum Johannem Smyth', presbyterum, filium suum executores dicti testamenti ad diem lune proximo post festum epiphanie Domini anno Domini supradicto in ecclesia conventuali dicti prioratus fecimus coram nobis ad iudicium evocari testamentum et inventarium bonorum dicte defuncte ac cetera munimenta dictum testamentum concernencia exhibituros et probaturos et administracionem bonorum eiusdem si voluerint recepturos, predicti quoque Johannes et dictus Johannes executores comparentes personaliter coram nobis dictos die et loco ac testamentum et inventarium bonorum dicte defuncte exhibentes ipsam coram nobis legitime probarunt. Unde nos admissa probacione eiusdem testamenti et inventarii ipsa appropriavimus, insinuavimus et pro testamento legitimo publicavimus et pronuntiavimus et administracionem bonorum dictam defunctam concernencium et in diocesi Elien' existentium eisdem executoribus commisimus in forma iuris, potestate committendi aliis in dicto testamento nominatis cum venerint et administracionem recipere voluerint, nobis specialiter reservata prefato primitus per dictos executores de fideliter et diligenter administrando et fidelem compotum huiusmodi administracionis nobis vel alteri dicti domini .. episcopi commissario reddendo

corporaliter iuramento. [fol. 86r]

54. ACTA, 14 JANUARY 1378

[54.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 14 Jan. 1378. Next session before Scrope or his commissary, in the same place, 4 Feb.

Acta coram nobis .. officiali predicto loco quo supra die iovis proximo post festum Sancti Hillarii. Et agenda ibidem coram nobis vel nostro commissario die iovis proximo post festum purificationis Beate Marie proximo sequens. [fol. 86v]

[Case entries: 54.1 (44), 54.2 (7), 54.3 (4), 54.4 (99), 54.5 (136), 54.6 (139), 54.7 (147), 54.8 (192), 54.9 (196), 54.10 (34), 54.11 (80), 54.12 (143), 54.13 (173), 54.14 (152), 54.15 (177), 54.16 (173), 54.17 (188), 54.18 (194), 54.19 (195), 54.20 (195), 54.21 (199), 54.22 (202), 54.23 (203), 54.24 (204), 54.25 (200) [fol. 86v], 54.26 (201), 54.27 (201), 54.28 (198), 54.29 (80).]

[54.30] Obedience of official of archdeacon. John Potton, archdeacon's official, appears personally before the official in St Michael's on 16 Jan. 1378. During a full congregation of Ely clergy, convoked for the payment of two tithes to be given to the king, he swears obedience to the bishop, his official, and their commissaries and ministers. Witnesses: Mr's William de Gotham, doctor of theology and chancellor of Cambridge, and Henry Bowet, DCivCnL, Thomas Gloucester, James de Cottenham, and John Newton, advocates of the consistory, *et al.*

Obediencia .. officialis .. archidiaconi Elien' prefata domino .. episcopo Elien' et eius .. officiali] Memorandum quod magister Johannes de Potton', officialis domini archidiaconi Elien', comparens personaliter coram nobis Ricardo le Scrop', canonico Ebor', venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officiali, in ecclesia Sancti Michaelis Canteb'r die sabbati proximo post festum Sancti Hillarii anno Domini supradicto in plena congregatione cleri Elien' diocesis coram nobis ibidem facta pro solutione suarum decimarum domino regi concessarum, prestitit et iuravit ad sancta Dei evangelia per ipsum corporaliter tacta canonicam obedienciam dicto venerabili patri domino .. episcopo Elien', nobis et ceteris ipsius et nostris commissariis et ministris in lictis et canonicis mandatis. Presentibus magistris Willelmo de Gootham, sacre pagine professore, cancellario Canteb'r', Henrico Bowet, utriusque iuris professore, Thoma de Gloucestre, Jacobo de Cotenham et Johanne de Neweton', consistorii Elien' advocatis et multis aliis de dicto clero inibi congregatis. [fol. 87r]

[54.31] Proxy. 2 Feb. 1378 Agnes wife of William Wilcok of Hinton personally appoints John Wiltshire her proctor.

Procuratorium] Secundo die februariis anno Domini supradicto comparens personaliter Agnes uxor Willelmi Wilcok' de Hynton' constituit Johannem Wiltesshire, clericum, procuratorem suum cum omnibus et singulis clausulis

et articulis necessariis et consuetis etc. [fol. 87r]

[54.32] Proxy. 3 Feb. 1378 William Netherstreet of Fulbourn, chaplain, personally appoints Richard Pitts and John Wiltshire his proctors *apud acta* to act jointly or separately.

Procuratorium] Tercio die februariis anno Domini supradicto dominus Willelmus Netherstrete de Fulbourn', capellanus, personaliter comparens constituit apud acta Ricardum Pyttes et Johannem Wiltesshir', clericos, procuratores suos coniunctim et divisim et quemlibet eorum insolidum, ita quod non sit melior condicio occupantis etc., cum omnibus et singulis clausulis et articulis superius descriptis etc. [fol. 87v]

[Case entries: 54.33 (205), 54.34 (206).]

55. ACTA, 4 FEBRUARY 1378

[55.0] *Acta* before the commissary of Ely in St Michael's, Cambridge, 4 Feb. 1378. Next session before the official, this, or another commissary, in the same place, 25 Feb.

Acta coram nobis .. commissario Elien' loco quo supra die iouis proximo post festum purificationis Beate Marie virginis anno Domini supradicto. Et agenda ibidem coram domino .. officiali Elien', nobis vel alio ipsius commissario die iouis proximo post festum Sancti Mathie apostoli proximo sequens. [fol. 87v]

[Case entries: 55.1 (44), 55.2 (7), 55.3 (4), 55.4 (99), 55.5 (136), 55.6 (139), 55.7 (147), 55.8 (196), 55.9 (200), 55.10 (192), 55.11 (80), 55.12 (143), 55.13 (173) [fol. 87v], 55.14 (152), 55.15 (173), 55.16 (188), 55.17 (195), 55.18 (195), 55.19 (199), 55.20 (202), 55.21 (203), 55.22 (201), 55.23 (201), 55.24 (198), 55.25 (205), 55.26 (207), 55.27 (207) [fol. 88r], 55.28 (208).]

[55.29] Proxy. 12 Feb. 1378 John Wise of Hinton personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Secundo idus februariis anno Domini supradicto comparens personaliter Johannes Wyse de Hynton' et constituit apud acta Petrum Caprik', clericum, procuratorem suum in omnibus causis et negociis cum potestate agendi, defendendi etc., et cum omnibus clausulis necessariis et consuetis superius comprehensis. [fol. 88v]

[Case entries: 55.30 (209), 55.31 (210), 55.32 (185), 55.33 (211).]

[55.34] Histon obedience. 2 Oct. 1377 in St Michael's before the official, Roger rector of St Andrew of Histon personally swears obedience to the bishop, his official, and their commissaries and ministers.

Histone obediencia] Die, anno et loco supradictis comparens personaliter coram nobis .. officiali Elien' dominus Rogerus rector ecclesie Sancti Andree de Histone prestitit obedienciam domino .. episcopo Elien' nobis et ceteris ipsius et nostris ministris in licitis et canonicis mandatis. [fol. 88v]

[Case entries: 55.35 (210) [fol. 88v–89r].¹]

¹ The lower half of fol. 89 has been re-moved. As a result, portions of the entry for *Barnwell* (fol. 89r) is missing. Enough of the bound side of fol. 89r remains intact to show that Foxton left most of the lower half of the recto side blank. *Barnwell* was probably the last entry on the page. For what is missing on fol. 89v, see the next set of *acta*.

56. ACTA, 25 FEBRUARY 1378

[56.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 25 Feb. 1378. Next session before Scrope or his commissary, in the same place, 18 Mar.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post festum Sancti Mathie apostoli anno Domini supradicto. Et agenda ibidem coram nobis vel nostro commissario die iovis proximo post festum Sancti Gregorii pape proximo sequens. [fol. 89v]

[Case entries: 56.1 (44), 56.2 (7), 56.3 (4), 56.4 (99), 56.5 (136), 56.6 (139), 56.7 (147), 56.8 (196), 56.9 (200) [fol. 89v].¹]

[Reconstructions of missing *acta* on fol. 89v will be found in the abridgements of: 57.9 (192), 57.10 (80), 55.12 (143), 57.11 (152), 57.12 (188), 57.13 (195), 57.15 (199), 57.16 (201).]

[Case entries: 56.10 (209), 56.11 (212), 56.12 (21).]

[56.13] Weston obedience. 26 Feb. 1378 Mr Ed[war]d Alderford, rector of Weston, swears obedience to the bishop, his official, and their commissaries and ministers.

Weston' obediencia] Memorandum quod tercio kalendas marcii anno Domini supradicto magister Ed[ward]us Alderford rector ecclesie de Weston' Elien' diocesis et prestitit ac iuravit canonicam obedienciam domino .. episcopo Elien' eiusque officiali, commissariis et ministris in licitis et canonici mandatis. [fol. 90r]

[Case entries: 56.14 (165).]

[56.15] Radegund installation. Mandate sent by Bishop Arundel to the official; given at Downham Manor, 20 Feb. 1378. The bishop confirms the election of Alice Pillet, nun of St Radegund of Cambridge, as prioress and commits to her the care and administration of the nunnery with its spiritual and temporal rights. He orders Scrope to install and induct her in the office and orders him to enjoin all nuns and ministers of the place to obey and attend to Alice as prioress. Scrope is expected to certify his acts with letters patent within eight days of the installation.

22 Feb. in the Priory's church. Alice is installed and receives possession; the nuns and ministers are ordered to obey and attend to her. Witnesses: Mr's Thomas Gloucester, official's commissary general; John Newton, inceptor of civil law and advocate of consistory; Robert Foxton, public notary and registrar of consistory; and John Wiltshire, general proctor of consistory, of Lincoln, York, and Salisbury dioceses, and others of both sexes.

Radegund' installacio] Memorandum quod nos Ricardus le Scrop' canonicus

¹ See *Acta* 55, n. 1. The abridgements of *Thresher* (56.8) and *Arnold* (56.9) contain some reconstructions of the damaged portions of fol. 89v. For *acta* that are entirely missing reference should be had to abridgements of the subsequent *acta*.

Ebor' officialis Elien' mandatum venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' nuper recepimus in huius verba.

Thomas permissione divina Elien' episcopus dilecto filio magistro Ricardo le Scrop' officiali nostro ipsiusve commissario salutem, grariam et benedictionem. Cum nos electionem de domina Alicia Pylet moniali prioratus Sancte Radegundis Cantebr' nostre diocesis in priorissam eiusdem concorditer celebratam concurrentibus omnibus que in hac parte requiruntur de iure confirmaverimus curam et administracionem dicti prioratus cum suis iuribus et pertinenciis universis in spiritualibus et temporalibus eidem committentes, vobis committimus et mandamus quatenus eandem dominam Aliciam in priorissam eiusdem prioratus installatis et in possessionem corporalem eiusdem cum suis iuribus et pertinenciis universis inducatis monialibus universis ac aliis eiusdem loci ministris iniungentes ut dicte Alicie tanquam priorisse sue in licitis et canonicis de cetero obediant et intendant. Et quid feceritis in premisis nos infra octo dies a tempore installacionis huiusmodi continue iniciando certificetis per vestras patentes litteras harum seriem continentes. Data in manerio nostro de Dounham vicesimo die mensis februarii anno Domini millesimo trecentesimo septuagesimo septimo. Et nostre consecracione quarta.

Cuius quidem mandati auctoritate et vigore alter et vicesimo secundo die mensis februarii anno Domini supradicto videlicet in festo Sancti Petri in cathedra ipsam dominam Aliciam electam confirmatam in priorissam predicti prioratus installavimus et in corporalem possessionem dicti prioratus induximus monialibusque et ceteris ipsius prioratus ministris iniuximus ut sibi tanquam prioratus sue in licitis et canonicis mandatis obediant et intendant.

Acta sunt huius anno mensis die et loco predictis videlicet in ecclesia prioratus predicti indiccione prima pontificatus domini Gregorii pape undecimo anno octavo. Presentibus magistris Thoma de Gloucestre commissario nostro generali, Johanne de Neweton' iuris civilis inceptore consistorii Elien' advocato, Roberto de Foxton' notario publico registrario dicti consistorii et Johanne Wiltesshir' eiusdem consistorii procuratore generali Lincoln', Ebor' et Sar' diocesium ac aliis utriusque sexus in multitudine copiosa inibi congregatis. RF: Foxton *constat*. [fol. 90r]

[56.16] Proxy. 3 Mar. 1378 before the official Margaret wife of John Scot of Cambridge personally appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Tercio die marcii comparens personaliter coram nobis officiali Elien' Margar' uxor Johannis Scot de Cantebr' et constituit apud acta Petrum Capik', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius contentis et cavebat de rato etc. [fol. 90r]

[56.17] Proxy. 6 Apr. 1378 before the official Denise wife of Robert Danhurst, tailor, personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Sexto die mensis aprilis anno Domini millesimo trecentesimo septuagesimo octavo comparuit personaliter coram nobis .. officiali Elien' Dionisia uxor Roberti Danhurst, *taillor'*, et constituit apud acta Johanne Wiltesshir', clericum, procuratorem suum cum omnibus clausulis et articulis superius contentis etc. et cavebat de rato etc. [fol. 90r]

[56.18] Proxy. 6 Apr. 1378 before the official John Stokhale of Histon personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Sexto die mensis aprilis anno Domini millesimo trecentesimo septuagesimo octavo comparens personaliter coram nobis .. officiali Elien' Johannes Stokhale de Histon' et constituit apud acta Johannem Wiltesshire, clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superscriptis et cavebat de rato etc. [fol. 90v]

[Case entries: 56.19 (211).]

57. ACTA, 18 MARCH 1378

[57.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 18 Mar. 1378. Next session before Scrope or his commissary, in the same place, 8 Apr.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post festum Sancti Gregorii pape anno Domini supradicto. Et agenda ibidem coram nobis vel commissario die iovis proximo post festum Sancti Ambrosii proximo sequens. [fol. 90v]

[Case entries: 57.1 (44), 57.2 (7), 57.3 (4), 57.4 (99), 57.5 (139), 57.6 (147), 57.7 (196), 57.8 (200) [fol. 90v], 57.9 (192), 57.10 (80), 57.11 (152), 57.12 (188), 57.13 (195), 57.14 (195), 57.15 (199), 57.16 (201), 57.17 (207), 57.18 (207), 57.19 (209), 57.20 (212), 57.21 (213), 57.22 (214), 57.23 (215), 57.24 (216).]

[57.25] Proxy. 8 Apr. 1378 William Kelful of Whittlesey personally appoints John Wiltshire his proctor.

Procuratorium] Sexto idus aprilis anno Domini millesimo trecentesimo septuagesimo octavo comparens personaliter Willemus Kelful de Wytlesseye et constituit Johanne Wiltesshir', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius descriptis et cavebat. [fol. 91r]

[Case entries: 57.26 (20), 57.27 (217) [fol. 91r].]

58. ACTA, 8 APRIL 1378

[58.0] *Acta* before Richard Scrope, official, in St Michael's, Cambridge, 8 Apr. 1378. Next session before Scrope or his commissary, in the same place, 29 Apr.

Acta coram nobis .. officiali^a Elien' loco quo supra die iovis proximo post festum Sancti Ambrosii anno Domini supradicto. Et agenda ibidem coram nobis vel commissario Elien' presidente die iovis proximo post festum Sancti Marci evangeliste. [fol. 91v]

[Case entries: 58.1 (44), 58.2 (7), 58.3 (4), 58.4 (99), 58.5 (139), 58.6 (147), 58.7 (196), 58.8 (200), 58.9 (192), 58.10 (80), 58.11 (152), 58.12 (188) [fol. 91v], 58.13 (195), 58.14 (201), 58.15 (207), 58.16 (207), 58.17 (212), 58.18 (213), 58.19 (213), 58.20 (215).]

[58.21] Proxy. 8 Apr. 1378 John Madingley personally appoints Peter Caprik his proctor *apud acta*, principally in the divorce case.

Procuratorum] Eodem die Johannes Maddyngle predictus constituit apud acta Petrum Caprik', clericum, procuratorem suum cum potestate agendi, defendendi in omnibus causis et negociis et precipue in dicta causa divorciis inter ipsum et uxorem suam mota, cum omnibus et singulis clausulis et articulis superius enarratis eciam cum caucione de rato et iudicatum solvendo. [fol. 92r]

[58.22] Proxy. 8 Apr. 1378 Joan Pyncote personally appoints John Wiltshire her proctor, principally in the divorce case.

Procuratorum] Eodem die^b Johanna filia Roberti Pyncote de Kyngeston' constituit Johannem Wiltesschir', clericum, procuratorem suum cum potestate agendi, defendendi in omnibus causis et negociis motis et movendis et precipue in dicta causa divorcii inter ipsam et dictum Johannem Maddyngle mota cum omnibus et singulis clausulis et articulis superius enarratis et cavebat de rato. [fol. 92r]

[58.23] Proxy. 8 Apr. 1378 Katherine Reed of Chatteris personally appoints John Wiltshire her proctor.

Procuratorium] Sexto idus aprilis anno Domini supradicto comparens personaliter Katerina Rede de Chat'is et constituit dictum Johannem Wiltesshire procuratorem suum in omnibus causis et negociis cum potestacione agendi, defendendi, excipiendi, repplicandi, ponendi, articulandi, testes producendi, provocandi, appellandi, earum causas prosequendi, apostolos petendi et recipiendi, substituendi, substitutum revocandi, procuratorisque officium reasumendi, omnia alia faciendi que per verum procuratorem fieri poterunt seu expediri et cavebat de rato. [fol. 92r]

[Case entries: 58.24 (187).]

[58.25] Admission of advocate. During the consistory on 8 Apr. 1378, Mr John de Epperston, BCivL, is admitted as an advocate of the court by Scrope. John swears to observe the statutes of the consistory.

Admissio advocati] Memorandum quod die iovis proximo post festum Sancti

^a officiali] *interlined*. ^b die] *interlined*.

Ambrosii anno Domini millesimo trecentesimo septuagesimo octavo nos Ricardus le Scrop' officialis Elien' consistorium nostrum celebrantes discretum virum magistrum Johannem de Eppston' bacularium in legibus in advocatum consistorii Elien' admissimus recepto primitus ab eodem iuramento corporali ad statuta dicti consistorii tenenda et firmiter observanda. [fol. 92r]

[Case entries: 58.26 (218) [fol. 92r], 58.27 (219), 58.28 (220).]

[58.29] Alms-seeker of St John's Beverley. 17 Mar. 1378 Robert Selby, substitute for Nicholas de Work of London original proctor and alms-seeker for the collegiate church of St John's Beverley [Yorks], appears personally before Scrope and asks to be admitted to explain the church's business to the entire diocese of Ely. Having examined his letters, Scrope admits him and orders letters patent made for every dean, rector, vicar, and chaplain to receive him until 29 Sep.

Sancti Johannis de Beverlaco questus] Memorandum quod quinto decimo kalendas aprilis anno Domini millesimo trecentesimo septuagesimo septimo comparens coram nobis officiali Elien' dominus Robertus Selby substitutus Nicholai de Werk' de Lincoln' procuratoris originalis negociorum et questus fabrice ecclesie collegii Sancti Johannis Beverlaci per episcopatum Elien' ad exponendum negocia dicte ecclesie in tota diocesis Elien' per nos peciit se admitti, unde nos officialis antedictus examinatis litteris suis, ipsum admisimus ad dicta negocia in civitate et diocesi Elien' exponenda et litteras nostras patentes ad ipsum recipiendas singulis decanis, rectoribus, vicariis et capellanis per dictas civitatem et diocesim Elien' constitutis fieri fecimus, usque festum Sancti Michaelis proximo futurum tamen modo duraturum. [fol. 92v]

59. ACTA, 29 APRIL 1378

[59.0] *Acta* before the commissary of Ely in St Michael's, Cambridge, 29 Apr. 1378. Next session in the same place, 13 May.

Acta coram nobis .. commissario Elien' loco quo supra die iouis proximo post festum Sancti Marci evangeliste anno Domini supradicto. Et agenda ibidem die iouis proximo post festum Sanctorum Nerrei et Achillei proximo sequens. [fol. 92v]

[Case entries: 59.1 (44), 59.2 (7), 59.3 (4), 59.4 (99), 59.5 (139), 59.6 (147), 59.7 (196), 59.8 (200), 59.9 (192), 59.10 (188), 59.11 (195), 59.12 (201), 59.13 (207), 59.14 (212), 59.15 (213), 59.16 (215), 59.17 (187) [fol. 92v], 59.18 (219), 59.19 (220), 59.20 (221), 59.21 (222).]

[59.22] Proxy. 28 Apr. 1378 Robert Dash of Swaffham personally appoints Richard Pitts his proctor.

Procuratorium] Quarto kalendas maii anno Domini supradicto comparens personaliter Robertus Dasse de Swafham constituit Ricardum Pyttes, clericum, procuratorem suum in omnibus causis et negociis etc. cum potestate

agendi, defendi etc., cum caucione de rato etc. [fol. 93r]

[59.23] Proxy. 28 Apr. 1378 John Caster, servant of the vicar of Swavesey, personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Eodem die Johannes Castre, serviens vicarii ecclesie de Swavesey, comparens personaliter et constituit apud acta Johannem de Wiltesshir', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius descriptis cum caucione de rato etc. [fol. 93r]

[Case entries: 59.24 (223), 59.25 (224), 59.26 (225), 59.27 (226), 59.28 (227) [fol. 93r].]

60. ACTA, 13 MAY 1378

[60.0] *Acta* before the commissary in St Michael's, Cambridge, 13 May 1378. Next session in the same place, 16 June.

Acta coram nobis .. commissario predicto loco quo supra die iovis proximo post festum Sanctorum Nerrei et Achillei anno Domini supradicto. Et agenda ibidem die mercurii proximo post festum Sancte Trinitatis proximo sequens. [fol. 93v]

[Case entries: 60.1 (44), 60.2 (7), 60.3 (4), 60.4 (99), 60.5 (139), 60.6 (147), 60.7 (196), 60.8 (200), 60.9 (192), 60.10 (188), 60.11 (195), 60.12 (201), 60.13 (207), 60.14 (212), 60.15 (213), 60.16 (215), 60.17 (187), 60.18 (220), 60.19 (221), 60.20 (222), 60.21 (224) [fol. 93v], 60.22 (225), 60.23 (226), 60.24 (227).]

[60.25] Substitution. 13 May 1378 Richard Pitts, proctor of the consistory, substitutes Mr James de Cottenham, John de Epperston, and Peter Caprik, to act jointly or separately, in all his cases pending there.

Substitutio] Dicto die consistorii Ricardus Pyttes, procuratorem originale dicti consistorii habens potestatem substituendi in omnibus causis suis in dicto consistorio pendentis magistros Jacobum de Cotenham, Johannem de Epperston' et Petrum Carprik' substituit coniunctim et divisim iuxta formam procuratoriorum originalium sibi confectorum. [fol. 94r]

[60.26] Proxy. 21 May 1378 John Poynaunt and Isabel Peebles of Thriplow personally appoint Peter Caprik their proctor.

Procuratorium] Die veneris proximo post festum Sancti Dunstani Johannes Poyнау't et Isabella Pebbel de Tripplowe comparentes personaliter constituit Petrum Caprik', clericum, procuratorem suum in omnibus causis et negociis cum omnibus clausulis et articulis neccessariis et consuetis. [fol. 94r]

[60.27] Proxy. 12 June 1378 Alice Lynn of Cambridge personally appoints Mr James de Cottenham, Peter Caprik, and Simon Benbow her proctors jointly or separately.

Procuratorium] Secundo idus iunii anno Domini supradicto comparens personaliter Alicia Lynne de Cantebr' et constituit apud acta magistrum Jaco-

bum de Cotenham, Petrum Caprik' et Simonem Bentybowe procuratores suos coniunctim et divisim in omnibus causis et negociis motis et movendis cum omnibus et singulis clausulis et articulis necessariis et consuetis etc. et cum caucione de rato. [fol. 94r]

61. ACTA, 16 JUNE, 1378

[61.0] *Acta* before the commissary in St Michael's, Cambridge, 16 June, 1378. Next session in the same place, 8 July.

Acta coram nobis .. commissario predicto loco quo supra die mercurii proximo post festum Sancte Trinitatis anno Domini supradicto. Et agenda ibidem die iovis proximo post festum translacionis Sancti Thome martyris proximo sequens. [fol. 94r]

[Case entries: 61.1 (195), 61.2 (215).]

[61.3] Unfinished matters are continued to the next consistory.¹

Continuacio] Omnes alia causas et negocia isto die expedienda in consistorium Elien' pendencia continuamus expectando partes absentes, si que sint, cum presentibus in statu quo nunc sunt usque ad proximum consistorium superius limitatum.

¹ The continuation entry makes a reappearance here after having been absent since Acta 23.

62. ACTA, 8 JULY 1378

[62.0] *Acta* before the commissary in St Michael's, Cambridge, 8 July 1378. Next session in the same place, 29 July.

Acta coram nobis .. commissario predicto loco quo supra die iovis proximo post festum translacionis Sancti Thome martyris anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Jacobi apostoli proximo sequens. [fol. 94r]

[Case entries: 62.1 (44), 62.2 (7), 62.3 (4), 62.4 (99), 62.5 (139), 62.6 (147), 62.7 (196), 62.8 (200), 62.9 (192), 62.10 (188) [fol. 94r], 62.11 (195), 62.12 (201), 62.13 (207), 62.14 (212), 62.15 (213), 62.16 (215), 62.17 (187), 62.18 (220), 62.19 (224).]

[62.20] Proxy. 8 July 1378 John Pope of Newton personally appoints Walter Sutton his proctor *apud acta*.

Procuratorium] Eodem die consistorii comparet personaliter Johannes Pope de Neweton' et constituit apud acta Walterum de Sutton', clericum, procurator suum in omnibus causis et negociis etc. cum omnibus clausulis et articulis necessariis et consuetis etc. et cum caucione de rato. [fol. 94v]

[62.21] Proxy. 9 July 1378 Alice atte Wells of Westhorpe, Norwich diocese, wife of Robert Joly Wright *al. Mason*, appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Septimo idus iulii anno Domini supradicto comparens personaliter Alicia Attewell' de Westhorp', Nor'cen' dicesis, uxor Roberti Joly *Wrighte*, alias Mason', constituit apud acta Johannem Wiltesshir', clericum, procurator suum in omnibus causis et negociis etc. cum omnibus clausulis et articulis neccessariis et consuetis etc. et cum caucione de rato etc. et cum potestate substituendi. [fol. 94v]

[Case entries: 62.22 (228) [fol. 94v], 62.23 (229), 62.24 (230), 62.25 (230) [fol. 95r], 62.26 (157), 62.27 (231), 62.28 (232), 62.29 (195) [fol. 95v].]

63. ACTA, 29 JULY 1378

[63.0] *Acta* before the commissary in St Michael's, Cambridge, 29 July 1378. Next session in the same place, 1 Oct.

Acta coram nobis .. commissario supradicto loco quo supra die iovis proximo post festum Sancti Jacobi apostoli anno Domini supradicto. Et agenda ibidem die veneris proximo post festum Sancti Michaelis proximo sequens. [fol. 96r]

[Case entries: 63.1 (44), 63.2 (7), 63.3 (4), 63.4 (99), 63.5 (139), 63.6 (147), 63.7 (196), 63.8 (200), 63.9 (192), 63.10 (188), 63.11 (195), 63.12 (201), 63.13 (212), 63.14 (213), 63.15 (215), 63.16 (187), 63.17 (220), 63.18 (224), 63.19 (229), 63.20 (157), 63.21 (231) [fol. 96r], 63.22 (232), 63.23 (233), 63.24 (234), 63.25 (152), 63.26 (116), 63.27 (116) [fol. 96v], 63.28 (233).]

[63.29] Lytton probate. Following the death of Christine de Lytton, corrodiary and resident of St John's, Cambridge, whose residents, clerics and laity of both sexes, are immediately exempt for the bishop, Thomas Gloucester, commissary, approves and publishes her testament there on 29 July 1378. The master of the house, Christine's executor, exhibits and proves the testament with witnesses. The administration of her goods is committed to him once the testament has been pronounced legal.

14 Aug. After the final account has been heard, the executor is dismissed from the duty of administration.

Luyton' testamenti probacio – compotus – acquietus] Cum Cristina de Luyton' corrodiaria et perhendingans infra domum Sancti Johannis Cantebr' locum utique venerabili in Christo patri domino .. episcopo Elien' immediate exemptum cum suis inhabitatoribus corrodiariis et perhendingantibus clericis et laicis utriusque sexus infra dictam domum diem suum clausurit extremum, nos Thomas de Gloucestre clericus commissarius^a venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' in ecclesia dicte domus quarto kalendas augusti anno Domini millesimo trecentesimo septuagesimo octavo testamentum dicte Cristine coram nobis tunc ibidem exhibitum et coram nobis per magistrum dicte domus executorem dicti testamenti cum testibus sufficientibus coram nobis productis probatum approbavimus et publicavimus et pro testamento legitimo pronunciamus.^b Et commisimus administracionem omnium bonorum ipsius defuncte dicto magistro execu-

^a commissarius] *interlined*. ^b pronunciamus.

tori in forma iuris iurato. Et subsequenter die sabbati proximo post festum Sancti Laur' anno Domini supradicto finalem compotum dicti executoris super administracione sua huiusmodi audivimus. Et quia invenimus dictum executorem in bonis dicte defuncte fideliter administrasse ipsamque administracionem plenarie complevisse ipsum ab onere administracionis huiusmodi et ab ulteriori compoto inde reddendo salvo iure cuiuscumque reddimus absolutum. [fol. 97r]

[63.30] Segenyle. Following the death of Robert servant of John Sackville,¹ a resident of St John's, Cambridge, exempt [as 63.29], Thomas Gloucester, commissary, approves and publishes his testament in the church on 2 Aug. 1378. The master of the house, Robert's executor, exhibits and proves the testament with witnesses. The administration of Robert's goods is committed to him once the testament has been pronounced legal.

14 Aug. After the final account has been heard, the executor is dismissed from the duty of administration.

Segenyle testamenti probacio – compotus – acquietus] Cum Robertus nuper famulus Johannis Segenyle perhendinans et commorans infra domum Sancti Johannis Cant' locum utique exemptum ut prefertur diem suum clausurit extremum, nos Thomas de Gloucestr', clericus, dicti venerabilis patris commissarius, testamentum dicti Roberti coram nobis in ecclesia fratrum dicte domus secundo die mensis augusti anno Domini supradicto exhibitum per magistrum dicte domus dicti testamenti executorem cum testibus sufficientibus coram nobis [productis] probatum approbavimus et publicavimus et pro testamento legitimo pronuntiavimus. Et commisimus administracionem omnium bonorum dicti defuncti magistro dicte domus executori eodem testamento nominato in forma iuris iurato. Et subsequenter die sabbati proximo post festum Sancti Laur' anno Domini supradicto finalem compotum dicti executoris super administracione sua huiusmodi audivimus. Et quia invenimus dictum executorem in bonis dicte defuncti fideliter administrasse ipsamque administracionem plenarie complevisse ipsum ab onere administracionis huiusmodi et ab ulteriori compoto inde reddendo salvo iure cuiuscumque reddimus absolutum. [fol. 97r]

[Case entries: 63.31 (235) [fol. 97r], 63.32 (235), 63.33 (19), 63.34 (236) [fol. 97v].]

¹ See entry 24.19, n. 1.

64. ACTA, 1 OCTOBER 1378

[64.0] *Acta* before the commissary in St Michael's, Cambridge, 1 Oct. 1378. Next session in the same place, 21 Oct.

Acta coram nobis .. commissario supradicto loco quo supra die veneris proximo post festum Sancti Michaelis anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Luce evangeliste proximo sequens. [fol.

98r]

[Case entries: 64.1 (44), 64.2 (7), 64.3 (4), 64.4 (99), 64.5 (139), 64.6 (147), 64.7 (196), 64.8 (200), 64.9 (192), 64.10 (188), 64.11 (195), 64.12 (212), 64.13 (213), 64.14 (215), 64.15 (187), 64.16 (220), 64.17 (224), 64.18 (157), 64.19 (231), 64.20 (232), 64.21 (233), 64.22 (234), 64.23 (152), 64.24 (116), 64.25 (116), 64.26 (233).]

[64.27] Proxy. 7 Oct. 1378 Humphrey Fielding of Witchford personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Memorandum quod nonas octobris anno Domini supradicto comparens personaliter Humfridum Feldyng' de Wichford' et constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum potestate agendi, defendendi, excipiendi, replicandi, libellum dandi et recipiendi, litem contestandi, iurandi de calumpnia et de veritate dicenda, testes, litteras et instrumenta producendi, provocandi, appellandi, earum causas prosequendi, apostolos petendi et recipiendi, substituendi et substitutum revocandi omniaque alia et singula faciendi et expediendi que per verum et legitimum procuratorem fieri poterunt seu expediri, cum caucione de rato et iudicatum solvendo. [fol. 98r]

[64.28] Proxy. 7 Oct. 1378 Avis former servant of Thomas Clopton of Clopton personally appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Eodem die Hawysia nuper serviens Thome Clopton' de Clopton' personaliter comparens constituit Petrum Caprik', clericum, procuratorem suum apud acta cum omnibus et singulis clausulis et articulis superius descriptis et cavebat de rato. [fol. 98r]

[64.29] Proxy. 7 Oct. 1378 Alice daughter of Robert Stanton of Ely personally appoints Richard Ferriby her proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Alicia filia Roberti Stanton' de Ely et constituit Ricardum Ferby, clericum, procuratorem suum apud acta cum omnibus et singulis clausulis et articulis superius descriptis et cum caucione de rato et iudicatum solvendo. [fol. 98v]

[Case entries: 64.30 (157), 64.31 (237), 64.32 (162), 64.33 (238), 64.34 (238) [fol. 98v].]

[64.35] Proxy. 10 Sep. 1378 Margaret servant of Robert Foxton appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Memorandum quod quarto idus septembris anno Domini supradicto Margar' serviens Roberti Foxton' constituit apud acta Petrum Caprik', clericum, procuratorem suum in omnibus causis et negociis etc. cum potestate substituendi etc. et cavebat de rato. [fol 99r]

65. ACTA, 21 OCTOBER 1378

[65.0] *Acta* before the commissary in St Michael's, Cambridge, 21 Oct. 1378. Next session in the same place, 10 Nov.

Acta coram nobis .. commissario supradicto loco quo supra die iouis proximo post festum Sancti Luce evangeliste anno Domini supradicto. Et agenda ibidem die iouis mercurii proximo post festum Sancti Leonardi proximo sequens. [fol. 99r]

[Case entries: 65.1 (44), 65.2 (7), 65.3 (4), 65.4 (99), 65.5 (139), 65.6 (147), 65.7 (200), 65.8 (233), 65.9 (234), 65.10 (152), 65.11 (192), 65.12 (188), 65.13 (195), 65.14 (212), 65.15 (213), 65.16 (215) [fol. 99r], 65.17 (187), 65.18 (220), 65.19 (224), 65.20 (157), 65.21 (232), 65.22 (116), 65.23 (116), 65.24 (233), 65.25 (237), 65.26 (162), 65.27 (238), 65.28 (238) [fol. 99v], 65.29 (239).]

[65.30] Proxy. Robert Goadby and Joan Swan of Thriplow personally appoint Walter Sutton their proctor *apud acta*.

Procuratorium] Eodem die comparentes personaliter Robertus Goby et Johanna Swon de Tripp'elowe constituerunt Walterum Sutton' procuratorem suum apud acta cum omnibus et singulis clausulis et articulis neccesariis et opportunis etc. [fol. 100r]

[65.31] Proxy. Sarah Colacre of Wimblington personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Sarra Colacre de Wymleyngton' constituerunt Johannem Wiltesshire, clericum, procuratorem suum cum omnibus et singulis clausulis et articulis neccesariis et opportunis etc. [fol. 100r]

[Case entries: 65.32 (240), 65.33 (241).]

[65.34] Proxy. John Welle of March personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Johannes Welle de March' constituerunt apud acta Petrum Caprik', clericum, procuratorem suum cum omnibus clausulis et articulis neccesariis et consuetis et cavebat de rato. [fol. 100r]

[Case entries: 65.35 (22) [fol. 100r], 65.36 (242) [fol. 100v–101v].]

[65.37] Assignment of synodal sermon. John Newton, DCivL and bishop's commissary deputed to celebrate a synod on 25 Oct. 1378, assigned a Carmelite friar to preach to the attending clergy.

25 Oct. In the conventual church of Barnwell the commissary admits the brother to preach. Witnesses: Mr's John de Pinxton, archdeacon's official; Thomas Gloucester; Peter Caprik; John Wiltshire *et al.*

Assignacio sermonis in synodo] Cum nos Johannes de Neweton' legum doctor venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad celebrandum synodum nomine suo hac die lune proximo post festum Sancti Luce evangeliste anno Domini supradicto specialiter deputatus quemdam fratrem de ordine Carmelita ad proponendum clero Elien' diocesis in dicta synodo comparenti verbum Dei assignerimus.

Nos dictam synodum die et anno Domini predictis in ecclesia conventuali de Bernewell auctoritate dicti patris celebrantes ipsum fratrem ad predicandum ibidem verbum Dei admisimus et sic per nos admissus publice predicavit. Presentibus magistris Johanne de Pynkeston' officiali domini archidiaconi Elien' Thoma de Gloucestr' Petro Caprik' et Johanne Wiltesshir' et aliis in multitudine copiosa. [fol. 101v]

[65.38] Punishment of synodal absences. All abbots and priors having the use of churches within the city or diocese of Ely and all rectors and vicars of the diocese who should have attended the synod but have not are found contumacious by John Newton and are called to receive their penance, which is reserved for the commissary. The proxies are exhibited to the commissary, who examines them and pronounces them sufficient. After other business has been published and explained, Newton dissolves the synod and the congregation. The commission to Newton to hold the synod follows.

Punicio absencium in synodo – approbacio procuratoriorum in synodo] In Dei nomine amen. Nos Johannes de Neweton' legum doctor commissarius supradictus sanctam synodum hac die lune loco et anno auctoritate supradictis celebrantes omnes et singulos .. abbates .. priores et alios quoscumque ecclesias infra civitatem vel diocesim Elien' in proprios usus optinentos rectores quoque et vicarios dicte diocesis in dicta synodo comparere debentes fecimus preconizari publice quorum aliquibus personaliter quibusdem vero per procuratores comparuerunt ceteri autem nullo modo, unde ipsos non comparentes pronuntiavimus contumaces pena nobis specialiter reservata et decernimus eos fore vocandos penitenciam pro huiusmodi contumaciis recepturos. Et quia de [fol. 101v] procuratoriis illorum procuratorum in dicta synodo comparencium alias coram nobis exhibitis et per nos examinatis et discussis nobis constat manifeste, ideo ipsa procuratoria allocamus et dominos suos in eadem sufficienter comparere pronunciamus publicatisque per nos ibidem quibusdam negociis et expositis que dicto clero habuimus publicanda dictam synodum et cleri congregacionem dissolvimus illa vice. Tenor autem commissionis dicti venerabilis patris nobis facte in hac parte sequentur in hunc modum: [fol. 102r]

[65.39] Commission. Bishop Thomas Arundel commissions Mr John Newton, DCivL, brother John de St Ives, subprior of Ely cathedral, and Mr Thomas Gloucester, bishop's commissary, to celebrate, separately or jointly, his synod in Barnwell conventual church on 25 Oct. 1378. They are authorized to do whatever is required by law or custom, with the power of canonical coercion. Given under seal in Downham Manor on 30 Sep. 1378.

Commissio] Thomas permissione divina Elien' episcopus carissimis in Christo filiis magistro Johanni de Neweton' legum doctori necnon fratri Johanni de Sancto Ivone suppriori ecclesie nostre cathedralis Elien' ac magistro Thome de Gloucestr' commissario nostro salutem graciam et benedictionem. Ad

celebrandum auctoritate nostra sanctam synodum nostram in ecclesia conventuali de Bernewell' nostre diocesis die lune proximo post festum Sancti Luce evangeliste proximo nunc futurum necnon ad omnia et singula facienda exercenda et expedienda que in dicta synodo incumbunt nostro officio et de iure vel consuetudine requiruntur vobis coniunctim et cuilibet vestrum divissim vices nostras committimus cum cuiuslibet coercionis canonice potestate. In cuius rei testimonium sigillum nostrum fecimus hiis apponi. Data in manerio nostro de Dunham ultimo die mensis septembris anno Domini millesimo trecentesimo septuagesimo octavo et nostre consecracionis quinto. [fol. 102r]

[65.40] Gransden sequestration and probate. Following the death of Ralph de Guilden Morden, rector of Little Gransden, within the bishop's collation, Thomas Gloucester sequestered the rector's goods and held them until his testament, if he had made one, could be proved before the bishop or his commissary and the administration committed. The custody of his goods and the receipts of the church acquired during the vacancy were committed to John Joyner, chaplain of Little Gransden, who will be required to give an account. John is ordered to serve the parish for the term of the vacancy with its receipts and expenses.

26 Oct. 1378 William Walsh of Gransden and Katherine his wife, Ralph's executors along with Mr John Potton, rector of Hungry Hatley, appear personally before the commissary and exhibit and prove the testament. Gloucester admits their probate, approves the testament, pronounces it legal, and publishes it. He commits the administration of Ralph's goods to William and Katherine. He reserves for himself the power to commit the administration to John Potton, if he appears and wants to receive it.

Custody of the vacancy. Afterwards John Joyner appears before Gloucester and gives an account of the receipts acquired during the vacancy: 4s 6½d, collected on the day of the rector's burial. The sum is handed over to the commissary.

Grantesden' probacio testamenti – custodia vacacionis] In Dei nomine amen. Quia dictus Radulus de Gildemorton' rector ecclesie parochialis de Parva Grantesden' Elien' diocesis et ad collacionem venerabilis patris domini episcopi Elien' mero iure spectantis diem suum clausit extremum, nos Thomas de Gloucestr' clericus venerabilis patris predicti commissarius in hac parte sufficienter deputatus omnia bona dicti defuncti duximus sequestranda et sub arto sequestro mandavimus custodiri quousque testamentum dicti defuncti si quod condidit coram dicto patre ad quem pertinet solum et insolidum nobis vel alio ipsius commissario fuerit probatum et administracionem dictorum bonorum in forma iuris duxerit vel duxerimus committendam. Custodiam vero sequestri dictorum bonorum ac fructuum et proventuum ipsius ecclesie pro tempore vacacionis eiusdem obveniencium domino Johanni Joynour capellano parochialis de Grantesden' predicta commisimus cum onere computandi nobis de eisdem ipsumque ordinavimus ad deserviendum eidem ecclesie et parochianis tempore vacacionis predictae in dictis officiis ipsius ecclesie, sumptibus et expensis. Et subsequenter post hec videlicet die martis proximo

post festum Sancti Romani anno Domini millesimo trecentesimo septuagesimo octavo comparuerunt coram nobis .. commissario predicto personaliter Willelmus Walssh' de Granteden' predicta et Katerina uxor eius executores testamenti dicti rectoris una cum magistro Johanne de Potton' rectore ecclesie de Hungri Hattele in eodem testamento constituti et testamentum ipsius defuncti exhibuerunt coram nobis et probarunt. Nos itaque admissa probacione eiusdem, ipsum testamentum approbavimus et insinuavimus et pro testamento legitimo pronuncavimus tunc ibidem ipsumque publicavimus et administracionem omnium bonorum dictum testamentum concernencium eisdem Willelmo et Katerine executoribus in dicto testamento nominatis in forma iuris iuratis commisimus potestate committendi administracionem dictorum bonorum magistro Johanni de Potton' executori predicto cum venerit et eam recipere voluerit nobis specialiter reservata. Postea vero dictus dominus Johannes Joynor capellanus collata dicta ecclesia de proventibus ad eandem ecclesiam tempore vacacionis eiusdem nobis computavit que se extendunt ad quattuor solidos sex denarios obolum qui provenerunt die sepulture dicti rectoris nobisque dictos quattuor solidos sex denarios obolum liberavit. [fol 102r]

[65.41] Dean of Camps obedience. 21 Oct. 1378 before the commissary, William vicar of West Wrating and newly appointed dean of Camps, swears obedience to the bishop, his official, commissaries, and ministers.

Caumpes obediencia] Memorandum quod duodecimo kalendas novembris anno Domini supradicto comparens personaliter coram nobis predicto dominus Willelmus vicarius ecclesie parochialis de Wrattyng decanus de Caumpes tunc noviter prefectus obedienciam canonicam venerabili in Christo patri et domino domino Thome Dei gracia episcopo Elien' eiusque officiali commissariis et ministris in licitis et canonicis mandatis visis et tactis per eum sacrosanctis evangeliis presitit et iuravit. [fol. 102r]

[Case entries: 65.42 (243) [fol. 102r].]

66. ACTA, 10 NOVEMBER 1378

[66.0] *Acta* before the commissary in St Michael's, Cambridge, 10 Nov. 1378. Next session in the same place, 2 Dec.

Acta coram nobis .. commissario supradicto loco quo supra die mercurii proximo post festum Sancti Leonardi anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Andree apostoli proximo sequens. [fol. 102v]

[Case entries: 66.1 (44), 66.2 (7), 66.3 (4), 66.4 (99), 66.5 (139), 66.6 (147), 66.7 (200), 66.8 (234), 66.9 (152), 66.10 (192), 66.11 (188), 66.12 (195), 66.13 (212), 66.14 (213), 66.15

(215), 66.16 (187), 66.17 (220), 66.18 (224), 66.19 (157), 66.20 (232), 66.21 (116), 66.22 (116), 66.23 (237), 66.24 (162), 66.25 (238), 66.26 (238), 66.27 (239), 66.28 (240), 66.29 (241), 66.30 (244) [fol. 102v], 66.31 (230), 66.32 (230), 66.33 (245) [fol. 103r–103v].]

[66.34] Proxy. 19 Nov. 1378 Margaret daughter of John Halle of Bottisham personally appoints John Wiltshire and John Dunham her proctors *apud acta* to act jointly or separately.

Procuratorium] Tercio decimo die decembris anno Domini supradicto comparens personaliter Margar' filia Johannis de Halle de Bodekesham constituit apud acta Johannem Wiltesshir' et Johannem Doneham, clericos, procuratores suos coniunctim et divisim et quemlibet eorundem insolidum etc. cum potestate agendi, defendendi, excipiendi, replicandi, ponendi, libellandi, litem contestandi, iurandi de calumpnia, testes producendi etc., provocandi, appellandi etc., apostolos petendi etc., substituendi etc., cum caucione de rato et iudicatum sovendo. [fol. 103v]

[66.35] Proxy. 19 Nov. 1378 Thomas Carlton of Bottisham appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Eodem die Thomas Carlton' de Bodekesham constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius descriptis. [fol. 103v]

[Case entries: 66.36 (246).]

[66.37] Linton sequestration and probate. Following the death of John de Spain, vicar of Linton, which is within the bishop's collation, Thomas Gloucester, commissary, sequestered the vicar's goods and ordered them held until his testament, if he had made one, could be proved by the bishop or his commissary, and the administration committed. The custody of his goods and the receipts of the vicarage acquired during the vacancy were committed to William Rich of Hildersham, chaplain, who would be expected to give an account for the receipts. William was also ordered to serve the parish for the term of the vacancy with its receipts and expenses.

24 Nov. 1378 John Skinner of Linton, executor along with Agnes his wife, appears personally before the commissary and exhibits and proves the testament and inventory. Gloucester admits the probate, approves the testament, pronounces it legal, publishes it, and commits the administration of Ralph's goods to John. He reserves for himself the power to commit the administration to Agnes, if she appears.

13 July 1379 John Skinner personally appears at Cambridge before Gloucester. After the final account has been heard, John is dismissed from the duty of administration, unless someone contests it.

Lynton' – testamenti probacio – custodia vacacionis – compotus – acquietancia] In Dei nomine amen. Quia dictus Johannes de Spaigne vicarius ecclesie Lynton' Elien' diocesis et ad collacionem venerabilis patris domini episcopi Elien' mero iure spectantis diem suum clausit extremum, nos Thomas de Gloucestr' clericus venerabilis patris supradicti commissarius in hac parte sufficienter deputatus omnia bona dicti defuncti duximus sequestranda et sub arto sequestro mandavimus custodiri quousque testamentum dicti defuncti si quod condidit coram dicto patre ad quem pertinet solum et insolidum nobis vel alio ipsius commissario fuerit probatum et administracionem dicto-

rum bonorum in forma iuris duxerit vel duxerimus committendam. Custodiam vero sequestri dictorum bonorum ac fructuum et proventuum ipsius ecclesie pro tempore vacationis eiusdem obveniencium domino Willelmo Rich' de Hildresham capellano commisimus cum onere computandi nobis de eisdem ipsumque ordinavimus ad deserviendum eidem ecclesie et parochianis eiusdem tempore vacationis predictae in dictis officiis ipsius vicarie, sumptibus et expensis. Et subsequenter post hoc die mercurii proximo post festum Sancti Clementis anno Domini millesimo trecentesimo septuagesimo octavo comparuit personaliter coram nobis commissario predicto Johannes Skynnere de Lynton' executor testamenti dicti vicarii una cum Agnete uxore eiusdem Johannis in eodem testamento nominatus et testamentum dicti defuncti ac inventarium bonorum eiusdem exhibuit coram nobis et legitime probarunt. Nos itaque admissa probacione eiusdem, ipsum testamentum approbavimus et insinuavimus et pro testamento legitimo pronuncavimus tunc ibidem [fol. 103v] ipsumque publicavimus et administracionem omnium bonorum dictum testamentum concernencium dicto Johanni Skynnere in forma iuris commisimus potestate committendi uxori sue in eodem testamento nominate cum venerit nobis specialiter reservata. Postea vero idus iunii millesimo trecentesimo septuagesimo nono dictus Johannes executor apud Cant' personaliter comparens computavit coram nobis predicto commissario super et de administracione bonorum dicti defuncti. Et quia per ipsius compotum invenimus dictum executorem in bonis dicti defuncti fideliter administrasse administracionemque suam plenarie complevisse ipsum ab onere administracionis huiusmodi et ab ulteriori compoto nobis inde reddendo salvo iure cuiuscumque reddimus absolutum. [fol. 104r]

[Case entries: 66.38 (245).]

67. ACTA, 2 DECEMBER 1378

[67.0] *Acta* before the commissary in St Michael's, Cambridge, 2 Dec. 1378. Next session in the same place, 23 Dec.

Acta coram nobis .. commissario predicto loco quo supra die iovis proximo post festum Sancti Andree apostoli anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Thome apostoli proximo sequens. [fol. 104r]

[Case entries: 67.1 (44), 67.2 (7), 67.3 (66), 67.4 (99), 67.5 (139), 67.6 (147), 67.7 (200), 67.8 (234), 67.9 (152) [fol. 104r], 67.10 (192), 67.11 (188) [fol. 104v], 67.12 (195), 67.13 (212), 67.14 (213), 67.15 (215), 67.16 (187), 67.17 (220), 67.18 (224), 67.19 (157), 67.20 (232), 67.21 (116), 67.22 (116), 67.23 (162), 67.24 (237), 67.25 (238), 67.26 (238) [fol. 105r], 67.27 (239), 67.28 (240), 67.29 (241), 67.30 (244), 67.31 (230), 67.32 (230), 67.33 (246), 67.34 (177), 67.35 (247).]

[67.36] Proxy. 17 Dec. 1378 William Bookbinder of Cambridge personally appoints John

Wiltshire his proctor *apud acta*.

Procuratorium] Sexto decimo kalendas ianuarii anno Domini supradicto comparens personaliter Willelmus Bokbyndere de Cantebr' et constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum potestate agendi, defendendi, excipiendi, repplicandi, ponendi, articulandi, libellum et articulum dandi et recipiendi, litem contestandi, iurandi de calumpnia, testes et instrumenta producendi etc., provocandi et appellandi apostolosque petendi et recipiendi etc., substituendi etc., cum caucione de rato etc. [fol. 105v]

[67.37] Proxy. 19 Dec. 1378 Alice wife of Thomas Dunton, baker (*baxtere*) of Cambridge, personally appoints Walter Sutton her proctor *apud acta*.

Procuratorium] Quarto decimo kalendas ianuarii anno Domini supradicto comparens personaliter Alicia uxor Thome Dunton' de Cantebr', *baxtere*, et constituit apud acta Walterum de Sutton', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius descriptis cum caucione de rato et iudicatum solvendo. [fol. 105v]

[67.38] Proxy. 14 Feb. 1379 Agnes daughter of John Atkinson of Emneth personally appoints John Wiltshire her proctor.

Procuratorium] Quinto decimo kalendas marcii anno Domini supradicto comparens personaliter Agnes filia Johannis Adekynesson' de Enemeth' constituit Johannem Wiltesshir', clericum, procuratorem suum in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis superius descriptis cum caucione de rato et iudicatum solvendo. [fol. 105v]

[67.39] Proxy. 3 Feb. 1379 John Wiles, servant of Richard Ingham, cobbler (*sutor*) of Cambridge, personally appoints Richard Feriby his proctor *apud acta*.

Procuratorium] Tercio die mensis februarii anno Domini supradicto comparens personaliter Johannes Wileys, famulus Ricardi Ingh'am de Cant', sutoris, constituit apud acta Ricardum Feriby, clericum, procuratorem suum in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis superius descriptis cum caucione de rato et iudicatum solvendo. [fol. 105v]

[67.40] Proxy. 3 Feb. 1379 Margaret wife of Richard Finchingfeld of Cambridge personally appoints Richard Feriby her proctor *apud acta*.

Procuratorium] Eisdem die et anno comparens personaliter Margar' uxor Ricardi Fynchingfeld' de Cantebr' constituit apud acta Ricardum Feriby, clericum, procuratorem suum in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis superius descriptis cum caucione de rato et iudicatum solvendo. [fol. 105v]

[67.41] Proxy. 16 Feb. 1379 Joan wife of Simon son of John of Cambridge personally appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Quarto decimo kalendas marcii anno Domini supradicto

comparens personaliter Johanna uxor Simonis filii Johannis de Cantebr' constituit apud acta Petrum Caprik', clericum, procuratorem suum in omnibus causis et negociis etc. cum omnibus et singulis clausulis et articulis superius descriptis cum caucione de rato et iudicatum solvendo. [fol. 105v]

68. ACTA, 23 DECEMBER 1378

[68.0] *Acta* before the commissary in St Michael's, Cambridge, 23 Dec. 1378. Next session in the same place, 13 Jan. 1379.

Acta coram nobis .. commissario predicto loco quo supra die iovis proximo post festum Sancti Thome apostoli anno Domini supradicto. Et agenda ibidem die iovis proximo post festum epiphanie Domini proximo sequens. [fol. 106r]

[Case entries: 68.1 (44), 68.2 (7), 68.3 (4), 68.4 (99), 68.5 (139), 68.6 (147), 68.7 (200), 68.8 (234), 68.9 (152), 68.10 (195), 68.11 (212), 68.12 (213), 68.13 (215), 68.14 (187), 68.15 (224), 68.16 (157), 68.17 (232), 68.18 (116), 68.19 (116), 68.20 (237), 68.21 (162), 68.22 (238), 68.23 (238), 68.24 (239), 68.25 (240), 68.26 (241), 68.27 (244), 68.28 (230) [fol. 106r], 68.29 (230), 68.30 (246), 68.31 (177), 68.32 (248), 68.33 (249), 68.34 (250), 68.35 (251) [fol. 106v], 68.36 (252), 68.37 (249).]

[68.38] Proxy. 23 Dec. 1378 Alice wife of John Garland of Histon personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Decimo kalendas ianuarii anno Domini supradicto comparens personaliter Alicia uxor Johannis Garlond de Histon' et constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi etc., provocandi, appellandi, apostolos petendi etc., substituendi etc., cum caucione de rato et iudicatum solvendo. [fol. 107r]

[68.39] Proxy. 2 Jan. 1379 Richard Herd of Cottenham personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Secundo die ianuarii anno Domini supradicto Ricardus Herde de Cottenham personaliter comparens constituit apud acta Johannem de Wiltesshir', clericum, procuratorem suum etc. cum clausulis et articulis superius descriptis et ratificavit factum dicti Johannis in causis suis prius habitum et cavebatur de rato. [fol. 107r]

[68.40] Proxy. 17 Jan. 1379 John atte Hull, servant of Robert Bracer of Cambridge, personally appoints John Bilsdon, priest, his proctor *apud acta*.

Procuratorium] Sexto decimo kalendas februarii anno Domini supradicto comparens personaliter Johannes Attehull', famulus Roberti Brasier' de Cantebr', et constituit apud acta dominum Johannem Billeston', presbyterum, procuratorem suum etc. cum potestate agendi, defendendi etc., provocandi, appellandi, apostolos petendi etc., substituendi etc. cum caucione de rato. [fol.

107r]

69. ACTA, 13 JANUARY 1379

[69.0] *Acta* before the commissary in St Michael's, Cambridge, 13 Jan. 1379. Next session in the same place, 3 Feb.

Acta coram nobis .. commissario predicto loco quo supra die iovis proximo post festum epiphanie Domini anno Domini supradicto. Et agenda ibidem die iovis proximo post festum purificationis Beate Marie virginis proximo sequens. [fol. 107r]

[Case entries: 69.1 (237), 69.2 (238) [fol. 107r–107v].]

[69.3] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia isto die expedienda continuamus usque proximum consistorium ad idem in statu quo prius erant. [fol. 107v]

70. ACTA, 3 FEBRUARY 1379

[70.0] *Acta* before the commissary in St Michael's, Cambridge, 3 Feb. 1379. Next session in the same place, 25 Feb.

Acta coram nobis .. commissario predicto loco quo supra die iovis proximo post festum purificationis Beate Marie virginis anno Domini supradicto. Et agenda ibidem die veneris proximo post festum Sancti Petri in cathedra proximo sequens. [fol. 107v]

[Case entries: 70.1 (44), 70.2 (7), 70.3 (4), 70.4 (99), 70.5 (139), 70.6 (147), 70.7 (200), 70.8 (234), 70.9 (247), 70.10 (152), 70.11 (195), 70.12 (212), 70.13 (213), 70.14 (215), 70.15 (187), 70.16 (224), 70.17 (157), 70.18 (232), 70.19 (116) [fol. 107v], 70.20 (116), 70.21 (237), 70.22 (162), 70.23 (239), 70.24 (240), 70.25 (241), 70.26 (244), 70.27 (230), 70.28 (230), 70.29 (246), 70.30 (248), 70.31 (249), 70.32 (250), 70.33 (253), 70.34 (254), 70.35 (58), 70.36 (140), 70.37 (255), 70.38 (256) [fol. 108r], 70.39 (256), 70.40 (257), 70.41 (243) [fol. 108v–109r].]

[70.42] Obedience sworn by Archdeacon's official. Mr John de Pinxton, archdeacon's official, was cited for 23 Dec. 1378 in St Michael's to swear obedience before John Newton, DCivL, and Thomas Gloucester, BCivL, commissaries of the bishop.

23 Dec. John is absent. 25 Feb. 1378 is assigned.

25 Feb. John appears personally to swear before the commissaries and in the presence of Richard Scrope, professor of canon and civil law and chancellor of Cambridge, and the subscribed notaries and witnesses in the chancellor's Cambridge residence. Newton reads the commission given by the bishop and receives the official's oath: "I, John de Pinxton, official of the archdeacon of Ely, promise to obey the bishop of Ely, his official, commissaries, and ministers and their lawful mandates." Witnesses: Mr's James de Cottenham, advocate of the consistory; Robert Ragnall, BCivL; John atte Ford, priest and dean of Barton; Peter Caprik,

proctor of the consistory; and Walter Sutton, public notary and proctor of the consistory, *et al.*

Commission. Thomas Arundel commissions John Newton and Thomas Gloucester to receive, jointly or separately, John de Pinxton's oath of obedience to the bishop, etc. with the power to use canonical censures to compel him, if necessary; they are to return a certification. Given at Downham Manor, 29 Nov 1378.

Obediencia officialis archidiaconi Elien' prestita .. episcopo Elien' et suis officialis et commissariis et ministris] Magister Johannes de Pynkeston' officialis domini archidiaconi Elien' citatus coram nobis Johanne de Neuton' legum doctore et Thoma de Gloucestre baculario in legibus venerabili in Christo patris et domini domini Thome Dei gracia episcopo Elien' commissariis ad infrascript' specialiter deputatis in ecclesia Sancti Michaelis Cantebr' ad diem iovis proximo post festum Sancti Thome apostoli anno Domini supradicto ad faciendum et prestandum dicto venerabili patri nobis ceterisque ipsius venerabilis patris officialis commissariis et ministris in licitis et canonicis mandatis nullo modo comparuit, ideo expectamus ipsum de benignitate nostra usque diem verneris proximo post festum Sancti Petri in cathedra proximo futurum loco quo supra ad idem faciendum. Quo die adveniente predictus magister Johannes officialis coram nobis predictis commissariis in presencia venerabilis viri magistri Ricardi le Scrop' utriusque iuris professoris cancellarii Cantebr' ac notariorum et testium subscriptorum in hospicio habitationis dicti domini .. cancellarii in villa Cantebr' personaliter comparens ad prestandum dictam obedienciam optulit se paratum. Nos itaque commissarii predicti lecta commissione dicti venerabilis patris nobis in ea parte facta de verbo ad verbum de mandato nostro tunc ibidem obedienciam predictam vice et auctoritate dicti patris tunc ibidem recipimus ab eodem. Idemque magister Johannes officialis huiusmodi obedienciam ad sancta Dei evangelista per ipsum corporaliter manutacta iuravit et prestitit sub hac forma. "Ego Johannes de Pynkeston' officialis domini archidiaconi Elien' promitto obedienciam canonicam venerabili patri domino Thome Dei gracia episcopo Elien' ac eius officiali, commissariis et ministris in licitis et canonicis mandatis sic me Deus adiuvet et hec sancta [Dei evangelia]." Acta sunt huiusmodi anno Domini millesimo trecentesimo septuagesimo octavo indiccione secunda pontificatus domini Urbani pape sexti anno primo mensis februarii die predicta videlicet quinto et vicesimo eiusdem. Presentibus eciam tunc ibidem magistris Jacobo de Cotenham consistorii Elien' advocato, Roberto Ragunel baculario in legibus, domino Johanne Atteford presbytero decano de Berton' ac Petro Caprik' et Waltero de Sutton' notario publico dicti consistorii procuratoribus et aliis diversis testibus ad premissa vocatis et rogatis. Tenor vero dicte commissionis sequitur in hunc modum: Thomas permissione divina episcopus Elien' delictis filiis magistris Johanni de Neuton legum doctori et Thome de Gloucestr' in legibus baculario salutem gratiam et benedictionem ad petendum

et exegendum et recipiendum nomine nostro a magistro Johanne de Pynkeston' officiali archidiaconi nostri Elien' canonice obediencie iuratum nobis et nostris officiali commissariis et ministris in licitis et canonicis mandatis debitum de consuetudine et de iure ipsumque ad hoc faciendum et prestandum in manibus vestris, si opus fuerit per censuras ecclesiasticas canonice [ad] compellendum, vobis coniunctim et cuiuslibet vestrum divisim tenore presencium vices nostras committimus cum cuiuslibet coercicionis canonice potestate mandantes quatinus dicto negocio expedito de omni eo quod feceritis^a in premissis nos clare et distincte reddatis seu reddat alter vestrum debite cerciores. Data in manerio nostro de Dounham nostre diocesis tercio kalendas decembris anno Domini millesimo trecentesimo septuagesimo octavo. Et nostre consecracionis quinto. [fol. 109r]

[Case entries: 70.43 (258) [fol. 109r], 70.44 (258).]

^a omni eo quod feceritis] *followed by ?fuerit interlined. Without the interlineation, this makes sense and corresponds to the formula found in entry 4.10. Foxton may have thought of emending to factum fuerit, perhaps because his exemplar was unclear, but then did not finish the job.*

71. ACTA, 25 FEBRUARY 1379

[71.0] *Acta* before the commissary in St Michael's, Cambridge, 25 Feb. 1379. Next session in the same place, 17 & 18 Mar.

Acta coram nobis .. commissario predicto loco quo supra die veneris proximo post festum Sancti Petri in cathedra anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post festum Sancti Gregorii pape proximo sequens. [fol. 109v]

[Case entries: 71.1 (44), 71.2 (7), 71.3 (4), 71.4 (99), 71.5 (139), 71.6 (147), 71.7 (200), 71.8 (234), 71.9 (195), 71.10 (212), 71.11 (213), 71.12 (215), 71.13 (187), 71.14 (224), 71.15 (157), 71.16 (232), 71.17 (116), 71.18 (116), 71.19 (237), 71.20 (162) [fol. 109v], 71.21 (239), 71.22 (241), 71.23 (240), 71.24 (244), 71.25 (230), 71.26 (230), 71.27 (246), 71.28 (248), 71.29 (249), 71.30 (250), 71.31 (58), 71.32 (140), 71.33 (255), 71.34 (256), 71.35 (256) [fol. 110r], 71.36 (257), 71.37 (258), 71.38 (258), 71.39 (192), 71.40 (259), 71.41 (253), 71.42 (233) [fol. 110v].]

72. ACTA, 17 & 18 MARCH 1379

[72.0] *Acta* before the commissary in St Michael's, Cambridge, 17 & 18 Mar. 1379. Next session in the same place, 21 & 22 Apr.

Acta coram nobis commissario predicto loco quo supra diebus iouis et veneris proximo post festum Sancti Gregorii pape anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post dominicam qua cantatur officium *Quasi modo geniti* proximo sequens. [fol. 111r]

[Case entries: 72.1 (44), 72.2 (7), 72.3 (4), 72.4 (99), 72.5 (139), 72.6 (147), 72.7 (200), 72.8 (234), 72.9 (195) [fol. 111r], 72.10 (212), 72.11 (213), 72.12 (215), 72.13 (187), 72.14 (224), 72.15 (157), 72.16 (232), 72.17 (116), 72.18 (116), 72.19 (237), 72.20 (162), 72.21 (239), 72.22 (241), 72.23 (240), 72.24 (244), 72.25 (230), 72.26 (230), 72.27 (246), 72.28 (248) [fol. 111v], 72.29 (249), 72.30 (250), 72.31 (58), 72.32 (140), 72.33 (256), 72.34 (257), 72.35 (258), 72.36 (258), 72.37 (192), 72.38 (259), 72.39 (253), 72.40 (260).]

[72.41] Proxy. 8 Apr. 1379 Thomas Frobisher of Cambridge personally appoints John Wiltshire his proctor.

Procuratorium] Sexto idus aprilis anno Domini millesimo trecentesimo septuagesimo nono comparens personaliter Thomas Furblishsho' de Cant' constituit Johannem de Wiltesshir', clericum, procuratorem suum cum omnibus clausulis et articulis superius descriptis. [fol. 112r]

[Case entries: 72.42 (261), 72.43 (223).]

[72.44] Bourn obedience. 17 Mar. 1379 John vicar of Caldecote church and dean of Bourn personally swears obedience to the bishop, his official, commissaries and ministers.

Brunne obediencia] Memorandum quod die iouis proximo post festum Sancti Gregorii anno Domini millesimo trecentesimo septuagesimo octavo comparens personaliter dominus Johannes vicarius ecclesie de Caldecote decanus de Brunne obedienciam canonicam venerabili in Christo patri domino Thome Dei gracia episcopo Elien' eiusque officiali commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit. [fol. 112r]

[72.45] Proxy. 4 Apr. 1379 Nicholas Keterston of Ely, weaver (*webster*), personally appoints John Wiltshire his proctor.

Procuratorium] Item quarto die mensis aprilis anno Domini millesimo trecentesimo septuagesimo nono comparens personaliter Nicholaus Keterston' de Ely, *webster*, constituit Johannem Wiltesshir', clericum, procuratorem suum etc. [fol. 112r]

[Case entries: 72.46 (262), 72.47 (233) [fol. 112r], 72.48 (263) [fol. 112v], 72.49 (262), 72.50 (264), 72.51 (265), 72.52 (266) [fol. 113r–113v].]

73. ACTA, 21 & 22 APRIL 1379

[73.0] *Acta* before the commissary in St Michael's, Cambridge, 21 & 22 Apr. 1379. Next session in the same place, 23 & 24 May.

Acta coram nobis .. commissario predicto loco quo supra diebus iouis et veneris proximo post dominicam qua cantatur officium *Quasi modo geniti* anno Domini millesimo trecentesimo septuagesimo nono. Et agenda ibidem diebus lune et martis proximo post festum Sancti Dunstani proximo sequens. [fol. 113v]

[Case entries: 73.1 (44), 73.2 (7), 73.3 (4), 73.4 (99), 73.5 (139), 73.6 (147), 73.7 (200),

73.8 (234), 73.9 (267), 73.10 (262), 73.11 (262), 73.12 (264), 73.13 (212), 73.14 (215), 73.15 (187), 73.16 (224) [fol. 113v], 73.17 (157), 73.18 (232), 73.19 (116), 73.20 (116), 73.21 (237), 73.22 (162), 73.23 (239), 73.24 (241), 73.25 (240), 73.26 (244), 73.27 (230), 73.28 (230), 73.29 (246), 73.30 (248), 73.31 (249) [fol. 114r], 73.32 (250), 73.33 (256), 73.34 (257), 73.35 (258), 73.36 (258), 73.37 (259), 73.38 (253), 73.39 (266), 73.40 (268), 73.41 (260).]

[73.42] Shingay obedience. On said day and place John Cockerel of Steeple Morden, chaplain and dean of Shingay, swears canonical obedience to the bishop, his official, commissaries, and ministers.

Shengeye obediencia] Anno domni die et loco supradictis comparens personaliter coram nobis .. commissario predicto dominus Johannes Cokerel de Stepelmorden' capellanus decanus decanatus de Shengeye tunc noviter prefectus prestitit et iuravit canonicam obedienciam venerabili in Christo patri et domino domino Thome Dei gracia episcopo Elien' nobis et aliis ipsius venerabilis [patris] officiali, commissariis et ministris in licitis et canonicis mandatis. [fol. 114v]

[73.43] Proxy. 19 May 1379 Stephen Palfreyman of Sutton personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Quarto kalendas iunii anno Domini supradicto comparens personaliter coram nobis commissario predicto Stephanus Palfreyma' de Sutton' et constituit apud acta Johannem Wiltesshire, clericum, procuratorem suum etc. cum omnibus clausulis etc. [fol. 114v]

[73.44] Proxy. 19 May 1379 Hugh Martin of Melbourn personally appoints Peter Caprik, Walter Sutton, and John Dunham his proctors *apud acta* to act jointly or separately.

Procuratorium] Eisdem anno, die et loco comparens personaliter Hugo Martyn de Meldebourne' et constituit apud acta Petrum Caprik', Walterum Sutton' et Johannem Doneham procuratores suos etc. coniunctim et divisim etc. cum omnibus etc. [fol. 114v]

[Case entries: 73.45 (265).]

[73.46] Proxy. 21 May 1379 Thomas vicar of Holy Trinity, Cambridge personally appoints Peter Caprik, Walter Sutton, and John Wiltshire his proctors *apud acta* to act jointly or separately.

Procuratorium] Duodecimo kalendas iunii anno Domini supradicto comparens personaliter dominus Thomas vicarius ecclesie Sancte Trinitatis Cant' et constituit apud acta Petrum Caprik', Walterum Sutton' et Johannem Wiltesshire procuratores suos etc. coniunctim et divisim etc. cum omnibus clausulis neccesariis et consuetis etc. et cavebat de rato etc. [fol. 114v]

[Case entries: 73.47 (269), 73.48 (270), 73.49 (271) [fol. 114v–115r].]

74. ACTA, 23 & 24 MAY 1379

[74.0] *Acta* before the commissary in St Michael's, Cambridge, 23 & 24 May 1379. Next session in the same place, 10 & 11 June.

Acta coram nobis .. commissario predicto loco quo supra diebus lune et martis proximo post festum Ancti Dunstani geniti anno Domini supradicto. Et agenda ibidem diebus veneris et sabbati proximo post festum Sancte Trinitatis proximo sequens. [fol. 115r]

[Case entries: 74.1 (44), 74.2 (7), 74.3 (4), 74.4 (99), 74.5 (139), 74.6 (200), 74.7 (147), 74.8 (234), 74.9 (267), 74.10 (262), 74.11 (262), 74.12 (264), 74.13 (264), 74.14 (270), 74.15 (212), 74.16 (215), 74.17 (187) [fol. 115r], 74.18 (157), 74.19 (232), 74.20 (116), 74.21 (116), 74.22 (237), 74.23 (162), 74.24 (239), 74.25 (230), 74.26 (230), 74.27 (248), 74.28 (249), 74.29 (256), 74.30 (257) [fol. 115v], 74.31 (258), 74.32 (266), 74.33 (268), 74.34 (271), 74.35 (272), 74.36 (273), 74.37 (263).]

[74.38] Proxy. 26 May 1379 Clarisa Edmond of Melbourn personally appoints Peter Caprik and John Wiltshire her proctors *apud acta* to act jointly or separately.

Procuratorium] Octavo kalendas iunii anno Domini supradicto comparens personaliter Clarisia Edmond de Meldebourn' constituit apud acta Petrum Caprik' et Johannem Wiltesshir' procuratores suos coniunctim et divisim etc. cum clausulis necessariis et consuetis etc. [fol. 116r]

[Case entries: 74.39 (19).]

[74.40] Synod. John Newton, DCivL and bishop's commissary, was commissioned by the bishop to celebrate a synod on 6 June 1379 in Barnwell conventual church. John assigns and admits Mr Alan de Tilney, bachelor of theology, to preach to the Ely clergy at the synod, which Alan does. Witnesses: Mr's Ralph Selby, commissary of the archdeacon's official; Thomas Gloucester; Peter Caprik; John Wiltshire, *et al.*

Later on the same day certain matters are published and the clerics are summoned by Newton; he pronounces contumacious all abbots, priors, and other clerics who should have appeared but have not, reserving their penalty for himself.

Commission to celebrate the synod. Bishop Arundel commissions John Newton, DCivL, to celebrate for him a synod on 6 June 1379 in Barnwell conventual church, with the authority to do whatever is required and with the power to use canonical coercion. Given at Bassingbourn, 4 June 1379.

Synodum] Cum nos Johannes^a de Neuton' doctor legum venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad celebrandum synodum nomine suo hac die lune proximo post festum Sancte Trinitatis anno Domini supradicto specialiter deputatus magistrum Alanum de Tilneye bacallarium in theologia ad proponendum clero Elien' diocesis in dicta synodo comparenti verbum Dei assignerimus, nos dictam synodum die et anno Domini predictis in ecclesia conventuali de Bernewell' auctoritate dicti patris celebrantes ipsum magistrum Alanum ad predicandum

^a Johannes] *interlined*.

ibidem verbum Dei admisimus et sic per nos admissus publice predicavit. Presentibus magistris Radulo Selby commissario officialis domini archidiaconi Elein' Thoma de Gloucestr' Petro Caprik' Johanne Wiltesshir' et aliis. Et subsequenter eisdem die et loco publicatis per nos certis negociis nostris et personis ecclesiasticis preconizatis omnes et singulos .. abbates .. priores et alios quoscumque viros ecclesiasticos in eadem synodo comparere debentes nullo modo comparentes pronuntiavimus contumaces pena nobis reservata. Tenor autem dicte commissionis nostre nobis facte sequentur in hunc modum: Thomas permissione divina episcopus Elien' dilecto filio magistro Johanni de Neuton' legum doctori salutem graciam et benedictionem ad celebrandum pro nobis et nomine nostro sanctam synodum nostram hac instanti die lune proximo post festum Sancte Trinitatis proximo nunc futurum in ecclesia conventuali prioratus de Bernewell' nostre diocesis ac ad faciendum omnia et singula que nostro in hac parte incumbunt officio, vobis cum cohercionis canonice potestate vices nostras committimus per presentes nostro sigillo sigillatas. Data apud Bassingbourne quarto die iunii anno Domini millesimo trecentesimo septuagesimo nono. Et nostre consecracionis sexto. [fol. 116r]

75. ACTA, 10 & 11 JUNE 1379

[75.0] *Acta* before the commissary in St Michael's, Cambridge, 10 & 11 June 1379. Next session in the same place, 30 June & 1 July.

Acta coram nobis .. commissario predicto loco quo supra diebus veneris et sabbati proximo post festum Sancte Trinitatis anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post festum apostolorum Petri et Pauli proximo sequens. [fol. 116v]

[Case entries: 75.1 (44), 75.2 (7), 75.3 (4), 75.4 (99), 75.5 (139), 75.6 (200), 75.7 (147), 75.8 (267), 75.9 (262), 75.10 (262), 75.11 (264), 75.12 (264), 75.13 (212), 75.14 (270), 75.15 (215), 75.16 (157), 75.17 (232), 75.18 (116), 75.19 (116), 75.20 (237), 75.21 (162), 75.22 (239), 75.23 (230), 75.24 (230), 75.25 (248), 75.26 (249), 75.27 (256), 75.28 (257), 75.29 (258), 75.30 (266), 75.31 (268), 75.32 (271), 75.33 (272), 75.34 (273) [fol. 116v], 75.35 (141), 75.36 (274), 75.37 (275), 75.38 (276), 75.39 (277), 75.40 (278).]

[75.41] Proxy. 14 June 1379 Robert Thurrock personally appoints Walter Sutton his proctor.

Procuratorium] Duodevicesimo kalendas iulii comparens personaliter dominus Robertus Thurrok' de Cant' constituit Walterum de Sutton', clericum, procuratorem suum etc. cum potestate agendi, defendendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato etc. [fol. 117r]

[75.42] Proxy. 16 June 1379 John Slory of Chesterton and Joan Feltwell of Chesterton personally appoint Walter Sutton their proctor.

Procuratorium] Sexto decimo die iunii comparens personaliter Johannes Slo-

ry de Chestreton' et Johanna Feltewell' de eadem constituerunt Walterum de Sutton', clericum, procuratorem suum etc. cum omnibus et singulis clausulis et articulis neccesariis et opportunis. [fol. 117r]

[75.43] Proxy. 11 June 1379 Thomas atte Hoo of East Hatley personally appoints Walter Sutton his proctor *apud acta*.

Procuratorium] Tercio idus iunii comparens personaliter Thomas atte Hoo de Esthatele constituit apud acta Walterum de Sutton', clericum, procuratorem suum etc. cum omnibus et singulis clausulis et articulis neccesariis et aliis neccesariis et opportunis. [fol. 117r]

[75.44] Proxy. 15 June 1379 Joan wife of John Niselle of Cambridge personally appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Quinto decimo die iunii comparens personaliter Johannam uxor Johannis Nisell' de Cant' constituit apud acta Petrum Caprik', clericum, procuratorem suum etc. cum omnibus et singulis clausulis et articulis supra nominatis et aliis neccesariis et opportunis. [fol. 117r]

76. ACTA, 30 JUNE & 1 JULY 1379

[76.0] *Acta* before the commissary in St Michael's, Cambridge, 30 June & 1 July 1379. Next session in the same place, 21 & 23 July.

Acta coram nobis .. commissario predicto loco quo supra diebus iouis et veneris proximo post festum apostolorum Petri et Pauli anno Domini supradicto. Et agenda ibidem diebus iouis et sabbati proximo post festum Sancte Margarete proximo sequens. [fol. 117v]

[Case entries: 76.1 (44), 76.2 (7), 76.3 (4), 76.4 (99), 76.5 (139), 76.6 (200), 76.7 (147), 76.8 (234), 76.9 (267), 76.10 (262), 76.11 (262), 76.12 (264), 76.13 (264), 76.14 (212), 76.15 (270), 76.16 (215), 76.17 (157), 76.18 (232), 76.19 (116), 76.20 (116), 76.21 (237), 76.22 (162), 76.23 (239), 76.24 (230), 76.25 (230), 76.26 (248), 76.27 (249), 76.28 (256), 76.29 (257), 76.30 (258) [fol. 117v], 76.31 (266), 76.32 (268), 76.33 (271), 76.34 (141), 76.35 (274), 76.36 (275), 76.37 (276), 76.38 (277), 76.39 (278).]

[76.40] Proxy. 30 June 1379 Alice Virley, servant of John Wimbush of Cambridge, personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Secundo kalendas iulii anno Domini supradicto Alicia Virly serviens Johannis Wymbyssh' de Cant' comparens personaliter constituit apud acta Johannem Wiltesshir' procuratorem suum cum potestate agendi, defendendi etc., in omnibus causis et negociis, provocandi, appellandi, apostolos petendi etc., substituendi, substitutos revocandi etc., cum caucione de rato. [fol. 118r]

[76.41] Proxy. 30 June 1379 Peter Taylor personally appoints Richard Ferriby his proctor *apud acta*.

Procuratorium] Eisdem die et anno comparens personaliter Petrus Taillo' de Cant' et constituit apud acta Ricardum Feriby, clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius designatis et aliis necessaris et consuetis cum caucione de rato. [118r]

[76.42] Proxy. 1 June 1379 Philip Pate of Stow personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Primo die iunii anno Domini supradicto comparens personaliter Phillipus Pate de Stowe constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis suprascriptis cum caucione de rato. [fol. 118r]

[76.43] Archdeacon's obedience. 14 June 1379 before Bishop Arundel at his manor chapel, Mr Edward Burnell, archdeacon of Ely, swears obedience to the bishop, his official, commissaries, and ministers. Witnesses: Mr's Thomas de Dalby, ?rector of Barking, Norwich diocese, and Thomas of Barnard Castle, public notary and registrar of the bishop, ?rector of Lolworth, Ely diocese, *et al.*¹

Obediencia archidiaconi] Memorandum quod quarto decimo die mensis iunii anno Domini millesimo trecentesimo nono indiccione secunda pontificatus domini Urbani divina providencia pape sexti anno^a secundo in capella manerii venerabilis patris domini Thome Dei gracia episcopi Elien' coram dicto venerabili patre et aliis inferius nominatis constitutus personaliter reverendus vir magister Edwardus Burnel archidiaconus Elien' obedienciam canonicam et iuratum prestat dicto venerabili patri et eius officiali commissariis et ministris in licitis et canonicis mandatis sub hac forma. "In Dei nomine amen. Ego Edwardus Burnell' archidiaconus Elien' iuro et promitto canonicam obedienciam venerabili in Christo patri domino Thome Dei gracia episcopo Elien' eiusque officiali, commissariis et ministris in licitis et canonicis mandatis sic me Deus adiuvet et hec sancta Dei evangelia." Et postea osculatus fuerat librum. Presentibus discretis viris magistris Thoma de Dalby et Thoma de Castrobernardi notario publico dicti venerabilis patris registrariorum, [?rectoribus] ecclesiarum parochialium de Berkyng' et Loweworth Norcen' et Elien' diocesum testibus, et clericis multis in multitudine copiosa vocatis et rogatis. [fol. 118r]

^a anno] *followed by sexti crossed out.*

77. ACTA, 21 & 23 JULY 1379

[77.0] *Acta* before the commissary in St Michael's, Cambridge, 21 July & 23 July 1379. Next session in the same place, 22 & 23 Sep.

Acta coram nobis .. commissario predicto loco quo supra diebus iovis et sabbati proximo post festum Sancte Margarete virginis anno Domini supradicto. Et agenda ibidem diebus iovis et veneris proximo post festum Sancti Mathei

¹ Arundel's register dates this event at to Aston, *Arundel*, 87. The bishop's registrar Downham Manor on 28 June 1379, according is called rector of Lolworth elsewhere (IPP).

apostoli et evangeliste. [fol. 118v]

[Case entries: 77.1 (44), 77.2 (7), 77.3 (4), 77.4 (99), 77.5 (139), 77.6 (200), 77.7 (147), 77.8 (234), 77.9 (267), 77.10 (262), 77.11 (262), 77.12 (264), 77.13 (264), 77.14 (212), 77.15 (270), 77.16 (215), 77.17 (157), 77.18 (232), 77.19 (116), 77.20 (116), 77.21 (237), 77.22 (162), 77.23 (239), 77.24 (230), 77.25 (230), 77.26 (248), 77.27 (249), 77.28 (256), 77.29 (257), 77.30 (258) [fol. 118v], 77.31 (266), 77.32 (268), 77.33 (271), 77.34 (141), 77.35 (274), 77.36 (275), 77.37 (276), 77.38 (277), 77.39 (278), 77.40 (279), 77.41 (280).]

[77.42] Proxy. 23 July 1379 Henry Kembthved of Lolworth personally appoints Walter Sutton his proctor *apud acta*.

Procuratorium] Memorandum quod decimo kalendas augusti anno Domini supradicto Henricus Kembthved de Loweworth' comparens personaliter et constituit apud acta Walterum de Sutton', clericum, procuratorem suum etc. cum potestate agendi, defendendi etc., substituendi etc., cum caucione de rato. [fol. 119r]

[Case entries: 77.43 (281) [fol. 119r], 77.44 (282), 77.45 (283).]

[77.46] Proxy. 10 June 1379 Philip son of Richard Bradenho personally appoints Walter Sutton his proctor *apud acta*.

Procuratorium] Memorandum quod quarto idus iunii anno Domini supradicto predictus Phillipus filius Ricardi Bradenho in iudicio personaliter constitutus constituit apud acta Walterum de Sutton' procuratorem suum cum potestate agendi, defendendi etc., provocandi et appellandi, apostolos petendi, substituendi, substitutos revocandi etc., cum caucione de rato et iudicatum solvendo etc. [fol. 119v]

[Case entries: 77.47 (232) [fol. 119v].]

78. ACTA, 22 & 23 SEPTEMBER 1379

[78.0] *Acta* before John Newton, DCivL, official of Ely, in St Michael's, Cambridge, 22 & 23 Sep. 1379. Next session in the same place, 13 & 14 Oct.

Acta coram nobis Johanne de Neuton', legum doctore, officiali Elien' loco quo supra diebus iovis et veneris proximo post festum Sancti Mathei apostoli et evangeliste anno Domini supradicto. Et agenda ibidem diebus iovis et veneris proximo post festum Sancti Dionisii proximo sequens. Sequitur commissio officialis Elien' in pleno consistorio publicata. [fol. 120r]

[78.1] Commission of the officiality of Ely, published in full consistory. Substantially the same as Ross's commission (A.0). Given at Downham, on 20 Sep. 1379.

Commissio] Thomas permissione divina Elien' episcopus venerabili viro magistro Johanni de Neuton', legum doctore, salutem gratiam et benedictionem. Nos de vestris circumspectione fidelitate et industria confidentes vos officium nostrum in nostris civitate et diocesi Elien' preficimus constituimus et tenore presenti deputamus ad cognoscendum et procedendum in omnibus

causis et negociis sive ad partis instanciam sive ex officio in consistorio nostro vel alibi in dictis nostris civitate et diocesi motis et movendis ac eas et ea fine debito terminanda, ad appellaciones et queralas quorumcumque subditorum earumdem civitatis et diocesis motas^a et movendas ac eas et ea fine debito terminanda, et ad appellaciones et querelas quorumcumque subditorum nostrarum ad nos legitime interponendas ad quas de iure vel consuetudine rescribi consuevit vel fuerit rescribendas excessusque subditorum predictorum quatenus ad forum^b nostrum pertinet corrigendos ipsosque pro suis delictis et excessibus canonice puniendos ad sequestrandum eciam per vos alium vel alios fructus redditus et proventus beneficiorum ecclesiasticorum et alia bona quorumcumque civitatis et diocesis predictarum quos casu quocumque a iure constitutione seu consuetudine permissum fuerit sequestrandos et sequestrata^c huiusmodi custodienda seu facienda per alios custodiri, testamentorum probaciones quatenus ad nos de iure vel consuetudine attinet admittendas, ipsaque testamenta insinuanda et approbanda administracionemque bonorum huiusmodi testancium executoribus in testamentis eorumdem nominatis vel aliis loco eorumdem deputandis in forma iuris committendam ac de bonis ab intestato decedencium disponendis et administracionem bonorum huiusmodi aliis committendam prout saluti animarum eorumdem videritis melius expedire, obediencie iurata recipienda et obedienciam a quibuscumque subitis dictarum nostrarum civitatis et diocesis qui ad obediencie canonice prestacionem nobis ut premittitur sunt astricti, ac eciam synodum nostram celebrandam clerumque et populum quatenus ad nos attinet convocandos, absencium contumacias punendas omnemque et omnino dictam iurisdiccione[m] et ipsius exerciciu[m] que ad huiusmodi officiu[m] de iure vel consuetudine pertinent exercendos ac faciendum et expediendum que de iure vel consuetudine facienda fuerint in hac parte et que in premissa necessaria fuerint aut opportuna eciam si mandatum exigant speciale vobis vices nostras et plenam potestatem commitimus per presentes quousque eas ad nos duxerimus revocandas. Data apud Dounham vicesimo die mensis septembris anno Domini millesimo trecentesimo nono. Et nostre consecracionis sexto. [fol. 120r]

[Case entries: 78.2 (44), 78.3 (7), 78.4 (4), 78.5 (99), 78.6 (139), 78.7 (200), 78.8 (147), 78.9 (234), 78.10 (267), 78.11 (262), 78.12 (264) [fol. 120r], 78.13 (281), 78.14 (233), 78.15 (270), 78.16 (284), 78.17 (212), 78.18 (215), 78.19 (157), 78.20 (116), 78.21 (116), 78.22 (237), 78.23 (162), 78.24 (239), 78.25 (230), 78.26 (230), 78.27 (248), 78.28 (256), 78.29 (257), 78.30 (266), 78.31 (268), 78.32 (271), 78.33 (141), 78.34 (274) [fol. 120v], 78.35 (258), 78.36 (277), 78.37 (278), 78.38 (279), 78.39 (280), 78.40 (282), 78.41 (283).]

[78.42] Proxy. 1 Oct. 1379 Margery Catt of Linton personally appoints Peter Caprik her procurator.

Procuratorium] Kalendas octobris anno Domini supradicto comparens per-

^a motas] motis. ^b forum] *followed by ecc crossed out*. ^c sequestrata] sequestra.

sonaliter Margeria Cate de Lynton' constituit Petrum Caprik', clericum, procuratorem suum etc. cum omnibus clausulis etc. cum caucione de rato etc. [fol. 121r]

[Case entries: 78.43 (285), 78.44 (286).]

79. ACTA, 13 & 14 OCTOBER 1379

[79.0] *Acta* before John Newton, official, in St Michael's, Cambridge, 13 & 14 Oct. 1379. Next session in the same place, 3 & 4 Nov.

Acta coram nobis .. officiali Elien' loco quo supra diebus iouis et veneris proximo post festum Sancti Dionisii anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post festum Ominium Sanctorum proximo sequens. [fol. 121r]

[Case entries: 79.1 (44), 79.2 (7), 79.3 (4), 79.4 (99), 79.5 (139), 79.6 (200), 79.7 (147), 79.8 (234), 79.9 (267) [fol. 121r], 79.10 (264), 79.11 (281), 79.12 (233), 79.13 (270), 79.14 (284), 79.15 (212), 79.16 (215), 79.17 (157), 79.18 (116), 79.19 (116), 79.20 (237), 79.21 (162), 79.22 (239), 79.23 (230), 79.24 (230), 79.25 (248), 79.26 (256), 79.27 (257), 79.28 (266), 79.29 (268), 79.30 (271), 79.31 (141), 79.32 (274), 79.33 (258), 79.34 (277), 79.35 (278), 79.36 (279), 79.37 (280) [fol. 121v], 79.38 (282), 79.39 (283), 79.40 (285), 79.41 (287), 79.42 (288).]

[79.43] Proxy. 14 Oct. 1379 Juliana daughter of Walter Crisp of Abington Pigotts personally appoints John Wiltshire and Peter Caprik her proctors, to act separately or jointly, particularly in the above case (287) of marriage and divorce.

Procuratorium] Secundo idus octobris anno Domini supradicto comparens personaliter Juliana filia Walteri Crisp' de Abynton' constituit Johannem Wiltesshire et Petrum Caprik', clericos, procuratores suos coniunctim et divisim ita quod non sit melior condicio occupantis etc. cum potestate agendi, defendendi etc., in omnibus causis et negociis motis et movendis et precipue in quadam causa matrimoniali et divorcii inter ipsam constituentem ex parte una et Laurencium Taillo' de Cant' et Katerinam uxorem suam ex altera etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato etc. [fol. 122r]

[79.44] Witrick probate. 26 Oct. 1379 the testament of John Witrick of Fowlmere is proved before the official and his goods are committed to Alice his wife and John his son, executors.

Wyteryk' probacio testamenti] Memorandum quod septimo kalendas novembris anno Domini supradicto probatum fuit testamentum Johannis Wyteryk' de Foulmere Elien' diocesis coram nobis Johanne de Neuton' officiali Elien' et commissa est administracio bonorum Alicie uxori sue et Johanni filio suo executoribus in eodum testamento nominatis in forma iuris. [fol. 122r]

[Case entries: 79.45 (289), 79.46 (289) [fol. 122r].]

80. ACTA, 3 & 4 NOVEMBER 1379

[80.0] *Acta* before John Newton, official, in St Michael's, Cambridge, 3 & 4 Nov. 1379. Next session in the same place, 24 & 25 Nov.

Acta coram nobis officiali supradicto loco quo supra diebus iouis et veneris proximo post festum Ominium Sanctorum anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post festum Sancti Clementis proximo sequens. [fol. 122v]

[Case entries: 80.1 (44), 80.2 (7), 80.3 (4), 80.4 (99), 80.5 (139), 80.6 (200), 80.7 (147), 80.8 (234), 80.9 (267), 80.10 (264), 80.11 (281), 80.12 (212), 80.13 (215), 80.14 (157), 80.15 (116), 80.16 (116), 80.17 (248), 80.18 (237), 80.19 (162), 80.20 (239), 80.21 (256), 80.22 (257), 80.23 (266), 80.24 (268), 80.25 (271), 80.26 (141), 80.27 (274), 80.28 (258), 80.29 (277), 80.30 (279), 80.31 (280) [fol. 122v], 80.32 (282), 80.33 (283), 80.34 (285), 80.35 (287), 80.36 (289), 80.37 (289), 80.38 (290).]

[80.39] Proxy. 3 Nov. 1379 John Haldeyn of Cottenham personally appoints Walter Sutton his proctor *apud acta*.

Procuratorium] Memorandum quod tercio die novembris anno Domini supradicto comparens personaliter Johannes Haldeyn de Cotenham constituit apud acta Walterum de Sutton' procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi etc., provocandi, appellandi et substituendi etc., et cavebat de rato etc. [fol. 123r]

[80.40] Proxy. 3 Nov. 1379 Richard Trukke of Cambridge personally appoints Richard Ferriby his proctor *apud acta*.

Procuratorium] Item eodem die Ricardus Trukke de Cant' comparens personaliter constituit apud acta Ricardum Feriby, clericum, procuratorem suum, modo et forma ac cum articulis suprascriptis. [fol. 123r]

[80.41] Proxy. 3 Nov. 1379 John vicar of Croyden personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Item eodem die comparens personaliter dominus Johannes vicarius de Crauden' constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum, modo et forma ac cum articulis suprascriptis. [fol. 123r]

[80.42] Proxy. 4 Nov. 1379 William Taylor, *yconomus* of Teversham, personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Item quarto die novembris comparens personaliter Willelmus Taillo', *yconomus*, de Teversham constituit Petrum Caprik', clericum, procuratorem suum, modo et forma ac cum articulis suprascriptis. [fol. 123r]

[80.43] Proxy. 4 Nov. 1379 Mr William Bridge, rector of Teversham, personally appoints Walter Sutton his proctor *apud acta*.

Procuratorium] Item eodem die comparens personaliter magister Willelmus Brugge, rector de Teversham, constituit apud acta Walterum de Sutton', cleri-

cum, procuratorem suum, modo et forma ac cum articulis suprascriptis. [fol. 123r]

[80.44] Proxy. 16 Nov. 1379 James Keech of March personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Sexto decimo kalendas decembris personaliter comparens Jacobus Keche de Marchford' constituit apud acta Johannem Wiltesshir' apud acta procuratorem suum, modo et forma ac cum articulis suprascriptis. [fol. 123r]

[80.45] Proxy. 21 Nov. 1379 Agnes servant John Chapman of Bourn personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Undecimo kalendas decembris personaliter comparens Agnes serviens Johannis Chapman' de Brun'e constituit apud acta Johannem de Wiltesshir' procuratorem suum, modo et forma ac cum articulis suprascriptis, non revocando potestatem aliis procuratoribus concessam. [fol. 123r]

[Case entries: 80.46 (291), 80.47 (292), 80.48 (293), 80.49 (294) [fol. 123r], 80.50 (230).]

81. ACTA, 24 & 25 NOVEMBER 1379

[81.0] *Acta* before John Newton, official, in St Michael's, Cambridge, 24 & 25 Nov. 1379. Next session in the same place, 9 & 10 Dec.

Acta coram nobis .. officiali supradicto loco quo supra diebus iouis et veneris proximo post festum Sancti Clementis anno Domini supradicto. Et agenda ibidem diebus veneris et sabbati proximo post festum conceptionis Beate Virginis proximo sequens. [fol. 123v]

[Case entries: 81.1 (44), 81.2 (7), 81.3 (4), 81.4 (99), 81.5 (139), 81.6 (200), 81.7 (147), 81.8 (234), 81.9 (267), 81.10 (264) [fol. 123v], 81.11 (281), 81.12 (212), 81.13 (215), 81.14 (157), 81.15 (116), 81.16 (116), 81.17 (248), 81.18 (237), 81.19 (162), 81.20 (239), 81.21 (256), 81.22 (257), 81.23 (266), 81.24 (268), 81.25 (271), 81.26 (141), 81.27 (274), 81.28 (258), 81.29 (277), 81.30 (279), 81.31 (280) [fol. 124r], 81.32 (282), 81.33 (283), 81.34 (285), 81.35 (287), 81.36 (289), 81.37 (289), 81.38 (290).]

[81.39] Proxy. 24 Nov. 1379 Lawrence Skirbeck of Cambridge, tailor, personally appoints Peter Caprik, Walter Sutton, John Wiltshire, and Richard Feriby his proctors *apud acta* to act separately or jointly.

Procuratorium] Memorandum quod octavo kalendas decembris anno Domini supradicto comparens personaliter Laurencius Skirbek' de Cantebr', *taillor*, constituit apud acta Petrum Capik', Walterum de Sutton', Johannem Wiltesshir' et Ricardum Feriby procuratores suos coniunctim et divisim etc. cum potestate agendi et defendendi etc., provocandi, appellandi etc., substituendi etc., et cavebat de rato etc. [fol. 124v]

[Case entries: 81.40 (291), 81.41 (292), 81.42 (293), 81.43 (294).]

[81.44] Gransden account of administration. On said day and place the executors of Ralph de Morton, rector of Gransden, appear before the official and exhibit the testament, the inventory of goods, and a full account of their administration. They are absolved from the duties of administration.

Grantesden' compotus – acquietancia] Memorandum quod die et anno Domini supradictis comparentes coram nobis executores testamenti domini Radulphi de Morton rectoris ecclesie de Grantisden' testamentum et inventarium bonorum dicti defuncti ac compotum suum super eorum administracione in bonis dicti defuncti coram nobis exhibuerunt et de eadem administracione nobis plenarie computarunt. Et quia per ipsorum compotum invenimus eos in bonis dicti defuncti fideliter administrasse administracionemque suam plenarie complevisse, ipsos ab ulteriori compoto nobis inde reddendo salvo iure cuiuscumque reddimus absolutos. [fol. 124v]

[81.45] Appointment of apparitor Cole. 24 Nov. 1379 William Cole of Cambridge, litteratus, is appointed apparitor for the city and diocese of Ely by John Newton, DCivL William swears to execute the office faithfully.

Prefeccio apparitoris Cole]^a Memorandum quod die iovis proximo post festum Sancti Clementis anno Domini supradicto, nos Johannes de Neuton' doctor legum officialis Elien' dilectum nobis in Christo Willelmum Cole de Cantebr' litteratum in venerabilis in Christo patris et domini domini Thom' Dei gracia episcopi Elien' et nostrum in civitate et diocesis Elien' preficimus apparitorem recepto primitus ab eo iuramento corporali de fideliter exequendo officium suum. [fol. 124v]

^a *The hand of this entry is probably not Foxton's; it was certainly added at a different time.*

82. ACTA, 9 & 10 DECEMBER 1379

[82.0] *Acta* before John Newton, official, in St Michael's, Cambridge, 9 & 10 Dec. 1379. Next session in the same place, 12 & 13 Jan. 1380.

Acta coram nobis .. officiali supradicto loco quo supra diebus veneris et sabbati proximo post festum conceptionis Beate Marie virginis anno Domini supradicto. Et agenda ibidem diebus iovis et veneris proximo post festum epiphanie Domini proximo sequens. [fol. 125r]

[Case entries: 82.1 (44), 82.2 (7), 82.3 (4), 82.4 (99), 82.5 (139), 82.6 (200), 82.7 (147), 82.8 (234), 82.9 (267), 82.10 (264), 82.11 (281), 82.12 (212), 82.13 (215), 82.14 (157), 82.15 (116), 82.16 (116), 82.17 (248), 82.18 (237), 82.19 (162), 82.20 (239), 82.21 (256), 82.22 (257), 82.23 (266), 82.24 (268), 82.25 (271), 82.26 (274), 82.27 (258), 82.28 (277), 82.29 (279), 82.30 (282), 82.31 (283) [fol. 125r], 82.32 (285), 82.33 (287), 82.34 (289), 82.35 (289), 82.36 (292), 82.37 (293), 82.38 (295), 82.39 (296), 82.40 (297), 82.41 (298), 82.42 (299).]

[82.43] Probate of testament of White. On the same day the testament of John White of Fowl-

mere was proved before the official and the administration was committed to Joan his wife and executor.

White testamentum probatum] Eodem die probatum fuit testamentum Johannis White de Foulmere coram nobis .. officiali Elien' et commissa est administratio bonorum eiusdem Johanne uxori sue executrici in testamento suo nominate in forma iuris. [fol. 125v]

[Case entries: 82.44 [fol. 125v] (300), 82.45 (301).]

[82.46] Proxy. 8 Dec. 1379 Ed[war]d vicar of Sutton and John Wimpole of Sutton personally appoint Walter Sutton their proctor *apud acta*.

Procuratorium] Memorandum quod sexto idus decembris anno Domini supradicto comparentes personaliter dominus Ed'us vicarius ecclesie de Sutton' et Johannes Wynepol de eadem constituerunt Walterum de Sutton' procuratorem suum apud acta cum potestate agendi, defendendi etc., provocandi, appellandi apostolosque petendi etc., substituendi etc., cum caucione de rato et iudicatum solvendo. [fol. 126r]

[82.47] Proxy. 8 Dec. 1379 Robert son of Peter Hitchcock of Swaffham personally appoints Peter Caprik his proctor.

Procuratorium] Eodem die comparens personaliter Robertus filius Petri Hitchcock' de Suafram constituit Patrum Caprik', clericum, procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi, apostolos petendi etc., substituendi etc., cum caucione de rato et iudicatum solvendo. [fol. 126r]

[82.48] Proxy. 9 Dec. 1379 Nicholas Taylor of Swaffham personally appoints for Isabel his wife Walter Sutton her proctor *apud acta*.

Procuratorium] Item quinto idus decembris anno Domini supradicto comparens personaliter Nicholaus Taillo' de Suafram et constituit pro Isabella uxore sua Walterum de Sutton' procuratorem suum apud acta cum potestate agendi, defendendi etc., provocandi, appellandi apostolosque petendi etc., substituendi etc., cum caucione de rato et iudicatum solvendo. [fol. 126r]

83. ACTA, 12 & 13 JANUARY 1380

[83.0] *Acta* before John Newton, official, in St Michael's, Cambridge, 12 & 13 Jan. 1380. Next session in the church of St Mary the Less, Cambridge, 3 & 4 Feb.

Acta coram nobis officiali supradicto loco quo supra diebus iouis et veneris proximo post festum epiphanie Domini anno Domini supradicto. Et agenda in ecclesia Sante Marie extra Trumpiton' gates Cantebr' diebus veneris et sabbati post festum Purificacionis. [fol. 126r]

[Case entries: 83.1 (9), 83.2 (7), 83.3 (4), 83.4 (99), 83.5 (139), 83.6 (200), 83.7 (147), 83.8

(234), 83.9 (267), 83.10 (264), 83.11 (281) [fol. 126r], 83.12 (212) [fol. 126r-126v], 83.13 (215), 83.14 (157), 83.15 (116), 83.16 (116), 83.17 (248), 83.18 (237), 83.19 (162), 83.20 (239), 83.21 (256), 83.22 (257), 83.23 (266), 83.24 (268), 83.25 (271), 83.26 (274), 83.27 (258), 83.28 (277), 83.29 (279), 83.30 (282), 83.31 (283), 83.32 (285), 83.33 (287), 83.34 (289), 83.35 (289), 83.36 (292), 83.37 (293), 83.38 (297), 83.39 (298), 83.40 (299), 83.41 (300), 83.42 (301), 83.43 (302) [fol. 126v], 83.44 (303).]

[83.45] Glenthams probate. 10 Jan. 1380 the testament of William Glenthams, rector of Cranford, Lincoln diocese, who died in St John's, Cambridge, is proved before John Newton, official and commissary of the bishop. The administration of his goods within Ely diocese is committed to Brother Ralph Dale, brother of St John's, and John Leyston, William's servant. Ralph receives the administration with the consent of the master of St John's.

Glenthams probacio testamenti] Quarto idus ianuarii anno Domini supradicto probatum fuit testamentum domini Willelmi Glenthams rectoris ecclesie de Cranford' Lincoln' diocesis in domo Sancti Johannis Cantebr' decedentis coram nobis Johanne de Neuton officiali et commissario domini episcopi Elien' et commissa est administracio bonorum eiusdem in diocesis Elien' existencium fratri Radulo Dale dicte domus confratri qui eam de licencia magistri sui recepit et Johanni Leyson famulo dicto defuncti in forma iuris. [fol. 127r]

[83.46] Conestons probate. 10 Jan. 1380 the testament of Alice wife of Thomas Coneston of Cambridge is proved and the administration of goods committed to Thomas.

Conestons' probacio testamenti] Item idus ianuarii anno Domini supradicto probatum fuit testamentum Alicie uxoris Thome Coneston de Cantebr' et commissa est administracio bonorum eiusdem dicto Thome in forma iuris. [fol. 127r]

[83.47] Chesterton obedience. 12 Jan. 1380 John de Grantham, chaplain residing in Chesterton and dean of Chesterton, personally appears before the official and swears canonical obedience to the bishop, his official, and their commissaries and ministers.

Chestreton obediencia] Memorandum quod die iouis proximo post festum epiphanie Domini anno Domini supradicto comparens personaliter coram nobis .. officiali Elien' dictus Johannes de Grantham capellanus commorans in Chestreton decanus decanatus de Chestreton prestitit et iuravit canonicam obedienciam ad sancta Dei evangelia per ipsum corporaliter tacta venerabili patri domino Thome Dei gracia episcopo Elien' nobis et aliis ipsius et nostris commissariis et ministris in licitis et canonicis mandatis. [fol. 127r]

[83.48] Bourn obedience. 21 Jan. 1380 the rector of Toft, dean of Bourn, personally appears before the official and swears canonical obedience to the bishop, his official, and their commissaries and ministers.

Brunne obediencia] Item duodecimo kalendas februarii anno Domini supradicto comparens personaliter coram nobis .. officiali Elien' rector ecclesie de Toft decanus decanatus de Brunne prestitit et iuravit canonicam obedienciam

ad sancta Dei evangelia per ipsum corporaliter tacta venerabili patri domino Thome Dei gracia episcopo Elien' nobis et aliis ipsius et nostris commissariis et ministris in licitis et canonicis mandatis. [fol. 127r]

[83.49] Kingston, revocation of proxy. On 14 Jan. 1380 William Hykeny of Kingston and on 2 Feb. 1380 Robert Harsent atte Wood of Kingston each appears personally before the official. They propose that Hugh Candlesby and William Leverton have been claiming to be their proctors in a case of deprivation against John de Podington, rector of Kingston. They say they never appointed either one of them as proctor and have never had any intention of moving a case against the rector. They have not administered any material to Hugh or William and have never had a proxy sealed by the dean of Cambridge or by anyone else. They revoke all power which the false proctors claim. The dean will be called to show why he should not be punished as a forger (*falsarius*); Hugh and William will be called for using a false proxy.

Kyngeston' revocacio procuratorii] Memorandum quod Willelmus Hykeny de Kyngeston' Elien' diocesis undevicensimo kalendas februarii et Robertus Harsent Attewode de eadem quarto nonas februarii anno Domini supradicto coram nobis officiali Elien' personaliter comparentes, proposuerunt quod ad eorum noticiam noviter pervenit quod quidam Hugo Candelesby et Willelmus Leverton', pretendentes se ipsorum Willelmi et Roberti procuratores, contra dominum Johannem de Podyngton', rectorem ecclesie de Kyngeston', quamdam causam privacionis nomine ipsorum diu fuerant prosecuti et adhuc prosecuntur in consistorio Elien'. Cum revera dicti Willelmus et Robertus aut eorum aliquis prefatum Hugonem et Willelmum aut aliquem eorumdem nullo umquam tempore procuratores suos constituerunt nec constituit, nec fuit aut est intencionis sue ut asserunt predictam causam contra dictum rectorem movere nec ad movendum eandem, eisdem Hugoni seu Willelmo nullam omnino materiam ministrarunt nec ad apponendum sigillum decanum Cantebr' seu alium quemcumque ad huiusmodi procuratorium numquam procurarunt per se vel alios quovismodo sed ex habundanti omnem potestatem quam dicti falsi procuratores pretendunt expresse revocarunt. Unde decernimus decanum Cant', qui falso procuratorio predicto sigillum suum apposuit rogatus per eosdem ut falso pretendit, fore vocandum causam rationalem, si quam habeat, quare tanquam falsarius puniri non debeat propositurum et ostensurum, ac eciam dictos Hugonem et Willelmum eo quod in dicta causa absque potestate occuparunt et dictum falsum procuratorium falso fabricarunt. [fol. 127r]

[83.50] Proxy. 9 Jan. 1380 Richard Bitering of Wisbech personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Quinto idus ianuarii anno Domini supradicto comparens personaliter dominus Ricardus Bitering' de Wysebech' constituit apud acta Johannem Wiltesschir' procuratorem suum etc. cum potestate agendi, defendendi etc., substituendi etc., provocandi, appellandi etc. et cauebat de rato.

[fol. 127r]

[83.51] Proxy. 13 Jan. 1380 Robert Wardale of Wisbech personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Idus ianuarii anno Domini supradicto comparens personaliter Robertus Wardale de Wysebech' constituit Petrum Caprik' procuratorem suum apud acta etc. [fol. 127r]

[83.52] Proxy. 3 Feb. 1380 Thomas Bacon of Wisbech personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Tercio die februarii anno Domini supradicto comparens personaliter Thomas Bacon' de Wysebech' constituit dictum Petrum procuratorem suum apud acta etc. [fol. 127r]

[Case entries: [fol. 127r] 83.53 (304).]

[83.54] Election of proctors by Ely clergy. 21 Jan. 1380 in St Mary the Less, Cambridge, the Ely clergy appear personally before the official to elect two proctors to appear at a provincial council in St Paul's, London, on 4 and 5 Feb. After deliberation, they elect Mr's John de Dunwich, DCnL., and John Bernard, inceptor of civil law. To cover their expenses, each cleric is to pay 1d for every pound at which his benefice is valued.

Eleccio procuratorum cleri Elien' diocesis ad concilium] Duodecimo kalendas februarii anno Domini supradicto comparens personaliter coram nobis officialis Elien' in ecclesia Sancte Marie extra Trumpiton' gates Cantebr', clericus Elien' diocesis ad eligendum duos procuratores sufficientes ad comparandum pro eo in concilio provinciali in ecclesie Sancti Pauli London die sabbati proximo post festum Purificacionis diebusque sequentibus eidem ea occasione specialiter congregatus, habita per eos deliberacione de personis eligendis tandem discretos viros magistros Johannem de Donewyco, doctorem decretorum, et Johannem Bernard', iuris civilis inceptorem, procuratores suos constituit et pro eorum expensis denarii de singulis libra assignavit. [fol. 127v]

84. ACTA, 3 & 4 FEBRUARY 1380

[84.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 3 & 4 Feb. 1380. Next session in the same place, 23 & 24 Feb.

Acta coram nobis .. officiali Elien' in ecclesia Sancte Marie extra Trumpiton' gates Cant' diebus veneris et sabbati post festum Purificacionis anno Domini supradicto. Et agenda ibidem diebus iovis et veneris proximo post festum Sancti Petri in cathedra proximo sequens. [fol. 127v]

[Case entries: 84.1 (44), 84.2 (7), 84.3 (4), 84.4 (99), 84.5 (139), 84.6 (200), 84.7 (147), 84.8 (234), 84.9 (267), 84.10 (264), 84.11 (212), 84.12 (215), 84.13 (157), 84.14 (116) [fol. 127v], 84.15 (116), 84.16 (248), 84.17 (237), 84.18 (162), 84.19 (239), 84.20 (256), 84.21 (257),

84.22 (266), 84.23 (271), 84.24 (274), 84.25 (258), 84.26 (277), 84.27 (279), 84.28 (282) [fol. 128r], 84.29 (283), 84.30 (285), 84.31 (287), 84.32 (289), 84.33 (289), 84.34 (292), 84.35 (293), 84.36 (297), 84.37 (298), 84.38 (299), 84.39 (300), 84.40 (301), 84.41 (302), 84.42 (303) [fol. 128v], 84.43 (304).]

[84.44] Substitution. The same day Richard Feriby, proctor general of the consistory, substitutes Walter Sutton, Peter Caprik, and William Leverton for all his cases pending in that court.

Sustitutio] Eodem die consistorii Ricardus Feriby procurator generalis dicti consistorii in omnibus causis suis in dicto consistorio pendentibus substituit Walterum de Sutton', Petrum Caprik' et Willem Leverton' iuxta vim, forma et effectum procuratoriorum suorum originalium. [fol. 129r]

[84.45] Proxy. 4 Feb. 1380 John le Reeve of Madingley personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Memorandum quod quarto die februarii comparens personaliter Johannes le Reve de Maddyngle constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi, apostolos petendi etc., substituendi etc., cum caucione de rato etc. [fol. 129r]

[84.46] Proxy. 18 Feb. 1380 Alexander Skinner of Bottisham personally appoints John Wiltshire his proctor.

Procuratorium] Item duodecimo kalendas marcii anno Domini supradicto comparens personaliter Alexander Skynn'e de Bodekesham constituit dictum Johannem procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi, apostolos petendi etc., substituendi etc., cum caucione de rato etc. [fol. 129r]

[84.47] Fulbourn probate of testament. 11 Feb. 1380 the testament of John de Hinxton, late vicar of All Saints of Fulbourn, is proved before John Newton, DCivL and official and commissary of bishop. The administration of goods is committed to John Baldwin, John Ware, and Nicholas Ware of Fulbourn, executors.

Fulbourn probacio testamenti] Memorandum quod tercio idus februarii anno Domini supradicto probatum fuit testamentum domini Johannis de Hankeston' nuper vicarii ecclesie Omnium Sanctorum de Fulbourn coram nobis Johanne de Neuton legum doctore venerabilis patris domini episcopi Elien' officiali et commissario et commissa est administracio bonorum eiusdem Johanni Baldewyn, Johanni Ware et Nicholao Ware de Fulbourn predictis executoribus suis in dicto testamento nominatis in forma iuris. [fol. 129r]

[84.48] Sadler probate of testament. 1 Feb. 1380 the testament of Agatha Sadler of Cambridge is proved before the official and commissary of the bishop; the administration of goods is committed to John her servant.

Sadelere probacio testamenti] Item kalendas februarii anno Domini supradicto probatum fuit testamentum Agathe Sadelere de Cantebr' coram nobis

.. officiali et commissario et commissa est administracio bonorum eiusdem Johanni servienti suo in forma iuris. [fol. 129r]

[84.49] Wimbush probate of testament. 14 Feb. 1380 the testament of Juliana wife of John Wimbush of Cambridge, ?wallet-maker (*baggeman*), is proved before the official and commissary of the bishop. The administration of goods is committed to Henry Walpole *alio nomine* [. . .], priest. Newton reserves the power to commit the administration to John, executor, when he comes and if he will receive it.

Wymbyssh' probacio testamenti] Item kalendas februarii anno Domini supradicto probatum fuit testamentum Juliane uxoris Johannis Wymbyssh' de Cant' *baggeman* coram nobis .. officiali et commissario et commissa est administracio bonorum eiusdem domino Henrico Walpol alio nomine [. . .] presbytero in forma iuris reservata potestate committendi Johanni Wynbyssh' predicto executori nominato cum venerit et administracionem recipere voluerit administracione bonorum eiusdem defuncte. [fol. 129r]

[Case entries: 84.50 (305), 84.51 (306) [fol. 129r].]

85. ACTA, 23 & 24 FEBRUARY 1380

[85.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 23 & 24 Feb. 1380. Next session in the same place, 15 & 16 Mar.

Acta coram nobis .. officiali supradicto loco quo supra diebus iovis et veneris proximo post festum Sancti Petri in cathedra anno Domini supradicto. Et agenda ibidem diebus iovis et veneris proximo post festum Sancti Gregorii. [fol. 129v]

[Case entries: 85.1 (44), 85.2 (7), 85.3 (4), 85.4 (99), 85.5 (139), 85.6 (200), 85.7 (147), 85.8 (234), 85.9 (267), 85.10 (212) [fol. 129v], 85.11 (215), 85.12 (157), 85.13 (248), 85.14 (237), 85.15 (162), 85.16 (239), 85.17 (256) [fol. 130r], 85.18 (257), 85.19 (271), 85.20 (274), 85.21 (258), 85.22 (277), 85.23 (279) [fol. 130v], 85.24 (282), 85.25 (283), 85.26 (285), 85.27 (287), 85.28 (289), 85.29 (289), 85.30 (292), 85.31 (293), 85.32 (298), 85.33 (299), 85.34 (300), 85.35 (302), 85.36 (303) [fol. 131r], 85.37 (304), 85.38 (307), 85.39 (308), 85.40 (305), 85.41 (306), 85.42 (309), 85.43 (26), 85.44 (310).]

[85.45] Obedience of archdeacon's official. 5 Mar. 1380 before the official in St Mary the Less, Mr Ralph Selby, the archdeacon's official, personally swears obedience to the bishop, the official, and their commissaries and ministers.

Obediencia officialis archidiaconi Elien'] Memorandum quod quinto die mensis marcii anno Domini supradicto comparens personaliter coram nobis Johanne de Neuton legum doctore venerabilis patris domini Thome Dei gracia episocopi Elien' officiali et commissariis magister Radulus Selby officialis domini archidiaconi Elien' obedienciam canonicam dicto venerabili patri nobis et ceteris ipsius et nostris commissariis et ministris in lictis et canoni-

cis mandatis prestitit et iuravit. Acta in ecclesia Sancte Marie extra Trumpington' gates Cant' die et anno Domini supradictis indiccione tercia pontificatus domini Urbani pape sexto anno secundo. Presentibus magistris Thome de Wormenhale canonico Sar', Willelmo de Irby et Petro Caprik' dicti consistorii procuratore generali^a et aliis Elien' diocesis testibus vocatis et rogatis. RF: Foxton. [fol. 131v]

[85.46] Hostler probate. On the same day and at the same place, the testament of Henry Hostler of Cambridge is proved before the official, who commits the administration of his goods to Heloise his wife and John Bromholm, executors.

Hostiler probacio testamenti] Item die loco et anno Domini supradictis coram nobis officiali Elien' et commissario predicto probatum fuit testamentum Henrici Hostiler de Cantebr' et commissa est administracione bonorum dicti defuncti Helowysie uxor sue et Johanni Bromholm executoribus in dicto testamento nominatis in forma iuris iuratis. [fol. 131v]

[85.47] Lyte probate. 6 Mar. 1380 the testament of Walter Lyte of Comberton is proved before the official, who commits the administration of his goods to his ?widow Alice (*Alicie sue*) and reserves the right to commit the administration to William vicar of Comberton, executor.

Lyte probacio testamenti] Item die et anno supradictis coram nobis officiali et commissario predicto probatum fuit testamentum Walteri Lyte de Cumberton et commissa est administracione in forma iuris Alicie sue, reservata potestate committendi domino Willelmo vicario de Cumberton executori nominato. [fol. 131v]

[85.48] Crisp probate. 6 Mar. 1380 the testament of John Crisp of Comberton is proved before the official, who commits the administration of his goods to John Wilmyn and reserves the right to commit the administration to William vicar of Comberton, executor.

Crisp' probacio testamenti] Item die et anno predictis coram nobis officiali et commissario predicto probatum fuit testamentum Johannis Crisp' de Cumberton commissa est administracione bonorum eiusdem Johanni Wilmyn, reservata potestate committendi dicto executori nominato. [fol. 131v]

[85.49] Proxy. 23 Feb. 1380 Henry Larke of Madingley personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Die iouis consistorii personaliter Henicus Larke de Maddingle constituit apud acta Petrum Caprik', clericum, procuratorem suum etc. cum potestate agendi, defendendi etc., producendi, appellandi etc., substituenti etc., cum caucione de rato etc. [fol. 131v]

[85.50] Proxy. 23 Feb. 1380 Margaret wife of John Curtis of Fulbourn personally appoints John Wiltshire her proctor.

Procuratorium] Memorandum quod dicto die iouis comparens personaliter Margar' uxor Johannis Curteys de Fulbou'ne constituit Johannem Wiltesshi-

^a generali] generale.

re, clericum, procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi etc. [fol. 132r]

[85.51] Proxy. 23 Feb. 1380 Joan wife of John Colchester of Cambridge personally appoints John Wiltshire her proctor.

Procuratorium] Eodem die comparens personaliter Johanna uxor Johannis Colchestre de Cant' et constituit Johannem Wiltesshir' predictum procuratorem suum in omnibus causis et negociis etc. cum potestate agendi, defendendi etc. [fol. 132r]

[85.52] Proxy. 24 Feb. 1380 William Andren of Swavesey personally appoints John Wiltshire his proctor.

Procuratorium] Die veneris proximo sequentis comparens personaliter Wilhelmus Andren de Suaveseye et constituit dictum Johannem Wiltesshir' procuratorem suum etc. [fol. 132r]

[85.53] Proxy. 24 Feb. 1380 Margaret wife of Richard Finchingfeld of Cambridge personally appoints Walter Sutton her proctor.

Procuratorium] Eodem die comparens personaliter Margar' uxor Ricardi Finchingfeld' de Cant' constituit dictum Walterum de Sutton' procuratorem suum etc. [fol. 132r]

[85.54] Proxy. 1 Mar. 1380 John son of Thomas Delhay of Elm personally appoints Peter Caprik his proctor.

Procuratorium] Primo die mensis marcii anno Domini supradicto comparens personaliter Johannes filius Thome Dellay de Elm et constituit Petrum Caprik', clericum, procuratorem suum. [fol. 132r]

[85.55] Proxy. 1 Mar. 1380 John Branch of Elm personally appoints John Wiltshire his proctor.

Procuratorium] Eodem die comparens personaliter Johannes Braunche de Elm constituit Johannem Wiltesshir' procuratorem suum in omnibus causis et negociis. [fol. 132r]

[85.56] Proxy. 3 Mar. 1380 John servant of John Siger of Lolworth personally appoints John Wiltshire his proctor.

Procuratorium] Tercio die mensis marcii anno Domini supradicto Johannes serviens Johannis Sigar de Lolleworth' comparuit et constituit Johannem Wiltesshir' procuratorem suum etc. [fol. 132r]

[85.57] Proxy. 5 Mar. 1380 Richard Tod of Litlington, executor of John Tod, personally appoints John Wiltshire his proctor.

Procuratorium] Quinto die mensis marcii anno Domini supradicto comparens personaliter Ricardus Tod de Lyttelyngton', executor testamenti Johannis Tod, constituit Johannem Wiltesshir' procuratorem suum. [fol. 132r]

[85.58] Proxy. 10 Mar. 1380 Thomas Sterne of Cottenham personally appoints Peter Caprik

proctor for his wife and himself.

Procuratorium] Sexto idus marcii^b anno Domini supradicto comparens personaliter Thomas Sterne de Cotenham constituit pro se et uxore sua Petrum Caprik', clericum, procuratorem suum etc. [fol. 132r]

[85.59] Proxy. 11 Mar. 1380 John Barre of Sutton personally appoints John Wiltshire his proctor.

Procuratorium] Quinto idus marcii anno Domini supradicto comparens personaliter Johannes Barre de Sutton' constituit Johannem Wiltesshire, clericum, procuratorem suum etc. [fol. 132r]

[85.60] Proxy. 14 Mar. 1380 John Wake of Sutton personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Secundo idus marcii anno Domini supradicto comparens personaliter Johannes Wak' de Sutton' constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum etc. [fol. 132r]

[85.61] Proxy. 15 Mar. 1380 John Manger of Sutton personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Idus marcii anno Domini supradicto comparens personaliter Johannes Maung' de Sutton' constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum etc. [fol. 132r]

[Case entries: 85.62 (312) [fol. 132r], 85.63 (157), 85.64 (313), 85.65 (314), 85.66 (315), 85.67 (304), 85.68 (316), 85.69 (317), 85.70 (318) [fol. 132v].]

^b marcii] *repeated*.

86. ACTA, 15 & 16 MARCH 1380

[86.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 15 & 16 Mar. 1380. Next session in the same place, 5 & 6 Apr.

Acta coram nobis .. officiali Elien' loco quo supra diebus iouis et veneris proximo post festum Sancti Gregorii anno Domini supradicto. Et agenda ibidem diebus iouis et venreis proximo post festum dominicam qua cantatur officium *Quasi modo geniti* proximo sequens. [fol. 133r]

[Case entries: 86.1 (44), 86.2 (7), 86.3 (4) [fol. 133r], 86.4 (99), 86.5 (139), 86.6 (147), 86.7 (234) [fol. 133v], 86.8 (267), 86.9 (212), 86.10 (215), 86.11 (157), 86.12 (248), 86.13 (237), 86.14 (162) [fol. 134r], 86.15 (239), 86.16 (257), 86.17 (271), 86.18 (274), 86.19 (258), 86.20 (277), 86.21 (279), 86.22 (282), 86.23 (283), 86.24 (287), 86.25 (289) [fol. 134v], 86.26 (303), 86.27 (293), 86.28 (298), 86.29 (299), 86.30 (300), 86.31 (292) [fol. 135r], 86.32 (304), 86.33 (308), 86.34 (305), 86.35 (306), 86.36 (309), 86.37 (312), 86.38 (157), 86.39 (313), 86.40 (314), 86.41 (315), 86.42 (304), 86.43 (316), 86.44 (317), 86.45 (318), 86.46 (319), 86.47 (320) [fol. 135v], 86.48 (284)]

87. ACTA, 5 & 6 APRIL 1380

[87.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 5 & 6 Apr. 1380. Next session in the same place, 26 & 27 Apr.

Acta coram nobis .. officiali Elien' loco quo supra diebus iouis et veneris proximo post dominica qua cantatur officium *Quasi modo geniti*. Et agenda ibidem diebus iouis et veneris proximo post festum Sancti Marci evangeliste. [fol. 136r]

[Case entries: 87.1 (44), 87.2 (7), 87.3 (99), 87.4 (139), 87.5 (147), 87.6 (267), 87.7 (215), 87.8 (157), 87.9 (237), 87.10 (239), 87.11 (257) [fol. 136r], 87.12 (271), 87.13 (274), 87.14 (258), 87.15 (277), 87.16 (279), 87.17 (282), 87.18 (287), 87.19 (292), 87.20 (293), 87.21 (299), 87.22 (304), 87.23 (271), 87.24 (308), 87.25 (305), 87.26 (306), 87.27 (309), 87.28 (313), 87.29 (314), 87.30 (315), 87.31 (317), 87.32 (318), 87.33 (319), 87.34 (96), 87.35 (305), 87.36 (321) [fol. 136v].]

88. ACTA, 26 & 27 APRIL 1380

[88.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 26 & 27 Apr. 1380. Next session in the same place, 25 & 26 Apr.

Acta coram nobis .. officiali Elien' loco quo supra diebus iouis et veneris proximo post festum Sancti Marci evangeliste. Et agenda ibidem diebus veneris et sabbati proximo post festum Sancti Dunstani proximo sequens. [fol. 137r]

[Case entries: 88.1 (44), 88.2 (7), 88.3 (99), 88.4 (139), 88.5 (147), 88.6 (267), 88.7 (215), 88.8 (157), 88.9 (237), 88.10 (239), 88.11 (257), 88.12 (271), 88.13 (274), 88.14 (258), 88.15 (277), 88.16 (279), 88.17 (282), 88.18 (287), 88.19 (292), 88.20 (293), 88.21 (304), 88.22 (308), 88.23 (306), 88.24 (309), 88.25 (314) [fol. 137r], 88.26 (317), 88.27 (96), 88.28 (321), 88.29 (322), 88.30 (320), 88.31 (323), 88.32 (324), 88.33 (26) [fol. 137v].]

89. ACTA, 25 & 26 MAY 1380

[89.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 25 & 26 May 1380. Next session in the same place, 14 June.

Acta coram nobis .. officiali supradicto loco quo supra diebus veneris et sabbati proximo post festum Sancti Dunstani anno Domini supradicto. Et agenda ibidem die iouis proximo post festum Sancti Barnabe apostoli proximo sequens. [fol. 138r]

[Case entries: 89.1 (44), 89.2 (7), 89.3 (99), 89.4 (139), 89.5 (147), 89.6 (267), 89.7 (215), 89.8 (157), 89.9 (237), 89.10 (239), 89.11 (257), 89.12 (271), 89.13 (274), 89.14 (258), 89.15 (277), 89.16 (279), 89.17 (282), 89.18 (287), 89.19 (292), 89.20 (293), 89.21 (304), 89.22 (308), 89.23 (306), 89.24 (309), 89.25 (314), 89.26 (317), 89.27 (96), 89.28 (321), 89.29 (322), 89.30 (320), 89.31 (325).]

[89.32] Proxy. 25 May 1380 John Frost junior and Amy Bird of Wilburton personally appoint Hugh Candlesby and Peter Caprik their proctors, to act jointly or separately.

Procuratorium] Octavo kalendas iunii anno Domini supradicto comparentes personaliter Johannes Frost iunior et Amya Brid de Wilberton' constituerunt magistros^a Hugonem Candlesby et Petrum Caprik' procuratores suos coniunctim et divisim etc., cum potestate agendi etc., substituendi etc. [fol. 138r]

[Case entries: [fol. 138r] 89.33 (233), 89.34 (195), 89.35 (326), 89.36 (327) [fol. 138v], 89.37 (328), 89.38 (329) [fol. 139r–139v], 89.39 (330), 89.40 (330), 89.41 (331).]

[89.42] Linton sequestration and probate. Following the death of Ed[war]d Lacey, vicar of Linton, which is within the gift of the bishop, John Newton, DCivL and official of Ely and bishop's commissary, sequestered his goods until the testament, if he made one, could be proved and the administration committed. The executors were called before the official to prove the testament.

19 June 1380 Richard Onn, chaplain, and Henry Yonge of Sutton appear personally and exhibit the testament. It had been proved *de facto* by the archdeacon's official on 10 June and discharged on 14 July.¹ The official had received 20s for this. Recognizing that the probate of testaments of rectors and vicars of Ely whose benefices are within the bishop's collation and the commission of their administration pertain to the bishop or his ministers, the court revokes the probate and the insinuation of the testament and the administration of goods made and accepted by the archdeacon's official. The court orders the testament exhibited and proved before the official.

Afterwards the executors exhibited a newly written testament; the other testament had been torn because of its invalid insinuation. It is approved and pronounced legitimate; the administration is committed to the executors.

Lynton – probacio testamenti] Cum nos Johannes de Neuton', doctor legum, officialis Elien' ac venerabilis patris domini episcopi supradicti commissarius, omnia bona domini Ed[ward]i Lasty, vicarii ecclesie de Lynton' diocesis et patronatus dicti patris defuncti, fecerimus sequestrari quousque testamentum suum, si quod condidit, coram nobis probetur vel administracionem bonorum suorum duxerimus committendam et executores testamenti predicti ad probandum dictum testamentum fecerimus coram nobis ad iudicium evocari. Comparentes coram nobis dictus Richardus Onne, capellanus, et Henricus Yonge de Sutton', executores dicti testamenti, tercio decimo kalendas iulii anno Domini supradicto, testamentum dicti defuncti de facto probatum per officialem domini archidiaconi Elien' de dato decimo die iunii anno Domini supradicto et acquietanciam dedatam secundo idus iulii^b eodem anno, exhibuerunt pro quibus ut asserunt dictus officialis archidiaconi recepit viginti

^a magistros] m with a line over it and looping line descending from the third minim. This is not Foxton's usual way of abbreviating magistros, but it seems the most likely reading. ^b See n.1.

¹ Something is wrong with these dates. that *secundo idus iulii* is a mistake for *secundo idus iunii*, i.e., 12 June. The easiest emendation to make is to assume

solidos et feodum et sigillum argenteum.^c Nos igitur attendentes quod probationes testamentorum quorumcumque rectorum et vicariorum diocesis Elien' de collacione domini decedencium et bonorum suorum administraciones non ad .. archidiaconum Elien' seu eius ministros sed ad dictum reverendum patrem et eius ministros de iure et consuetudine noscitur pertinere, probationem et insinuacionem dicti testamenti ac administracionem bonorum dicti defuncti per dictum .. officialem archidiaconi de facto presumptas et temere attemptatas ac omnia exinde secuta revocamus, dampnamus et reprobamus et tanquam a non habente potestatem facta et habita nullius existere firmitatis seu valoris pronunciamus et declaramus, decernentes dictum testamentum coram nobis fore exhibendum et probandum et per nos insinuandum et approbandum. Et subsequenter post dicti executores testamentum dicti defuncti noviter scriptum, alio testamento propter ipsius invalidum insinuacionem rupto et dilacerato, coram nobis exhibuerunt et probarunt nosque dictum testamentum approbantes et pro testamento legitimo pronunciantes et publicantes, administracionem omnium bonorum dictum defunctum concernencium executoribus predictis in forma iuris iuratis in forma iuris duximus committendam. [fol. 140r]

^c et feodum et sigillum argenteum] & feod', & sigillū argen'; *meaning unclear, perhaps* ut feodum pro sigillo argenteo *is what is meant, but the seal in question may be the decedent's.*

90. ACTA, 14 JUNE 1380

[90.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 14 June 1380. Next session in the same place, 12 July.

Acta coram nobis .. officiali supradicto loco quo supra die iovis proximo post festum Sancti Barnabe apostoli anno Domini supradicto. Et agenda ibidem die iovis proximo post festum translacionis Sancti Thome martyris proximo sequens. [fol. 140v]

[Case entries: 90.1 (44), 90.2 (7), 90.3 (99), 90.4 (139), 90.5 (147), 90.6 (267), 90.7 (215), 90.8 (157), 90.9 (237), 90.10 (239), 90.11 (257), 90.12 (271), 90.13 (274), 90.14 (258), 90.15 (277), 90.16 (279), 90.17 (282), 90.18 (287), 90.19 (292), 90.20 (293), 90.21 (304), 90.22 (308), 90.23 (306), 90.24 (309), 90.25 (314), 90.26 (96), 90.27 (321), 90.28 (322), 90.29 (320), 90.30 (325) [fol. 140v], 90.31 (233), 90.32 (195), 90.33 (328), 90.34 (332), 90.35 (26) [fol. 141r].]

91. ACTA, 12 JULY 1380

[91.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 12 July 1380. Next session in the same place, 23 July.

Acta coram nobis .. officiali supradicto loco quo supra die iovis proximo post festum translacionis Sancti Thome martyris anno Domini supradicto.

Et agenda ibidem die lune proximo post festum Sancte Marie Magdalene proximo sequens. [fol. 141v]

[Case entries: 91.1 (215), 91.2 (304), 91.3 (308), 91.4 (309), 91.5 (320), 91.6 (195), 91.7 (333), 91.8 (334).]

[91.9] Unfinished matters are continued to the next consistory.

Continuacio. Omnes alias causas in isto consistorio expediendas non expeditas continuamus usque proximum ad idem quod prius. [fol. 141v]

92. ACTA, 23 JULY 1380

[92.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 23 July 1380. Next session in the same place, 4 Oct.

Acta coram nobis .. officiali supradicto loco quo supra die lune proximo post festum Sancte Marie Magdalene anno Domini supradicto. Et agenda ibidem die iouis proximo post festum Sancti Michaelis proximo sequens. [fol. 141v]

[Case entries: 92.1 (44), 92.2 (7), 92.3 (99), 92.4 (139), 92.5 (147), 92.6 (267) [fol. 141v], 92.7 (215), 92.8 (157), 92.9 (237), 92.10 (239) [fol. 142r], 92.11 (257), 92.12 (271), 92.13 (274), 92.14 (258), 92.15 (277), 92.16 (282), 92.17 (287), 92.18 (292), 92.19 (293), 92.20 (304), 92.21 (308), 92.22 (306), 92.23 (309), 92.24 (314), 92.25 (96), 92.26 (321) [fol. 142v], 92.27 (322), 92.28 (320), 92.29 (233), 92.30 (195), 92.31 (328), 92.32 (332), 92.33 (26), 92.34 (335), 92.35 (336), 92.36 (333) [fol. 143r], 92.37 (228), 92.38 (337), 92.39 (338).]

93. ACTA, 4 OCTOBER 1380

[93.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 4 Oct. 1380. Next session in the same place, 25 Oct.

Acta coram nobis .. officiali Elien' loco quo supra die iouis proximo post festum Sancti Michaelis anno Domini supradicto. Et agenda ibidem die iouis proximo post festum Sancti Luce evangeliste proximo sequens. [fol. 144r]

[Case entries: 93.1 (44), 93.2 (7), 93.3 (99), 93.4 (139), 93.5 (147), 93.6 (215), 93.7 (157).]

[93.8] Substitution. 3 Oct. 1380 Richard Feriby, proctor general, personally substitutes Walter Sutton and Peter Caprik according to the form of his proxy.

Substitutio] Tercio die octobris anno Domini supradicto comparens personaliter Ricardus Feriby, clericus, procurator generalis, substituit Walterum de Sutton' et Petrum Caprik' iuxta formam procuratoriorum suorum. [fol. 144r]

[Case entries: 93.9 (292).]

[93.10] Proxy. On the same day Agnes wife of William Ferrer of Melbourn appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Agnes uxor Willelmi Fero' de Meldebourne' constituit Petrum Caprik', clericum, procuratorem

suum apud acta cum omnibus clausulis consuetis et cavebat de rato. [fol. 144r]

[93.11] Proxy. On the same day John son of Thomas Bette of Swavesey personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Johannes filius Thome Bette de Swaves' et constituit Johannem Wiltesshir', clericum, procuratorem suum apud acta cum omnibus clausulis consuetis et cavebat de rato. [fol. 144r]

[Case entries: 93.12 (339), 93.13 (340).]

[93.14] Substitution. 4 Oct. 1380 Mr Richard Pitts, original proctor of John [Stybold] and Margaret, substitutes Walter Sutton.

Substitutio] Quarto die octobris dictus magister Ricardum Pyttes, procurator originalis dictorum Johannis et Margar' sustituit Walterum de Sutton'. [fol. 144r]

[Case entries: 93.15 (338).]

[93.16] Unfinished matters are continued to the next consistory.

Continuacio] Omnes causas isto die expediendas non expeditas isto die continuamus usque proximum ad idem quod prius. [fol. 144r]

94. ACTA, 25 OCTOBER 1380

[94.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 25 Oct. 1380. Next session in the same place, 15 Nov.

Acta coram nobis officiali Elien' loco quo supra die iouis proximo post festum Sancti Luce evangeliste anno Domini supradicto. Et agenda ibidem die iouis proximo post festum Sancti Martini proximo sequens. [fol. 144v]

[Case entries: 94.1 (44), 94.2 (7), 94.3 (99), 94.4 (139), 94.5 (147), 94.6 (215), 94.7 (157), 94.8 (257), 94.9 (271), 94.10 (274), 94.11 (258), 94.12 (277), 94.13 (282), 94.14 (287), 94.15 (292), 94.16 (304), 94.17 (306), 94.18 (309), 94.19 (314), 94.20 (96), 94.21 (322), 94.22 (320), 94.23 (233), 94.24 (195), 94.25 (328), 94.26 (332) [fol. 144v], 94.27 (26), 94.28 (335), 94.29 (336), 94.30 (337), 94.31 (338).]

[94.32] Proxy. 25 Oct. 1380 John Adkin and Robert Canon of Barton appoint Mr Richard Pitts and John Flamstead their proctors to act jointly or separately.

Procuratorium] Eodem die Johannes Adekyn et Robertus Canon' de Berton' constituerunt magistrum Ricardum Pyttes, clericum, et Johannem Flamste-de procuratores suos^a coniunctim et divisim etc. cum potestate agendi, defendendi etc., provocandi, appellandi etc. substituendi etc., cum caucione de rato. [145r]

^a suos] suum.

[94.33] Proxy. 25 Oct. 1380 William vicar of Barton church personally appoints Mr Richard Pitts and John Flamstead his proctors to act jointly or separately.

Procuratorium] Eodem die comparens personaliter dominus Willelmus vicarius ecclesie de Berton' constituit dictos Ricardum et Johannem procuratores suos coniunctim et divisim etc. ut supra. [145r]

[Case entries: 94.34 (339), 94.35 (341), 94.36 (342), 94.37 (340), 94.38 (343), 94.39 (344) [fol. 145r].]

95. ACTA, 15 NOVEMBER 1380

[95.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 15 Nov. 1380. Next session in the same place, 5 Dec.

Acta coram nobis .. officiali supradicto loco quo supra die iovis proximo post festum Sancti Martini anno Domini supradicto. Et agenda ibidem die mercurii proximo post festum Sancti Andree apostoli proximo sequens. [fol. 145v]

[Case entries: 95.1 (304), 95.2 (339), 95.3 (341), 95.4 (342), 95.5 (341).]

[95.6] 15 Nov. 1380 Mr Robert Ragnall, the archdeacon's official, personally swears obedience to the bishop, his official, and their commissaries and ministers.

Obediencia .. officialis archidiaconi prestita officiali Elien'] Eodem die comparens personaliter magister Robertus Ragenhull' officialis domini archidiaconi Eliens' iuravit obedienciam in licitis et canonicis mandatis domino .. episcopo Elien' eiusque .. officiali ac ceteris eorum commissariis et ministris. [fol. 145v]

[95.7] 15 Nov. 1380 Adam vicar of St Clement of Cambridge, dean of Cambridge, personally swears obedience to the bishop, his official, and their commissaries and ministers.

Obediencia decanus Cant'] Eodem die comparens personaliter dominus Adam vicarius ecclesie Sancti Clementis Cantebr' decanus decanatus Cantebr' iuravit obedienciam canonicam in licitis et canonicis mandatis domino .. episcopo Elien' eiusque .. officiali ac ceteris eorum commissariis et ministris. [fol. 145v]

[Case entries: 95.8 (237).]

[95.9] Unfinished matters are continued to the next consistory.

Continuacio] Omnes alias causas isto die expectandas continuamus usque proximum ad idem quod prius. [fol. 145v]

96. ACTA, 5 DECEMBER 1380

[96.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 5 Dec. 1380. Next session in the same place, 10 Jan. 1381.

Acta coram nobis .. officiali Elien' loco quo supra die mercurii proximo post festum Sancti Andree anno Domini supradicto. Et agenda die iouis proximo post festum epiphanie Domini proximo sequens. [fol. 146r]

[Case entries: 96.1 (215), 96.2 (292), 96.3 (341), 96.4 (341), 96.5 (309), 96.6 (314), 96.7 (195), 96.8 (340), 96.9 (335), 96.10 (343), 96.11 (345), 96.12 (346).]

[96.13] Unfinished matters are continued to the next consistory.

Continuacio] Omnes alias causas isto die expectandas continuamus usque proximum ad idem quod prius. [fol. 146r]

97. ACTA, 10 JANUARY 1381

[97.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 10 Jan. 1381. Next session in the same place, 31 Jan.

Acta coram nobis .. officiali Elien' loco quo supra die iouis proximo post festum epiphanie Domini anno Domini supradicto. Et agenda ibidem die iouis proximo post festum conversionis Sancti Pauli proximo sequens. [fol. 146v]

[Case entries: 97.1 (215), 97.2 (257), 97.3 (292), 97.4 (341), 97.5 (341), 97.6 (314), 97.7 (320), 97.8 (195), 97.9 (287), 97.10 (340), 97.11 (21), 97.12 (347), 97.13 (187), 97.14 (343).]

[97.15] Proxy. 30 Jan. 1381 Robert Peasey of Elsworth and William Towselond, *yconomi* of Elsworth church, appoint Walter Sutton and Peter Caprik their proctors jointly and separately.

Procuratorium] Penultimo die ianuarii Robertus Peese de Ellesworth et Wilhelmus Towselond de eadem, *yconomi* ecclesie de eadem, constituerunt Walterum Sutton' et Petrum Caprik' procuratores suos coniunctim et divisim etc. [fol. 146v]

[97.16] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proximum ad idem quod prius. [fol. 146v]

98. ACTA, 31 JANUARY 1381

[98.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 31 Jan. 1381. Next session in the same place, 28 Feb.

Acta coram nobis .. officiali Elien' loco quo supra die iouis proximo post festum conversionis Sancti Pauli anno Domini supradicto. Et agenda ibidem die iouis proximo post festum Sancte Juliane virginis proximo sequens. [fol. 147r]

[Case entries: 98.1 (215), 98.2 (257), 98.3 (292), 98.4 (341), 98.5 (341), 98.6 (314), 98.7 (320), 98.8 (195), 98.9 (287), 98.10 (340), 98.11 (347), 98.12 (187), 98.13 (343), 98.14 (345), 98.15 (345), 98.16 (345), 98.17 (348), 98.18 (348).]

[98.19] Proxy. 3 Jan. 1381 Nicholas Mason appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Eodem die Nicholaus Mason' predictus constituit apud acta Johannem Wiltesshir' procuratorem suum etc. [fol. 147r]

[Case entries: 98.20 (349) [fol. 147r], 98.21 (350), 98.22 (351), 98.23 (351), 98.24 (349).]

[98.25] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum consistorium ad idem quod prius. [fol. 147v]

99. ACTA, 28 FEBRUARY 1381

[99.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 28 Feb. 1381. Next session in the same place, 14 Mar.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post festum Sancte Juliane virginis anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancti Gregorii pape proximo sequens. [fol. 147v]

[Case entries: 99.1 (215), 99.2 (147), 99.3 (257), 99.4 (292), 99.5 (314), 99.6 (320), 99.7 (195), 99.8 (287), 99.9 (345), 99.10 (345), 99.11 (345), 99.12 (348), 99.13 (348), 99.14 (349) [fol. 147v], 99.15 (349), 99.16 (350).]

[99.17] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proximum ad idem quod prius. [fol. 148r]

100. ACTA, 14 MARCH 1381

[100.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 14 Mar. 1381. Next session in the same place, 5 Apr.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post festum Sancti Gregorii pape anno Domini supradicto. Et agenda ibidem die veneris proximo post festum Sancti Ambrosii proximo sequens. [fol. 148r]

[Case entries: 100.1 (147), 100.2 (215), 100.3 (257), 100.4 (292), 100.5 (314), 100.6 (320), 100.7 (195), 100.8 (287), 100.9 (345), 100.10 (345), 100.11 (345), 100.12 (348), 100.13 (350), 100.14 (337), 100.15 (352).]

[100.16] Proxy. On the same day the executors of John Baldwin of Cambridge personally appoint John Wiltshire their proctor *apud acta*.

Procuratorium] Eodem die comparentes personaliter executores testamenti Johannis Baldewyne de Cant', defuncti, constituerunt apud acta Johannem Wiltesshir' procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato. [fol. 148r]

[100.17] Proxy. 29 Mar. 1381 Thomas Newman of Elsworth and Thomas Smyth of Eltisley appoint John Wiltshire their proctor *apud acta*.

Procuratorium] Memorandum quod quarto kalendas aprilis anno Domini millesimo trecentesimo octogesimo primo Thomas Newema' de Ellesworth' et Thomas Smyth de Elteslee constituerunt apud acta Johannem Wiltesshir', clericum, procuratorem suum etc. sicut prius. [fol. 148r]

[100.18] Proxy. 31 Mar. 1381 Simon Bailey of Streetly personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Item secundo kalendas aprilis anno Domini supradicto comparens personaliter Simon Bailly de Stretele constituit Johannem Wiltesshir' procuratorem suum apud acta etc. sicut prius. [fol. 148r]

[Case entries: 100.19 (343) [fol. 148r], 100.20 (343), 100.21 (353), 100.22 (325), 100.23 (354), 100.24 (355).]

[100.25] Unfinished matters are continued to the next consistory.

Continuacio] Omina non expedita continuamus usque proximum ad idem quod prius. [fol. 148r]

101. ACTA, 5 APRIL 1381

[101.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 5 Apr. 1381. Next session in the same place, 2 May.

Acta coram nobis .. officiali Elien' loco quo supra die veneris proximo post festum Sancti Ambrosii anno Domini millesimo trecentesimo octogesimo primo. Et agenda ibidem die iouis proximo post dominicam qua cantatur officium *Misericordia Domini* proximo sequenti loco quo supra. [fol. 148v]

[Case entries: 101.1 (147), 101.2 (215), 101.3 (257), 101.4 (292), 101.5 (314), 101.6 (320), 101.7 (195), 101.8 (287), 101.9 (345), 101.10 (345), 101.11 (345), 101.12 (348) [fol. 148v], 101.13 (350), 101.14 (337).]

[101.15] Revocation of proctor. On the same day John Little of Chesterton personally revokes the proxy conceded by him to Walter Sutton and appoints Peter Caprik.

Revocacio procuratoris] Eodem die comparens personaliter Johannes Litel de Chestreton revocavit potestatem per ipsum concessam Waltero de Sutton procuratori suo et constituit Petrum Caprik' clericum procuratorem suum etc. [fol. 149r]

[Case entries: 101.16 (354), 101.17 (61), 101.18 (356), 101.19 (349), 101.20 (349), 101.21 (357) [fol. 149r], 101.22 (358).]

[101.23] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proximum ad idem quod prius. [fol. 149v]

102. ACTA, 2 MAY 1381

[102.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 2 May 1381. Next session in the same place, 24 May.

Acta coram nobis .. officiali Elien' loco quo supra die iovis proximo post dominicam qua cantatur officium *Misericordia Domini* anno Domini supra-dicto. Et agenda ibidem die veneris proximo post festum Sancti Dunstani proximo sequens. [fol. 149v]

[Case entries: 102.1 (147), 102.2 (215), 102.3 (257), 102.4 (292), 102.5 (314), 102.6 (320), 102.7 (195), 102.8 (287), 102.9 (345), 102.10 (345), 102.11 (345), 102.12 (348), 102.13 (350), 102.14 (337), 102.15 (354), 102.16 (357), 102.17 (343), 102.18 (359) [fol. 149v], 102.19 (360).]

[102.20] Proxy. 2 May 1381 John Raulyn of Bourn personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Johannes Ranlyn de Bru'ne constituit Johannem Wiltesshir' procuratorem suum apud acta cum potestate agendi, defendendi etc., provocandi, appellandi, apostolos petendi etc., substituendi etc., cum caucione de rato etc. [fol. 150r]

[102.21] Proxy. 2 May 1381 Cecilia Ward of Bourn personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Cecilia Ward de Bru'ne constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi, prosequendi, apostolos petendi etc., substituendi etc., cum caucione de rato etc. [fol. 150r]

[102.22] Proxy. 2 May 1381 Richard Pike of Landbeach personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Ricardus Pyk' de Landbech' constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi, apostolos petendi etc., substituendi etc., cum caucione de rato etc. [fol. 150r]

[102.23] Proxy. 2 May 1381 Stephen Pertesen of Pampisford personally appoints Peter Caprik and John Wiltshire his proctors *apud acta* to act jointly or separately.

Procuratorium] Eodem die comparens personaliter Stephanus Perteson de Pampesworth' constituit apud acta Petrum Caprik' et Johannem de Wiltesshir', clericos, procuratores suos coniunctim et divisim cum potestate agendi, defendendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato etc. [fol. 150r]

[102.24] Proxy. 11 May 1381 Margery Solsa of Swavesey personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Quinto idus maii anno Domini supradicto comparens personaliter Margeria Solza de Swaveseye constituit apud acta Johannem de Wiltesshir', clericum, procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato etc. [fol. 150r]

[Case entries: 102.25 (361), 102.26 (362), 102.27 (362), 102.28 (363), 102.29 (363), 102.30 (106), 102.31 (364) [fol. 150r–150v].]

[102.32] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum ad idem quod prius. [fol. 150v]

103. ACTA, 24 MAY 1381

[103.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 24 May 1381. Next session in the same place, 14 June.

Acta coram nobis .. officiali Elien' loco quo supra die veneris proximo post festum Sancti Dunstani anno Domini supradicto. Et agenda ibidem die veneris proximo post festum Sancte Trinitatis proximo sequens. [fol. 150v]

[Case entries: 103.1 (147), 103.2 (215), 103.3 (257), 103.4 (292), 103.5 (314), 103.6 (320), 103.7 (195), 103.8 (287), 103.9 (345), 103.10 (345), 103.11 (345), 103.12 (348), 103.13 (350), 103.14 (337), 103.15 (354) [fol. 150v], 103.16 (357), 103.17 (343), 103.18 (359), 103.19 (187).]

[103.20] Proxy. 24 May 1381 Amy Hakhay of Landbeach personally appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Eodem die Amya Hakhay de Landbech' personaliter comparens constituit apud acta Petrum Caprik', clericum, procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi, apostolos petendi etc., substituendi etc., cum caucione de rato et indicatum solvendo. [fol. 151r]

[Case entries: 103.21 (360), 103.22 (363), 103.23 (363) [fol. 151r], 103.24 (256), 103.25 (365), 103.26 (106).]

[103.27] Brown probate of testament. 13 Apr. 1381 in Ely cathedral, the testament of John Brown of Chatteris, who died in the monastery of Chatteris, was proved before John Newton, DCivL and official and commissary of the bishop. The administration was committed to Thomas St Paul of Chatteris and John Fiddler of Mepal, executors named in the testament.

Broun testamenti probacio] Memorandum quod anno Domini millesimo trecentesimo octogesimo et uno probatum fuit testamentum Johannis Bron' de Chateris infra monasterium de Chateris decedentis coram magistro Johanne de Newton' legum doctore officiali Elien' ac venerabilis patris domini episcopi Elien' commissario in ecclesia cathedrali Elien' idus aprilis. Et decreta ac commissa est administracio bonorum eiusdem Thome Seyntpoul de Cha-

teris et Johanni Fithelere de Mephale executoribus in dicto testamento nominatis in forma iuris iuratis. [fol. 151v]

[Case entries: 103.28 (366).]

[103.29] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum. [fol. 151v]

104. ACTA, 14 JUNE 1381

[104.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 14 June 1381. Next session in the same place, 19 Sep.

Acta coram nobis officiali Elien' loco quo supra die veneris proximo post festum Sancte Trinitatis anno Domini supradicto. Et agenda ibidem die iovis proximo post festum exaltacionis Sancte Crucis. [fol. 151v]

[Case entries: 104.1 (366), 104.2 (367), 104.3 (368), 104.4 (367), 104.5 (19), 104.6 (20) [fol. 151v], 104.7 (369).]

[104.8] Whittlesey appointment. Robert de Elsworth, perpetual vicar of St Mary of Whittlesey, is so impeded by old age and continued ill health that he cannot exercise the cure of souls and administer the goods of the vicarage. John Newton, DCivL and official and commissary of the bishop, wishing to avoid damages to the vicar and vicarage, assigns John Wardale of Whittlesey, chaplain, and Henry atte Brook of Elsworth as curators to Robert. They are ordered to make an indented inventory in four parts and an appraisal of the vicar's goods, whoever holds them. They should act as curators in all spiritual and temporal matters and account for all receipts and their administration to the bishop or his deputy as required. One copy of the inventory will remain with them, the second will go to the vicar, the third to Newton, and the fourth to the kitchener of Thorney, rector of Whittlesey church, who has been deputized to assist them if necessary. Done 9 Sep. 1381, in St Mary of Whittlesey. Witnesses: Mr Thomas of Barnard Castle, rector of Lolworth, and John vicar of St Andrew of Whittlesey *et al.*, of Ely diocese.

Wyttlesseye – dacio curatoris sive coadiutoris] Cum dominus Robertus de Ellesworth', perpetuus vicarius ecclesie Sancte Marie de Wyttlesseye Elien' diocesis, senio sit confractus, valitudine corporali gravatus et alias existat multipliciter perpetuo adeo^a impeditus quod ad curam animarum sibi commissam debite exercendam et bona ecclesiastica ad dictam vicariam suam spectancia inutilis redditur ministranda, nos Johannes de Neuton', doctor legum, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, volentes tam ipsius vicarii persone quam vicarie et rebus eiusdem ac cure eidem iminenti, prout ad officium dicti venerabilis patris et nostrum in hac parte noscitur pertinere, indemnitatibus precavere, dominum Johannem Wardale

^a adeo] *interlined*.

de Wytlesseye capellanum et Henricum Attebrok' de Ellesworth' de quorum fidelitate et industria fidem gerimus, ipsius domini Roberti vicarii coadiutores sive curatores deputamus preficimus et assignamus volentes et mandantes eisdem in virtute iuramenti per ipsos coporaliter prestiti quod fidele inventarium omnium bonorum et catallorum ipsius vicarii in quibuscumque rebus et in quarumcumque manibus existant in quatuor pergameni cedulis indentatis scriptum fideliter fieri faciant et fideliter appreciari quodque ipsa bona et catalla omnia et singula, ac omnes et singulos fructus redditus et proventus ad dictam vicariam provenientes et proventuros in utilitatem et commodum ipsius vicarii et vicarie sue predictae fideliter committant bonaque et catastra quecumque ad dictam vicariam proventura debite ministrent et Deo et predictae ecclesie ac cure eidem iminenti faciant deserviri laudabiliter in divinis et generaliter officium coadiutorum huiusmodi in spiritualibus et temporalibus exercent [fol. 152r] utiliter et prudenter ac dicto venerabili patri seu nobis vel alteri per ipsum seu nos deputando cum in hac parte requisiti fuerint de receptis et administracione huiusmodi reddant fideliter rationem. Volumus insuper et mandamus quod una cedula inventarii indentata penes eos remaneat, secunda eidem vicario, tertia officio nostro et quarta coquinario de Thorneye, ipsius ecclesie rectori quem ad assistendum eis in hac parte cum oporteat deputavimus, liberetur. Acta in ecclesia Sancte Marie de Wittlessey^b die lune proximo post festum nativitatis Sancte Marie virginis videlicet nono die mensis septembris anno Domini millesimo trecentesimo octogesimo primo indiccione quarta pontificatus domini Urbani pape sexti anno quarto. Presentibus magistro Thoma de Castrobernard', rectore ecclesie de Lolleworth', et domino Johanne, vicario ecclesie Sancti Andree de Wytlesseye et aliis multis Elien' diocesis testibus vocatis. [fol. 152v]

[104.9] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum consistorium ad idem quod prius. [fol. 152v]

^b *The rest of this entry appears after entry 104.9, a fact that indicates that Foxton wrote the continuation entry before this one.*

105. ACTA, 19 SEPTEMBER 1381

[105.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 19 Sep. 1381. Next session in the same place, 10 Oct.

Acta coram nobis .. officialis Elien' loco quo supra die iovis proximo post festum exaltacionis Sancte Crucis anno Domini supradicto. Et agenda ibidem die iovis proximo post festum Sancte Fidis virgini proximo sequens. [fol. 152v]

[Case entries: 105.1 (370).]

[105.2] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum consistorium ad idem quod prius. [fol. 152v]

106. ACTA, 10 OCTOBER 1381

[106.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 10 Oct. 1381. Next session in the same place, 30 & 31 Oct.

Acta coram .. officialis Elien' loco quo supra die iovis proximo post festum Sancte Fidis virginis anno Domini supradicto. Et agenda ibidem diebus mercurii et iovis proximo post festum apostolorum Simonis et Jude proximo sequens. [fol. 152v]

[Case entries: 106.1 (147), 106.2 (215), 106.3 (257), 106.4 (292), 106.5 (314), 106.6 (320), 106.7 (195), 106.8 (287), 106.9 (345) [fol. 152v], 106.10 (345), 106.11 (345), 106.12 (348), 106.13 (350), 106.14 (337), 106.15 (354), 106.16 (357), 106.17 (343), 106.18 (359), 106.19 (187), 106.20 (360), 106.21 (363), 106.22 (363), 106.23 (256), 106.24 (338), 106.25 (106), 106.26 (367), 106.27 (370), 106.28 (371) [fol. 153r], 106.29 (106), 106.30 (372), 106.31 (373), 106.32 (374).]

[106.33] Shelford obedience. William Donnebridge, rector of Great Shelford, was cited before John Newton, DCivL and official and commissary of the bishop, to swear obedience.

He appears by John Wiltshire on 11 Oct. 1381 in St Mary the Less and swears obedience to the official and his commissaries and ministers. Witnesses: Mr's Robert de Eltisley, rector of Hecham, Norwich diocese; John Potton, rector of Hungry Hatley; and Walter rector of Little Shelford *et al.*

Shelford obediencia] Dominus Willelmus Donnebrigge rector ecclesie parochialis de Shelford Magna citatus coram nobis Johanne de Neuton legum doctore officiali Elien' ad prestandum nobis obedienciam canonicam ratione dicte ecclesie sue comparuit per Johannem Wiltesshir' clericum procuratorem suum quinto idus octobris anno Domini millesimo trecentesimo septuagesimo octavo primo indicione quinta pontificatus domini Urbani pape sexti anno quarto in ecclesia Sancte Marie extra Trumpiton' gates Cant' et prestitit obedienciam dicto domino .. officiali ac certeris ipsius commissariis et ministris in lictis canonicis mandatis. Presentibus magistris Roberto de Eltesle Johanne de Potton ecclesiarum de Hecham Norcen' diocesis et Hungrihattele Elien' diocesis rectoribus domino Waltero rectore ecclesie de Shelford Parva Elien' diocesis et aliis. [fol. 153v]

[106.34] Fen Ditton probate. 25 Oct. 1381 John Canfield, John Roche, and John Queenborough of Fen Ditton, executors of Stephen atte Roche, late rector of Ditton, appear personally before John Newton, DCivL and official and commissary of the bishop, to exhibit and prove the testament. It is approved and published; the administration is committed to them. Done in the official's chamber in Peterhouse, Cambridge. Witnesses: William Petworth, rector of Elm, and Thomas Newton, cleric, of Ely and York dioceses.

Dytton' probacio testamenti] Memorandum quod octavo kalendas novembris anno Domini millesimo trecentesimo octogesimo primo parentes personaliter coram nobis Johanne de Neuton legum doctore venerabili in Christo patris et domini domini Thome Dei gracia episcopi Elien' officiali et commissario ad infrascripta sufficienter deputo dominus Johannes Canefeld' Johannes Roche et Johannes Queneburgh' de Dytton' executores testamenti domini Stephani atte Roche rectoris ecclesie de Dytton Elien' diocesis et patronatus dicti patris testamentum dicti rectoris defuncti exhibuerunt ipsumque testamentum coram nobis probarunt, unde nos officialis et commissarius predictum ipsum testamentum approbavimus et pro legitimo testamento pronuntiavimus et publicavimus administracionemque omnium bonorum dictum testamentum concernencium eisdem executoribus informa iuris iuratis commisimus in forma iuris acta in camera dicti domini officialis in domo Sancti Petri Cant' anno die et mense predictis indiccione quinta pontificatus domini Urbani pape sexti anno quarto. Presentibus domino Willelmo Peteworth' rectore ecclesie de Elm et Thoma Neuton clerico Elien'. [fol. 153v]

[106.35] Conington obediencia. Peter Winestead, rector of Conington, appears personally on 4 Nov. 1381, exhibits the title to his benefice, and swears obedience to the official, his commissaries and ministers.

Conyton obediencia] Dominus Petrus Wynstede rector ecclesie parochialis de Conyton' comparuit personaliter coram nobis .. officiali Elien' quarto die novembris anno Domini millesimo trecentesimo octogesimo primo exhibuit titulum beneficii sui et prestitit obedienciam nobis et ceteris nostris commissariis et ministris in licitis et canonicis mandatis. [fol. 153v]

[106.36] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum. [fol. 153v]

107. ACTA, 30 & 31 OCTOBER 1381

[107.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 30 & 31 Oct. 1381. Next session in the same place, 12 & 13 Nov.

Acta coram nobis .. officialis Elien' loco quo supra diebus mercurii et iovis proximo post festum apostolorum Simonis et Jude anno Domini supradicto. Et agenda ibidem diebus martis et mercurii proximo post festum Sancti Martini. [fol. 154r]

[Case entries: 107.1 (147), 107.2 (215), 107.3 (257), 107.4 (292), 107.5 (314), 107.6 (320), 107.7 (195), 107.8 (287), 107.9 (345), 107.10 (345), 107.11 (345), 107.12 (348), 107.13 (350), 107.14 (337), 107.15 (354) [fol. 154r], 107.16 (357), 107.17 (343), 107.18 (359), 107.19 (187), 107.20 (363), 107.21 (363), 107.22 (256), 107.23 (365), 107.24 (367), 107.25 (373),

107.26 (375), 107.27 (374), 107.28 (372), 107.29 (376) [fol. 154v], 107.30 (377), 107.31 (212), 107.32 (233).]

[107.33] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum. [fol. 155r]

108. ACTA, 12 & 13 NOVEMBER 1381

[108.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 12 & 13 Nov. 1381. Next session in the same place, 28 & 29 Nov.

Acta coram nobis .. officialis Elien' loco quo supra diebus martis et mercurii proximo post festum Sancti Martini anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post festum Sancte Katerine virgini proximo sequens. [fol. 155r]

[Case entries: 108.1 (147), 108.2 (257), 108.3 (314), 108.4 (320), 108.5 (195), 108.6 (287), 108.7 (345), 108.8 (345), 108.9 (348), 108.10 (350), 108.11 (359) [fol. 155r], 108.12 (337) [fol. 155v], 108.13 (354), 108.14 (357), 108.15 (343), 108.16 (363), 108.17 (363), 108.18 (256), 108.19 (374), 108.20 (378), 108.21 (377), 108.22 (376).]

[108.23] Oaths of obedience made before the official to the bishop, his official, and their commissaries and ministers.

24 Nov. 1381 John Ive, vicar of Shingay, personally.

Shengeye – obediencia] Memorandum quod octavo kalendas decembris anno Domini millesimo trecentesimo octagesimo primo dominus Johannes Ive vicarius ecclesie de Shengeye Elien' diocesis comparens personaliter coram nobis .. officialis Elien' et prestitit ac iuravit canonicam obedienciam domino Thome Dei gracia episcopo Elien', nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis. [fol. 156r]

[108.24] 24 Nov. John Tiler, vicar of Caldecote, personally.

Caldecote – obediencia] Eisdem die et anno comparens personaliter coram nobis .. officiali predicto dominus Johannes Tilere vicarius de Caldecote dicte diocesis et obedienciam canonicam dicto venerabili patri et nobis ac commissariis nostris in licitis et canonicis mandatis prestitit et iuravit. [fol. 156r]

[108.25] 26 Nov. 1381 Grantchester. William Bachelor, vicar of Grantchester, personally.

Granceste – obediencia] Item sexto kalendas decembris anno domino supradicto comparens personaliter dominus Willelmus Bachelor vicarius ecclesie de Granceste obedienciam canonicam dicto venerabili patri et nobis ac commissariis nostris in licitis et canonicis mandatis prestitit et iuravit. [fol. 156r]

[108.26] 26 Nov. Thomas de Broughton, vicar of St Mary of Swaffham, by John Wiltshire, specially deputized proctor.

Suafram – obediencia] Item eisdem die et anno comparens coram nobis .. officiali predicto dominus Thomas de Broughton' vicarius ecclesie de Suafram Marie per Johannem Wiltesshire', procuratorem suum ad hoc specialiter deputatum, et obedienciam huiusmodi ut primum prestat et iuravit. [fol. 156r]

[108.27] 26 Nov. Nicholas vicar of Swaffham Bulbeck personally.

Suafram – obediencia] Item eisdem die et anno comparens personaliter coram nobis .. officiali predicto dominus Nicholaus vicarius ecclesie de Suafram monasterii dicte diocesis obedienciam canonicam dicto venerabili patri et nobis ac commissariis nostris in licitis et canonicis mandatis prestat et iuravit. [fol. 156r]

[108.28] 26 Nov. William rector of Carlton, by John Wiltshire, specially deputized proctor.

Carlton' – obediencia] Item eisdem die et anno comparens coram nobis .. officiali predicto dominus Willelmus rector ecclesie de Carlton' dicte diocesis per Johannem Wilteshire' procuratorem suum ad hoc specialiter deputatum et obedienciam canonicam ut prestat et iuravit. [fol. 156r]

[108.29] 26 Nov. John Prat, vicar of Sawston, personally.

Sauston – obediencia] Item eisdem die et anno comparens personaliter coram nobis .. officiali predicto dominus Johannes Prat vicarius ecclesie de Sauston' dicte diocesis obedienciam canonicam dicto venerabili patri, nobis ac commissariis nostris in licitis et canonicis mandatis prestat et iuravit. [fol. 156r]

[108.30] 26 Nov. John Weasenham, vicar of Melbourn, personally.

Meldebourn – obediencia] Item eisdem die et anno comparens personaliter dominus Johannes Wesenham vicarius ecclesie de Meldebourn dicte diocesis coram nobis .. officiali predicto obedienciam canonicam dicto venerabili patri, nobis et commissariis ac ministris nostris in licitis et canonicis mandatis prestat et iuravit. [fol. 156r]

[108.31] 26 Nov. . . .^a rector of Great Childerley, personally.

Childerle – obediencia] Item eisdem die et anno comparens personaliter coram nobis .. officiali predicto . . .^a rector ecclesie de Childerle Magna dicte diocesis obedienciam canonicam dicto venerabili patri, nobis ac suis et nostris commissariis et ministris in licitis et canonicis mandatis prestat et iuravit. [fol. 156r]

[108.32] 26 Nov. Hugh Woughton, rector of Knapwell, personally.

Knapwell' – obediencia] Item eisdem die et anno comparens personaliter coram nobis .. officiali predicto dominus Hugo Woketon' rector ecclesie de Knapwell' dicte diocesis obedienciam canonicam dicto venerabili patri, no-

^a *Blank space in ms.*

bis ac suis et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit. [fol. 156r]

[108.33] 26 Nov. . . .^b rector of Little Eversden, by proctor [unspecified].

Everesden' parva – obediencia] Item eisdem die et anno comparens coram nobis .. officiali predicto dominus . . .^b rector de Everesdon' parva dicte diocesis per procuratorem suum [fol. 156v] obedienciam canonicam dicto venerabili patri, nobis et ceteris ipsius et nostris commissariis et ministris prestitit et iuravit. [fol. 156r]

[108.34] 26 Nov. Dean of Chesterton, personally.

Chestreton' – obediencia] Item eisdem die et anno Domini comparens personaliter .. decanus de Chestreton prestitit et iuravit canonicam obdienciam dicto venerabili patri, nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis. [fol. 156v]

[108.35] 26 Nov. John vicar of Oakington, personally.

Hokyton' – obediencia] Item eisdem die et anno comparens personaliter coram nobis .. officiali predicto dominus Johannes vicarius ecclesie de Hokytton' dicte diocesis obdienciam canonicam dicto venerabili patri, nobis et cetera ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit. [fol. 156v]

[108.36] 26 Nov. Roger rector of St Andrew of Histon, by John Fairchild, proctor by letter.

Histon' – obediencia] Item eisdem die et anno comparens dominus Rogerus rector de ecclesie de Histon' dicte diocesis per dominum Johannem Fayrchild procuratorem suum habentem^c a dicto rectore obdienciam canonicam prestandi et iurandi inter cetera specialiter potestatem literatorie constitutum obedienciam canonicam dicto venerabili patri, nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis nomine procuratoris prestitit et iuravit. [fol. 156v]

[108.37] 26 Nov. Walter rector of Girton, personally.

Grytton' – obediencia] Item eisdem die et anno comparens personaliter dominus Walteris rectorem ecclesie de Grytton' dicte diocesis coram nobis .. officiali Elien' obdienciam canonicam dicto venerabili patri, nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit. [fol. 156v]

[108.38] 26 Nov. William Cook, chaplain of Steeple Morden and dean of Shingay, personally.

Stepelmordon – obediencia] Item eisdem die et anno Domini comparens personaliter dominus Willelmus Cook' de Stepelmordon capellanus, decanus decanatus de Shenegeye dicte diocesis coram nobis .. officiali Elien' ob-

^b *Blank space in ms* ^c habentem] habens.

dienciam canonicam dicto venerabili patri, nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit. [fol. 156v]

[108.39] 26 Nov. Robert Larry, chaplain of Kingston and dean of Bourn, personally.

Brunne – obediencia] Item eisdem die et anno comparens personaliter dominus Robertus Larry capellanus parochie de Kyngston' decanus decanatus de Brunne dicte diocesis coram nobis .. officialis predicto obedienciam canonicam dicto venerabili patri nobis et ceteris ipsius et nostris commissariis et ministris in huiusmodi mandatis^d prestitit et iuravit. [fol. 156v]

[108.40] 26 Nov. Mr John Egmore, vicar of St Edward of Cambridge, personally.

Edward' – obediencia] Item eisdem die et anno comparens personaliter coram nobis .. officiali predicto magister Johannes Eggemere, vicario ecclesie Sancti Edwardi Cant' dicte diocesis, obedienciam canonicam dicto venerabili patri, nobis et certis ipsius et nostris commissariis et ministris in licitis mandatis prestitit et iuravit. [fol. 156v]

[108.41] 26 Nov. Walter chaplain of St Mary of Cambridge, personally.

Sancte Marie – obediencia] Item eisdem die et anno comparuit personaliter coram nobis .. officiali predicto dominus Walterus capellanus parochialis ecclesie Sancte Marie Cantebr' dicte diocesis [et] obedienciam canonicam dicto venerabili patri, nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit. [fol. 156v]

[108.42] 26 Nov. Thomas Vinter, chaplain of one chantry of St Clement's, Cambridge, personally.

Clement' – obediencia] Item eisdem die et anno comparens personaliter dominus Thomas Vynt' cappellanus unius cantarie in ecclesie Sancti Clementis Cant' diocesis obedienciam canonicam dicto venerabili patri, nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit. [fol. 156v]

[108.43] 26 Nov. William Chaplain, chaplain of the other chantry of St Clement's, Cambridge, personally.

Clement' – obediencia] Item eisdem die et anno comparens personaliter dominus Willelmus cappellanus alterius cantarie in dicta ecclesia Sancti Clementis obedienciam canonicam dicto venerabili patri, nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit. [fol. 156v]

[108.44] 26 Nov. John Squire, rector of Stow cum Quy, personally.

Stowe – obediencia] Item eisdem die et anno comparens personaliter do-

^c huiusmodi mandatis] *sizing is bad and there is bleeding from the other side, making this word or words virtually illegible and the reading highly conjectural.*

minus Johannes Squyer, rector ecclesie de Stowe cum Quy dicte diocesis, coram nobis .. officiali predicto obedienciam canonicam domino patri, nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit et iuravit. [fol 156v]

[108.45] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum. [fol. 156v]

[Case entries: 108.46 (233) [fol. 156v].]

109. ACTA, 28 & 29 NOVEMBER 1381

[109.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 28 & 29 Nov. 1381. Next session in the same place, 12 & 13 Dec.

Acta coram nobis .. officialis predicto loco quo supra diebus iouis et veneris proximo post festum Sancte Katerine virginis anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post festum conceptionis Beate Marie virgini proximo sequens. [fol. 158r]^a

[Case entries: 109.1 (147), 109.2 (257), 109.3 (314), 109.4 (195), 109.5 (287), 109.6 (345), 109.7 (348), 109.8 (350), 109.9 (359), 109.10 (354), 109.11 (357), 109.12 (343), 109.13 (363), 109.14 (363), 109.15 (256), 109.16 (378) [fol. 158r], 109.17 (377) [fol. 159r], 109.18 (212), 109.19 (379), 109.20 (380), 109.21 (337) [fol. 158r], 109.22 (381).]

[109.23] Proxy. 28 Nov. 1381 Robert vicar of Dullingham personally appoints Mr Richard Pitts, the archdeacon's registrar, his proctor.

Procuratorium] Memorandum quod quarto kalendas decembris anno Domini supradicto comparens personaliter dominus Robertus vicarius ecclesie de Dullyngham constituit magistrum Ricardum Pyttes clericum domini archidiaconi Elien' registrarium procuratorem suum penes acta cum potestate agendi defendendi etc., provocandi appellandi etc., substituendi et substitutum revocandi etc. et cavebat de rato etc. [158v]

[Case entries: 109.24 (233), 109.25 (372), 109.26 (382), 109.27 (383).]

[109.28] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia isto die expediendi continuamus usque proximum ad idem. [fol. 158v]

^a *There is no fol. 157.*

110. ACTA, 12 & 13 DECEMBER 1381

[110.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 12 & 13 Dec. 1381. Next session in the same place, 16 and 17 Jan. 1382.

Acta coram nobis .. officiali predicto loco quo supra diebus iouis et veneris proximo post festum conceptionis Beate Marie virgini anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post festum Sancti Hilarii proximo sequens. [fol. 159r]

[Case entries: 110.1 (147), 110.2 (257), 110.3 (314), 110.4 (195), 110.5 (287), 110.6 (345), 110.7 (348), 110.8 (350), 110.9 (359), 110.10 (354), 110.11 (357), 110.12 (343), 110.13 (363), 110.14 (256), 110.15 (378), 110.16 (212), 110.17 (379), 110.18 (380), 110.19 (337), 110.20 (381), 110.21 (233), 110.22 (372), 110.23 (382), 110.24 (374), 110.25 (271), 110.26 (384), 110.27 (385) [fol. 159r].]

[110.28] Proxy. On the same day Matilda atte Green of Linton personally appoints John Wiltshire her proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter coram nobis in iudicio Matildis Attegrene de Linton' et constituit apud acta Johannes de Wiltesshir', clericum, procuratorem suum cum omnibus et singulis clausulis et articulis supradictis et cavebat de rato. [fol. 159v]

[110.29] Proxy. On the same day in court John Potter personally appoints Walter Sutton his proctor *apud acta*; Alice Bridgeman of Carlton personally appoints Peter Caprik her proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter coram nobis in iudicio Johannes Potter' et Alicia Briggeman de Carlton' et constituerunt apud acta Johannes videlicet Walterum de Sutton' et Alicia Petrum Caprik', clericos, procuratores suos modo et forma quibus supra. [fol. 159v]

[110.30] Proxy. Thomas Pool of Wilbraham personally appoints John Wiltshire his proctor.

Procuratorium] Eodem die comparens personaliter coram nobis in iudicio Thomas Pool de Wilburgham et constituit Johannes de Wiltes', clericum, procuratorem suum sub modo et forma et cum clausulis et articulis superius designatis. [fol. 159v]

[Case entries: 110.31 (386), 110.32 (292).]

III. ACTA, 16 & 17 JANUARY 1382

[111.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 16 & 17 Jan. 1382. Next session in the same place, 6 & 7 Feb.

Acta coram nobis .. officialis predicto loco quo supra diebus iouis et veneris proximo post festum Sancti Hilarii anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post festum Purificacionis. [fol. 159v]

[Case entries: 111.1 (147), 111.2 (257), 111.3 (314), 111.4 (195), 111.5 (287), 111.6 (345), 111.7 (348), 111.8 (350), 111.9 (359), 111.10 (354), 111.11 (357) [fol. 159v], 111.12 (343), 111.13 (363), 111.14 (256), 111.15 (378), 111.16 (212), 111.17 (337), 111.18 (381), 111.19 (233), 111.20 (372), 111.21 (374), 111.22 (271), 111.23 (384), 111.24 (385).]

[111.25] Obedience of the archdeacon's official. 16 Jan. 1382 in St Mary the Less before John Newton, DCivL and official, Mr Geoffrey Gidding, the archdeacon's official, personally swore obedience to the bishop and his commissaries and ministers in full consistory. Witnesses: Mr John Potton, advocate of the consistory, and John Wiltshire and Peter Caprik, proctors of the consistory *et al.*

Obediencia officialis domini archidiaconi Elien'] Memorandum quod die iouis proximo post festum Sancti Hillarii anno Domini millesimo trecentesimo octogesimo primo indiccione quinta pontificatus domini Urbani pape sexti anno quarto mensis ianuarii die octavo decimo in ecclesia Sancte Marie extra Trumpitongates Cantebr' Elien' diocesis coram magistro Johanne de Newton legum doctore officiali Elien' tunc ibidem pro tribunali sedenti et consistorium suum tenente comparuit personaliter magister Galfridus Giddyng officialis domini archidiaconi Elien' ac obedienciam canonicam venerabili patri domino .. episcopo Elien' eiusque officiali Elien' ac cetera eorum commissariis et ministris in licitis et canonicis mandatis ad sancta^a Dei evangelia per ipsum tacta in pleno consistorio prestitit et iuravit. Presentibus magistro Johanne de Potton dicte curie Elien' advocato, Johanne Wiltesshir' et Petro Caprik' ipsius curie procuratoribus et aliis multis. [fol. 160r]

[Case entries: 111.26 (233).]

[111.27] Proxy. 16 Jan. 1382 Henry Derby of Clopton personally appoints John Wiltshire his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter Henricus Derby de Clopton' constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato etc. [fol. 160r]

[Case entries: 111.28 (387), 111.29 (387), 111.30 (387), 111.31 (387), 111.32 (387) [fol. 160r], 111.33 (387), 111.34 (336).]

[111.35] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia non expedita continuamus usque proximum ad idem quod prius. [fol. 160v]

^a sancta] sanctam.

112. ACTA, 6 & 7 FEBRUARY 1382

[112.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 6 & 7 Feb. 1382. Next session in the same place, 27 & 28 Feb.

Acta coram nobis .. officialis Elien' loco quo supra diebus iouis et veneris proximo post festum purificationis Beate Marie virginis anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post festum Sancti Mathie apostoli proximo sequens. [fol. 160v]

[Case entries: 112.1 (257), 112.2 (314), 112.3 (195), 112.4 (287), 112.5 (345), 112.6 (348), 112.7 (350), 112.8 (359), 112.9 (354), 112.10 (343), 112.11 (363), 112.12 (256), 112.13 (378), 112.14 (212), 112.15 (337) [fol. 160v], 112.16 (381), 112.17 (233), 112.18 (374), 112.19 (384), 112.20 (385), 112.21 (233), 112.22 (233), 112.23 (387), 112.24 (388).]

[112.25] Proxy. On the same day before the official, Mr Geoffrey Gidding, the archdeacon's official, personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter coram nobis .. officialis Elien' magister Galfridus Giddyng, officialis domini archidiaconi Elien', constituit Petrum Caprik', clericum, procuratorem suum apud acta cum potestate agendi, defendendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato etc. [fol. 161r]

[112.26] Proxy. On the same day John vicar of Holy Sepulchre, Cambridge personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter dominus Johannes vicarius Sancti Sepulchri Cant' constituit apud acta dictum Petrum procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato. [fol. 161r]

[112.27] Proxy. On the same day John vicar of Hinton personally appoints Mr Richard Pitts his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter dominus Johannes vicarius ecclesie de Hynton' constituit apud acta magistrum Ricardum Pyttes, clericum, procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato. [fol. 161r]

[112.28] Proxy. On the same day Mr Richard Pitts, cleric and registrar of the archdeacon, personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Eodem die comparens personaliter magister Ricardus Pyttes, clericus, registrarius domini archidiaconi Elien', constituit apud acta dictum Petrum Caprik', clericum, procuratorem suum cum potestate agendi, defendendi etc., provocandi, appellandi etc., substituendi etc., cum caucione de rato etc. [fol. 161r]

[112.29] Substitution. Mr Richard Pitts, original proctor of Robert vicar of Dullingham, personally substitutes Peter Caprik *apud acta*.

Substitutio] Eodem die comparens personaliter dictus magister Ricardus procurator originalis domini Roberti vicarii ecclesie de Dullyngham, habens inter cetera potestatem substituendi, sustituit apud acta loco dictum Petrum Cap'k' iuxta vim, formam et effectum procuratorii sui originalis. [fol. 161r]

[Case entries: 112.30 (389) [fol. 161r], 112.31 (390).]

[112.32] Proxy. 5 Feb. 1382 Thomas vicar of Holy Trinity, Cambridge appoints Walter Sutton his proctor *apud acta*.

Procuratorium] Memorandum quod die mercurii proximo post festum Purificationis anno Domini supradicto comparens personaliter dominus Thomas vicarius ecclesie Sancte Trinitatis Cant' et constituit Waltherum de Sutton', clericum, procuratorem suum apud acta cum potestate agendi, defendendi etc., provocandi et appellandi etc., substituendi etc. [fol. 161v]

[Case entries: 112.33 (336), 112.34 (391).]

[112.35] Unfinished matters are continued to the next consistory.

Continuacio] Omnia non expedita continuamus usque proimum ad idem. [fol. 161v]

113. ACTA, 27 & 28 FEBRUARY 1382

[113.0] *Acta* before John Newton, official, in St Mary the Less, Cambridge, 27 & 28 Feb. 1382. Next session in the same place, 20 & 21 Mar.

Acta coram nobis .. officialis Elien' loco quo supra diebus iouis et veneris proximo post festum Sancti Mathie apostoli anno Domini supradicto. Et agenda ibidem diebus iouis et veneris proximo post festum Sancti Edwardi regis et martyris. [fol. 161v]

[Case entries: 113.1 (257), 113.2 (314), 113.3 (195), 113.4 (287), 113.5 (345), 113.6 (348), 113.7 (350), 113.8 (359), 113.9 (354), 113.10 (343), 113.11 (363) [fol. 161v], 113.12 (256), 113.13 (378), 113.14 (212), 113.15 (381), 113.16 (233), 113.17 (233), 113.18 (374), 113.19 (384), 113.20 (385), 113.21 (388), 113.22 (390), 113.23 (336), 113.24 (392), 113.25 (311), 113.26 (211).]

[113.27] Proxy. 27 Feb. 1382 Roger atte Church personally appoints Peter Caprik his proctor *apud acta*.

Procuratorium] Tercio kalendas marcii anno Domini supradicto comparens personaliter Rogerus Attechirche, cappellanus parochialis de Hadenham, constituit^a apud acta Petrum Caprik', clericum, procuratorem suum cum potestate agendi, defendendi etc., provocandi et appellandi etc. [fol. 162r]

[113.28] Unfinished matters are continued to the next consistory.

Continuacio] Omnia alia isto die expendienda non expedita continuamus usque proximum consistorium ad idem quod prius. [fol. 162r]

[113.29] Ordinance in salary cases. In cases of salary brought by officers of the court, namely by the examiner, advocate, proctor, registrar, and others, against their clients for their labour in court, no particular form of procedure has been observed. John Newton, DCivL and official of Ely, with the assistance of experienced counsel of the court, orders that in such cases the libel should not be given in writing but as a summary petition, which will be recorded with the acts. The pronouncement will be formed from it.

Ordinacio in causis salarii] Cum in causis salariorum ministrorum iurisdic-

^a *Hole in ms. written around.*

cionis ecclesiastice ubi videlicet examinatus, advocatus, procurator seu registrarius et alius officarius seu minister quibuscumque cuiuscumque curie ecclesiastice pro labore seu patrocinio per eos in causis ecclesiasticis impensis a suis clientulis salarium petunt et propter hoc coram eiusdem curie presidentibus in iudicio convenerunt, iuris solemnitate non expediat nec deceat observari, nos Johannes de Neuton', doctor legum, officialis Elien', nullam certam formam per quam in huiusmodi causarum processibus in consistorio Elien' hactenus procedere consueverat invenimus. Usitatam volentes certam formam per quam in huiusmodi causis summarie et absque prolixioris litigii diffugio et subtili ordinis iudicarii observacione procedere valeat in dicto consistorio Elien' de cetero servare ordinamus et statuimus de consilio et assensu iuris peritorum in consistorio presencium ac ministrorum eiusdem curie seu consistorii quod in causis huiusmodi de cetero non exigat libellus in scriptis sed summaria peticio in actis redigenda iuxta quam pronunciatio sequi debet. [fol. 162v]

[Case entries: 113.30 (21).]

[113.31] Substitution. 14 Mar. 1382 John Wiltshire, general proctor of the consistory, personally substitutes Walter Sutton and Peter Caprik, general proctors.

Substitutio] Memorandum quod secundo idus marci anno Domini supradicto comparens personaliter Johannes Wiltes' clericus procurator generalis consistorii Elien' habens inter cetera postestatem substituendi in omnibus causis et negociis suis in dicto consistorio nostro pendentibus substituit .. Walterum de Sutton et Petrum Caprik' dicti consistorii procuratores generales iuxta vim, forma et effectum procuratoriorum suorum predictorum. [fol. 162v]

[113.32] Teversham induction. 4 May 1382 John de Quy is inducted into the corporal possession of Teversham church by the official, according to the bishop's mandate.

Teversham induccio] Memorandum quod nos .. officialis Elien' quarto die mensis maii anno Domini millesimo trecentesimo octogesimo secundo recepto mandato venerabilis patris domini .. episcopi Elien' ad inducendum dominum Johannem de Quye in corporalem possessionem ecclesie de Teversham diocesis et patronatus dicti patris ipsum dicto quarto die induci fecimus in eandem. [fol. 162v]

[113.33]¹ St John in Milne Street, Commission. Mr Richard Scrope, official of Ely, and Thomas Gloucester, BCivL and commissary of the bishop, were commissioned, separately or jointly, by the bishop concerning the vacancy of the office of the perpetual vicar of St John on Milne Street. The prior and convent of Barnwell have presented John de Norton, deacon of York diocese, to the bishop for the office. The commissaries are to inquire about the vacancy and to examine the candidate. If the presentation is not hindered, they should admit him, institute him as vicar with the duty of residence, receive his oath of obedience, and induct him into

¹ This entry seems unrelated to the *acta* of Foxton's hand. 27 and 28 February, 1382, and it may not be

possession of the vicarage. They should certify their actions immediately. Given at Holborn near London, 22 Nov. 1377. Since Gloucester has found nothing to hinder the presentation, he admitted and instituted John as perpetual vicar on 27 Nov. 1377. He certified this in letters patent, under the seal of the officiality of Ely. On the same day Gloucester received John's oath of obedience and appointed the archdeacon's official to induct him. The official inducted him on that day and certified this to the official.

Sanctus Johannes de le Milne – institutio]^b Thomas de Gloucestr', clericus reverendi in Christo patris et domini domini Thome Dei gracia episcopi Elien', commissarius una cum reverendo viro magistro Ricardo le Scrop', officiali Elien', cum illa clausula coniunctim et divisim in negocio infrascripto specialiter deputatus dilecto nobis in Christo domino Johanni de Norton Ebor' diocesis diacono salutem in omnium salvatore: litteras commissionis dicti reverendi patris nuper recepimus in hec verba. Thomas permissione divina episcopus Elien' dilectis filiis magistro Ricardo le Scrop', officiali nostro, et Thome de Gloucestre, in legibus bacallario, salutem, gratiam et benedictionem. Cum prior et conventus de Bernewell', ordinis Sancti Augustini, nostre diocesis dominum Johannem de Norton', diaconum Ebor' diocesis, ad perpetuam vicariam ecclesie parochialis Sancti Johannis in le Milnestrete Cant' dicte nostre diocesis vacantem et ad eorum presentationem spectantem^c ut dicunt^d nobis presentaverint ac super vacatione dicte vicarie et aliis articulis debitis et consuetis inquiri mandaverimus ut est moris. Ad examinandum inquisitionem et personam presentatam huiusmodi et si inveneritis dictam inquisitionem tam pro iure presentancium quam pro presentato predicto in omnibus facientem nichilque eidem obviare de canonicis institutis ipsum presentatum ad vicariam admittendum et vicarium perpetuum cum onere residendi in ea iuxta formam constitutionum in ea parte editarum instituendum canonice in eadem iuramentum obediencie ab eodem nomine nostro recipiendum et eundem dominum Johannem in corporalem possessionem dicte vicarie iuriumque et pertinencium eiusdem induci demandandum vobis coniunctim et divisim committimus vices nostras. Et quid feceritis in premissis statim dicto negocio expedito nos certificetis per litteras vestras seu certificet ille vestrum qui omne^e commissionis nostre huiusmodi in se duxerit admittendum per suas litteras patentes harum seriem continentes. Data in hospicio nostro de Holbourn' iuxta London' vicesimo secundo die novembris anno Domini millesimo trecentesimo septuagesimo septimo. Et nostre consecracionis anno quarto. Quarum quidem litterarum auctoritate et vigore nos Thomas de Gloucestr' commissarius antedictus inquisitionem predictam et personam tuam examinavimus diligenter. Et quia invenimus dictam inquisitionem tuam pro iure presentancium predictorum quam pro te predicto presento in omnibus facientem nichil quod tibi obviaret de canonicis insti-

^b Entry is faded, stained, and damaged at end; read under ultraviolet light. ^c spectantem] interlined: reading unclear but see entry 38.26. ^d dicunt] dictante. ^e omne] ?omis.

tutis te dictum dominum Johannem ut premittitur presentatum isto vicesimo septimo die mensis novembris [anno]^f domini supradicto ad dictam vicariam admittimus et vicarium perpetuum cum onere residendi in ea iuxta formam constitutionum [in hac parte editarum]^f instituimus canonice in eadem. Juribus ipsius ecclesie Cantab' [et] Elien' dignitate in omnibus semper salvis. In cuius [rei memoria litteras]^f nostras tibi fieri fecimus hac patentes nostri sigillo officialitatis Elien' quod ad manus habemus consignatas. Data Cant' . . .^f die dicti mensis novembris anno [domini]^g supradicto. Item eodem die recipimus ab eo obedienciam canonicam et eodem die mandavimus officiali domini archidiaconi quod induceret eundem etc. Et eodem die dictus .. officialis ipsum induxit etc. prout nos certificavit.

^hQuere proximum consistorium . . .ⁱ quod incipit registrum secundum causarum consistorii ?Eln' ?Ecclesie . . .^j [tempore domini Thome de Ar]undell' episcopi Elien' etc. [fol. 162v]

^f Hole in ms. ^g domini] badly faded; may not be domini. ^h At bottom of page written under a line drawn across the page. ⁱ Several words faded beyond legibility, the last two of which under ultraviolet light look like ceterarum causarum. ^j Several words faded beyond legibility. The reconstruction is based on the title that precedes entry A.0.

CASES

Cases Beginning in 1374

1. POULTON

[24 Mar 74 (1.1)] Poulton. In a marriage case between John Kellock of Ely and Annora daughter of John Poulton of the same, neither party appeared. Because the plaintiff is outside the country and it is not known where, but it is said that he is dead; therefore, let the case be pending.

Pulton'] In causa matrimoniali mota inter Johannem Killok de Ely, partem actricem ex parte una, et Annoram filiam Johannis Pulton' de eadem, partem ream ex altera, neutra pars comparet. Sed quia dictus Johannes pars actrix est extra patriam, nescitur ubi, sed ut dicitur mortuus est, ideo pendeat causa. [fol. 5v]

[13 Apr 74 (2.2)] Poulton. Neither party appearing, let the case be pending.

P[ulton']^a Neutra parte comparente, ideo pendeat. [fol. 6r]

[11 May 74 (3.1)] Poulton. The case is pending as before.

Pulton'] Pendet ut prius. [fol. 6r]

[2 Jun 74 (4.1), 22 Jun 74 (5.1), 11 Jul 74 (6.1), 22 Sep 74 (7.1), 26 Oct 74 (9.1), 24 Nov 74 (10.1), (11.1), 11 Jan 75 (12.1), 1 Feb 75 (13.1), 23 Feb 75 (14.1), 22 Mar 75 (15.1), 6 Apr 75 (16.1), 4 May 75 (17.1), 24 May 75 (18.1), 22 Jun 75 (19.1), 12 Jul 75 (20.1), 4 Oct 75 (21.1), 25 Oct 75 (22.1), 7 Dec 75 (24.2), 10 Jan 76 (25.1), 13 Feb 76 (26.1), 28 Feb 76 (27.2), 20 Mar 76 (28.1), 3 Apr 76 (29.1), 24 Apr 76 (30.1), 16 May 76 (31.1), 13 Jun 76 (32.1)] Poulton. The case is pending.

Pulton'] Pendet. [fols. 6v, 7v, 9v, 11v, 12v, 17v, 18r, 20r, 20v, 21r, 21r, 22r, 22r, 23v, 26r, 27v, 32r, 32r, 33v, 36r, 38r, 40r, 42v, 44v, 45v, 46v, 49r]

[3 Jul 76 (33.3)]. Poulton. Neither party appearing, let the case be pending until the plaintiff proceeds.

Pulton'] Neutra parte comparente, ideo pendeat causa quousque pars actrix prosequatur. [fol. 50r]

^a *Ms. torn.*

2. LISTER

[24 Mar 74 (1.2)] Lister. In a marriage case between Joan Painter of Huntingdon, living in Ely, and Richard Lister of Ely and his *de facto* wife Emma, the parties appeared as before. There was a dispute about the process previously had in the case. Next to hear definitive sentence.

Lystere] In causa matrimoniali mota inter Johannam Peyntour de Huntyngdon' commorantem in Ely, partem originaliter actricem ex parte una, et Ricardum Lyster' de Ely et Emmam quam de facto duxit in uxorem, partem ream ex altera, partibus ut prius comparentibus, habita disputatione super processu in dicta causa habito, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 5v]

[13 Apr 74 (2.3), 11 May 74 (3.2), 2 Jun 74 (4.2), 22 Jun 74 (5.2)] Lister. The parties appeared as before. With their consent, next to hear the sentence.

Lystere] Partibus ut prius comparentibus de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fols. 6r, 6r, 6v, 7v]

[11 Jul 74 (6.2)] Lister. Joan and Richard appeared as before. Emma was absent and would be called. Next to hear the definitive sentence.

Lystere] In causa matrimoniali mota inter Johannam Peyntour de Huntyngdon' commorantem in Ely partem actricem ex parte una et Ricardum Lystere de Ely et Emmam quam de facto duxit in uxorem partem ream ex altera, predictis Johanna et Ricardo ut prius comparentibus, predicta Emma nullo modo, datur dies in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam et vocetur dicta Emma ad idem. [fol. 9v]

[22 Sep 74 (7.2)] Lister. Next to hear the definitive sentence.

Lystere] Ad idem in proximo, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 11v]

[26 Oct 74 (9.2)] Lister. Joan as before, Richard as before; Emma is absent and found contumacious. Emma will be called to hear the definitive sentence; the court's apparitor of Cambridge is ordered to cite John Gainsford, who acted as her proctor at another time. Pronouncement of the definitive sentence is committed to Mr Thomas Gloucester, its execution reserved for Ross.

Lystere] Predictis Ricardo et Johanna ut prius comparentibus, predicta Emma nullo modo comparente, ideo ipsam reputamus contumacem et decernimus dictam Emmam fore vocandam ad proximum sentenciam in dicta causa diffinitivam audituram et iniungimus apparitori nostro Cantebr' quod citet Johannem Gaynford procuratorem suum qui alias occupavit pro ea ad proximum consistorium ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. Et committimus magistro Thome de Gloucestr' ad ferendum sentenciam in dicta causa diffinitivam execucione eiusdem nobis specialiter reservata. [fol. 12v]

[24 Nov 74 (10.2)]. Lister. Before Thomas Gloucester, commissary of official, Joan appears by proctor; Richard by proctor; although cited, Emma is absent. She is found contumacious and will be called to hear the definitive sentence.

Lystere] Predictis Ricardo et Johanna per dictos procuratores comparentibus coram nobis Thoma de Glouc' commissario dicti domini .. officialis Eliensis in ista causa specialiter deputato, predicta Emma citata nullo modo comparente, ideo ipsam reputamus contumacem. Datur dies in proximo ad idem et decernimus ipsam fore vocandam. [fol. 17v]

[14 Dec 74 (11.2)]. Lister. Parties by proctors before Thomas Gloucester. After Gloucester's commission has been revoked by Ross, Mr John Potton is commissioned to hear the case with all dependent matters. The sentence and execution are specially reserved. Next to hear the definitive sentence.

Lystere] Partibus per procuratores suos predictos coram nobis Thoma de Glouc' commissario predicto comparentibus, revocata per dictum dominum .. officialem commissione alias nobis facta in dictam causam commissaque dicta causa de novo magistro Johanni de Potton' cum omnibus incidentibus, emergentibus, dependentibus et connexis^a et cum sentencie execucione eiusdem nichilominus specialiter reservata, datur dies in proximo ad idem quod prius. [fol. 18r]

[11 Jan 75 (12.2)] Lister. Before John Potton, Joan by proctor; Richard by proctor; Emma absent. She will be called to hear the definitive sentence.

Lystere] Predictis Ricardo et Johanna coram nobis commissario predicto ut prius comparentibus, predicta Emma nullo modo, ideo datur dies in proximo ad idem, videlicet ad audiendum sentenciam et decernimus dictam Emmam fore vocandam ad idem. [fol. 20r]

[1 Feb 75 (13.2)] Lister. Before John Potton. Since Emma has not been cited, she will be called to hear the definitive sentence.

Lystere] Partibus dictorum Ricardi et Johanne ut prius comparentibus, dicta Emma nullo modo comparente nec citata, ideo citetur ad proximo et prefigitur aliis partibus dies in proximo ad audiendum sentenciam in dicta causa difinitivam; acta coram nobis Johanne Potton' commissario predicto. [fol. 20v]

[23 Feb 75 (14.2)]. Lister. Before John Potton, Joan by proctor; Richard by Richard Pitts, substituted for Peter Caprik, original proctor; Emma by John Doke, proctor *apud acta*. With the parties' consent, next to hear the definitive sentence.

Lystere] Parte Ricardi Lystere per Ricardum Pyttes, substitutum Petri Caprik' procuratoris originalis, parte Johanne ut prius, parte Emme per Johannem Doke procuratorem suum apud acta constitutum, comparentibus coram nobis commissario predicto,^b de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 21r]

[2 March 1375 (15.2)] Lister. Before John Potton commissary of official, Joan by William Killerwick, proctor; Richard by proctor; Emma by proctor. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Emma has proved that she and Richard contracted a legal marriage, Richard is absolved and dismissed from Joan's suit.

Lystere] In causa matrimoniali mota inter Johannam Peynto' de Huntynghdon' commorantem in Ely, partem originaliter actricem ex parte una, et Ricardum Lystere de Ely et Emmam quam de facto duxit in uxorem, partem ream ex altera, parte actrice per Willelmum Killerwyk', predicto Ricardo per Petrum Caprik' et prefata Emma per Johannem Doke, clericos procuratores suos coram nobis Johanne de Potton' reverendi viri domini officialis Elie' commis-

^a connexis] *partially under fold in ms.* ^b coram nobis commissario predicto] *interlined.*

sario in hac parte specialiter deputato, secundo die mensis marcii anno Domini supradicto, comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, invocata primitus Spiritus Sancti gracia de consilio iurisperitorum nobis assidencium, habentes pro oculo solum Deum ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Emmam intencionem suam ad plenum fundasse et probasse, matrimonium inter dictos Ricardum et Emmam in facie ecclesie contractum validum et legitimum ac legitime contractum et de iure subsistere debere sentencialiter et diffinitive pronunciamus et declaramus in hiis scriptis, ipsumque Ricardum ab impetitione dicte Johanne absolvimus et dimittimus per presentes. [fol. 21r]

3. *DRENG*

[24 Mar 74 (1.3)] Dreng. In a case of nullity of definitive sentence between John Dreng of Chatteris and Amy Perke of the same, John did not appear, but Richard Pitts his proctor, who served for him in this case, was present. Pitts protested that he did not wish to withdraw from the appeal that had been interposed in the case nor further appear before us for him in the case. Amy [appeared] as before. Next to conclude the case.

Dreng] In causa nullitatis sentencie diffinitive mota inter Johannem Dreng de Chateris ex parte una et Amyam Perke de eadem ex altera, parte Johannis nullo modo comparente, sed presente Ricardo Pyttes procuratore suo, qui in causa ista occupavit pro eo – protestatur quod non vult nec intendit recedere ab appellacione in causa predicta interposita, nec coram nobis pro eo de cetero comparere in dicta causa – parte Amye ut prius, datus est dies in proximo ad idem, videlicet ad concludendum in dicta causa. [fol. 5v]

[13 Apr 74 (2.4)] Dreng. Richard, acting in John's absence, protests as before. Next to conclude the case.

Dreng] Parte Johannis nullo modo comparente sed presente Ricardo Pyttes, qui pro dicto Johanne alias occupavit, et ut prius protestante, parte Amye ut prius comparente, datur dies in proximo ad idem, videlicet ad concludendum in causa. [fol. 6r]

[11 May 74 (3.3)] Dreng. Richard, acting in John's absence, protests as before. Next to conclude the case.

Dreng] Parte Johannis nullo modo comparente sed presente Ricardo Pyttes, qui pro dicto Johanne comparuit, et ut prius potestante, parte Amye ut prius comparente, datur dies in proximo ad idem, videlicet ad concludendum in causa. [fol. 6r]

[2 Jun 74 (4.3)] Dreng. Richard, acting in John's absence, protests as before. Next to conclude

the case.

Dreng] Predicto Johanne nullo modo comparente sed presente Ricardo Pyttes predicto ut prius protestante, predicta Amya ut prius comparente, datur [fol. 6v] dies in proximo ad idem, videlicet ad concludendum et conclusionem videndam in causa predicta. [fol. 7r]

[22 Jun 74 (5.3)] Dreng. John is found contumacious; the case is concluded at Amy's request and as penalty to John. John will be called through Richard Pitts, appearing for him on this day, to hear the definitive sentence.

Dreng] Predicto Johanne nullo modo comparente, predicta Amya ut prius, ideo dictum Johannem pronunciamus contumacem et in poena contumacie dicti Johannis et ad petitionem dicte Amye nobiscum concludentis concludimus in dicta causa. Datusque est dies predictae Amye in proximo ad audiendum sententiam in dicta causa diffinitivam et decernimus dictum Johannem fore vocandum ad idem et postmodo prefigimus et assignamus eidem Johanni in personam Ricardi Pyttes, procuratoris sui qui alias in dicta causa occupavit pro eo eodem die supervenientis, diem et locum supradictos ad audiendum sententiam diffinitivam in causa memorata. [fol. 7v]

[11 Jul 74 (6.3)] Dreng. John is absent, but Richard Pitts is present; Amy as before; Agnes Piron of Chatteris by Mr Thomas Gloucester, proctor *apud acta*. Agnes orally proposes that she and John contracted marriage in present words of mutual consent, or in future words followed by intercourse, prior to any contract between Amy and John. 28 July to propose *in forma*. 28 July John is found contumacious. As his penalty, Agnes' written proposition is admitted after her proctor swears *de malicia*. John will be called to see the proof.

Dreng] In causa nullitatis sentencie diffinitive mota inter Johannem Dreng de Chateris ex parte una et Amyam Pecke de eadem ex altera, predicto Johanne nullo modo comparente, sed presente Ricardo Pyttes, qui pro eo occupavit in dicta causa nomine procuratorio, predicta vero Amya ut prius comparente, Agnes Piron' de Chateris comparuit per magistrum Thomam de Glouc', procuratorem suum apud acta constitutum, qui oretenus proposuit tunc ibidem quod dictus Johannes et ipsa Agnes matrimonium ad invicem legitime contraxerunt per verba de presenti mutuum consensum eorundem exprimencia seu de futuro carnali copula subsecuta, ante omnem contractum matrimonialem inter ipsum Johannem et Amyam initum, si quis fuerat. Unde datus est dies veneris proximo post festum Sancti Jacobi apostoli, loco quo supra, ad proponendum in forma.

Quibus die et loco predicto Johanne nullo modo comparente, predictis Amya et Agnete ut prius comparentibus, dictum Johannem reputamus contumacem. Proposita per magistrum Thomam Glouc', procuratorem dicte Agnetis, dicta propositione in scriptis qua admissa in penam contumacie dicti Johannis, iurato primitus per partem proponentem de malicia, datur

dies in proximo ad probandum parti proponenti dicteque Amye ad videndum probacionem, et decernimus dictum Johannem fore vocandum ad proximum probacionem huiusmodi visurum. [fol. 9v]

[22 Sep 74 (7.3)] Dreng. Although cited and warned, John is absent; Amy as before; Agnes by proctor. With parties' consent, the case is adjourned. Next to prove.

Dreng] Parte Amye ut prius, parte Agnete ut prius comparente, predicto Johanne nullo modo comparente sed citato et premunito, de consensu parcium continuamus usque proximum consistorium ad idem. [fol. 11v]

[26 Oct 74 (9.3)] Dreng. Since John was not cited, he will be called. Next Agnes to propose and the second term to produce [i.e., the second of what was usually three terms to produce witnesses or other evidence].

Dreng] Partibus Agnetis et Amye predictis ut prius comparentibus, parte Johannis nullo modo et quia dictus Johannes non est citatus, ideo citetur ad^a proximum ad idem, videlicet ad videndum produccionem daturque dies in proximo parti proponenti ad ponendum et secundo producendum. [fol. 13r]

[24 Nov 74 (10.3)] Dreng. Since John has not been cited, he will be called for the second production.

Dreng] Predictis Amya et Agnete ut prius comparentibus, predicto Johanne nullo modo et quia dictus Johannes nondum fuit citatus, ideo citetur ad proximum ad idem, videlicet ad videndum produccionem pro secundo termino. [fol. 17v]

[14 Dec 74 (11.3)] Dreng. As 10.3.

Dreng] Predictis Amya et Agnete ut prius comparentibus, predicto Johanne adhuc non citato nec comparente, ideo citetur ad proximum ad idem datusque est dies in proximo partibus predictis ad idem quod prius, videlicet ad producendum secundo. [fol. 18r]

[11 Jan 75 (12.3)] Dreng. Agnes produces three witnesses: John Tilney of Chatteris, Richard Power, and Reginald Piron of Chatteris, who are admitted and sworn. Amy reserves the right to speak against witnesses and testimony. The witnesses are examined on the basis of Agnes's articles and Amy's interrogatories. Next to publish the testimony.

Dreng] Predictis Amya et Agnete ut prius comparentibus, predicto Johanne nullo modo, productis per dictam Agnetem tribus testibus, videlicet Johanne Tilneye de Chateris, Ricardo Power et Reginaldo Pyron' de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem dicte Amye de dicendo in testes et eorum dicta, datis articulis per partem producentem et interrogatoriis per partem dicte Amye ministratis, examinatisque testibus predictis, datur dies in proximo ad audiendum publicacionem attestacionum. [fol. 20r]

[1 Feb 75 (13.3)] Dreng. John by John Doke, proctor *apud acta*; Amy as before; Agnes by

^a ad] *repeated*.

proctor. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Dreng[e] Parte Agnete Piron' ut prius, parte Johanne Dreng[e] per Johannem Doke, clericum, procuratorem suum apud acta constitutum, parte Amya ut prius comparente, publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 20v]

[23 Feb 75 (14.3)] Dreng. Nothing is proposed. Next to propose everything concerning the matter.

Dreng[e] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictorum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 21r]

[22 Mar 75 (15.3)] Dreng. Nothing is proposed; with the parties' consent, the case is concluded. Next to hear the definitive sentence.

Dreng[e] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictorum sed de consensu dictorum Johannis et Agnetis concludencium in causa concluso, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 21r]

[6 Apr 75 (16.2)] Dreng. With the parties' consent, next to hear the definitive sentence, with adjournment of the following days.

Dreng[e] Partibus ut prius comparentibus, de quorum consensu datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem. [fol. 22r]

[4 May 75 (17.2)] Dreng. With the parties' consent, next to hear the definitive sentence.

Dreng[e] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 22v]

[24 May 75 (18.2)] Dreng. In the marriage case between Amy Peck of Chatteris, original plaintiff, and John Dreng of Chatteris, original defendant, and then between Agnes Piron of Chatteris, co-plaintiff (*competitrix*), and John Dreng, defendant, parties by proctors. With the parties' consent, 2 June 1375 to hear the definitive sentence before the official.

2 June. Based on the merits of the case, in which John has claimed that he contracted marriage with Agnes prior to any contract with Amy, and since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Agnes has proved that the marriage between herself and John is legitimate, the marriage is ordered solemnized before the church at an appropriate time and place. John is dismissed from Amy's suit.

Her proctor appeals from the sentence and requests *apostoli* three times.

Dreng[e] In causa matrimoniali que in consistorio Elien' nuper vertebatur inter Amyam Pecke de Chateris ex parte una et Johannem Dreng[e] de eadem

partem ream ex altera, et nunc in eodem consistorio vertitur inter Agnetem Piron' de Chateris predicta competitricem ratione precontractus matrimonialis inter eos pretensi initi, ex parte una et dictum Johannem ex altera, partibus predictis per dictos procuratores suos comparentibus, de quorum consensu datur dies partibus predictis, dies sabbati proximo post festum ascencionis Domini proximo futurum, loco quo supra coram dicto domino .. officiali Elien' ad idem quod prius, videlicet ad audiendum sententiam in dicta causa diffinitivam.

Quibus die et loco partibus predictis per dictos procuratores suos comparentibus coram .. officiali Elien', nos [Johannes de Potton commissarius]^b officialis Elien' supradictus auditis et intellectis meritis cause matrimonialis que in consistorio Elien' vertitur et diucius vertebatur inter Amyam Pecke de Chateris partem originaliter actricem ex parte una et Johannem Dreng de eadem partem originaliter ream ex altera ac eciam inter quamdam Agnetem Pyron' de Chateris partem subsequenter actricem per viam assistencie pro suo interesse, cum qua idem Johannes matrimonium asseritur precontraxisse ante omnem contractum matrimonialem initum inter predictos Johannem et Amyam, ex parte una et prefatos Johannem et Amyam ex altera, rimatoque per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iurisperitorum nobis assidencium invocata Spiritus gracia ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Agnetem Pyron' intencionem suam ad plenum fundasse et probasse, matrimonium inter dictos Johannem et Agnetem legitimum et validum fuisse et esse et de iure subsistere debere sentencialiter et diffinitive pronunciamus et declaramus in hiis scriptis, ipsumque Johannem ab impetitione dicte Amye absolvimus et dimittimus per presentes solempnizacionemque matrimonii inter dictos Johannem et Agnetem fore in facie ecclesie faciendam decernimus pro loco et tempore opportunis.

appellacio] A qua sententia tamquam ab iniqua Willelmus Killerwyk', clericus, procurator dicte Amye appellavit et apostolos peciit primo, secundo et tercio. [fol. 23v]

^b Both Thomas Gloucester and John de Potton are mentioned as commissaries in the heading of these acts. The restoration here is based on the facts that it is John who acts in the subsequent entries, that Thomas's commission to hear Lister is revoked in entry 11.2, and that Thomas appears as Agnes's proctor in entry 6.3.

4. GRANSDEN/SHANBERY

This ‘monstrous’ piece of litigation has been treated at some length elsewhere.¹ Suffice it to say here that it involves three separate proceedings and takes almost six years to resolve. The basic case is an appeal from the official of the archdeacon by Margaret widow of Geoffrey Gransden of Chesterton whom the archdeacon’s official had ordered to marry William son of Henry Angold of Chesterton. The ground of the appeal, we later learn, is that Margaret precontracted with William Shanbery of Chesterton. Simultaneously with this appeal there is a correctional action brought against Margaret, Shanbery, and Geoffrey Smyth, also of Chesterton, for what we later learn was an accusation of illegal solemnization of the marriage between Margaret and Shanbery during the pendency of the action involving Angold. The correctional action peters out without a resolution. The appeal case is committed to John Potton, who renders a sentence that is, curiously, not entered, perhaps because of Potton’s illness. The sentence, we later learn, was favorable to Angold, because Margaret appeals from it to the official. This appeal case is pending for a long time. In the interim Shanbery is reported as having died, and Margaret’s proctor sues her for his salary in a case reported under the name of *Pitts*. Ultimately, John Newton reverses Potton’s judgment.

[24 Mar 74 (1.4)] Gransden. In the appeal of the marriage case between Margaret widow of Geoffrey Gransden of Chesterton, appellant and original defendant, and William son of Henry Angold, appellee and original plaintiff, the parties appear by their original proctors before John Potton, commissary for the case. Since the process has not been sent, it is ordered requested in writing again. Next to see its transmission.

Grantesden’] In causa matrimoniali mota inter Margaretam nuper uxorem Galfridi Grantesden’ de Chestreton’, partem appellanem et originaliter ream ex parte una, et Willelmum filium Henrici Anegold, partem appellatam et originaliter actricem ex parte altera, partibus per dictos procuratores suos originales^a comparentibus, nullo processu adhuc transmissio, ideo decrevimus fore iterato scribendum pro transmissione. Datusque est dies in proximo partibus predictis ad videndum transmissionem eiusdem. Acta coram nobis Johanne de Potton’, commissario predicto in dicta causa specialiter deputato. [fol. 5v]

[24 Mar 74 (1.6)] Gransden/Shanbery. In the matter of the correction moved *ex officio* against Margaret Gransden, William Shanbery, and Geoffrey Smyth, each of Chesterton, the parties appear by proctor. He requests copies of Mr John Potton’s commission and all judicial acts concerning the matter; he claims the case was discontinued. The matter is adjourned until next to respond to the article, as before; the proctor does not consent to the adjournment.

Grantesden’/Shanbery] In negocio correccionis ex officio nostro moto contra Margaretam Grantesden’, Willelmum Schanbery et Galfridum Smyth’ de Chestreton’, per dictum procuratorem suum comparentes, petita per dictum procuratorem copia commissionis magistri Johannis de Potton’, commissarii specialis in dicto negocio et omnium actorum iudicialium in eodem negocio habiturum, allegatoque per eundem quod causa est discontinuata, ideo nos Thomas de Glouc’, commissarius predictus, continuamus dictum negocium

^a originales] *interlined*.

¹ Donahue, *Law, Marriage, and Society*, 256–8.

usque proximum ad idem quod pridem videlicet ad respondendum articulo in dicto negocio porrecto, et dictus procurator protestatur quod non consentit dicte continuacioni. [fol. 5v]

[13 Apr 74 (2.5)] Gransden. Margaret absent; William by proctor. Since the process has not been sent, it is ordered transmitted within six days, under penalty of major excommunication. Margaret will be called to see its transmission.

Grantesden'] Parte appellante nullo modo comparente, parte appellata ut prius, nullo processu adhuc transmissio, ideo decrevimus^b fore transmittendum pro processu sub pena excommunicationis maioris sentencie late infra sex dies. Datur dies in proximo parti comparenti ad videndum transmissionem eiusdem et partem absentem decrevimus fore vocandam ad proximo ad idem. [fol. 6r]

[13 Apr 74 (2.7)] Gransden/Shanbery. 2 May 1374 to respond to the article.

Grantesden'/Shanbery] Predictis Willelmo, Galfrido et Margareta ut prius comparentibus, expectamus usque diem martis proximo post festum Sanctorum Philippi et Jacobi, loco quo supra, ad idem, videlicet ad respondendum^c articulo. [fol. 6r]

[11 May 74 (3.4)] Gransden. Parties by proctors. The process carried out before the official of the archdeacon has been received. Next to publish it.

Grantesden'] Partibus per dictos procuratores suos comparentibus, transmissio processu in dicta causa habito in curia domini archidiaconi Elien' per .. officialem suum, datur dies in proximo partibus predictis ad videndum et audiendum publicacionem eiusdem. [fol. 6r]

[2 Jun 74 (4.4)] Gransden. The process is published; a copy is ordered for the parties. Next to speak against it.

Grantesden'. Partibus ut prius comparentibus, de quarum consensu publicato processu decretaque copia eiusdem partibus predictis, datur dies in proximo partibus predictis ad dicendum contra processum. [fol. 7r]

[22 Jun 74 (5.4)] Gransden. Margaret proposes by exception, more fully set out in writing and left in the registry,² that the process is inadequate and obscure; a fuller process will be requested. Next to see its transmission.

Grantesden'] Partibus ut prius comparentibus, proponitur per partem dicte Margarete quadam excepcione de diminuto processu et obscuro, prout in dicta excepcione penes registrum dimissa in scriptis plenius continetur. Unde ad petitionem utriusque partis decrevimus fore scribendum pro pleniori processu. Datusque est dies in proximo partibus predictis ad videndum produccionem seu transmissionem eiusdem. [fol. 7v]

^b decrevimus] *interlined*. ^c respondendum] *followed by libello crossed out*.

² For this translation, see Introduction.

[22 Jun 74 (5.10)] Shanbery. William Shanbery of Chesterton, Margaret widow of Geoffrey Gransden of Chesterton, and Geoffrey Smyth of Chesterton were cited *ex officio* for their correction before Nicholas Ross, official, in All Saints' Jewry for 3 July 1374. It has come to the court's attention through public fame that with a marital case pending before the archdeacon's official between William Angold and Margaret and contrary to the court's inhibition and the church's interdict, Margaret and William Shanbery left Ely diocese and solemnized marriage, without publication of banns and license from the curate. Since they returned, they have been living illicitly as husband and wife. Geoffrey Smyth helped procure and was present at the solemnization. According to Archbishop John Stratford's provincial constitution *Humana concupiscencia*,³ they are subject to major excommunication.

William, Margaret, and Geoffrey appear personally. They request and receive the article in writing. 6 July to respond to it, a brief term because of their proximity (*locorum vicinitatem*), the danger to their souls, and the nature of the business, which requires speed. Witnesses Mr Thomas Gloucester, John Gloucester, and William Killerwick.

6 July. Richard Pitts, proctor by letter, proposes a written exception. 18 July to propose everything, a brief term for the above reasons.

Schanbery] Willelmus de Schanbery de Chestreton' Elien' diocesis et Margareta nuper uxor Galfridi Grantesden' de Chestreton' predicti ac Galfridus Smyth de eadem citati coram nobis Nicholao Roos, doctore legum venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officiali et commissario ad infrascripta sufficienter deputato, ad diem lune proximo post festum apostolorum Petri et Pauli in ecclesia Omnium Sanctorum in Iudaismo Cant', ex officio dicti venerabilis patris et nostro, ad meram animarum suarum correccionem super eo videlicet quod dicti Willelmus et Margareta, lite in quadam causa matrimoniali inter Willelmum filium Henrici Anegold' de Chestreton' et ipsam Margaretam coram .. officiali domini archidiaconi Elien' indecisa pendente ac eciam contra inhibitionem dicti .. officialis expressam et interdictum ecclesie, nulla premissa debita bannorum edicione, ad locum remotum extra diocesis Elien' infra provinciam Cantuar' ubi premissorum non habebatur noticia, nulla licencia optenta a diocesano seu curato, se fraudilenter transtulerunt et illuc bannis publice non editis matrimonium inter eos de facto solempnizari procurarunt pariter et fecerunt. Et postmodo ad propria redeuntes et ad invicem ut coniuges habitantes hucusque remanserunt et adhuc remanent illicite copulati. Dictusque Galfridus Smyth' nedum predictae matrimonii prohibiti solempnizationi interfuit, verumeciam illud fieri et de facto solempnizari suis perversis machinationibus procuravit, sentenciam maioris excommunicationis a constitutione provinciali que incipit *Humana concupiscencia* per bone memorie dominum Johannem de Stratford' nuper Cantuar' archiepiscopum edita et per subditos eiusdem provincie admissa, rite latam dampnaliter incurrando, prout fama publica referente dictoque facto notoriante ad nostrum nuper provenit auditum.

³ See Citations to Canon Law, *Humana*.

Predictis Willelmo, Margareta et Galfrido personaliter comparentibus petitoque per eos dicto articulo in scriptis et optento, datur dies iovis [fol. 7v] proximo tunc futurus, loco quo supra, ad respondendum eidem articulo. Terminum ita brevem propter locorum vicinitatem, animarum suarum periculum quod ex mora iniuret, et negotii predicti qualitatem quod de sua natura acceleracionem desiderat ac etiam pro eo quod factum suum vertitur et ad animarum suarum correccionem meram procedere intendimus duximus assignandum. Presentibus magistro Thome Gloucestr', Johanne Gloucestre et Willelmo Kellerwyk', clericis, testibus vocatis ad premissa specialiter et rogatis.

Quibus die et loco predictis Willelmo Shanbery, Margarete et Galfrido per Ricardum Pyttes, clericum, procuratorem suum litteratorie constitutum, comparentibus, proposita per dictum procuratorem suum quadem excepcione in scriptis, datur dies martis proximo post festum translacionis Sancti Swithini proximo futurum, loco quo supra, ad proponendum omnes. Terminum ita brevem et peremptorium propter causas superius assignatum duximus assignandum. [fol. 8r]

[17 Jul 74 (6.4)] Gransden. The fuller process sent by the archdeacon's official is published; a copy is ordered for the parties. Reserving the right to oppose the process, Margaret agrees to 2 Aug. to propose new material.

2 Aug. Margaret and William Shanbery of Chesterton by Hugh Candlesby, substituted for Richard Pitts, original proctor *apud acta*; Angold by proctor. New matters are proposed in writing by Shanbery and Margaret: According to public voice and fame, they contracted legal marriage in present words of mutual consent, or in future words followed by intercourse, prior to any contract between Angold and Margaret. 9 Aug. to respond to proposition and to contest the suit.

9 Aug. Shanbery and Margaret by proctor; Angold by William Killerwick, substituted for Peter Caprik, original proctor *apud acta*. Angold contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties swear *de calumpnia* and *de veritate dicenda*. 11 Aug. to propose and the first term to produce.

11 Aug. Shanbery and Margaret by Mr James de Cottenham, substituted for original proctor; Angold by proctor. Three witnesses are produced to prove the proposition: William de Killingworth of Stanton, William Couper of Chesterton, and Geoffrey Smyth of Chesterton, who are admitted and sworn. Angold reserves the right to speak against witnesses and testimony and to propose interrogatories; he requests the articles to be used to examine the witnesses.

28 Aug. Shanbery and Margaret administer in writing positions and articles to be used to examine the witnesses; as decreed by the court, a copy is received by Mr Thomas Gloucester, Angold's advocate. The previously admitted witnesses are examined; their testimony is put in writing. Next to publish the testimony.

Grantesden'] In causa matrimoniali mota inter Willelmum filium Henrici Anegold' de Chestreton', partem originaliter actricem ex parte una, et Mar-

garetam nuper uxorem Galfridi Grantesden' de eadem, partem originaliter ream ex altera, partibus ut prius comparentibus, transmissio per .. officialem archidiaconi pleniori processu, quo per nos iudicialiter publicato decretaque copia partibus, de cuius Margarete consensu expresso datur dies mercurii proximo post festum Sancti Petri ad vincula, loco quo supra, ad proponendum novam materiam prius non propositam, salvo sibi iure impugnandi processum quemcumque.

Quibus die et loco predicto Willelmo Anegold' ut prius comparente, Margareta predicta ac etiam Willelmo Shanbery de Chestreton' per Hugo de Candelesby, clericum substitutum Ricardi Pyttes clerici procuratoris sui originalis apud acta constitutum, proposita per dictum Hugonem substitutum nova materia in scriptis, videlicet quod ante quemcumque contractum matrimonialem verum seu presumptum inter dictos Willelmum et Margareta initum, si quis fuerat quod non fatetur, idem proponentes predicti Willelmus Schanbery et Margareta matrimonium ad invicem per verba de presenti mutuum consensum eorundem exprimentia seu saltem per verba de futuro, canali copula subsecuta, legitime contraxerunt. Quem quidem precontractum matrimonialem verum seu presumptum, uterque eorundem in alterius presencia et aliorum fidedignorum sepius ex certa sciencia fatebatur et recognovit et super quibus publica vox est et fama, unde datus est dies mercurii proximo ante festum Sancti Laurencii, loco quo supra, ad respondendum eidem propositioni et litem contestandum.

Quibus die et loco predictis Willelmo Schanbery et Margareta per Ricardum Pyttes, procuratorem suum originale, comparentibus, parte Willelmi Anegold per Willelmum Kellerwyk', clericum substitutum Petri Caprik' procuratoris sui originalis apud acta constitutum, lite per dictum Willelmum Kellerwyk' substitutum negative contestatur dicendo, videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hinc inde de calumpnia et de veritate dicenda in personis dictorum procuratoris et substituti, datur dies veneris proximo post festum Sancti Laurencii, loco quo supra, ad ponendum et primo producendum.

Quibus die et loco parte dictorum Willelmi Shanbery et Margarete per magistrum Jacobum de Cotenham, substitutum Ricardi Pyttes procuratoris originalis, comparente, parte Willelmi Anegold' per Petrum Caprik', procuratorem suum originale, comparente, productis per partemponentem tribus testibus, videlicet Willelmo de Killyngworth' de Stanton', Willelmo Coupere de Chestreton' et Galfrido Smyth' de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt et non alio modo, et pars dicti Willelmi petit articulos super quibus [fol. 9v] testes examinabuntur

et protestatur quod vult ministrare interrogatoria.

Subsequenter vero die lune proximo post festum Sancti Bartholomei apostoli, loco quo supra, magister Jacobus de Cotenham, substitutus Ricardi Pyttes procuratoris originalis dictorum Willelmi Shanbery et Margarete, comparens, posiciones et articulos super quibus testes erunt examinati ministravit in scriptis decretaque copia parti adverse et per magistrum Thomam Glouc', advocatum dicte partis adverse, optenta, examinatisque testibus prius admissis, et eorum attestacionibus in scriptis redactis. Datur dies in proximo ad publicandum et publicari videndum attestaciones testium predictorum. [fol. 10r]

[17 Jul 74 (6.7)] Shanbery. 18 July 1375 William, Margaret, and Geoffrey Couper are absent. They are expected 21 July to propose everything.

21 July. They appear by proctor. Having proposed other dilatory exceptions, they are barred from proposing more. With the proctors' consent, 2 Aug. to act on the proposed.

2 Aug. They appear by Hugh Candlesby, substituted for Richard Pitts, original proctor *apud acta*. The exceptions are disputed. Next to act fully.

Shanbery] In negocio correccionis ex officio nostro contra Willelmum Shanbery de Chestreton', Margaretam Grantesden' et Galfridum Coupere de eadem, quia non comparent expectamus eos usque diem veneris proximo post festum Sancte Margarete proximo futurum, loco quo supra, ad idem.

Quibus die et loco predictis Willelmo, Margareta et Galfrido per dictum procuratorem suum comparentibus, propositis quibusdam aliis excepcionibus dilatoriis preclusa eis via de proponendo alias dilatorias, datur dies mercurii proximo post festum Sancti Petri ad vincula proximo futurum, loco quo supra, ad faciendum super propositis de consensu predicti procuratoris expresso.

Quibus die et loco predictis Willelmo, Margareta et Galfrido per Hugonem de Candlesby, clericum substitutum Ricardi Pyttes procuratoris sui originalis apud acta constitutum, habita aliquali disputatione super eisdem excepcionibus, datur dies in proximo ad plenius faciendum. [fol. 10r]

[22 Sep 74 (7.4)] Gransden. Shanbery and Margaret by Mr Henry Bowet, substituted for original proctor; Angold by proctor. With parties' consent, the testimony is published; a copy is ordered for them. Next to speak against witnesses and testimony.

Grantesden'] Parte Willelmi Shanbery et Margarete per magistrum Henricum Bowet, substitutum Ricardi Pyttes procuratoris originalis, comparente, parte Willelmi Anegold' per Petrum Caprik', clericum, procuratorem suum, comparente, de quorum consensu publicatis attestacionibus decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta si sibi visum fuerit expedire. [fol. 11v]

[22 Sep 74 (7.7)] Shanbery. Parties absent. They are expected to act on the exceptions next.

Shanbery] Partibus dictorum Willelmi, Margarete et Galfridi nullo modo comparentibus, ideo expectamus eos usque proximum consistorium ad idem, videlicet ad faciendum super excepcionibus propositis. [fol. 12r]

[26 Oct 74 (9.5)] Gransden. Shanbery and Margaret by Bowet; Angold by John Hostler, substituted for original proctor. Shanbery and Margaret want their witnesses reexamined because the first two were not fully examined. They had not said “as husband and wife” in that part of the testimony where they said “to have you etc.” While everything was not written down, Ross finds the witnesses were fully examined; he orders the missing words added to the register⁴ and to the copies of testimony given to William and Margaret. The term ends with no other exceptions proposed by the actors, who reserve the right to reexamine witnesses if necessary. Angold proposes exceptions against the witnesses and testimony. Next to act on them.

Grantesden] Predictis Willelmo Shanbery et Margareta ut prius comparentibus, predicto Willelmo Anegold per Johannem Hostler, substitutum Petri Caprik' procuratoris sui originalis, comparente, petitur per partem dictorum Willelmi Shanbery et Margarete testes suos fore repetendos pro eo quod primus et secundus testes minus plene fuerant examinati eo quod non dicunt “in virum et uxorem” in ea parte attestacionum ubi dicunt et deponunt “ad habendum te” etc. prout in eisdem attestacionibus plenius continetur, et quia constat nobis ut iudici quod licet minus sit scriptum satis fuerant in ea parte per nos examinati et per eos depositum, exprimendo videlicet illa verba “in virum et uxorem,” ideo illa verba prefatis verbis “ad habendum te” decernimus fore adiciendum et cum effectu adicimus factaque statim adieccione dictorum verborum tam in registro nostro quam in copiis attestacionum predictis Willelmo et Margareta traditis. Nullis excepcionibus per partem dictorum Willelmi Shanbery et Margarete propositis, ideo cessit terminus quo ad partem suam salvo sibi remedio repetendi testes si opus fuerit, proponitisque per Willelmum Anegold quibusque excepcionibus contra testes et eorum dicta in scriptis, datur dies in proximo ad faciendum super eisdem. [fol. 13r]

[26 Oct 74 (9.8)] Shanbery. As 7.7.

Shanbery] Predictis Willelmo Shanbery, Margareta et Galfrido ut prius comparentibus, datur dies in proximo ad idem, videlicet ad faciendum super excepcionibus. [fol. 13r]

[24 Nov 74 (10.4)] Gransden. Parties by proctors. The exceptions, which claim that the proved will be no more valid than the proposed, are admitted. Next to propose and the first term to produce. The cognizance, decision, and execution are committed to Mr John Potton.

Grantesden] Partibus predictis per dictos procuratores comparentibus, admissis excepcionibus eatenus quatenus et quod non plus valeant probata nec quatenus valent proposita, datur die in proximo ad ponendum et primo producen-

⁴ For this translation, see Introduction.

dum et committimus magistro Johanni de Potton' cognicionem et decisionem istius cause in toto eciam cum execucione. [fol. 17v]

[14 Dec 74 (11.4)] Gransden. No witnesses or positions are brought before John Potton; the term ends. Next to propose and the second term to produce.

Grantesden'] Partibus predictis ut prius comparentibus coram nobis Johanne de Potton' commissario predicto, nullis testibus productis nec posicionibus traditis, cedat terminus. Datur dies in proximo ad ponendum et secundo producendum. [fol. 18r]

[11 Jan 75 (12.4)] Gransden. Before John Potton, Angold produces three witnesses: Henry William, John Drus, and John Catt of Chesterton, who are admitted and sworn. Shanbery and Margaret reserve right to speak against witnesses and testimony. They request the articles to be used to examine witnesses and want to propose interrogatories; decreed. Next to propose and the third term to produce.

Grantesden'] Partibus ut prius coram nobis Johanne de Potton' commissario supradicto comparentibus, productis per partem dicti Willelmi Anegold' tribus testibus, videlicet Henrico William de Chestreton', Johanne Brus et Johanne Cate de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta, petiturque per eandem partem adversam articulos sibi dari super quibus dicti testes sunt examinandi, protestaturque per eandem se velle interrogatoria ministrare, quibus decretis, datur dies in proximo ad ponendum et tercio producendum. [fol. 20r]

[1 Feb 75 (13.4)] Gransden. Before John Potton, Shanbery and Margaret by John Hostler, substituted for original proctor; Angold by proctor. No other witnesses are produced, Angold wants William Bailey of Barnwell, William Couper of Chesterton, and Geoffrey Smyth of Chesterton compelled; decreed with faith given. Shanbery and Margaret agree to this provided the witnesses are not examined about facts already discussed. Next to produce the compelled.

Grandesden'] Parte Willelmi Shanbery et Margarete Grantesden' per Johannem Hostiler, substitutum Ricardi Pyttes procuratoris sui originalis, comparente coram nobis Johanne de Potton' commissario predicto, parte Willelmi Anegold ut prius, nullis aliis testibus productis sed petita compulsione trium testium, videlicet Willelmi Bailly de Bernewell', Willelmi Coupere de Chestreton' et Galfridi Smyth' de eadem, qua decreta facta fide que requiritur et pars adversa consentit compulsioni dumtamen non examinentur super facto pretenso communicato, datur dies in proximo ad producendum compulsos. [fol. 20v]

[23 Feb 75 (14.4)] Gransden. Before John Potton, Shanbery and Margaret by proctor; Angold by William Killerwick, substituted for original proctor. Two compelled witnesses are produced: William Couper and Geoffrey Smyth of Chesterton, who are admitted and sworn. The commissary orders their expenses refunded, assigning 2 March to estimate the expenses. Shanbery and Margaret request a copy of the articles to be used to examine the witnesses;

decreed. 27 Feb. to receive articles; 28 Feb. to examine witnesses. William Bailey, compelled witness, will be announced suspended and cited again.

Grantesden'] Parte Willelmi Schanbery et Margarete per Ricardum Pyttes procuratorem suum, parte Willelmi Anegold' per Willelmum Killerwyk', substitutum Petri Caprik' procuratoris originalis, comparentibus coram nostro commissario predicto, productis duobus testibus compulsis, videlicet Willelmo Coupere et Galfrido Smyth' de Chestreton', quibus admissis et in forma iuris iuratis, decrevimus expensas sibi fore refundendas ea occasione eatenus quatenus de iure et ad faciendum super dictis expensis, datur dies veneris proximo post festum Sancte Mathie, petitaque per partem dictorum Willelmi Shanbery et Margarete copia articulorum super quibus debent examinari et decreta, datur dies marcii proximo futurus ad dandum articulos parte et dies mercurii testibus ad subeundum examinacionem et decrevimus tercium testem, videlicet Willelmum Bailly, fore denunciandum suspensum et iterato citandum testimonium in dicta causa perhibiturum. [fol. 21r]

[22 Mar 75 (15.4)] Gransden. Before John Potton, parties by proctors. The compelled witnesses have not been examined because they refused to testify before their expenses were refunded; Caprik claims to have offered 12*d* to each of them. William Couper and Geoffrey Smyth were cited for this day to hear the estimation of their expenses, but they are absent. William Bailey, cited to be admitted and examined, is absent. All three are expected 23 March for examination.

23 March. William Bailey is produced, admitted, and sworn. William Shanbery and Margaret reserve the right to speak against witnesses and testimony. Next to publish the testimony. At Couper and Smyth's request, Angold is condemned to pay 6*d* to each for expenses.

Grantesden'] Parte Willelmi Shanbery et Margarete per dictum procuratorem suum, parte Willelmi Anegold' per Petrum Caprik', clericum, procuratorem suum, coram nobis Johanne de Potton' commissario predicto comparentibus et quia testes compulsi nondum sunt examinati eo quod nolunt deponere prius quam habeant expensas, allegatisque per procuratorem dictum Willelmi Angold' quod optulit cuilibet eorum duodecim denarios et quia dictus Willelmus Coupere et Galfridus Smyth' citati^d ad istos diem et locum ad audiendum in taxationem dictarum expensarum non comparent, expectamus eos usque ad diem crastinum loco quo supra ad idem et ad subeundum examinacionem. Prefatum insuper Willelmum Bailly citatum peremptorie ad istos diem et locum admissionem et examinacionem in dicta causa subitutum non comparentem expectamus usque diem crastinum loco quo supra ad idem.

Quo crastino die adveniente partibus ut prius comparentibus, producto Willelmo Bailly alio tercio teste compulso quo admissio et in forma iuris iurato, protestato per partem dictorum Willelmi Shanbery et Margarete de dicendo in testes et eorum dicta, datur dies in proximo partibus predictis ad

^d Smyth' citati] Smyth' sunt citati; *alternatively supply et before* non comparent.

videndum et audiendum publicacionem attestacionum, et ad petitionem dictorum Willelmi Coupere et Galfridi Smyth', testium compulsorum, partem producentem in sex denariis cuilibet eorum solvendis nomine expensarum condempnamus. [fol. 21v]

[6 Apr 75 (16.3)] Gransden. Shanbery and Margaret by proctor; Angold by Roger Sterling, substituted for original proctor. The testimony is published; a copy is ordered for the parties. Angold declares that he wants to make positions. Next to propose everything concerning the matter; Angold does not consent to the term.

Grantesden'] Parte Willelmi Shanbery et Margarete ut prius, parte Willelmi Anegold' per Rogerum Sterling', clericum substitutum Petri Caprik' clerici procuratoris sui originalis, comparentibus, publicatis attestacionibus testium examinatorum, decretaque copia earumdem partibus predictis, protestatur per partem Willelmi Anegold' quod vult facere posiciones. Datur dies in proximo ad proponendum omnia in facto consistencia. Pars dicti Willelmi Anegold' protestatur quod non consentit illi termino. [fol. 22r]

[4 May 75 (17.3)] Gransden. Before John Potton, Shanbery and Margaret by Mr Henry Bowet, substituted for original proctor; Angold by Roger Sterling. With the parties' consent, the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Grantesden'] Predictis Willelmo Schanbery et Margarete per magistrum Henricum Bowet, substitutum Ricardi Pyttes procuratoris originalis, predicto Willelmo Anegold' ut prius, comparentibus, de quarum consensu conclusione facta in dicta causa, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam, acta coram nobis J. de Potton' commissario predicto. [fol. 22v]

[24 May 75 (18.3)] Gransden. Before John Potton, parties by proctors. Next to hear the definitive sentence with adjournment of the following days.

Grantesden'] Partibus predictis per procuratores suos originales predictos comparentibus coram nobis Johanne de Potton' commissario predicto, de quarum consensu datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 23v]

[22 Jun 75 (19.2)] Gransden. Next to hear the definitive sentence.

Grantesden'] In causa matrimoniali que coram nobis vertitur inter Willelmum Anegold' de Chestreton' partem originaliter actricem ex parte una et Margaretam Grantesden' de eadem et Willelmum Shanbery partem originaliter ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 26r]

[12 Jul 75 (20.2)] Gransden. As 19.2.

Grantesden'] In causa matrimoniali que vertitur inter Willelmum Anegold' de Chestreton' partem originaliter actricem ex parte una et Willelmum Shanbery de eadem et Margar' Grantesden' partem originaliter ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 27v]

[4 Oct 75 (21.2), 25 Oct 75 (22.2)] Gransden. As 19.2.

Grantesden'] Ad idem videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 32r (entry duplicated)]

[7 Dec 75 (24.3)] Gransden. Parties by proctors. Next to hear the definitive sentence.

Grantesden'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 33v]

[10 Jan 76 (25.2)] Gransden. Parties by proctors before the official because John Potton, rector of Hatley St George and the official's commissary, is absent. The official declares that he does not intend to take cognizance of the case or revoke Potton's commission.

Grantesden'] In causa matrimoniali que coram Johanne de Potton' rectore ecclesie de Hattele Sancti Georgii domini .. officialis Elien' commissario in hac parte specialiter deputato [vertitur] inter Willelmum Shanbery filium Henrici Anegold' de Chestreton' partem actricem ex parte una et Margaretam nuper uxorem Galfridi Grantesdem' de eadem partem ream ac eciam Willelmum Shanbery eidem Margarete assistentem pro suo interesse ex altera, partibus predictis per dictos procuratores suos comparentibus coram nobis .. officiali Elien' supradicto, dicto .. commissario absente, protestatur per nos officialem predictum quod nolumus nec intendimus in dicta causa cognoscere nec potestatem dicto magistro Johanni de Potton' in ea parte commissam per compactionem huiusmodi revocare. [fol. 36r]

[13 Feb 76 (26.2)] Gransden. Since Potton's absence caused the case to be adjourned, the parties have been called for 27 Feb. to proceed according to past acts.

27 Feb. before John Potton. The actor's proctor declares that although appearing, he does not consent to Potton as judge. 28 Feb. is assigned before Potton to hear the definitive sentence with adjournment of the following days.

Grantesden'] In causa matrimoniali que coram nobis Johanne de Potton' domini officialis Elien' commissario in hac parte specialiter deputato vertitur inter Willelmum filium Henrici Anegold' de Chestreton' partem actricem ex parte una et Margaretam nuper uxorem Galfridi Grantesdem' de eadem partem originaliter ream ac eciam Willelmum Shanbery eidem Margarete assistentem pro suo interesse ex altera, cum predicta causa propter absenciam nostram fuisset discontinuata, partes predictas ad procedendum et procedi videndum et audiendum in eadem causa iuxta formam retroactorum in dicta causa habitorum ad diem mercurii proximo post festum Sancte Juliane virgi-

nis loco quo supra fecimus coram nobis ad iudicium evocari.

Quibus die et loco parte actrice per Petrum Caprik' procuratorem suum, parte Willelmi Shanbery et Margareta per Ricardum Pyttes procuratorem suum coram nobis .. commissario predicto comparentibus, predictus Ricardus procurator protestabatur se nolle per comparicionem suam in nos tanquam in iudicem consentire. Unde eisdem partibus in personis et presencia dictorum procuratorum suorum diem iouis proximo post festum Sancti Mathie apostoli proximo futurum loco quo supra ad comparendum coram nobis cum continuacione et prorogacione dierum tunc sequencium, audituris sentenciam in dicta causa diffinitivam, prefigimus et assignavimus. [fol. 38r]

[28 Feb 76 (27.3)] Gransden. Before John Potton, Shanbery and Margaret's proctor does not consent to Potton as judge. Without his consent, the parties are expected next to hear the definitive sentence.

Grantesden'] In causa matrimoniali que coram nobis Johanne de Potton' domini .. officialis Elien' commissario specialiter deputato vertitur inter Willelmum filium Henrici Anegold' de Chestreton', partem actricem ex parte una, et Margaretam nuper uxorem Galfridi Grantesden' de eadem, partem originaliter ream, ac eciam Willelmum Shanbery eidem Margarete in dicta causa assistentem pro suo interesse ex altera, partibus ut prius coram nobis comparentibus, protestatur per dictum Ricardum procuratorem dictorum Margarete et Willelmi Shanbery ut prius, expectamus dictas partes usque proximum ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam; dictus procurator Margarete et Willelmi protestatur quod non consentit. [fol. 40r]

[20 Mar 76 (28.2)] Gransden. As 27.3.

Grantesden'] In causa matrimoniali que coram nobis Johanne de Potton' domini .. officialis Elien' commissario in hac parte specialiter deputato vertitur inter Willelmum filium Henrici Anegold' de Chestreton', partem actricem ex parte una, et Margaretam nuper uxorem Galfridi Grantesden' de eadem, partem originaliter ream, ac eciam Willelmum Shanbery eidem Margarete assistentem pro suo interesse ex altera, partibus ut prius coram nobis comparentibus, protestatur per procuratorem dictorum Margarete et Willelmi Shanbery ut prius, expectamus et continuamus dictam causam usque proximum consistorium ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam, et dictus procurator protestatur quod non consentit. [fol. 42v]

[3 Apr 76 (29.2)] Gransden. 5 April is assigned to hear the definitive sentence.

Grantesden'] In causa matrimoniali que coram nobis Johanne de Potton' clerico domini .. officialis Elien' commissario in hac parte specialiter deputato vertitur inter Willelmum filium Henrici Anegold' de Chestreton' Elien' diocesis partem actricem ex parte una et Margaretam nuper uxorem Galfridi

Grantesden' de eadem partem ream ex altera, ac eciam Willelmum Shanbery eidem Margarete assistentem pro suo interesse, partibus ut prius coram nobis comparentibus, protestatur per procuratorem dictorum Willelmi Shanbery^e et Margarete ut prius, partibus diem sabbati proximo futurum loco quo supra ad idem quod prius, videlicet ad audiendum sentenciam in dicta causa diffinitivam prefigimus et assignamus.

sentencia] Quibus die et loco . . .^f [fol. 44v]

[24 Apr 76 (30.21)] Shanbery/Gransden. William son of Henry Angold of Chesterton was cited before the official at the instance of William Shanbery of Chesterton and Margaret widow of Geoffrey Gransden, Shanbery's *de facto* wife, in an appeal. Shanbery and Margaret had appealed *ab iniqua* from the definitive sentence given in a marriage case by Mr John Potton, commissary of the official, in Angold's favour.

Shanbery and Margaret appear by John Hostler, substituted for Richard Pitts, original proctor; Angold by Peter Caprik, proctor by letter. An oral libel is given and requested written. Next to receive it in writing.

Shanbery/Grantesden'] Willelmus filius Henrici Anegold de Chestreton' Elien' diocesis citatus coram nobis ad dictos diem et locum ad instanciam Willelmi Shanbery de Chestreton' predicti et Margarete nuper uxoris Galfridi Grantesden' de Chestreton', quam dictus Willelmus Shanbery de facto duxit ut asseritur in uxorem, in causa appellacionis a quadam sententia diffinitiva per magistrum Johannem de Potton' commissarium nostrum in ea parte specialiter deputatum pro dicto Willelmo Anegold' et contra prefatos Willelmum Shanbery et Margaretam lata tanquam ab iniqua ut asseritur interiecte ad audienciam nostram, parte appellante per Johannem Hostiler, substitutum Ricardi Pyttes procuratoris originalis, comparente, parte vero appellata per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, libellato oretenus per partem appellantem et per partem appellatam in scriptis petito, datur dies in proximo ad libellandum in scriptis. [fol. 46v]

[16 May 76 (31.8)] Shanbery. Parties by proctors. A libel of appeal is given along with a summary article. 17 May to respond.

17 May. Shanbery and Margaret are absent and found contumacious; Angold by proctor. As penalty for contumacy, the case continues. Angold contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Next the first term to prove.

Shanbery] In causa appellacionis mota coram nobis .. officiali predicto inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' quam dictus Willelmus duxit in uxorem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, partibus per procuratores suos comparentibus, oblato libello appellatorio una cum quodam articulo summario in fine libelli et per partem

^e Shanbery] *interlined*. ^f *The entry ends here. Foxton left room for the sentence, as indicated in the margin. See entry 86.3.*

appellatam optento, datur dies crastinus loco quo supra ad respondendum.

Quibus die et loco parte appellante nullo modo comparente, parte vero appellata ut prius, ideo ipsam partem appellantem reputamus contumacem et in pena contumacie facta contestacione negativa dicendo narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, datur dies in proximo ad primo probandum. [fol. 47r]

[13 Jun 76 (32.8)] Shanbery. Parties by proctors. No proofs are brought. Next to prove the summary article, if it can be shown what should be done legally if the jurisdiction has not been established (*si ostendatur quod de iure fieri debeat non fundata iurisdictione*),[§] or to prove the entire libel of appeal.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' quam dictus Willelmus duxit in uxorem partem appellantem ex parte una et Willelmum Anegold' de eadem partem appellatam ex altera, partibus per dictos procuratores suos comparentibus [fol. 49r] nullis probacionibus ministratis sed datus est dies in proximo ad precise probandum articulum summarium si ostendatur quod de iure fieri debeat non fundata iurisdictione,[§] sin autem ad probandum precise totum libellum appellatorium. [fol. 49v]

[3 Jul 76 (33.7)] Shanbery. Parties by original proctors. William and Margaret produce three witnesses concerning the summary article: Mr's Thomas Gloucester, John Potton, and Peter Caprik, who were admitted and sworn. They swear that the definitive sentence was given in Angold's favour. 12 July to exhibit a document concerning the appeal at the appellant's request.

12 July. Before John Potton, official's commissary, parties agree to 14 July for same.

14 July. Before John Potton, William and Margaret produce one witness concerning the summary article: Mr William Rookhawe, archdeacon's official, who was admitted and sworn. They request the compulsion of Mr Hugh Candlesby, registrar of archdeacon; decreed. Next to produce the compelled.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, partibus per procuratores suos originales comparentibus, productis per partem appellantem super summario articulo tribus testibus, videlicet magistris Thome de Gloucestre, Johanne de Potton' et Petro Caprik' clericis, quibus admissis et in forma iuris iuratis, fatentur et deponunt iudicialiter quod fuit in dicta causa sententia diffinitiva pro dicto Willelmo Anegold' et contra prefatos Willelmum Shanbery et Margaretam lata. Unde datur dies sabbati proximo post festum translacionis Sancti Thome martyris ad exhibendum instrumentum super appellacione ad instantem

[§] si ostendatur quod de iure fieri debeat non fundata iurisdictione] ?read: [et] si ostendatur [ad faciendum] quod de iure fieri debeat non fundata iurisdictione.

petitionem dictorum appellacionum.

Quo die partibus ut prius coram nobis Johanne de Neuton' domini .. officiali Elien' commissario comparentibus, de quarum consensu datus est dies lune proximo futurus loco quo supra ad idem.

Quibus die et loco partibus coram nobis dicto .. commissario ut prius comparentibus, producto per partem appellantem unico teste, videlicet magistro Willelmo Rookhawe officiali domini archidiaconi Elien', super dicto articulo summario, quo admisso et in forma iuris iurato petitaque compulsione magistri Hugonis de Candelesby dicti domini archidiaconi Elien' registrarii et decreta, datur dies in proximo ad producendum compulsum. [fol. 50r]

[24 Jul 76 (34.5)] Shanbery. No other witnesses are produced. William Rookhawe is admitted, sworn, and examined; he says he was present at the appeal. The proctor of William and Margaret offers to swear that the appeal from the sentence was made within the legal term. Rookhawe's testimony is published; a copy is ordered for the parties. The court declares that the appeal should stand with one witness and the oath of the party; the court will admit the oath, the publication notwithstanding. Next to act on this.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, partibus per procuratores suos comparentibus, nullis aliis testibus productis sed examinato magistro Willelmo Rookhawe officiali domini archidiaconi prius admisso qui iuratus deponit quod interfuit appellacioni et procurator dictorum Willelmi Schanbery et Margarete offert se iuraturum quod fuit appellatum a dicta sententia infra terminum iuris, publicatis attestacionibus dicti magistri Willelmi officialis, decreta copia partibus earundem, protestamur quod in eventum quo poterit liquere quod est standum uni testi cum iuramento partis, volumus in proximo admittere iuramentum suum non obstante publicacione, datur dies in proximo ad faciendum super eadem. [fol. 52r]

[25 Sep 76 (35.4)] Shanbery. William Shanbery has died; Margaret by original proctor; William Angold by original proctor. Margaret exhibits a protocol of Mr Hugh Candlesby, public notary, concerning her appeal to the consistory; her proctor swears that he appealed as contained in the protocol. Next to publish the testimony and exhibits; to act finally.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, predicto Willelmo Shanbery viam universe carnis ingresso, predictisque Margareta et Willelmo Anegold' per dictos procuratores suos originales comparentibus, exhibito per partem dicte Margarete quodam prothocollo magistri Hugonis de Candelesby clerici notarii publici super appellacione ad nos interposita, prestito iuramento per eundem procu-

ratorem quod ipsemet appellavit prout continetur in prothocollo, datur dies in proximo ad publicandum et publicari videndum attestaciones et exhibita et ulterius faciendum quod est iuris. [fol. 54v]

[16 Oct 76 (36.3)] Shanbery. Margaret absent; William Angold by proctor. As penalty to Margaret, the protocol and testimony of witnesses are published; a copy is ordered for the parties. Next to speak against them.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, parte appellante nullo modo comparente, parte appellata ut prius, ideo partem appellantem reputamus contumacem et in penam contumacie publicamus dictum prothocollum et dicta testis alias producti et examinati, decretaque copia partibus, datur dies in proximo ad dicendum contra. [fol. 55Av]

[13 Nov 76 (37.3)] Shanbery. ?Margaret absent; Angold as before. Both expected next to speak against witnesses, testimony, and exhibits.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, dicto Willelmo Shanbery viam universe carnis ingresso, dicta Margareta parte appellante [nullo modo comparente et] parte appellata ut prius comparente, expectamus absentem cum presente usque proximum ad idem, videlicet ad dicendum contra testes et eorum dicta et contra exhibita. [fol. 56Bv]

[4 Dec 76 (38.3)] Shanbery. Margaret will be called to speak against witnesses, testimony, and exhibits and to attend all acts including the definitive sentence. Because the official knows that William intends to solemnize marriage with another woman and Margaret with another man before the court has made a decision, Scrope inhibits and interdicts this. Under penalty of major excommunication, they cannot contract elsewhere or do anything prejudicial to the case while it is pending undecided.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, dicto Willelmo Shanbery viam universe carnis ingresso, dicta Margareta nullo modo comparente, prefatus Willelmus Anegold' comparet ut prius, decernimus dictam Margaretam fore vocandam ad proximum ad procedendum in dicta causa iuxta forma retroactorum in dicta causa habitorum, videlicet ad dicendum contra testes et eorum dicta et contra exhibita et ad omnes actus consecutivos in dicta causa eciam usque ad sententiam diffinitivam inclusive. Et quia intelleximus quod dicti Willelmus cum alia muliere et Margareta cum alio viro matrimonium contrahere propo-

nunt et illud in facie ecclesie facere solempnizari ante ipsius cause decisio-
nem, ideo eisdem Willelmo et Margarete ne aliunde contrahant seu quicquam
aliud faciant vel fieri procurent, quominus dicta causa matrimonialis coram
nobis adhuc pendens indecisa suum effectum debitum sorciatur, inhibemus
et interdicimus expresse potestatem sub pena excommunicationis maioris
quam in ipsos canonica monicione premissa dolo, mora et culpa suis prece-
dentibus ferimus in hiis scriptis. [fol. 58v]

[8 Jan 77 (39.3)] Shanbery. Parties personally. Margaret requests a copy of all judicial acts; decreed. Because Gloucester had represented William in the principal case,⁵ he will not take cognizance of the appeal. It will proceed at the next consistory before the official.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Che-
streton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem
appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem
partem appellatam ex altera, Willelmo Shanbery viam universe carnis ingres-
so, prefatisque Margareta et Willelmo Anegold' personaliter comparentibus,
dicta Margareta peciit copiam omnium actorum iudicialium in hac parte ha-
bitorum et decretum per nos commissarium predictum et quia in dicta causa
alias postulavimus pro dicto Willelmo Anegold', non intendimus nec volu-
mus in eadem iudicialiter cognoscere sed predictis partibus proximum consi-
storium coram dicto domino .. officiali ad procedendum et procedi videndum
in dicta causa iuxta forma retroactorum prefigimus et assignamus. [fol. 60v]

[5 Feb 77 (40.3)] Shanbery. Parties by proctors. With parties' consent, next to speak against witnesses, testimony, and exhibits.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Che-
streton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem
appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem
partem appellatam ex altera, Willelmo Shanbery viam universe carnis in-
gresso, prefatisque Margareta et Willelmo Anegold' per procutatores suos
comparentibus, de quorum consensu datur dies in proximo ad idem quod
pridem, videlicet ad dicendum contra testes et eorum dicta et contra exhibita.
[fol. 63r]

[26 Feb 77 (41.3)] Shanbery. Parties are absent. Since they were cited to all acts, they are expected next to speak against witnesses, testimony, and exhibits.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Che-
streton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem
appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem
partem appellatam ex altera, Willelmo Shanbery viam universe carnis ingres-

⁵ Donahue, *Law, Marriage, and Society*, 257, suggests that Thomas had heard the case as the official of the archdeacon, but that is not the normal meaning of *postulavimus*. It is more likely that he served as William's advocate, which would have been equally effective to preclude him from hearing the case on appeal.

so, dictis Willelmo Anegold' et Margareta nullo modo comparentibus, sed citatis ad omnes actus et terminos, ideo expectamus eos usque proximum ad idem quod pridem. [fol. 64v]

[19 Mar 77 (42.3)] Shanbery. As 41.3.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, Willelmo Shanbery viam universe carnis ingresso, dictis Willelmo Anegold' et Margareta nullo modo comparentibus, sed prius citatis ad omnes actus et terminos consecutivos in dicta causa, expectamus eos usque proximum ad idem. [fol. 66r]

[10 Apr 77 (43.3)] Shanbery. As 41.3.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, Willelmo Shanbery viam universe carnis ingresso, predictis Willelmo Anegold' [et Margareta] nullo modo comparentibus, sed citatis prius ad omnes actus et terminos in dicta causa, expectamus eos usque proximum ad idem quod pridem, videlicet ad dicendum contra testes et eorum dicta et contra exhibita per partem dicte Margarete. [fol. 68r]

[30 Apr 77 (44.3)] Shanbery. Parties by proctors. Nothing is proposed; the term ends. Next to propose everything concerning the matter.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, Willelmo Shanbery viam universe carnis ingresso, dictis Margareta et Willelmo comparentibus per procuratores suos predictos, nullo dicto seu proposito, ideo cedat terminus, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 69v]

[29 May 77 (45.3)] Shanbery. Parties absent. Their proctors, who declare they want to quit the case, appear and claim their proxies have been revoked. Because they were made proctors when the issue was joined (and so they cannot leave the case) and because the revocations are not clear, the court wants them to proceed with the case. Nothing is proposed; the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery de Chestreton' et Margaretam nuper uxorem Galfridi Grantesden' de eadem partem appellantem ex parte una et Willelmum filium Henrici Anegold' de eadem partem appellatam ex altera, Willelmo Shanbery viam universe carnis ingresso, dicti Margareta et Willelmus Anegold'^h non comparent, sed comparent

^h dicti Margareta et Willelmus] dictis Margareta et Willelmo.

Ricardus Pyttes procurator Margarete et Petrus Caprik' procurator Willelmi qui protestantur se nolle occupari sed allegant quod eorum procuratoria sunt revocata. Et quia per litis contestacionem facti sunt domini litis et sic non possunt deserere causam nec apparet de revocacione procuratoriorum, ideo cum eis duximus procedendum in causa, nichil dicto seu proposito per alterutram partem parcium predictarum, sed in dicta causa concluso, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 72v]

[18 Jun 77 (46.3)] Shanbery. The proctors repeat their claim. Next to hear the definitive sentence.

Shanbery] In causa appellacionis mota inter Willelmum Shanbery et Margaretam Grantesden' appellantes ex parte una et Willelmum Anegold' partem appellatam ex altera, partibus ut prius comparentibus, et allegantibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 74v]

[9 Jul 77 (47.3)] Shanbery. Parties are absent although they were cited to all acts. Next to hear the definitive sentence.

Shanbery] Neutra parte comparente sed utraque parte citata ad omnes actus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 76r]

[30 Jul 77 (48.3)] Shanbery. As 47.3.

Shanbery] Neutra parte comparente sed citata ad omnes actus, ideo expectamus usque proximum ad idem, videlicet ad audiendum sentenciam. [fol. 78r]

[1 Oct 77 (49.3)] Shanbery. As 47.3.

Shanbery] Neutra parte comparente sed citata ad omnes actus, ideo habent diem in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 79v]

[22 Oct 77 (50.3)] Shanbery. Next to hear the definitive sentence.

Shanbery] Ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 80v]

[12 Nov 77 (51.3), 3 Dec 77 (52.3), 22 Dec 77 (53.3), 14 Jan 78 (54.3)⁶, 4 Feb 78 (55.3), 25 Feb 78 (56.3), 18 Mar 78 (57.3), 8 Apr 78 (58.3), 29 Apr 78 (59.3), 13 May 78 (60.3), 8 Jul 78 (62.3), 29 Jul 78 (63.3), 1 Oct 78 (64.3), 21 Oct 78 (65.3)] Shanbery. As 50.3.

Shanbery] Ad idem. [fols. 81v, 82r, 84v, 86v, 87v, 89v, 90v, 91v, 92v, 93v, 94r, 96r, 98r, 99r]

[10 Nov 78 (66.3)] Shanbery. As 50.3.

⁶ In the same session, Margaret's proctor, scribed as 'Margaret Gransden widow of William Richard Pitts, brings an action for his salary liam Shanbery'. against her. *Pitts*. In that case Margaret is de-

Shanbery] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 102v]

[2 Dec 78 (67.3), 23 Dec 78 (68.3), 3 Feb 79 (70.3), 25 Feb 79 (71.3), 17 Mar 79 (72.3), 21 Apr 79 (73.3), 23 May 79 (74.3), 10 Jun 79 (75.3), 30 Jun 79 (76.3), 21 Jul 79 (77.3), 22 Sep 79 (78.4), 13 Oct 79 (79.3), 3 Nov 79 (80.3), 24 Nov 79 (81.3), 9 Dec 79 (82.3), 12 Jan 80 (83.3), 3 Feb 80 (84.3)] Shanbery. As 50.3.

Shanbery] Ad idem. [fols. 104r, 106r, 107v, 109v, 111r, 113v, 115r, 116v, 117v, 118v, 120r, 121r, 122v, 123v, 125r, 126r, 127v]

[23 Feb 80 (85.3)] Shanbery. The parties appeared as before. Next to hear the definitive sentence.

Shanbery] In causa matrimoniali que coram nobis vertitur inter Willelmum filium Henrici Anegold' de Chestreton' partem originaliter actricem ex parte una et Margaretam nuper uxorem Galfridi Granteden' de eadem partem originaliter ream ex altera, partibus predictis ut prius comparentibus, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam, sicut prius. [fol. 129v]

[15 Mar 80 (86.3)] Shanbery. Originally this marriage case between William Angold and Margaret Gransden was brought before the archdeacon's official [see 39.3 and following]. It ended with a definitive sentence: William had proved the contract of marriage with Margaret, they were judged husband and wife. Margaret appealed to the consistory *ab iniqua*.

While this appeal was pending undecided in the consistory, William Shanbery, now deceased, and Margaret left the diocese and solemnized marriage without banns or license [1.6 and 5.10]. Cited for correction, William claimed that he and Margaret had contracted in present words, followed by intercourse prior to Angold's contract; he wanted his marriage with Margaret judged lawful. John Potton was commissioned to hear and give the sentence. The commissary of the official confirmed the sentence of the archdeacon's official since Angold had proved his contract with witnesses greater than any exception and Shanbery had proved the precontract with witnesses who were at the time of their admission excommunicated [cf 29.2: unrecorded sentence]. Shanbery appealed to the official *ab iniqua*. [30.21]

Richard Scrope, the official at the time of the appeal, resumed the principal case with the parties' consent. John Newton, the current official, has determined from the process both that Shanbery proved his precontract and that another contract between Angold and Margaret had preceded it. Wanting to preserve equity and know the truth in such a difficult case, the official has absolved the witnesses who were produced by Shanbery and rejected as excommunicates, with the parties' consent. He has admitted them newly and has examined them about the precontract. With the assistance of experienced counsel, he proceeds to the sentence.

Sentence. Because Shanbery has proved his precontract, Angold's marriage to Margaret is invalid. Margaret is dismissed from Angold's suit and absolved.

Angold's proctor appeals *apud acta ab iniqua* immediately. Given 16 March 1380 in St Mary the Less.

Shanbery] In causa matrimoniali que coram nobis vertitur inter Willelmum filium Henrici Anegold' de Chestreton' partem originaliter actricem ex par-

te una et Margaretam nuper uxorem Galfridi Grantesden de eadem partem originaliter ream ex altera, predicto Willelmo per Petrum Caprik', clericum, procuratorem suum, parte rea personaliter, comparentibus, et sententiam in dicta causa diffinitivam ferri postulantibus, sententiam diffinitivam in scriptis redactam tulimus sub hac forma: In Dei nomine amen. Dudum .. officialis domini archidiaconi Elien' in quadam causa matrimoniali que coram eo vertebatur inter Willelmum filium Henrici Anegold' de Chestreton' Elien' diocesis partem actricem ex parte una et Margaretam nuper uxorem Galfridi Grantesden de eadem partem ream ex altera, auctoritate ordinaria procedens, inveniensque dictum Willelmum contractum matrimonialem inter ipsum et prefatam Margaretam initum sufficienter probasse, ipsum Willelmum eidem Margarete in virum, ipsamque Margareta eidem Willelmo in uxorem sentencialiter et diffinitive adiudicavit, a qua sententia tanquam ab iniqua ad audienciam domini episcopi Elien' ex parte eiusdem Margarete extitit appellatum.

Verum cum huiusmodi appellacionis causa in consistorio Elien' coram ipsius presidente inter ipsos Willelmum et Margaretam pendens verteretur notorie indecisa, quidam Willelmus Shanbery tunc superstes nunc vero mortuus et prefata Margareta extra diocesim Elien' ad loca remota se diverterunt et illuc bannis publico non editis, nulla curatorum suorum petita licencia nec optenta, matrimonium inter se solempnizari in facie ecclesie procurarunt et fecerunt et postmodum ad propria redeuntes et ut coniuges cohabitantes remanserunt sic ut prefertur adinvicem copulati; demum prefatus Willelmus Shanbery coram dicti consistorii Elien' .. presidente pro tribunali sedente et in causa matrimoniali inter ipsos Willelmum Anegold' et Margaretam iudicialiter cognoscente, asserens et proponens quod ante omnem contractum matrimonialem inter eosdem Willelmum Anegold' et Margaretam si quis fuerat initum seu habitum iidem Willelmus Shanbery et Margareta matrimonium adinvicem per verba de presenti carnali copula subsecuta legitime contraxerunt, peciit idem Willelmus Shanbery ipsam Margaretam eidem Willelmo Shanbery in uxorem legitimam, ipsumque Willelmum eidem Margarete in virum legitimum adiudicari seu saltim matrimonium inter eos contractum et solempnizatum valere et subsistere debere pronunciari,ⁱ lite per dictam Margaretam ad articulum dicti Willelmi Shanbery affirmative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, ac de collusionione et malicia idem dixerunt sicut prius, productisque hincinde tam per dictum Willelmum Anegold' super contractu predicto per ipsum pretenso quam per dictum Willelmum Shanbery super precontractu per ipsum deducto quibusdam testibus, quibus admissis et in forma iuris iuratis, propositisque per utramque

ⁱ seu saltim matrimonium inter eos contractum et solempnizatum valere et subsistere debere pronunciari] *interlined*.

partem actricem contra testes partis adverse quibusdam excepcionibus, quibus admissis eatenus quatenus, et non nullis testibus super eisdem productis, quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus in scriptis redactis et publicatis et tandem in dictis causis conclusis, datus fuit terminus partibus predictis ad audiendum sententiam in dicta causa diffinitivam. Et prefatus presidens discreto viro magistro Johanni de Potton' baculario in decretis sententiam diffinitivam in dictis causis ferendam commisit specialiter potestatem.

Idem quoque commissario specialiter ut premittitur deputato, visis, diligenter consideratis et debite ponderatis actis, actitatis, attestacionibus et aliis ad dictas causas facientibus inveniens dictum Willelmum Anegold prefatum contractum in ea parte deductum per testes omni excepcione maiores sufficienter probasse, dictumque Willelmum Shanbery precontractum matrimoniale cum eadem Margareta ante omnem contractum inter eosdem Willelmum Anegold' et Margaretam per testes tempore tamen admissionis et deposicionis excommunicatos clare probasse, sententiam per dictum .. officialem domini archidiaconi Elien' pro dicto Willelmo Anegold' et contra prefatam Margaretam ut premittitur latam sentencialiter et diffinitive confirmavit, precontratu predicto per eundem Willelmum Shanbery deducto et probato per testes excommunicatos ut premittitur non obstante.

Cum itaque a dicta sententia confirmatoria tanquam ab iniqua [fol. 133r] per eundem Willelmum Shanbery ad audienciam domini officialis Elien' extitit appellatum, dicteque cause principales de consensu parcium predictarum reassume et in eodem consistorio diucius tractarentur; nos Johannes de Neuton' doctor legum officialis Elien', rimato per nos et investigato toto processu in dictis causis habito habitaque deliberacione sufficienti super eodem inveniendes contractum matrimoniale inter prefatum Willelmum Shanbery et eandem Margaretam legitime initum et factum clare fuisse probatum, et alium contractum matrimoniale inter prefatum Willelmum Anegold' et Margaretam notorie processisse, equitatem canonicam servare volentes et alia que in hac parte animum nostrum movent debite ponderantes, predictos testes per eundem Willelmum Shanbery alias productos a sententia excommunicacionis qua fuerant involuti et propter quam a testimonio repulsi fuerunt, ne veritatis probacio presertim in tam ardua causa subtrahatur, ex habundanti de consensu parcium absolvimus ad cautelam et ipsos post absolucionem huiusmodi super dicto precontractu de novo admisimus et examinamus diligenter et tandem de iurisperitorum consilio nobis assidencium, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus predictum Willelmum

Shanbery prefatum precontractum matrimonialem inter ipsum et predictam Margaretam initum sufficienter probasse ante omnem contractum matrimonialem inter prefatos Willelmum Anegold' et Margaretam initum seu habitum de quo supra fit mencio, ideo prefatum matrimonium inter sepedictos Willelmum Anegold' et Margaretam postea de facto contractum non posse subsistere nec valere ac non tenere sed invalidum atque nullum fuisse et esse obstante precontractu predicto per hanc nostram sententiam diffinitivam pronunciamus et declaramus, ipsamque Margaretam ab impetitione et instancia dicti Willelmi Anegold dimittimus et absolvimus in hiis scriptis.

appellacio] A qua sententia tanquam ab iniqua Petrus Caprik' clericus procurator dicti Willelmi Anegold' appellavit apud acta incontinenti tunc ibidem. Acta in ecclesia Sancte Marie extra Trumpiton' gates Cant' die veneris proximo post festum Sancti Gregorii pape anno domini supradicto. [fol. 133v]

5. CUMPYN

[24 Mar 74 (1.5)] Cumpyn. In a defamation case between Margaret Cumpyn of Reach and Joan Hitchcock of Swaffam Prior and her son John, the parties appeared by their original procurators. Nothing was said against the *processus* by either party, and since no witnesses had been produced in the principal case, the plaintiff asked that she be given a term to produce witnesses on her libel in the principal case. Whence we gave her to the next day to pose, articulate and produce for the first time.

Cumpyn] In causa diffamacionis mota inter Margaretam Cumpyn de Reche, partem actricem ex parte una, et Johannam Hichecok' de Suafham Prior et Johannem filium suum, partem ream ex altera, partibus per dictos procuratores suos originales comparentibus, nichil dicto seu proposito contra processum per alterutram partem parcium predictarum, petitoque per partem actricem quod cum in causa principali nulli fuerant testes producti termino sibi dari ad producendum super materia in libello in dicta causa principali porrecto deducta, unde prefigimus eidem parti actrici in proximum diem ad primo ponendum, articulandum et producendum. [fol. 5v]

[13 Apr 74 (2.6)] Cumpyn. No positions, articles, or witnesses are brought; the term ends. Next to propose articles and the second term to produce.

Cumpyn] Partibus per dictos procuratores suos comparentibus, nullis positionibus traditis nec articulis ministratis neque testibus productis, ideo cessit terminus. Datusque est dies in proximo ad ponendum, articulandum et secundo producendum. [fol. 6r]

[11 May 74 (3.5)] Cumpyn. No positions or witnesses are brought; the term ends. Next to propose articles and the third term to produce.

Cumpyn] Partibus ut prius comparentibus, nullis posicionibus traditis, nec posicionibus ministratis, nec testibus productis, ideo cessit dies. Ideo datus est dies in proximo ad ponendum, articulandum et tercio producendum. [fol. 6r]

[2 Jun 74 (4.5)] Cumpyn. No witnesses or positions are brought; Margaret's proctor swears to adhere diligently to the production. Next the third term to produce.

Cumpyn] Partibus per dictos procuratores suos comparentibus, nullis testibus productis nec posicionibus traditis, unde datus est dies in proximo ad idem, videlicet ad tercio producendum, et procurator partis appellantis iuratus est adhibere diligenciam circa dictam produccionem. [fol. 7r]

[22 Jun 74 (5.5)] Cumpyn. Margaret produces three witnesses: Richard Taylor of Cambridge, Nicholas Waterman of [King's or Bishop's] Lynn [Norfolk], and Alice wife of Richard, who are admitted and sworn. Joan and John reserve the right to speak against witnesses and testimony and to propose interrogatories. They request the articles to be used to examine the witnesses, asking that they not be examined until Joan and John have provided interrogatories. Next to publish the testimony.

Cumpyn] Partibus ut prius comparentibus, productis per dictam Margaretam tribus testibus, videlicet Ricardo Taillo' de Cantebr', Nicholo Waterman de Lynne et Alicia uxore Ricardi Taillo' de Cant', quibus admissis et in forma iuris iuratis, protestatur per partem adversam de dicendo in testes et eorum dicta et de proponendo interrogatoria. Datur dies in proximo ad publicandum et publicari videndum attestaciones, dictaque pars appellata petit articulos super quibus testes debent examinari et quod non examinentur quousque ministraverit interrogatoria. [fol. 7v]

[17 Jul 74 (6.5)] Cumpyn. Since the witnesses were not examined yet and the judge is absent, they will be examined on the following day (18 July) or sooner. 28 July to publish the testimony. 28 July Margaret absent; Joan and John by proctor. Both are expected 2 Aug. for publication. 2 Aug. Margaret will be called for publication.

Cumpyn] In causa diffamacionis mota inter Margaretam Cumpyn de Reche partem actricem ex parte una et Johannam Hichecok' de Suafham et Johannem filium suum ex altera, partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo ad convincendum maliciam dicte partis actricis et quia iudex fuit absens, examinentur cras vel citra. Daturque dies veneris proximo post festum Sancti Jacobi apostoli proximo futurum, loco quo supra, ad videndum et audiendum publicacionem attestacionum.

Quibus die et loco parte actrice nullo modo comparente, parte rea ut prius, expectamus absentem cum presente ad diem mercurii proximo post festum Sancti Petri ad vincula proximo futurum, loco quo supra, ad idem. Quibus die et loco parte actrice nullo modo comparente, parte rea ut prius, datur dies in proximo ad idem, videlicet ad videndum et audiendum publicacionem at-

testacionum, et vocetur dicta pars actrix ad idem. [fol. 10r].

[22 Sep 74 (7.5)] Cumpyn. Since Margaret was not cited, she will be called to see the testimony published.

Cumpyn] Parte originaliter actrice nullo modo comparente, parte vero rea ut prius, et quia pars actrix non fuit vocata ad istum actum, ideo datur dies in proximo ad idem, videlicet ad videndum publicacionem attestacionum, et vocatur dicta pars actrix ad idem. [fol. 11v]

[26 Oct 74 (9.6)] Cumpyn. Margaret by proctor; Joan and John by William Killerwick, substituted for Peter Caprik, original proctor. With parties' consent, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Cumpyn] Parte actrice per procuratorem suum predictum, parte rea per Wilhelmm Kollerwyk', substitutum Petri Caprik' clerici procuratoris sui originalis, comparentibus, de quorum consensu expresso publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 13r]

[24 Nov 74 (10.5)] Cumpyn. Parties by original proctors. Since Joan and John do not have copies of the testimony, which they failed to request, next to speak against witnesses and testimony.

Cumpyn] Partibus predictis per^a dictos procuratores originalis comparentibus, et quia pars rea originaliter institit pro copiis attestacionum habendis et non habuit, ideo datur dies in proximo ad idem, videlicet ad dicendum contra testes et eorum dicta. [fol. 17v]

[14 Dec 74 (11.5)] Cumpyn. Nothing is proposed; the term ends. Next to propose everything concerning the matter.

Cumpyn] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum, ideo cessit terminus, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 18r]

[11 Jan 75 (12.5)] Cumpyn. Nothing is proposed; the term ends. Next to conclude the case.

Cumpyn] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum, cessit terminus datusque est dies in proximo partibus predictis ad concludendum et concludi videndum in causa memorata. [fol. 20r]

[1 Feb 75 (13.5)] Cumpyn. Margaret by John Hostler, substituted for R. Pitts, original proctor; Joan and John by proctor. The case is concluded at Joan and John's request. Next to hear the definitive sentence.

Cumpyn] Parte actrice per Johannem Hostiler, substitutum Ricardi Pyttes procuratoris sui originalis, parte rea ut prius, comparentibus, facto concluso in dicta ad petitionem partis ree, datur dies in proximo ad audiendum senten-

^a pro.

ciam in dicta causa diffinitivam. [fol. 20v]

[23 Feb 75 (14.5)] Cumpyn. Margaret by original proctor; Joan and John by William Killerwyk, substituted for original proctor. Next to hear the definitive sentence.

Cumpyn] Parte actrice per Ricardum Pyttes procuratorem suum, parte vero rea per Willelmum Killerwyk', clericum, substitutum Petri Caprik' procuratoris originalis, comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 21r]

[22 Mar 75 (15.5)] Cumpyn. With the parties' consent, next to hear the definitive sentence, with adjournment of the following days.

Cumpyn] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem. [fol. 21v]

[6 Apr 75 (16.4)] Cumpyn. Margaret by proctor; Joan and John by Roger Sterling, substituted for original proctor. With the parties' consent, next to hear the definitive sentence, with adjournment of the following days.

Cumpyn] Parte actrice ut prius, parte rea per Rogerum Sterling', substitutum Petri Caprik' procuratoris suis originalis, comparentibus, de quarum consensu datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem, videlicet ad audiendum sentenciam. [fol. 22r]

[4 May 75 (17.4)] Cumpyn. With the parties' consent, next to hear the definitive sentence.

Cumpyn] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 22v]

[24 May 75 (18.4)] Cumpyn. Before John Potton, commissary of the official, parties by proctors. Margaret's proctor believes the case is frivolous because she has refused to consult with him since the production of witnesses. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Margaret has not proved her intention, Joan and John are absolved and dismissed from the suit. Margaret is condemned to pay the defendant's lawful costs, the taxation reserved to the official or his commissary.

Cumpyn] In causa diffamacionis que in consistorio Elien' vertitur et diucius vertebatur inter Margaretam uxorem Willelmi Cumpyn de Reche partem actricem ex parte una et Johannam Hichecok' de Swafham Prior et Johannem filium suum partem ream ex altera, parte actrice per Ricardum Pyttes, clericum, procuratorem suum qui alias in tota causa occupavit pro ea, coram nobis Johanne de Potton' domini .. officialis Elien' commissario supradicto comparente, parte vero rea per Petrum Caprik', clericum, procuratorem suum, allegatur per dictum Ricardum procuratorem partis actricis quod habet causam desperatam pro eo quod domina sua noluit consulere cum eo post produccionem testium. Cumque constiterit nobis .. commissario predic-

to istos diem et locum partibus predictis ad audiendum sententiam in dicta causa diffinitivam legitime fuisse prefixos rimato per nos .. commissarium predictum ad hoc specialiter deputatum et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, invocata primitus Spiritus Sancti gracia, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos commissarius antedictus invenimus dictam partem actricem intencionem suam in nullo probasse sed in probacione eiusdem totaliter defecisse et ipsam partem ream ab instancia eiusdem partis actricis sentencialiter et diffinitive absolvimus et dimittimus in hiis scriptis, ipsamque partem actricem in expensis legitimis per ipsam partem ream hac occasione factis eidem parti ree solvendis sentencialiter et diffinitive condemnamus, taxacionem earumdem dicto domino .. officiali Elien', nobis vel alio^b ipsius commissario specialiter reservantes. [fol. 23v]

^b alio ipsius commissario] ali's ipsius commissario.

6. CANDLESBY (1)

These two entries, separated by almost two years, probably concern the same case. The appeal from the official of the archdeacon that gave rise to this case may have been heard before the register begins. About a year after the second entry in this case, a John Freeborn, who is probably the same as the defendant here, appears to be in serious trouble in a case reported below under the name *Freeborn*.

[24 Mar 74 (1.7)] Candlesby. John Freeborn of Fulbourn was cited at the instance of Mr Hugh Candlesby, registrar of the archdeacon, in a case of salary owed to Hugh for writing a process, which was sent to the court at another time.

Hugh appears by Richard Pitts, proctor; John is absent and suspended.

Candlesby] Johannes Frebern de Fulbourn', citatus ad instanciam magistri Hugonis Candlesby clerici, domini archidiaconi Elien' registrarii, in causa salarii pro scriptura processus cause sue nobis alias transmissi sibi debiti, comparentis per Ricardum Pyttes procuratorem suum, non comparet, ideo ipsum suspendimus ab ingressu ecclesie. [fol. 5v]

[10 Jan 76 (25.22)] Candlesby. Hugh personally; although pronounced suspended and cited, John is absent. He is found contumacious and excommunicated.

Candlesby – excommunicacio] In causa salarii magistri Hugonis Candlesby clerici, notarii publici, domini .. archidiaconi Elien' registrarii, mota contra Johannem Frebern^a de Fulbourn', alias suspensum ab ingressu ecclesie, parte actrice personaliter comparente, parte rea denunciata, suspensa et

^a Frebern] Fre'bern. ^b comparente] comparet.

iterum citata ad istos diem et locum non comparente,^b ideo ipsum Johannem reputamus contumacem et in penam contumacie excommunicamus in scriptis. [fol. 37r]

7. *ANDRE (1)*

[24 Mar 74 (1.8)] Andre. In a matter moved *ex officio nostro* against Richard Andre of Swavesey and Agnes whom he took to wife *de facto*, neither party appearing, therefore we decree that they are to be called to the next [consistory] for the same: to hear the sentence definitive in the case.¹

Andreu] In negocio ex officio nostro moto contra Ricardum Andreu de Swavesey et Agnetem quam de facto duxit in uxorem, neutra parte comparente, ideo decernimus eos^a fore vocandos ad proximum ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 5v]

[13 Apr 74 (2.8)] Andre. Neither party appears; therefore let them be called for the same.

Andreu] Neutra pars comparet, ideo vocentur ad idem. [fol. 6r]

[11 May 74 (3.6)] Andre. Neither party appears; therefore let them be called for the same: to hear the definitive sentence.

Andreu] Neutra pars comparet, ideo vocentur ad idem, videlicet ad audiendum sententiam diffinitivam. [fol. 6r]

[2 Jun 74 (4.6)] Andre. Neither party appears; therefore let them be called to the next [consistory] for the same: to hear the sentence definitive in the case.

Andreu] Neutra pars comparet, ideo vocentur ad proximum ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 7r]

[22 Jun 74 (5.7)] Andre. Neither party appearing, let them therefore be called for the same: to hear the sentence definitive in the case.

Andreu] Neutra parte comparente, ideo vocentur ad proximum ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 7v]

[17 Jul 74 (6.11)] Andre. In a matter moved *ex officio nostro* against Richard Andre of Swavesey and Agnes whom he took to wife *de facto* neither party appearing, therefore we decree that they are to be called to the next [consistory] for the same: to hear the sentence definitive in the case.

Andreu] In negocio ex officio nostro moto contra Ricardum Andreu de Swaves' et Agnetem quam de facto duxit in uxorem, neutra parte comparente, ideo decernimus eos fore vocandos ad proximum ad idem, videlicet ad au-

^a eos] *sic here and elsewhere if the names are given despite the fact that partes is the referent.*

¹ In this case, the abridgements attempt to capture literally the variations in the formulae of continuation. Subsequently, the abridgements simply refer back to the first entry that is in substance the same. For what can be learned from this exercise, see Introduction.

diendum sentenciam in dicta causa diffinitivam. [fol. 10v]

[22 Sep 74 (7.11)] Andre. Neither party appearing, therefore we decree that these [people] are to be called for the same: to hear the sentence definitive in the case.

Andreu] Neutra parte comparente, ideo decernimus ipsos fore vocandos ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 12r]

[26 Oct 74 (9.12)] Andre. Neither party appearing, therefore we decree that they [the parties] are to be called to the next consistory for the same: to hear the definitive sentence.

Andreu] Neutra parte comparente, ideo decernimus eas fore vocandas ad proximum consistorium ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 13r]

[24 Nov 74 (10.7)] Andre. Neither party appearing nor was cited, therefore we decree that each party is to be called to the next [consistory] for the same as before: to hear the sentence definitive in the case.

Andreu] Neutra parte comparente nec citata, ideo decernimus utramque partem fore vocandam ad proximum ad idem quod prius, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 17v]

[14 Dec 74 (11.7), 11 Jan 75 (12.7)] Andre. Neither party appearing, therefore let them be cited to the next [consistory] for the same: to hear the sentence definitive in the case.

Andreu] Neutra parte comparente, ideo citentur ad proximum ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 18r, 20v]

[1 Feb 75 (13.8)] Andre. Neither party appears; therefore let them be cited to next [consistory] for the same: to hear the definitive sentence.

Andreu] Neutra pars comparet, ideo citentur ad proximum ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 20v]

[23 Feb 75 (14.8)] Andre. Neither party appears; therefore let them be called for the same.

Andreu] Neutra pars comparet, ideo vocentur ad idem. [fol. 21r]

[22 Mar 75 (15.16)] Andre. Neither party appears; let them therefore be called to next [consistory] for the same: to hear the definitive sentence.

Andreu] Neutra pars comparet, ideo vocentur ad proximum ad idem, videlicet ad audiendum sentenciam. [fol. 21v]

[6 Apr 75 (16.15)] Andre. Neither party appears; we decree that each party is be called to next [consistory] for the same.

Andreu] Neutra pars comparet; decernimus utramque partem fore vocandam ad proximum ad idem. [fol. 22v]

[4 May 75 (17.14)] Andre. Neither party appearing, let them be called for the same: to hear the definitive sentence.

Andreu] Neutra parte comparente, vocentur ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 23r]

[24 May 75 (18.15)] Andre. Neither party appearing, and therefore let each party be called to next [consistory] for the same: to hear the definitive sentence.

Andreu] Neutra parte comparente et ideo vocetur utraque pars ad proximum ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 24r]

[22 Jun 75 (19.15)] Andre. In a matter moved *ex officio nostro* against Richard Andre of Swavesey and Agnes whom he took to wife *de facto*, neither party appearing, therefore we decree that they [the parties] are to be called to the next [consistory] for the same: to hear the sentence definitive in the case.

Andreu] In negocio ex officio nostro moto contra Ricardum Andreu de Swaneseye et Agnetem quam de facto duxit in uxorem, neutra parte comparente, ideo decernimus eas fore vocandas ad proximum ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 26v]

[12 Jul 75 (20.12)] Andre. In a matter of divorce moved *ex officio nostro* against Richard Andre of Swavesey and Agnes whom he took to wife *de facto*, neither party appearing, therefore we decree that they are to be called to the next [consistory] for the same: to hear the definitive sentence.

Andreu] In negocio divorcii ex officio nostro moto contra Ricardum Andreu de Swaneseye et Agnetem quam de facto duxit in uxorem, neutra parte comparente, ideo decernimus eos fore vocandos ad proximum ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 28r]

[4 Oct 75 (21.11)] Andre. Neither party appearing, therefore let them be called to the next [consistory] for the same: to hear the sentence definitive in the case.

Andreu] Neutra parte comparente, ideo vocentur ad proximum ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 32r]

[25 Oct 75 (22.10)] Andre. Neither party appearing, let them therefore be called to the next [consistory] for the same: to hear pronouncement or the definitive sentence.

Andreu] Neutra parte comparente, ideo vocentur ad proximum ad idem, videlicet ad audiendum pronunciacionem sive sentenciam diffinitivam. [fol. 32v]

[7 Dec 75 (24.9)] Andre. Neither party appears; therefore let them be called for the same: to hear the sentence definitive in the case.

Andreu] Neutra pars comparet, ideo vocentur ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 33v]

[10 Jan 76 (25.8), 13 Feb 76 (26.7), 28 Feb 76 (27.8)] Andre. Neither party appears; therefore let them be called to the next [consistory] for the same: to hear the sentence definitive in the case.

Andreu] Neutra pars comparet, ideo vocentur ad proximum ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 36r, 38r, 40r]

[20 Mar 76 (28.7), 3 Apr 76 (29.8)] Andre. Neither party appearing, therefore let them be called to the next [consistory] for the same: to hear the definitive sentence in the case.

Andreu] Neutra parte comparente, ideo vocentur ad proximum ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 43r, 45r]

[24 Apr 76 (30.6)] Andre. Neither party appearing, therefore let them be called to the next [consistory] for the same as before: to hear the sentence definitive in the case.

Andreu] Neutra parte comparente, ideo vocentur ad idem quod prius, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 45v]

[16 May 76 (31.5)] Andre. Neither party appearing, let them be called for the same: to hear the sentence definitive in the case.

Andreu] Neutra parte comparente, vocentur ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 46v]

[13 Jun 76 (32.5)] Andre. Neither party appearing, therefore let them be called to the next [consistory] for the same: to hear the definitive sentence in the case.

Andreu] Neutra parte comparente, ideo vocentur ad proximum ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 49r]

[3 Jul 76 (33.2), 24 Jul 76 (34.3), 25 Sep 76 (35.2)] Andre. Neither party appearing nor was cited, therefore let them be cited to the next [consistory] for the same: to hear the sentence definitive in the case.

Andreu] Neutra parte comparente nec citata, ideo citentur ad proximum ad idem, videlicet ad audiendum sentenciam in dicta cause diffinitivam. [fols. 50r, 52r, 54v]

[16 Oct 76 (36.2), 13 Nov 76 (37.2), 4 Dec 76 (38.2), 8 Jan 77 (39.2), 5 Feb 77 (40.2), 26 Feb 77 (41.2), 19 Mar 77 (42.2), 10 Apr 77 (43.2), 30 Apr 77 (44.2), 29 May 77 (45.2), 18 Jun 77 (46.2), 9 Jul 77 (47.2), 30 Jul 77 (48.2), 1 Oct 77 (49.2), 22 Oct 77 (50.2), 12 Nov 77 (51.2), 3 Dec 77 (52.2), 22 Dec 77 (53.2), 14 Jan 78 (54.2), 4 Feb 78 (55.2), 25 Feb 78 (56.2), 18 Mar 78 (57.2), 8 Apr 78 (58.2), 29 Apr 78 (59.2), 13 May 78 (60.2), 8 Jul 78 (62.2), 29 Jul 78 (63.2), 1 Oct 78 (64.2), 21 Oct 78 (65.2), 10 Nov 78 (66.2), 2 Dec 78 (67.2), 23 Dec 78 (68.2), 3 Feb 79 (70.2), 25 Feb 79 (71.2), 17 Mar 79 (72.2), 21 Apr 79 (73.2), 23 May 79 (74.2), 10 Jun 79 (75.2), 30 Jun 79 (76.2), 21 Jul 79 (77.2), 22 Sep 79 (78.3), 13 Oct 79 (79.2), 3 Nov 79 (80.2), 24 Nov 79 (81.2), 9 Dec 79 (82.2), 12 Jan 80 (83.2), 3 Feb 80 (84.2)] Andre. For the same.

Andreu] Ad idem. [fols. 55Av, 58v, 60v, 63r, 64v, 66r, 68r, 69v, 72v, 74v, 76r, 78r, 79v, 80v, 81v, 82r, 84v, 86v, 87v, 89v, 90v, 91v, 92v, 93v, 94r, 96r, 98r, 99r, 102v, 104r, 106r, 107v, 109v, 111r, 113v, 115r, 116v, 117v, 118v, 120r, 121r, 122v, 123v, 125r, 126r, 127v]

[23 Feb 80 (85.2)] Andre. In a matter of divorce moved by us and by our office against Richard Andre of Swavesey and Agnes whom he took to wife *de facto*, in the next [consistory] for the same: to hear the sentence definitive in the matter.

Andreu] In negocio divorcii per nos et officium nostrum moto contra Ricardum Andreu de Swaveseye et Agnetem quam de facto duxit in uxorem

in proximo ad idem, videlicet ad audiendum sentenciam in dicto negocio diffinitivam. [fol. 129v]

[15 Mar 80 (86.2), 5 Apr 80 (87.2), 26 Apr 80 (88.2), 25 May 80 (89.2), 14 Jun 80 (90.2), 23 Jul 80 (92.2), 4 Oct 80 (93.2), 25 Oct 80 (94.2)] Andre. For the same.

Andreu] Ad idem. [fols. 133r, 136r, 137r, 138r, 140v, 141v, 144r, 144v]

8. BAYLHAM¹

[11 May 74 (3.7)] Baylham. John vicar of Holy Sepulchre, Cambridge, was cited before Nicholas Ross, official, in an appeal brought to the consistory by William Baylham of Cambridge because of an unjust and peremptory citation and other grievances caused by Mr Nicholas de Bottisham, archdeacon's official. Although the vicar, Bottisham, and his commissaries had been inhibited by Ross from further action while the appeal remained undecided, John de Holbech, commissary of the archdeacon's official, illegally cited, warned, and convicted William after his appeal, contrary to statute,² and at the vicar's instigation. The commissary suspended William although absent not contumaciously but legally. These and other grievances are contained in William's suggestio and the court's inhibition.

4 May 1374. William appears by William Killerwick, proctor *apud acta*; John by Richard Pitts, proctor *apud acta*. In place of a narrative libel, William asks to use the *suggestio* with the additional clause "after proving what was to be proved in this regard". Next to propose the *suggestio* or libel in writing, when the vicar will receive it.

Beylham] Dominus Johannes vicarius ecclesie Sancti Sepulchri Cantebr' citatus [est] coram nobis .. officiali Elien', loco quo supra, ad instanciam Willelmi Beylham de Cantebr' in causa appellacionis ad audienciam nostram ut asseritur interiecte, eo videlicet quod cum a quadam citacione peremptoria nimis brevi et iniusta aliisque gravaminibus in ea parte suggestis per magistrum Nicholaum de Bodekesham officialem domini archidiaconi Elien' pretensum et de eius auctoritate et mandato sibi illatis et factis, ab eodem .. officiali pretenso ad consistorium episcopatus Elien' ex parte eiusdem Willelmi fuisset et sit sepius iteratis vicibus legitime appellatum, huiusmodique appellato eidem magistro Nicholao, officiali pretenso, eiusque commissariis et ministris sufficienter notificatis et per dicti consistorii presidentem demum prefato magistro Nicholao, officiali pretenso, et eius commissariis et ministris quibuscumque ac ceteris, omnibus et singulis quibus ius exegit inhiberi inhibitum [fol. 6r] ne pendente in audiencia sua huiusmodi appellacionis causa indecisa quicquam ea occasione in ipsius Willelmi preiudicium attemptaret, attemptarent, faceret seu facerent aliququaliter attemptari; quidam tamen

¹ The appellant in this case is probably the same as the appellant in *Bottisham/Baylham* (William Killerwyk serves as his proctor in both cases), but the cases may not be otherwise related. *Bottisham/Baylham* seems to be an office case, and it may have been pending

for more than a year. John, the vicar of Holy Sepulchre, who plays the role of the appellee in this case, is also cited for contempt in *Cheseman (1)*.

² For the canons probably being referred to, see Citations to Canon Law, *Sacro*.

Johannes de Holbech', dicti officialis domini archidiaconi commissarius se pretendens, qui in ipsum Willelmum nullam omnino habuit ut suggeritur seu habet iurisdiccione[m] aut legitimam potestatem quamcumque in ea parte, ipsum Willelmum predictae appellacioni sue firmiter inherentem coram eodem commissario pretenso non legitime citatum non monitum non convictum nec confessum, absentem non per contumaciam, iuris ordine et processu legitimo in ea parte de iure requisitis penitus pretermis[s]is, contra formam statuti et concilii generalis, post et contra dictam appellacionem in ea parte ut pretenditur factam et notificatam, ab ingressu ecclesie suspendebat aliaque gravamina eidem intulit prout in suggestione dicti Willelmi et inhibicione a nobis impetrata plenius continentur, ad instigacionem, procuracionem et instanciam dicti domini Johannis vicarii.

Parte appellante per Willelmum Kellerwyk', clericum, procuratorem suum apud acta constitutum, parte vero appellata per Ricardum Pyttes, clericum, procuratorem suum apud acta constitutum, comparentibus coram nobis die iovis proximo post festum invencionis Sancte Crucis, anno domini supradicto, dicta pars appellans protestatur se velle uti suggestione loco narrationis libelli cum adieccione petitionis,^a videlicet petit pars dicti Willelmi probatis in hac parte probandis etc. Datur dies in proximo ad proponendum in scriptis dictam suggestionem cum petitione sive libellum et parti appellate ad recipiendum. [fol. 6v]

[11 May 74 (3.10)] Baylham. John receives the libel in writing. Next to respond.

Beylham] In causa appellacionis mota inter Willelmum Beylham partem appellantem ex parte una et dominum Johannem vicarium ecclesie Sancti Sepulchri Cantabr' partem appellatam ex altera, die iovis proximo post festum Sancti Johannis ante portam latinam adveniente, loco quo supra, partibus predictis per dictos procuratores suos comparentibus, libellato in scriptis per partem appellantem et a parte appellata optento, datur dies in proximo parti appellate ad respondendum eidem. [fol. 6v]

[2 Jun 74 (4.7)] Baylham. Mr James de Cottenham exhibits an inhibition from the court of Canterbury. While Ross would defer the case out of reverence to the provincial court, it is not clear that the document concerns or hinders this suit. The case is adjourned until next to respond to the libel. James requests a copy of this to be clear about these things.

Beylham] Partibus per dictos procuratores suos comparentibus, exhibita quadam inhibicione curie Cantuar' per magistrum Jacobum de Cotenham, unde quatenus dicta inhibicio presentem causam concernit et ei obviat, intendimus deferre propter reverenciam curie Cantuar', sed quatenus dicta inhibicio istam causam non concernit nec ei obviat, eo quod de tenore ipsius nobis non liquet nec liquere potest, istam causam expectamus et continuamus usque

^a petitionis] *final i first written as e then filled in with a stroke put over it.*

proximum ad idem, videlicet ad respondendum libello. Petitur per nos a dicto magistro Jacobo ipsius copia ut de ea constare posset. [fol. 7r]

[22 Jun 74 (5.6)] Baylham. John contests the suit negatively, saying the claims are untrue and the petitions should not be granted; parties swear *de calumpnia* and *de veritate dicenda*. Next to prove.

Beylham] Partibus ut prius comparentibus, lite per Ricardum Pyttes procuratorem dicte partis appellate negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde in personas dictorum procuratorum de calumpnia et de veritate dicenda, datur dies in proximo ad probandum. [fol. 7v]

[17 Jul 74 (6.6)] Baylham. William exhibits a document signed and subscribed by Robert Foxton and three letters with the seal of the archdeacon's commissariate, proposes positions and articles, and produces three witnesses: Mr Hugh Candlesby, John Hostler, and William Pool of Cambridge, who are admitted and sworn. The vicar protests against William Pool and his testimony insofar as it is against him, requests a copy of the exhibits (decreed), and asks to propose interrogatories. William requests that three other witnesses be compelled by the court: Mr Nicholas de Bottisham, archdeacon's official; Richard de Drax, advocate of Ely consistory, and John Daniel of Cambridge; decreed with faith given. Next for William to prove precisely and to produce the compelled, and for both to act on the positions and articles.

Beylham] In causa appellacionis mota inter Willelmum Beylham de Cantebr' partem appellantem ex parte una et dominum Johannem vicarium ecclesie Sancti Sepulchri Cant' partem appellatam ex altera, partibus ut prius comparentibus, exhibitis per partem appellantem quodam instrumento publico signo et subscripcione Roberti de Foxton' notarii publici consignato ac quibusdam tribus litteris sigillo commissariatus domini archidiaconi Elien' sigillatis, propositis eciam per eandem partem appellantem quibusdam posicionibus et articulis productisque per eandem partem tribus testibus, videlicet magistro Hugone de Candelesby clerico, Johanne Hostiler et Willelmo Poul de Cantebr', quibus admissis et in forma iuris iuratis, protestato per partem adversam de dicendo contra Willelmum Poul et eius dicta quatenus contra se faciunt et non alio modo, petitaque per dictam partem adversam copia dictorum exhibitorum et decreto, dicta pars appellans peciit compulsionem trium testium sibi ut asserit necessariorum, videlicet magistrorum Nicholai Bodekesham officialis domini archidiaconi Elien' et Ricardi de Drax' consistorii nostri advocati ac eciam Johannis Danyel de Cantebr', qua decreta facta primitus fide per partem petentem que requiritur in hac parte. Datur dies in proximo parti appellanti^b ad precise probandum et ad producendum compulsos et utriusque parti ad faciendum super posicionibus et articulis supradictis, protestato eciam per partem appellatam de proponendo interrogatoria. [fol. 10r]

[22 Sep 74 (7.6)] Baylham. William by proctor; John personally. William produces two compelled witnesses: Nicholas de Bottisham and Richard Drax, who are admitted and sworn.

^b appellanti] appellate.

Although compelled and cited, John Daniel is absent and found contumacious, his penalty reserved for the court. William requests the case stayed until he can produce John de Holbech, dean of Wisbech, who is away and necessary to William's cause. He swears to be diligent in this production. The case is adjourned until next to prove precisely. John Daniel will be cited to receive penance for contumacy and to give testimony.

Beylham] Parte appellante ut prius comparente, parte vero appellata personaliter, productis per partem appellantem duobus testibus compulsis, videlicet magistris Nicholao de Bodekesham officiali domini archidiaconi Elien' et Ricardo Drax' consistorii nostri advocato, quibus admissis et in forma iuris iuratis, nullis aliis testibus productis sed Johanne Danyel compulso, citato, nullo modo comparente, ipsum reputamus contumacem reservata nobis pena. Petiturque quod dicta causa continuetur in statu quo nunc est quoadusque [pars appellans] producere poterit dominum Johannem de Holbech' decanum de Wysebech' in remotis partibus commorantem sibi que necessarium ut asserit, unde facta fide quod diligenciam debitam adhibuit in producendo ipsum, continuamus usque proximum consistorium ad idem, videlicet ad precise probandum, et decernimus dictum Johannem Danyel fore citandum ad proximum, penitentiam condignam pro dicta contumacia recepturum, necnon veritati in dicta causa testimonium perhibiturum. [fol. 11v]

[26 Oct 74 (9.7)] Baylham. The parties allege concord.

Beylham – pax] Parte appellante ut prius comparente, parte appellata personaliter, utraque pars allegat concordiam. [fol. 13r]

9. RIGGS

[22 Jun 74 (5.12)] Riggs. John Riggs of Ely, cleric, and Katherine daughter of Geoffrey Buggs of Ely were cited *ex officio* before Nicholas Ross, official, for 8 July 1374 in Holy Trinity, Ely. It has come to the court's attention through public fame that they have contracted marriage, followed by intercourse.

Both appear personally. Sworn *de veritate dicenda* and questioned, Katherine claims they contracted in words of mutual consent [John] having said, "By my faith I will have you as my wife and no one else." Intercourse followed. John denies both contract and promise. Swearing *de calumpnia* and *de veritate dicenda*, they repeat their respective claims. Katherine says she cannot prove the contract; fearing collusion and malice, the court has Katherine swear to use all diligence to prove the contract. 24 July in All Saints' Jewry is assigned to Katherine to prove.

24 July. John personally; Katherine absent. She brings no proof. Since Ross fears her deferment of proof and John, his faith made, claims that she is postponing the case by hiding, the court orders Katherine called by every means to appear on 2 Aug. either to prove or to hear the definitive sentence.

2 Aug. John by Peter Caprik, proctor; Katherine is absent and found contumacious. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Katherine has not proved her intention, John is dismissed from her suit and absolved. The matter is left to their consciences.¹

Rigges]^a Johannes Rigges de Ely clericus^b et Katerina filia Galfridi Bugge de eadem citati coram nobis ad diem sabbati proximo post festum translacionis Sancti Thome martyris, anno Domini supradicto, in ecclesia Sancte Trinitatis civitatis Elien' super contractu matrimoniali inter eos fama publica referente inito carnali copula subsecuta, predicti Johannes et Katerina comparuerunt personaliter coram nobis. Et de veritate dicenda iurati ac super predicto contractu et carnali copula requisiti, predicta Katerina fatebatur, proposuit et allegavit quod dictus Johannes et ipsa matrimonium ad invicem per verba mutuum consensum exprimencia contraxerunt dicendo, "Hic fides mea habeo te in uxorem meam et nullam aliam,"^c carnali copula subsecuta; dictus vero Johannes omnem contractum matrimonialem inter eum et prefatam initum Katerinam^d et se prefata verba dixisse negavit expresse. Iuratisque dictis Johanne et Katerina de calumpnia et de veritate dicenda, idem dixerunt quod prius dictaque Katerina asseruit coram nobis iudicialiter se non posse probare dictum contractum. Et quia verisimiliter timemus de collusionione et malicia dicte Katerine, ideo fecimus dictam Katerinam iurare ad sancta Dei evangelia quod apponet omnem diligenciam quam poterit ad probandum dictum contractum. Datusque est dies lune proximo post festum Sancte Marie Magdalene ad convincendum ipsius maliciam in ecclesia Omnium Sanctorum in Iudaismo Cantebr', dicte Katerine ad probandum dictoque Johanni ad videndum probacionem eiusdem.

Quibus die et loco predicta Katerina nullo modo comparente, predicto Johanne personaliter, nullis probacionibus per partem dicte Katerine ministratis, et quia adhuc timemus quod predicta Katerina maliciose differt suam probacionem et facta est fides per partem dicti Johannis quod prefata Katerina de partibus istis se subtraxit ad differendum causam latitando, decernimus dictam Katerinam fore vocandam viis et modis ad diem mercurii proximo post festum Sancti Petri ad vincula, loco quo supra, ad idem, videlicet ad probandum. Eidemque Johanni diem et locum supradictos ad videndum probacionem huiusmodi, alioquin ad audiendum pronunciacionem sive sentenciam diffinitivam^e prefigimus et assignamus.

Quibus die et loco predicto Johanne Rigges comparente per Petrum Caprik', clericum, procuratorem suum, predicta vero Katerina citata viis et

^a Rigges] *under these marginalia is a hand pointing to this entry.* ^b clericus] *interlined.*

^c nullam aliam] *following aliam, the rest of the line is blank and then filled in with a cross hatched line, which may be a repair in the parchment; carnali copula begins the next line.*

^d prefatam initum Katerinam] *sic.* ^e alioquin ad audiendum pronunciacionem sive sentenciam diffinitivam] *interlined.*

¹ For the phrase *eorum conscienciis penitus relinquendo*, or its equivalent, see Introduction.

modis ad probandum dictum contractum, non comparente, ideo ipsam Katerinam pronunciamus contumacem et in penam contumacie sue huiusmodi ad pronunciacionem in hac parte faciendam de consilio iuris peritorum nobis assidencium et ad petitionem partis dicti Johannis procedimus in hunc [fol. 8r] modum.

sentencia] In Dei nomine amen. Quia invenimus dictam Katerinam intencionem suam in nullo probasse sed in probacione eiusdem penitus defecisse, ipsum Johannem ab impetitione eiusdem Katerine sentencialiter et diffinitive dimittimus et absolvimus per decretum, eorum conscienciis penitus relinquendo. [fol. 8v]

10. ELY (1)

[22 Jun 74 (5.13)] Ely. Thomas Scot of Witchford was cited at the instance of Brother John of Ely, sacristan of Ely Cathedral, who holds to his use and that of his office Holy Trinity and St Mary's, Ely, in a case of wool tithes. Thomas has been pasturing, bedding, and shearing his sheep within the boundaries of the parishes.

In Holy Trinity on 8 July 1374, John appears personally; Thomas by Hugh Candlesby, registrar of the archdeacon and proctor by letter. John gives an oral libel and asks that the case proceed summarily according to the new constitutions.¹ Thomas requests the libel in writing, which is ordered available to him after the hour of nones. 17 July in All Saints' Jewry to respond to the libel.

17 July. Since an agreement has been made between the parties, they agree to adjourn the case until the session after the feast of St Michael to respond.

Elie[n]'] Thomas Scot de Wychford' citatus ad instanciam fratris Johannis de Ely, sacriste ecclesie cathedralis Elie[n]', ecclesias parochiales Sancte Trinitatis et Sancte Marie civitatis Elie[n] sibi et officio suo in proprios usus optinentis, in causa decimarum lane provenientis de bidentibus ipsius Thome pascentibus et cubantibus ac tonsis in locis infra fines, limites ac decimaciones parochie de Ely patenter et notorie constitutis, parte actrice personaliter coram nobis comparente in ecclesia Sancte Trinitatis Elie[n]', die sabbati proximo post festum translacionis Sancti Thome martyris ultimo preteritum, parte rea per Hugonem de Candlesby, clericum registrarium domini archidiaconi Elie[n]' procuratorem suum litteratorie constitutum, libellato oretenus per partem actricem sub certa forma petitoque in eodem libello quod procedatur summarie et de plano et absque strepitu et figura iudicii iuxta novellas constituciones, petitoque^a per partem ream in scriptis et decreto, datur dies lune proximo post festum translacionis Sancti Swyththini in ecclesia Omnium

^a petitoque] ?petiturque.

¹ See Citations to Canon Law, *Dispendiosiam; Saepe contingit*.

Sanctorum in Iudaismo Cantebr' ad respondendum dicto libello, et volumus quod statim cum voluerit post horam nonam habeat dictum libellum.

Quo die adveniente intervenientibus quibusdam pacis amatoribus et de concordia et pace inter eos tractantibus, de consensu parcium continuamus dictam causam usque proximum consistorium post festum Sancti Michaelis, loco quo supra ad idem, videlicet ad respondendum libello sub spe pacis. [fol. 8v]

11. *BARNWELL/TAVERN*

This case is briefly noted in the literature.¹ What previous accounts have failed to emphasize is the role of the advocates for the defendants throughout the case and the fact that more than a year passes between the first hearings of the case in the summer of 1374 and the second set of hearings late in 1375 and at the beginning of 1376. During this period Richard Scrope succeeded Nicholas Ross as official.

[22 Jun 74 (5.14)] Barnwell/Tavern. Stephen Barnwell of Cambridge, poulterer and married man, and Isabel Tavern of Cambridge, who accepted Stephen's two children from the baptismal font, were cited *ex officio* for 21 July 1374 in All Saints' Jewry, Cambridge. They are expected to appear before Nicholas Ross, official, for the correction of their souls concerning the crimes of adultery and incest, known to the court by public fame. Hoping to elicit the truth better from them personally than from proctors, Ross orders them to appear in person.

Although summoned and long expected, Stephen is absent; he is found contumacious and excommunicated. Isabel appears personally. The article is charged and explained in English to her; she denies the accusation completely. To spare her trouble obtaining compurgators, Isabel is expected in her parish church St Mary the Great, Cambridge, on 27 July to purge herself with six honorable female compurgators (*purgatrices*). Witnesses: Mr Henry Bowet, William Kynsley, William Morton *et al.*

27 July. Isabel produces no male or female compurgators, saying she does not wish nor is she able to produce any, nor does she know anything to propose. Ross pronounces her deficient in her purgation, assigning to her 2 Aug. to receive her conviction and penance in St Mary the Great. Witnesses: William Cook, cleric; Richard Shipdam; and John called Elder John, lettered (*litteratus*).

2 Aug. Since she did not purge herself, Isabel is found guilty and ordered to precede the common procession of her parish church for the next three Sundays dressed only in her kirtle, with her hood removed and only a kerchief covering her head.

23 July, the Sunday following the public announcement of his excommunication. Stephen personally goes to Ross and seeks absolution. Swearing to obey church mandates, he is absolved and cited for 27 July in St Mary's to receive penance for his contumacy and to respond to the original article.

27 July. Stephen is absent and expected 2 Aug. at the time of vespers.

2 Aug. Stephen personally denies the article. 9 Aug. in All Saints' Jewry to purge himself with three men of good faith.

9 Aug. Stephen is absent. He produces no compurgators. 11 Aug. to purge himself.

¹ Donahue, *Law, Marriage, and Society*, 293, 294.

11 Aug. Stephen personally; produces three compurgators: John de Ely, Richard Bradenham, and Richard Heath of Cambridge. Stephen purges himself for the crimes. He will be called to receive penance for his contumacy.

Isabel asserts “less than truly” that Ross proceeded too rigorously against her. He concedes to her that if she can purge herself with eight honorable female compurgators of the crimes for which she was otherwise convicted, he will admit her purgation unhindered by any process already held against her. At her counsel’s request, 28 Aug. in All Saints’ Jewry is assigned to her through her advocate, Mr James de Cottenham, for her purgation.

28 Aug. Although summoned and long expected, Isabel is absent. She produces no compurgators and is found deficient in her purgation. She will be cited again to be convicted and to receive her penance.

Bernewelle/Tavern’] Stephanus Bernewell’ de Cantebr’, pulterius coniugatus, et Isabella Tavern’ de eadem, que duas proles eiusdem Stephani suscepit de sacro fonte, citati [sunt]^a coram nobis .. Nicholao Roos, doctore legum, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien’ officiali et commissario ad infrascripta sufficienter deputato, ad diem veneris proximo post festum Sancte Margarete virginis, in ecclesia Omnium Sanctorum in Iudaismo Cant’, super criminibus adulterii et incestus inter eosdem Stephanum et Isabellam fama publica referente commissis et per eos notorie continuatis, eisdem et eorum cuilibet ad meram animarum suarum et cuiuslibet eorum anime correccionem dumtaxat ex officio dicti venerabilis patris et nostro obiciendis personaliter responsuri pro eo quod in dicto correccionis negocio facti veritatem ex personis suis propriis melius quam ex persona alicuius procuratoris sui speramus elicere ista vice.

Prefatus Stephanus preconizatus, diucius expectatus, nullo modo comparuit, ideo ipsum pronuntiavimus contumacem et pro sua contumacia huiusmodi ipsum excommunicavimus in scriptis sub hac forma: “Stephanum Bernewell’ de Cantebr’ citatum ad personaliter comparendum coram nobis in negocio correccionis anime sue, preconizatum, diucius expectatum, nullo modo comparentem, pronunciamus contumacem et in penam contumacie sue huiusmodi ipsum excommunicamus in hiis scriptis.” Prefata vero Isabella comparuit personaliter; predictum articulum sibi ut premittitur obiectum et in lingua materna expositum, ab omni tempore negat expresse. Unde eidem Isabelle diem iouis proximo post festum Sancti Jacobi apostoli proximo futurum, in ecclesia Sancte Marie in foro Cantebr’, cuius predicta Isabella existit parochiana, ut labori suo et purgatricum suarum parcatur et cicius purgatrices posset optinere, ad purgandam se cum sexta manu honestarum personarum prefigimus et assignamus. Presentibus magistro Henrico Bowet, Willelmo Kyndeslee, Willelmo Morton’ et aliis testibus vocatis et rogatis.

^a sunt] *this paragraph and the first lines of the second (up to sub hac forma) are grammatically one long sentence; we have broken it up artificially.*

Quibus die et loco predicta Isabella comparet personaliter, nullas omnino purgatores seu purgatrices produxit sed dixit expresse se nolle nec posse aliquos producere; dicit etiam requisita se nescire quicquam proponere, quare ipsam in purgacione sua defecisse et ea occasione convictam fore^b pronunciare deberemus pariter et reputare. Ideo ipsam Isabellam in purgacione sua sic deficientem reputamus et pronunciamus in purgacione sua defecisse et ea occasione convictam fore, et eidem Isabelle diem mercurii in crastino Sancti Petri ad vincula proximo futurum, loco quo supra, ad recipiendum penitentiam condignam pro dictis criminibus prefigimus et assignamus. Presentibus providis et discretis viris, Willelmo Cooke, clerico, et Ricardo Shipdam et Johanne vocato Elde Johanne, litterato, testibus ad premissa vocatis specialiter et rogatis.

Quibus die et loco predicta Isabella comparet personaliter et iniungimus sibi, tanquam convicte et culpabili super dicto articulo utpote deficienti in purgacione sua, pro penitentia quod procedat processionem communem dicte ecclesie Sante Marie, cuius est parochiana, depositis vestibis suis usque ad kirtellum, zona deposita, ammoto capucio et alio ornamento capitis usque voluper,^c tribus diebus dominicis proximo tunc futuris, subsequenter facta de mandato nostro denunciacione publica dicte sentencie excommunicacionis die sabbati in festo Sancte Marie Magdalene.

Die dominica proximo tunc sequenti, dictus Stephanus ad nos accedens personaliter et a dicta sentencia excommunicacionis beneficium absolucionis petiit per nos sibi impendi. Unde ipsum Stephanum iuratum ad sancta Dei evangelia, per ipsum [fol. 8v] corporaliter tacta, de stando mandatis ecclesie pro dicta contumacia sic ut prefertur contracta, ipsum Stephanum a dicta sentencia excommunicacionis absolvimus in forma iuris. Eidemque Stephano diem iouis proximo post festum Sancti Jacobi apostoli, in ecclesia Sancte Marie Cantebr', ad recipiendum penitentiam pro dicta contumacia et ad respondendum articulo super quo fuerat citatus.

Quibus die et loco dictus Stephanus non comparet. Ideo expectamus eum usque diem mercurii proximo post festum Sancti Petri ad vincula, hora vesperarum, loco quo supra, ad idem.

Quibus die, loco et hora dictus Stephanus comparuit personaliter, articulum predictum sibi ex officio nostro obiectum negat expresse. Unde eidem Stephano diem mercurii proximo ante festum Sancti Laurencii proximo futurum, in ecclesia Omnium Sanctorum in Iudaismo Cantebr', ad purgandum se cum tribus viris fidedignis prefigimus et assignamus.

Quibus die et loco dictus Stephanus non comparet nec purgatores producit.

^b fore] *interlined*. ^c voluper] 'a form of head-dress worn especially by women; a kerchief', OED s.v.

Ideo ad convincendum ipsius maliciam expectamus eum usque ad diem veneris proximo post festum Sancti Laurencii, loco quo supra, ad idem, videlicet ad purgandum se.

Quibus die et loco dictus Stephanus comparet personaliter et producit tres purgatores videlicet Johannem de Ely, Ricardum Radenham et Ricardum Hatthe de Cantebr', cum quibus purgavit se super eodem crimine ab omni tempore et vocetur dictus Stephanus recepturus penitenciam pro dicta contumacia.

Verum cum dicta Isabella asserat et pretendat minus tamen veraciter nos contra eam in isto correccionis negocio nimis rigorose hactenus processisse, ad convincendum igitur ipsius Isabelle maliciam concedimus eidem Isabelle de nostra benignitate ut si poterit se purgare super eodem crimine, de quo alias ut prefertur exitit convicta et penitencia eidem iniuncta, cum octava manu honestarum mulierum, ipsam purgacionem libenter admitteremus quocumque processu contra eam habito non obstante. Et quia dicte Isabelle consilium rogavit quod ipsam ad huius purgacionem faciendam admitteremus, prefigimus eidem Isabelle in persona magistri Jacobi de Cotenham advocati sui diem lune proximo post festum Sancti Bartholomei apostoli, in ecclesia Omnium Sanctorum predicta, ad purgandum se cum octava manu honestarum mulierum.

Quibus die et loco predicta Isabella, preconizata, diucius expectata, nullo modo comparet nec purgatrices producit. Ideo pronunciamus eam defecisse in purgacione sua ex habundanti sicut prius et ea occasione convictam fore, et decernimus dictam Isabellam fore citandam iterato^d ex habundanti ad recipiendum penitenciam sicut prius. [fol. 9r]

[7 Dec 75 (24.15)] Barnwell. According to the certification made by the chaplain of St Mary's, Cambridge, Stephen Bernwell of Cambridge, poulterer, a married man, and Isabel Tavern of Cambridge were cited for 3 Dec. 1375 before Richard Scrope, the official, in St Michael's, Cambridge. They were called concerning the crime of adultery, brought to the court's attention by public fame.

Neither appears. At the request of Mr Henry Bowet, their advocate, they are expected 5 Dec. to respond.

5 Dec. Both are found contumacious and excommunicated. Witnesses: Mr's Henry Bowet, Thomas Gloucester, and John Newton, BCivL's and advocates of consistory.

8 Dec. following the announcement of the excommunication in Cambridge churches. Stephen and Isabel's proctor appears before Scrope in St Michael's. Under the pretense of a grievance about the citation, he notifies Scrope of their appeal to the court of Canterbury and requests *apostoli*. The penultimate day of the legal term is assigned to receive *apostoli*. Witnesses: Mr's Thomas Gloucester and John Newton.

Although called, both are absent. They are found contumacious. Scrope declares himself

^d iterato] iterat?e.

prepared to hand over the *apostoli*. Witnesses: Mr's Thomas de Ely and Alan de Tilney, MA's, of Ely and Norwich dioceses.

11 Jan. 1376. Stephen and Isabel personally submit themselves to Scrope's grace. They claim they were advised to appeal by their counsel; they renounce the appeal freely and request absolution from excommunication. Absolved and questioned, they deny the crime, purge themselves, and abjure the sin and suspicious places under penalty of six whippings round Cambridge market and the church. Witnesses: Mr's Thomas Gloucester, BCivL; William Colville, MA; and William Fishwick, cleric, of Lincoln diocese.

Bernewell'] Stephanus Bernewell' de Cantebr' pulterius coniugatus et Isabella Tavern' de eadem citati coram nobis Ricardo Scrop' canonico Ebor' venerabilis patris domini .. episcopi Elien' commissario super crimine adulterii inter eosdem fama publica referente commisso ad diem lune proximo post festum Sancti Andree apostoli in ecclesia Sancti Michaelis Cantebr' prout per certificatorium [fol. 33v] capellani parochialis Sancte Marie Cantebr' nobis constat, ipsos Stephanum et Isabellam dictis die et loco fecimus preconizari ipsosque nullo modo comparentes ad instantem petitionem magistri Henrici Bowet ipsorum advocati qui eciam pro eis et de eorum mandato ut asseruit intervenit in hospicio habitationis nostre Cantebr' expectavimus usque diem mercurii proximo tunc futurum, loco quo supra, coram nobis ad respondendum super dicto crimine ac faciendum et recipiendum prout in citacione plenius continetur.

excommunicacio] Quibus die et loco ipsos Stephanum et Isabellam fecimus iudicialiter preconizari ipsosque iudicialiter preconizatos nullo modo comparentes reputavimus contumaces et in pena contumacie sue ipsos excommunicavimus in scriptis. Presentibus discretis viris magistris Henrico Bowet, Thome Gloucestr' et Johanne de Neuton' baculariis in legibus consistorii nostri advocatis testibus ad premissa vocatis specialiter et rogatis.

denunciacio – appellacio] Subsequenter vero facta denunciacione dicte excommunicacionis in ecclesiis Cantebr' procurator dictorum Stephani et Isabelle die sabbati in festo conceptionis Beate Marie virginis ad nos accedens in ecclesia Sancti Michaelis Cantebr' et se fore gravatum ex huiusmodi citacione nostra pretendens, cum non fuerat, quamdam appellacionem a nobis ad curiam Cantuar' se asseruit emisisse ipsam appellacionem nobis notificavit et apostolos peciit sibi dari. Unde eidem procuratori penultimum diem termini iuris loco quo supra ad recipiendum apostolos prefiximus et assignavimus. Presentibus magistris Thome Gloucestr' et Johanne de Neuton' testibus vocatis et rogatis.

Quo penultimo die termini iuris adveniente loco quo supra predictos Stephanum et Isabellam fecimus preconizari ipsosque non comparentes reputavimus contumaces, et protestati fuimus quod fuimus parati dictos apostolos liberare. Presentibus discretis viris magistris Thome de Ely et Alano de Tiln-

eye magistris in artibus Elien' et Norwicen' diocesium. RF.^e

renunciatio – absolucio] Et postmodo die veneris proximo post festum epiphanie Domini loco quo supra prefati Stephanus et Isabella coram nobis personaliter comparentes et se gracie nostre submittentes asserverunt se fore ad sic appellandum per consilium suum inductos et statim predictae appellacioni expresse renunciarunt pura et spontanea voluntate et beneficium absolucionis a dicta sententia excommunicacionis sibi impendi petiverunt, quibus in forma iuris absolutis et super dicto crimine adulterii requisitis ipsum crimen inter eosdem commissum fore expresse negarunt et super eodem coram nobis canonice se purgarunt et abiurarunt peccata et loca suspecta sub pena sex fustigationes circa mercatum Cant' et sex circa ecclesiam. Presentibus magistris Thome de Gloucestre iuris civilis baccalario, Willelmo Colvyle magistro in artibus et Willelmo Fysshwyk' clerico Lincoln' diocesis testibus vocatis et rogatis. RF. [fol. 34r]

^e RF] *In margin.*

12. DAY¹

[17 Jul 74 (6.8)] Day. Isabel Spinner of Bourn was cited for the above day and place at the instance of Nicholas Day of Bourn in an appeal from the definitive sentence given by the archdeacon's official favouring Isabel in a marriage case.

Nicholas is absent; Isabel appears personally. Nicholas will be called to prosecute the case on 28 July under penalty of final remission.

28 July. Nicholas by Peter Caprik, proctor *apud acta*; Isabel personally. A libel of appeal is given and received in writing; Isabel contests the suit negatively. They swear *de calumpnia* and *de veritate dicenda* and agree to omit the article of appeal. The process will be requested in writing from the archdeacon's court, 9 Aug. to see its transmission.

9 Aug. Nicholas by William Killerwick, substituted for original proctor; Isabel by Mr Thomas Gloucester, proctor *apud acta*. Since the process has not been received, next to see its transmission.

Deye] Isabella Spynnere de Brunne citata ad diem et locum supradictos ad instanciam Nicholai Deye de eadem in causa appellacionis ad audienciam nostram per dictum Nicholaum ut asseritur interiecte a quadam sententia definitiva per .. officialem domini archidiaconi Elien' pro parte dicte Isabelle et contra prefatum Nicholaum in causa matrimoniali pretensa lata processura, parte appellante nullo modo comparente, parte vero appellata personaliter, unde decernimus dictam partem appellantem fore vocandam ad diem veneris proximo post festum Sancti Jacobi proximo futurum, loco quo supra, ad prosequendum dictam causam sub pena finalis remissionis.

¹ This case is discussed briefly in Donahue and T&C no. 449
hue, *Law, Marriage, and Society*, at 262–3

Quibus die et loco parte appellante per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, predicta Isabella personaliter, comparentibus, oblato libello appellatorio in scriptis per partem appellantem et a parte appellata optento, lite per dictam partem appellatam negative contestata, iuratis partibus in personis dictorum comparencium hincinde de calumpnia et de veritate dicenda omissoque postmodo dicto die de consensu parcium predictarum appellacionis articulo, decernimus fore scribendum pro transmissione processus. Daturque dies mercurii proximo ante festum Sancti Laurencii loco quo supra ad videndum transmissionem eiusdem.

Quibus die et loco parte appellante per Willelmum Killerwyk', clericum substitutum Petri Caprik' procuratoris originalis apud acta constitutum, parte Isabelle per magistrum Thomam de Glouc', procuratorem suum apud acta constitutum [comparentibus], nullo processu adhuc transmissio, datur dies in proximo partibus predictis ad videndum transmissionem eiusdem et ulterius faciendum quod est iuris. [fol. 10r]

[22 Sep 74 (7.8)] Day. Parties by original proctors. With parties' consent, the process is published; a copy is ordered for them. Next to speak against it.

Deye] Partibus per dictos procuratores suos comparentibus, transmissio processu coram .. officiali domini archidiaconi Elien' habito, quo de consensu parcium publicato decretaque copia partibus, datur dies in proximo partibus predictis ad dicendum contra processum. [fol. 12r]

[26 Oct 74 (9.9)] Day. Nicholas by Richard Pitts, substituted for original proctor; Isabel by proctor. Nicholas proposes by exception that the entire process is invalid. 6 Nov. 1374 Nicholas to swear *de malicia*; both to act on the proposed.

6 Nov. Parties by proctors. With parties' consent, the exceptions are admitted. Nicholas produces two witnesses: John Marris and John atte Wells of Bourn, who are admitted and sworn. Isabel reserves the right to speak against witnesses and testimony. 10 Nov. Nicholas to swear *de malicia* and to propose articles.

10 Nov. Nicholas personally; Isabel by proctor. Declaring that he does not want to revoke his proctor by his own appearance, Nicholas swears *de malicia* and proposes written positions and articles. Next Nicholas to prove precisely.

Deye] Parte appellante per Richardum Pyttes, substitutum Petri Caprik' clerici procuratoris sui originalis, parte appellata per magistrum Thomam de Gloucestr' procuratorem suum, comparentibus, proposita per partem appellantem quadam proposicione sive excepcione nullitatis tocius processus, datur dies lune proximo post festum Omnium Sanctorum loco quo supra parti proponenti ad iurandum de malicia et utrique parti ad faciendum super propositis.

Quibus die et loco parte appellante per dictum Petrum procuratorem, parte

vero appellata per magistrum Thomam procuratorem suum predictum, comparentibus, de quorum consensu expresso admissis excepcionibus eatenus quatenus [de iure sunt admittenda et non alias],^a productisque per partem dicti Nicholai duobus testibus, videlicet Johanne Mareys et Johanne atte Well' de Brunne, quibus admissis et in forma iuris iuratis, protestato per partem adversam de dicendo contra testes et eorum dicta quatenus contra se depouunt, datur dies veneris proximo futurus loco quo supra parti proponenti et producenti ad iurandum de malicia et articulandum.

Quibus die et loco parte appellante personaliter comparente cum protestatione non revocandi per hoc procuratorem suum, parte appellata ut prius comparente, iuratoque per partem proponentem de malicia in propria persona propositisque per eandem partem quibusdam posicionibus et articulis in scriptis, quibus admissis eatenus quatenus, datur dies in proximo parti appellanti ad precise probandum et parti appellate ad videndum probacionem. [fol. 13r]

[24 Nov 74 (10.6)] Day. Parties by proctors. No other witnesses or positions are brought. With the parties' consent, next to propose everything concerning the matter.

Deye] Partibus predictis per dictos procuratores suos comparentibus, nullis aliis testibus productis nec posicionibus traditis sed de consensu parcium datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 17v]

[14 Dec 74 (11.6)] Day. Isabel orally proposes and asks to be admitted to prove that Mr Thomas Gloucester was legally deputised as commissary of the archdeacon's official, as is indicated but not proved by the process sent from the lower court. The following day to propose this in writing; next session to act on the proposition.

Deye] Partibus ut prius comparentibus, propositum per partem dicte Isabelle oretenus quod licet magister Thomas de Glouc' fuerat commissarius officialis archidiaconi prout in processu transmisso cavetur et in eodem processu non liquet de tenore commissionis ut de sua potestate poterit apparere, tamen in rei veritate fuerat commissarius legitime deputatus petitoque per partem dicte Isabelle se admitti ad probandum dictam commissionem, datur dies crastinus ad proponendum in scriptis et in proximo ad faciendum super dicta propositione. [fol. 18r]

[11 Jan 75 (12.6)] Day. No written position or proof is brought; the term ends for the proposition. Since he knows the truth better and is a more lawful person (*legalior persona*), Nicholas Day is called to respond personally to articles brought against him *ex officio*, for which his soul is endangered. Next to conclude the case.

Deye] Partibus ut prius comparentibus, nulla facta propositione in scriptis nec probacionibus ministratis, ideo cedat terminus quoad predictam propo-

^a de iure sunt admittenda et non alias] cf. *Starr/Fiskerton*, entry 24.30.

sicionem et decernimus Nicholaum Deye fore vocandum ad personaliter respondendum super quibusdam articulis sibi obiciendis ex officio pro informatione consciencie nostre cum sit legalior persona et melius sciat veritatem et in dicta causa vertatur periculum anime. Datusque est dies in proximo partibus predictis ad concludendum et concludi videndum in causa memorata. [fol. 20r]

[1 Feb 75 (13.6)] Day. The case is concluded. Next to hear the definitive sentence.

Deye] Partibus per dictos procuratores suos comparentibus, factaque conclusionem in dicta causa cum dictis partibus concludentibus, datur dies in proximo partibus predictis ad audiendum sententiam in dicta causa diffinitivam. [fol. 20v]

[23 Feb 75 (14.6)] Day. Nicholas by William Killerwick, substituted for original proctor; Isabel by proctor. Nicholas is examined about the positions brought against him *ex officio*; his replies are published and added to the register.² Next to hear the definitive sentence.

Deye] Parte Nicholai Deye per Willelmum Killerwyk', substitutum dicti Petri procuratoris originalis, parte Isabelle Spynner ut prius, comparentibus, examinatoque dicto Nicholao super quibusdam posicionibus sibi factis ex officio nostro pro informatione consciencie nostre et ipsius responsione in scriptis redacta et publicata et registro annexa, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 21r]

[22 Mar 75 (15.6)] Day. With the parties' consent, next to hear the definitive sentence, with adjournment of the following days.

Deye] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem. [fol. 21v]

[6 Apr 75 (16.5)] Day. Nicholas by Roger Sterling, substituted for original proctor; Isabel by proctor. With the parties' consent, next to hear the definitive sentence.

Deye] Parte Nicholai Deye per Rogerum Sterling', substitutum Petri Caprik' procuratoris sui originalis, parte Isabelle Spynner ut prius, comparentibus, de quarum consensu datus est dies in proximo ad idem, videlicet ad audiendum sententiam. [fol. 22r]

[4 May 75 (17.5)] Day. Isabel, original plaintiff, personally; Nicholas, original defendant, by proctor. Nicholas' exception to nullify the entire process of the principal case and the definitive sentence given by the archdeacon's official is rejected because his proctor refuses to swear that he has not proposed maliciously. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Isabel has proved that the official of the archdeacon and his commissary proceeded duly in the case. Finding no obstruction, the official confirms the definitive sentence and pronounces the marriage between Nicholas and Isabel legitimate, ordering it solemnized

² For this translation, see Introduction.

before the church at an appropriate time and place.

Nicholas' proctor appeals from the sentence *ab iniqua* and requests *apostoli* three times. Witnesses: Mr's Henry Bowet and James de Cottenham, advocates of the court, *et al.*

Deye] In causa matrimonialis que coram nobis officiali Elien' vertitur inter Isabellam Spynnere de Brunne partem originaliter actricem ex parte una et Nicholaum Deye de eadem partem originaliter ream ex altera, parte actrice personaliter, parte vero rea per Petrum Caprik', clericum, procuratorem suum predictum, comparentibus, proposita per partem dicti Nicholai quadam excepcione nullitatis tocius processus et sentencie diffinitive coram .. officiali domini archidiaconi Elien' et per eum in causa principali habiti et late et quia procurator dicti Nicholai dictam excepcionem proponens recusavit expresse iurare quod non maliciose proposuit, ideo dictam excepcionem reicimus. Rimatoque per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de iuris peritorum consilio nobis assidencium, Christi nomine primitus invocato, ad sentenciam diffinitivam in dicta causa ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos officialis Elien' invenimus dictam partem actricem intencionem suam ad plenum fundasse et probasse prefatumque officialem domini archidiaconi Elien' et eius commissarium in dicta causa debite processisse nichilque obstare quod debeat impedire, sentenciam diffinitivam per .. officialem domini archidiaconi Elien' in dicta causa inter partes predictas latam tanquam iustam et legitime latam auctoritate nostra ordinaria confirmamus sentencialiter et diffinitive in hiis scriptis. Ac matrimonium inter prefatos Nicholaum et Isabellam initum legitime fuisse et esse contractum pronunciamus et declaramus per decretum, decernentes dictum matrimonium fore in facie ecclesie solempnizandum pro loco et tempore opportunis.

appellacio] A qua quidem sentencia tanquam ab iniqua Petrus Caprik', procurator dicti Nicholai partis ree, appellavit et apostolos peciit primo, secundo et tercio. Presentibus magistris Henrico Bowet et Jacobo de Cottenham, curie nostre advocatis, et aliis testibus vocatis et rogatis. [fol. 22v]

13. BOTTISHAM/BAYLHAM¹

This case and the one that follows record petitions to the consistory by the official of the archdeacon that appeals taken from him in what were probably *ex officio* cases be remitted to him. In the second case, the official alleges that the appellee has not pursued her case within a year, and that may have been, although it is not stated, the ground of the petition in this case as well. The procedural arguments made and the results in both cases (a postponement with hope of peace) are virutally identical, and the same proctor represents both appellants. There is,

¹ See *Baylham*, n. 1.

however, no indication that the the cases are related to each other in substance; the substance of neither action is given.

[17 Jul 74 (6.9)] Bottisham/Baylham. William Baylham of Cambridge was cited before the official for 28 July 1374 in All Saints' Jewry at the instance of Mr Nicholas de Bottisham, archdeacon's official. William is expected to show why the appeal cases in the consistory between William, appellant, and Nicholas, appellee, should not be remitted to Nicholas' examination.

Nicholas appears personally; William by William Killerwick, proctor *apud acta*. After the certification has been exhibited and read, William alleges that the mandatory failed to explain the reason for the citation; William neither understood the mandate nor did he receive a copy of it, though he had asked for one. 9 Aug. to propose to William the cause contained in the mandate since his soul is endangered. His proctor does not agree to the term because it is harvest time.

9 Aug. William's proctor claims it is harvest and vintage time. Next to propose the reason for citation. His proctor does not agree as before.

Bodekesham/Beylham] Willelmus Beylham de Cantebr' citatus coram nobis .. officiali Elien' ad diem veneris proximo post festum Sancti Jacobi apostoli loco quo supra ad instanciam magistri Nicholai de Bodekesham, officialis domini archidiaconi Elien', causam seu causas rationabilem seu rationabiles si quis habeat quare cause appellacionum inter ipsum Willelmum partem appellantem ex parte una et prefatum magistrum Nicholaum officialem dicti domini archidiaconi partem appellatam ex altera in consistorio nostro mote ad dictum magistrum Nicholaum officialem domini archidiaconi Elien' et eius examen a quo idem Willelmus se asseruit appellasse remitti non debeant propositurus et ostensurus; predicto magistro Nicholao officiali personaliter comparente, predicto Willelmo Beylham per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, exhibito certificatorio et perlecto, procurator dicti Willelmi allegat quod mandatarius non expressit eidem citato causam in dicta citacione contentam nec ipse citatus aliquam causam citacionis nec formam mandati intellexit neque copiam eiusdem habere potuit licet eam pecierit cum effectum. Ideo eidem Willelmo diem mercurii proximo ante festum Sancti Laurencii loco quo supra ad proponendum dictam causam sibi expresse prout in eodem mandato continentur quia concernit periculum anime prefigimus et assignamus. Dictus procurator protestatur quod erit tunc tempus messium et quod non consentit illi termino.

Quibus die et loco [coram] predicto .. officiali personaliter comparente predicto Willelmo per dictum procuratorem suum, allegatoque per dictum procuratorem quod est tempus messium et vindemiarum unde datur dies in proximo ad idem, videlicet ad proponendam dictam causam, protestato per dictum procuratorem quod non consentit illi termino propter tempus messium quod tunc etiam iminebit. [fol. 10v]

[22 Sep 74 (7.9)] Bottisham/Baylham. William's proctor protests that it is harvest time. Next

to propose the reason for citation.

Bodekesham/Beylham] Partibus ut prius comparentibus, protestato per partem dicti Willelmi ut prius, videlicet quod est tempus messium, unde expectamus dictam causam usque proximum consistorium ad idem, videlicet ad proponendum dictam causam propter instans tempus messium. [fol. 12r]

[26 Oct 74 (9.10)] Bottisham/Baylham. William's proctor alleges agreement. Next to propose with hope of peace.

Bodeksh'/Beylham] Partibus ut prius comparentibus, ad idem in proximo sub spe pacis quia dictus Willelmus allegat pacem. [fol. 13r]

14. BOTTISHAM/BOTLER¹

[17 Jul 74 (6.10)] Bottisham/Botler. Margaret wife of Richard Botler of Cambridge was cited before Nicholas Ross for 28 July 1374 in All Saints' Jewry at the instance of Mr Nicholas de Bottisham, the archdeacon's official. She is expected to show why the appeal in the consistory between Margaret, appellant, and Nicholas, appellee, should not be remitted to Nicholas' examination, since she has not pursued the appeal within a year.

Nicholas appears personally; Margaret by William Killerwick, proctor *apud acta*. After the certification has been exhibited and read, Margaret alleges that the mandatory failed to explain the reason for the citation; she neither understood the mandate nor did she receive a copy of it, though she had asked for one. 9 Aug. to propose to Margaret the cause contained in the mandate since her soul is endangered. Her proctor does not agree to the term because it is harvest time.

9 Aug. Margaret's proctor claims it is harvest and vintage time. Next to propose the reason for citation. Her proctor does not agree as before.

Bodeskesham/Botiler] Margareta uxor Ricardi Botiler de Cantebr' citata coram nobis .. officiali Elien' ad diem veneris proximo post festum Sancti Jacobi apostoli loco quo supra ad instanciam magistri [Nicholai] de Bodekesham, officialis domini .. archidiaconi Elien', causam seu causas rationabilem seu rationabiles, si quam seu quas habeat, quare causa appellacionis inter ipsam Margaretam partem appellantem ex parte una et prefatum magistrum Nicholaum officialem dicti domini .. archidiaconi partem appellatam ex altera in consistorio nostro mota ad dictum magistrum Nicholaum officialem domini .. archidiaconi Elien' et eius examen a quo eadem Margareta se asseruit appellasse remitti non debeat eo quod ipsam appellacionem suam infra annum non fuerat prosecuta propositura et ostensura. Predicto magistro Nicholao officiali personaliter comparente, predicta Margareta per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, exhibito certificatorio et perlecto procurator dicte Margarete allegat quod citans non expressit eidem citato causam in dicta citacione contentam nec ipsa citata aliquam causam

¹ See the introduction to *Bottisham/Baylham*.

citacionis nec formam mandati intellexit neque ipsius copiam habere potuit licet eam pecierit cum effectū. Ideo eidem Margarete diem mercurii proximo ante festum Sancti Laurencii loco quo supra ad proponendum dictam causam sibi expresse prout in eodem mandato continetur quia concernit periculum anime prefigimus et assignamus. Dictus procurator protestatur quod tunc erit tempus messium et quod non consentit illi termino.

Quibus die et loco predicto .. officiali personaliter comparente, predicta Margareta per dictum procuratorem suum comparente, allegatoque per dictum procuratorem quod est tempus messium et vindemiarum unde datur dies in proximo ad idem, videlicet ad proponendum dictam causam, protestato per dictum procuratorem quod non consentit illi termino propter tempus messium quod tunc etiam iminebit. [fol. 10v]

[22 Sep 74 (7.10)] Bottisham/Botler. Margaret's proctor protests that it is harvest time. Next to propose the reason for citation.

Bodekesham/Botiler] Partibus ut prius comparentibus, protestato per partem dicte Margarete ut prius, videlicet quod est tempus messium, unde expectamus dictam causam usque proximum consistorium ad idem, videlicet ad proponendum dictam causam, propter instans tempus messium. [fol. 12r]

[26 Oct 74 (9.11)] Bottisham/Botler. Margaret's proctor alleges agreement. Next to propose with hope of peace.

Bodeksh'/Botiler] Partibus ut prius comparentibus, ad idem in proximo sub spe pacis quia dicta Margareta allegat pacem. [fol. 13r]

15. GUILDEN MORDEN

[17 Jul 74 (6.12)] Guilden Morden. Richard de Boxworth, vicar of Guilden Morden, appealed to the official from Nicholas de Bottisham, archdeacon's official, because Nicholas, having no jurisdiction over the vicar, had cited Richard to respond personally to unspecified articles at an uncertain and distant place inaccessible to him because of his poor health. Richard had been cited to a brief and peremptory term to appear personally, with no reason given in the citation or otherwise existing. Furthermore, the official had ordered Richard called to show and hand over mandates which the official had sent to Richard and which he had received and executed, but which by law should have remained with the vicar. And Nicholas had commanded the vicar to certify and return under an authentic seal mandates sent as letters patent. But the vicar had had no seal at hand nor had he been able to acquire one. These injustices had been promoted and procured by William Howlett and John Webbe of Morden to Richard's prejudice.

Following Richard's appeal from these grievances, the consistory inhibited the archdeacon's official, William, and John from acting while the appeal was pending. Ross ordered Nicholas to cite peremptorily William and John in order to proceed with the appeal, but the official certified by letter that, although he had sought them personally, they could not be found.

Guilden Morden] Dominus Ricardus de Bokesworth, vicarius ecclesie pa-

rochialis de Guilden'mordon', nobis officiali supradicto suggerens se fore gravatum per .. officialem domini archidiaconi Elien', ex eo videlicet quod dictus .. officialis archidiaconi nullam in ipsum vicarium saltem in hac parte habens iurisdictionem ipsum dominum Ricardum vicarium ad personaliter comparandum coram eo seu commissario suo incerto in loco etiam nimis distante et remoto, ad quem propter corporis sui valitudinem tutus sibi non patebat accessus, ad terminum etiam nimis brevem et peremptorium, nulla huiusmodi termini abbreviacionis aut peremptorie vocacionis seu personalis comparacionis causa in suo citatorio sufficienter expressa vel aliquantulum subsistente ac super incertis articulis et sibi penitus incognitis responsurum ac etiam quod mandata originaliter per dictum .. officialem archidiaconi sibi et nulli alii directa et per eum recepta et debite executata que penes eum et nullum alium de iure debeant remanere sibi exhibiturum et traditurum, mandavit et fecit coram eo ad iudicium evocari; et insuper [ex eo quod] prefatus .. officialis archidiaconi eidem vicario iniunxit pariter et mandavit quod ipse quedam mandata^a sua sibi directa per suas litteras patentes ipsorum mandatorum seriem et tenorem continentes sigillo autentico consignatas eidem remitteret et certificaret de eisdem, cum revera nullum sigillum autenticum ad manus habet seu ad aliquod poterit pervenire, in omnibus minus iuste, ad instantiam, promocionem seu [fol. 10v] procuracionem Willelmi Houlot et Johannis Webbe de Mordon' subdolas et iniustas^b in ipsius Ricardi vicarii preiudicium, dampnum non modicum et gravamen, et ea occasione a dicto .. officiali archidiaconi propter gravamina predicta et eorum quodlibet ad audienciam nostram se asseruit appellasse, unde eidem .. officiali inhibuimus per nostras certi tenoris litteras sibi directas et per eundem .. officialem prefatis Willelmo et Johanni ac omnibus et singulis aliis quibus ius exigit inhiberi fecimus et mandavimus ne pendente in audiencia nostra huiusmodi appellacionis causa quicquam hac occasione in dicte partis appellantis preiudicium attemptet vel attemptent, faciat vel faciant aliquantulum attemptari quominus eidem parti appellanti libera pateat appellacionem suam huiusmodi proseguendi facultas. Mandavimus insuper eidem .. officiali ut prefatos Willelmum et Johannem partem appellatam citaret seu citari faceret peremptorie ad certos diem et locum congruos et competentes in dicta causa appellacionis processuros. Dictus vero .. officialis dictis die et loco nos certificavit litteratorie quod ipsos Willelmum et Johannem aut eorum aliquem diligenter quesitos personaliter invenire non potuit quovismodo.

^a mandata] vestra expunged. The deletion is indicated by points or dots under the letters of the abbreviation vra'. ^b Willelmi Houlot et Johannis Webbe de Mordon' subdolas et iniustas] Willelmi Houlot et Johannis Webbe de Mordon' predict' subdolas et iniustas; of a number of possible emendations, the easiest is to assume to assume that predict' is a mistake.

16. BOND¹

[17 Jul 74 (6.13)] Bond. Agnes Bond of Wimpole appealed to the official from the definitive sentence given by the archdeacon's official in a marriage case between Agnes, plaintiff, and John Yutte of Wendy, defendant. Agnes claimed that the official, proceeding wrongly and favouring John, had found for John and absolved him from her suit with legitimate proofs despite her proofs. Ross inhibited the official, his commissaries, the vicar of Wendy, and John Yutte from acting while the appeal was pending; he ordered the vicar to cite peremptorily John Yutte in order to proceed with the appeal. Contrary to the inhibition the vicar of Wendy, having received the inhibition and knowing of the impediment, solemnized the marriage between John and Joan daughter of William Molt of Wendy, thus incurring major excommunication as set down in Archbishop John Stratford's provincial constitution *Humana concupiscencia*. He also failed to cite John Yutte and to certify the citation as ordered. He was cited to respond personally on 19 Oct. 1374.

19 Oct. The vicar appears personally. He says he received the inhibition and cited John as ordered. Knowing about the impediment, he solemnized John and Joan's marriage, falling subject to excommunication and suspension. He admits that he celebrated mass later. He claims he received a mandate from the archdeacon's official, dated four days after the inhibition, to proceed unobstructed by Agnes' reclamation. Since the vicar's allegation is considered insufficient, he submits himself to Ross's grace for his contempt toward the court's jurisdiction. He is ordered to return the certification of the inhibition, to request absolution for his irregularity, and to come before Ross to answer for his contempt.

Bonde] Agnes Bonde de Wynepol ad nos .. officialem Elien' accedens nobis suggessit quod .. officialis domini archidiaconi Elien' in quadam causa matrimoniali inter ipsam actricem ex parte una et Johannem Yutte de Wendeye reum ex altera coram ipso mota perperam procedens partique dicti Johannis plus debito favens pro dicto Johanne et contra prefatam Agnetem sententiam tulit diffinitivam, dictum videlicet Johannem ab impetitione eiusdem Agnetis absolvendo probacionibus legitimis intervenientibus, a qua quidem sententia tanquam ab iniqua predicta Agnes ad audienciam nostram se asserit appellasse. Unde nos .. officialis antedictus fecimus inhiberi dicto .. officiali domini archidiaconi ceterisque ipsius commissariis ac .. vicario de Wendeye et Johanni Yutte parti appellate necnon ceteris omnibus et singulis quibus ius exigit inhiberi ne pendente in audiencia nostra huius appellacionis causa indecisa quicquam ea occasione in dicte partis appellantis preiudicium attemptent vel faciant attemptari quominus etc., mandavimus insuper dicto vicario de Wendeye ut prefatum Johannem Yutte partem appellatam citaret peremptorie coram nobis etc. in dicta appellacionis causa processurum. Idem tamen vicarius post et contra inhibitionem nostram sibi directam et traditam et per eum receptam matrimonium inter ipsum Johannem Yutte et Johannam filiam Willelmi Molt de Wendeye in facie ecclesie solempnizavit sciens de dicto impedimento, sententiam excommunicationis maioris in constitucione provinciali per Johannem de Stratford nuper Cant' archiepiscopum in ea

¹ This case is mentioned in Donahue, *Law*, in *id.*, at 283–4.
Marriage, and Society, at 281 and discussed

parte edita latam incurrando ac nos et iurisdiccione[m] nostram ac mandatum nostrum contempnendo, prefatum tamem Johannem citare seu saltim de eo certificare non curavit. Super quibus decrevimus dictum vicarium fore vocandum personaliter responsurum ad diem iovis proximo post festum Sancti Luce evangeliste.

Quo die adveniente predicto vicario personaliter comparente et super premissa requisito, fatebatur se recepisse inhibitionem nostram predictam sibi directam et quod auctoritate illius citavit dictum Johannem ad diem et locum in ea contentos, fatebatur eciam quod post receptionem dicte inhibitionis solempnizavit matrimonium inter eosdem Johannem et Johannam^b filiam Willelmi Molt sciens de dicto impedimento, fatebatur insuper idem vicarius quod postea hucusque celebravit sic ut premittitur excommunicatus et alias a iure suspensus. Allegat tum quod receperit mandatum officialis domini archidiaconi Elien' ad hoc faciendum non obstante reclamacione dicte Agnetis Bonde, quod quidem mandatum est posterioris date quam dicta inhibicio per quatuor dies. Et quia dicta allegacio non sufficit ad sui excusacionem, ideo submisit se gracie nostre pro contemptu quatenus iurisdiccione[m] nostram ordinariam concernit. Unde iniungimus sibi quod remittat nobis certificatorium dicte inhibitionis et quod instet pro absolucione optinenda a dicta irregularitate ante omnia et postmodo quod revertatur ad nos super dicto contemptu responsurus. [fol. 11r]

[26 Oct 74 (9.16)] Bond/Wendy. 24 Oct. 1374 Richard personally. He claims that the archbishop of Ravenna, papal nuncio in England, gave him a dispensation for his irregularity. He exhibits letters patent with the archbishop's seal as confirmation and requests absolution from his suspension and excommunication, which is granted. He is assigned a salutary penance for contempt.

Bonde/Wendey – absolucio] Die martis proximo post festum Sancti Romani episcopi anno Domini supradicto comparens personaliter coram nobis dominus Ricardus vicarius de Wendeye^a .. officiali predicto allegavit quod a dicta irregularitate est cum eo dispensatum per venerabilem patrem dominum .. archiepiscopum Raven' sedis apostolice nuncium ad partes Angl' destinatum sufficientem habentem potestatem, super quo litteras patentes dicti domini .. archiepiscopi sigillo suo signatas exhibuit et ostendit, unde ipsum vicarium a dicta sententia suspensionis et excommunicacionis se absolvi humiliter petentem et gracia nostre pro huius contemptu se submittentem a dicta sententia quatenus ad nos attinet absolvimus et pro dicto contemptu eidem iniunximus penitentiam salutarem. [fol. 13v]

[14 Dec 74 (11.8)] Molt. William Molt of Wendy² was cited before Nicholas Ross for said day

^a dominus Ricardus vicarius de Wendeye] *interlined*. ^b Johannam] Agnetem.

² As has been suggested elsewhere (Donahue, *Law, Marriage, and Society*, T&C no. 417, with literature), William may be related to Richard Molt of Wendy, whose (cont'd)

and place for contempt of the church and its jurisdiction. He had violently seized and withheld from the vicar of Wendy a court mandate which inhibited the vicar from taking any action while an appeal between Agnes Bond of Wimpole and John Yutte of Wendy was pending in the consistory. Contrary to the inhibition the vicar had solemnized marriage between John and Joan, William's daughter; as Agnes had complained to the consistory.

William appears personally. Sworn *de veritate dicenda*, he admits that he took the inhibition from the court's messenger, Walter Hunt of Eversden, with the intent that he (?the vicar) not go to court nor impede John and Joan's marriage. Instead he induced the vicar of Wendy to solemnize the marriage, promising to take care of any losses suffered by the vicar. For this offence he submits himself to the court's grace. Witnesses: Mr's Thomas Gloucester, William Killerwick, and Peter Caprik, clerics of Lincoln, York, and Ely dioceses.

Later that same day in Ross's residence, the official orders William beaten round the church of Wendy, beginning on the following Sunday (17 Dec.) and continuing for the next two Sundays, the penitent wearing only his subtunic with bare head, arms, and feet. Ross warns William peremptorily to perform the penance under penalty of major excommunication. If he refuses to perform the penance, 20 Dec. is assigned to him in All Saints' Jewry to show why he should not be excommunicated. Witnesses: John atte Ford, priest, and William Cook, cleric, of Ely and Lincoln dioceses.

20 Dec. William is absent although he has not begun his penance, as certified by the vicar of Wendy. He is found contumacious and excommunicated. Witnesses: Mr's Richard Godrich, rector of Kneesworth, and Thomas de London, of Norwich and London dioceses.

Subsequently William comes before the official to seek absolution from excommunication. The vicar of Wendy is ordered to absolve William, after he has begun his penance, and to certify to the court what was done. Later the vicar certifies that William has humbly completed his penance for one Sunday and that subsequently he was pronounced absolved. The official expects the remaining penance to be done willingly.

Molt] Willelmus Molt de Wendeye citatus [est] coram nobis ad diem et locum supradictos super eo quod quamdam inhibitionem nostram per Agnetem Bonde de Wynpol a nobis impetratam et vicario ecclesie de Wendeye directam continentem inter cetera quod idem vicarius pendente appellacione inter ipsam Agnetem appellatam ex parte una et Johannem Yutte de Wendeye partem appellatam ex altera in audiencia nostra indecisa nichil in preiudicium appellantis attemptaret seu faceret attemptari, de manibus dicti vicarii violenter surripuit et fraudulenter occultavit et detinuit ac temere alienavit in contemptum ecclesie et iurisdiccioni ecclesiastice illusionem manifestam, quarum surreptionis, occultacionis, detencionis et alienacionis pretextu, idem .. vicarius matrimonium inter prefatum Johannem Yutte et Johannam filiam dicti Willelmi pendente causa appellacionis predicte coram nobis indecisa post et contra inhibitionem nostram in ea parte directam in facie ecclesie solemnizavit prout ex gravi querela dicte Agnete ad nostram audienciam noviter est deductum.

(fn 2 cont'd) daughter is the defendant in *Saffrey* (1) and who arranged an illegal solemnization for her in that case. He may also be related to

Peter Molt of Wendy, with whom he appears as a witness in *Neal*. Peter is almost certainly the same as the defendant in *Clerk* (2).

Dictus Willelmus comparens personaliter et de veritate dicenda iuratus fatetur quod recepit de Waltero Hunte de Everesdon nuncio nostro dictam inhibitionem ea intencione ut postmodum in iudicio non veniret nec matrimonium inter dictum Johannem Yutte et Johannam Molt filiam suam impediret. Fatetur eciam quod induxit vicarium ad solempzandum matrimonium inter eosdem Johannem et Johannam et quod promisit eundem vicarium salvare indempnem pro qua temeritate gracie nostre totaliter se submisit. Presentibus magistris Thoma Gloucestr', Willelmo Killerwyk' et Petro Caprik, clericis Lincoln', Eboracen' et Elien' diocesis.

Postmodum eodem die in hospicio habitacionis nostre iniuximus eidem pro sua huiusmodi presumpta temeritate quod fustigaretur tribus diebus circa ecclesiam de Wendeye in subtunica sua tantum nudis capite, tibiis et pedibus more penitencium et monemus eum primo, secundo et tercio ac peremptorie sub penam excommunicacionis maioris quod die dominica proximo nunc futura incipiat dictam penitentiam cum continuacione aliarum dierum dominicarum tunc proximo sequencium et prefigimus sibi diem mercurii proximo nunc futurum in dicta ecclesia Omnium Sanctorum si dictam penitentiam non inceperit ut est dictum ad proponendum causam quare non debeat excommunicari pro sua offensa huiusmodi manifesta; terminum vero ita brevem et peremptorium propter anime sue periculum quod ex mora poterit iminere et locorum vicinitatem duximus assignandum. Presentibus domino Johanno Atteford presbytero et Willelmo Coke clerico, Elien' et Lincoln' diocesis, testibus vocatis et rogatis. [fol. 18r]

excommunicacio] Quibus die et loco habito certificatorio .. vicarii ecclesie de Wendeye quod dictus Willelmus ad penitentiam suam vocatus illam incipere non curavit unde ipsum Willelmum habentem istos diem et locum ex prefixione nostra proponiturum causam quare excommunicari non deberet, preconizatum, diucius expectatum, nullo modo comparentem reputamus contumacem et manifestum offensorem et pro huiusmodi contumacia et offensis ipsum excommunicavimus^e in scriptis. Presentibus magistris Ricardo Godrich' rectore ecclesie de Keworth' et Thoma de London', Norwicen' et London' diocesis, testibus ad premissa vocatis et rogatis.

absolucio] Subsequenter dictus Willelmus ad nos accedens a dicta sententia peciit se absolvi, unde commisimus .. vicario ecclesie de Wendeye ut postquam dictus Willelmus dictam penitentiam inceperit, illum per nos absolutum nunciaret, inpena sibi primitus per nos absolucione a dicta sententia in forma iuris,^d nosque quid factum esset in hac parte redderet cerciores.

^e excommunicavimus] sic. ^d inpena sibi primitus per nos absolucione a dicta sententiam in forma iuris] *'absolution from the sentence having been first granted him by us in form of law'*; for this use of *impendere* cf. *Lovely*, entry 26.12. The shift from *ille* to *se* is admittedly a bit odd.

penitencia facta corporaliter] Postmodum vero dictus .. vicarius nos certificavit quod dictam penitenciam idem Willelmus uno die dominico^e circa ecclesiam iuxta formam sibi iniunctam humiliter incepit et perfecit et post dictam penitenciam ipso die factam ipsum a dicta sententia excommunicationis denunciavit absolutum, quo ad residuum dicte penitencie ipsum Willelmum pro nostre voluntatis libito expectamus. [fol. 18v]

[14 Dec 74 (11.9)] Bond. Agnes Bond of Wimpole, appellant, and John Yutte of Wendy, appellee, were cited before Nicholas Ross for said day and place to prosecute her appeal from the definitive sentence given by the archdeacon's official.

Parties appear personally. Agnes says she does not wish to pursue the case because she cannot prove the appeal or the principal matter. Sworn, Agnes claims that she wants the case dismissed not from malice or collusion, but for lack of proof. Sworn, John asserts that he never contracted marriage with Agnes. He is dismissed from her suit, and the matter is left to their consciences.³

Bonde] Agnes Bond de Wynpol et Johannes Yutte de Wendeye citati coram nobis ad dictos diem et locum, dicta Agnes causam appellacionis sue audienciam nostram per ipsam ut suggeritur interiecte inter ipsam Agnetem partem pretensam appellantem ex parte una et prefatum Johannem Yutte partem pretensam appellatam ex altera occasione sentencie diffinitive per .. officialem domini archidiaconi Elien' pro parte dicti Johannis et contra prefatam Agnetem in causa matrimoniali ut asseritur promulgate prosecutura ipseque Johannes in dicta [causa] processurus; partibus predictis personaliter comparantibus, prefata Agnes asserit se nolle proseguere dictam causam eo quod dictam causam appellacionis et contenta in suggestionem aut materiam principalem non potest probare, iuratque dicta Agnes^f quod maliciose aut collusorie non omisit prosecutionem sed dumtaxat propter defectum probationis.

dimissio] Dictusque Johannes iuratus asserit se cum ea matrimonium nullo umquam tempore contraxisse, unde ipsum Johannem ab impetitione dicte Agnetis in hac parte dimittimus, eorum conscienciis relinquentes. [fol. 18v]

^e uno die dominico] sic. ^f iurataque dicta Agnete] iurat' que dca' Agn', *ignoring the mark of suspension between t and q.*

³ For the phrase *eorum conscienciis relinquentes*, see Introduction.

17. BUTCHER

[17 Jul 74 (6.19)] Butcher. Henry Butcher of Hardwick was cited before the official concerning a clandestine contract of marriage, known to the court by public fame, between Henry and Alice residing with John Ward of Whitwell in Barton.

26 Aug. 1374 Henry appears personally. He claims that they secretly contracted marriage in present words of mutual consent, followed by intercourse. Since they come from Norwich diocese, Ross has inquired about them from sworn witnesses to determine whether they are

otherwise joined or under an impediment. He orders the vicar of Barton to solemnize their marriage, barring any impediment arising after the banns are published.

Bocher] Henricus Bocher de Herdewyk' citatus coram nobis .. officiali Elien' super contractu matrimoniali inter ipsum et Aliciam commorantem cum Johanne Warde de Whytewell in parochia de Berton' clandestine^a inito fama publica referente, dictus Henricus coram nobis personaliter comparens septimo kalendas septembris anno Domini supradicto fatetur se matrimonium contraxisse cum prefata Alicia per verba de presenti mutuum consensum eorundem exprimencia, clandestine tamen, carnali copula subsecuta. Et quia traxerunt originem in diocesi Norwicen', ideo inquisivimus per testes fidedignos et iuratos ipsorum noticiam optinentes quod non sunt aliunde coniuncti nec subest impedimentum quominus poterunt^b legitime matrimonialiter copulari. Unde mandavimus vicarium de Berton' ad solempnizandum matrimonium inter eos, bannis prius editis, si nullum subsit impedimentum. [fol. 11v]

^a clandestine] *interlined*. ^b poterunt] *we would expect* possint.

18. HARPOUR

[22 Sep 74 (7.12)] Harpour. William vicar of Bottisham church was cited before the court for said day and place at the instance of Seaman Harpour, chaplain residing at Anglesey Priory, which is exempt from the archdeacon's jurisdiction. Harpour appealed to the consistory from the archdeacon's official, who had cited him in a case of tithes without ordinary or delegated jurisdiction.

Neither appears. The case is pending until there is a new citation.

Harpour] Dominus Willelmus vicarius ecclesie de Bodekesham citatus coram nobis ad diem et locum supradictos ad instanciam domini Semannis Harpour, capellani infra prioratum de Anglesseye Elien' diocesis domino .. episcopo Elien' cum suis inhabitatoribus immediate exemptum¹ continue commorantis dictique venerabilis patris domini .. episcopi Elien' immediate subditi et subiecti, in causa appellacionis ab officiali domini archidiaconi Elien' ad audienciam nostram interiecte, ex eo videlicet quod dictus .. officialis domini archidiaconi, nullam in ipsum dominum Semannum habens iurisdiccione ordinariam vel delegatam, prefatum dominum Semannum ad certos diem et locum dicto vicario in causa pretensa decimarum responsurum fecerat coram eo ad iudicium evocari ac propter alia gravamina in ea parte suggesta, neutra pars comparet. Ideo pendeat dicta causa sub nova citacione. [fol. 12r]

¹ This seems an odd way to phrase it, because, as becomes clear, the claim is not that the priory and its inhabitants are exempt from episcopal jurisdiction, but that they are exempt from archidiaconal jurisdiction and immediately subject to the bishop. We can

make sense out of the phrase if we take it as a highly cryptic way of saying "exempt from intermediaries (*immediate*) all the way to the bishop." Similar phrases occur in *acta* 24.19 and *acta* 63.29. A more usual way of phrasing it may be found in *Barnwell*, entry 55.31.

19. WHADDON

[22 Sep 74 (7.14)] Pension of Whaddon. Sept. 1374 John Reading, citizen of London and farmer (*firmarius*, i.e., lessee) of Whaddon church, which has been appropriated by the dean and college of Windsor, paid to the official 20s annual pension owed to the bishop for 1374.

Pensio de Whaddon'] Memorandum quod mense septembris anno Domini millesimo trecentesimo septuagesimo quarto Johannes Redyng' civis London', firmarius ecclesie de Whaddon' Elien' diocesis decano et collegio de Wyndesore appropriate, solvit nobis .. officiali Elien' viginti solidos nomine pensionis annue domino .. episcopo Elien' debite de dicta ecclesia pro dicto anno. [fol. 12r]

[24 Jul 76 (34.22)] Pension of Whaddon. 3 Sept. 1376 John Reading, citizen of London and farmer (*firmarius*, i.e. lessee) of Whaddon church, appropriated to the dean and college of Windsor, paid to the official 20s annual pension owed to the bishop for 1376.

Pensio de Whaddon'] Memorandum quod tercio die septembris anno Domini millesimo trecentesimo septuagesimo sexto nos .. officialis Elien' recepimus de Johannes Redyng', cive London', firmario ecclesie parochialis de Whaddon' Elien' diocesis decano et collegio de Wyndesore appropriate, viginti solidos nomine pensionis annue de eadem ecclesia domino .. episcopo Elien' debite de festo Annunciacionis dominice anno Domini millesimo trecentesimo septuagesimo sexto. [fol. 53r]

[10 Apr 77 (43.39)] Pension of Whaddon. 8 April 1377 John Reading, citizen of London and farmer of Whaddon church, appropriated to the dean and college of Windsor, paid to the official 20s annual pension owed to the bishop from 25 March 1377.

Pensio de Whaddon'] Memorandum quod octavo die mensis aprilis anno Domini millesimo trecentesimo septuagesimo septimo nos .. officialis Elien' recepimus de Johanne Redyng' cive London', firmario ecclesie parochialis de Whaddon' Elien' diocesis .. decano et collegio de Wyndesore appropriate, viginti solidos nomine pensionis annue de dicta ecclesia domino .. episcopo Elien' debite de termino Annunciacionis dominice anno Domini millesimo trecentesimo septuagesimo septimo. [fol. 69v]

[29 Jul 78 (63.33)] Whaddon pension. In Sept. 1378 John Reading, citizen of London and farmer of Whaddon church, appropriated to the dean and college of Windsor, paid to the official 20s annual pension owed to the bishop since March 1378.

Whaddon' pensio] Memorandum quod mense septembris^a anno Domini millesimo trecentesimo septuagesimo octavo nos .. officialis Elien' recepimus de Johanne Redyng' cive London', firmario ecclesie parochialis de Whaddon' Elien' diocesis .. decano et collegio de Wyndesore appropriate, viginti solidos nomine pensionis annue de dicta ecclesia domino .. episcopo Elien' debite de termino Annunciacionis dominice anno Domini supradicto. [fol. 97v]

^a septembris] *the day of the month is missing.*

[23 May 79 (74.39)] Whaddon pension. Said day and place Thomas vicar of Whaddon church pays 20s annual pension owed to the bishop for 1379.

Whaddon' pensio] Memorandum quod dictis anno, die et loco dominus Thomas vicarius ecclesie de Whaddon' solvit viginti solidos domino .. episcopo Elien' de ecclesie de Whaddon' debite nomine annue pensionis de anno videlicet domini millesimo trecentesimo septuagesimo nono. [fol. 116r]

[14 Jun 81 (104.5)] Whaddon pension. 15 April 1381 John Reading, London citizen, pays to the official 20s pension for 1381 owed to the bishop from Whaddon church, appropriated to the dean and college of Windsor.

Whaddon' pensio] Memorandum quod septimo decimo kalendas maii anno Domini millesimo trecentesimo octogesimo primo decanus et collegium de Wyndesore ecclesiam parochialem de Whaddon' Elien' diocesis in proprios usus optinentes solverunt nobis .. officiali Elien' per manus Johannis Redying', civis London, viginti solidos nomine pensionis domino .. episcopo Elien' de eadem ecclesia debite pro anno supradicto. [fol. 151v]

20. CAXTON

[22 Sep 74 (7.15)] Pension of Caxton. Oct. 1374 Bartholomew vicar and farmer of Caxton church, which has been appropriated by the dean and college of Windsor, paid to the official 5s annual pension owed to the bishop for 1374.

Pensio de Caxton'] Item mense octobris anno Domini supradicto dominus Bartholomeus vicarius ecclesie de Caxton', firmarius dicte ecclesie Elien' diocesis eisdem .. decano et collegio [de Wyndesore] appropriate, solvit nobis .. officiali Elien' supradicto quinque solidos nomine pensionis annue domino .. episcopo Elien' debite de dicta ecclesia pro anno Domini supradicto. [fol. 12r]

[22 Mar 75 (15.18)] Pension of Caxton. 25 May 1375 the vicar and farmer of Caxton, appropriated to the dean and college of Windsor, paid to the official 5s annual pension owed to the bishop for 1375.

Pensio Caxton'] Memorandum quod octavo kalendas iunii anno Domini millesimo trecentesimo septuagesimo quinto nos officialis Elien' recepimus de vicario de Caxton', firmario dicte ecclesie decano et collegio de Wyndesore appropriate, quinque solidos nomine pensionis annue de eadem ecclesia domino et episcopo Elien' debite de anno Domini millesimo trecentesimo septuagesimo quinto. [fol. 21v]

[18 Mar 78 (57.26)] Caxton pension. 29 March 1378 the vicar of Caxton paid 5s pension owed to the bishop from the church.

Caxton' pensio] Memorandum quod die dominica in medio quadragesime videlicet quarto kalendas aprilis anno Domini millesimo trecentesimo sep-

tuagesimo octavo incipente vicarius de Caxton' solvit [quinque solidos] pro pensione domino .. episcopo Elien' de ecclesia de Caxton' sibi debita. [fol. 91r]

[14 Jun 81 (104.6)] Caxton pension. 15 April 1381 The dean and college of Windsor paid to the official 5*s* pension for 1381 owed to the bishop from Caxton church by the hand of the vicar of Caxton.

Caxton pensio] Item anno Domini supradicto iidem decanus et collegium solverunt pro ecclesia de Caxton' sibi appropriata quinque solidos nobis .. officiali predicto per manus vicarii eiusdem nomine pensionis dicto domino .. episcopo [de] eadem ecclesia debite pro anno supradicto. [fol. 151v]

21. WICKHAM (1)

[22 Sep 74 (7.16)] Pension of Wickham. Sept. 1374 the prior and convent of Colne, London diocese, having the use of [West] Wickham church, paid to the official 3*s* 4*d* annual pension owed to the bishop for 1374.

Pensio de Wykham] Item mense septembris anno Domini supradicto .. prior et conventus de Colne London' diocesis ecclesiam parochialem de Wykham Elien' diocesis in proprios usus optinentes solverunt nobis .. officiali Elien' supradicto tres solidos et quatuor denarios nomine pensionis annue domino .. episcopo Elien' debite de dicta ecclesia pro anno Domini supradicto. [fol. 12r]

[25 Feb 78 (56.12)] Pension of Wickham. 25 Feb. 1378 Robert Bour, farmer of Wickham church, pays 3*s* 4*d* sterling to the bishop as pension for the present year, which ends on 25 March.

Pensio Wykham] Memorandum quod die iovis proximo post festum Sancti Mathie apostoli anno Domini millesimo trecentesimo septuagesimo septimo Robertus Boure firmarius ecclesie de Wykham, solvit pro pensione domino .. episcopo Elien' debita de eadem ecclesia pro anno iam instanti, qui finietur ad festum Annunciacionis dominice et tunc incipiet novus annus, tres solidos quatuor denariorum sterlingorum.^a [fol. 90r]

[10 Jan 81 (97.11)] Wickham pension. 17 Jan. 1381 the prior of Colne [London diocese] paid to the bishop 40*d* annual pension owed from Wickham church for the years 1375, '76, '78, '79, and '80.

Wykham pensio] Memorandum quod prior de Colne solvit sexto decimo kalendas februarii anno Domini millesimo trecentesimo octogesimo pensionem domino .. episcopo Elien' de ecclesia de Wykham sibi appropriata debitam

^a tres solidos quatuor denariorum sterlingorum] tres solidos quatuor denar' sterlingor'; *we have not been using the genitive of quantity when Foxton abbreviates, but here he spelled it out for the pence but not for the shillings.*

et a retro existentem pro annis millesimo trecentesimo septuagesimo quinto, septuagesimo sexto, septuagesimo octavo, septuagesimo nono et octogesimo videlicet pro quolibet anno quadraginta denarios. [fol. 146v]

[27 Feb 82 (113.30)] Wickham pension. 22 March 1382 the prior of Colne, having the use of Wickham church, paid to the official 40*d* as pension owed to the bishop for 1381.

Wykham pensio] Memorandum quod die sabbati proximo post festum Sancti Edwardi regis et martyris anno Domini millesimo trecentesimo octogesimo primo prior de Colne habens ecclesiam de Wykham Elien' diocesis in proprios usus solvit nobis .. officiali Elien' pro pensione debite episcopo Elien' de eadem ecclesia pro anno Domini millesimo trecentesimo octogesimo primo quadraginta denarios. [fol. 162v]

22. GIRTON

[22 Sep 74 (7.17)] Monition of Girton. Under penalty established by provincial constitution [of Simon Islip],¹ on 4 Oct. 1374 Walter Reed of Comberton, having no cure of souls elsewhere, is warned peremptorily by the court to serve the rector of Girton as parish chaplain for the year, with competent salary.

Monicio Gritton'] Memorandum quod quarto die mensis octobris anno Domini supradicto monuimus primo, secundo et tercio ac peremptorie dominum Walterum Rede de Cumberton' capellanum, cure animarum aliunde nullatenus intendentem sed ad deservendum huius cure abilem et ydoneum, quod deserviat pro isto anno integro rectori ecclesie de Grytton' in officio et ministerio capellani parochialis sub pena et censuris in constitutione provinciali in ea parte edita latis, salvo sibi salario competenti. [fol. 12r]

[14 Dec 74 (11.11)] Appointment of coadjutors at Girton. Based on public fame, Nicholas Ross has personally investigated whether Mr William de Santer, rector of Girton, is impeded from performing his ministerial duties because of age, poor health, and blindness. Finding this true, Ross appoints Walter Reed, chaplain of Girton, and John Santer junior, who resides with the rector, as coadjutors on 4 Jan. 1375. Both men swear to perform their duties diligently; Walter will devote himself to the care of souls and of the rector; John with the administration of goods. They are to serve the rector as his status deserves and to account for their administration from 29 Sept. 1374. On that day in Girton rectory, they swear obedience; the rector admits them as assistants. Witnesses: William Cook and John Yaxley, clerics, of Lincoln diocese. [NS]

Grytton' assignacio coadiutoris] Fama publica referente ad nostrum nuper pervenit auditum quod magister Willelmus de Santre, rector ecclesie parochialis de Gritton' Elien' diocesis, senio sit confractus, valitudine corporali gravatus ac cecus et alias perpetuo impeditus adeo quod officium suum nequeat exercere ac curam eidem ecclesie incumbentem per seipsum debite

¹ See Citations to Canon Law, *Effrenata*.

supportare nec bona ad dictam ecclesiam spectancia congrue ministrare. Nos igitur Nicholaus Roos, doctor legum, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, volentes super premissis effici cerciores ad dictam ecclesiam et prefatum magistrum Willelmum rectorem accessimus personaliter super premissis veritatem inquisituri. Cum ita nobis constat manifeste prefatum magistrum Willelmum rectorem, senem et valitudinarum, cecum et alias viribus corporis sui destitutum et perpetuo fuisse impeditum quod officium suum nequit exercere et curam eidem ecclesie incumbentem per seipsum debite supportare nec bona ad dictam ecclesiam spectancia congrue ministrare [fol. 18v], ipsius igitur rectoris miserie miserantes eidemque pio compacientes affectu discretos viros dominum Walterum le Rede capellanum parochialem de Grytton' predictum et Johannem Santre iuniorem cum dicto rectore commorantem deliberacione et tractatu super hoc prehabito diligenter eidem rectori in coadiutores assignamus et deputamus quousque de aliis si et cum necessarie fuerit loco eorum duximus providendum. Et iurarunt dicti dominus Walterus et Johannes coadiutores tunc ibidem in presencia dicti rectoris ad sancta Dei evangelia per ipsos corporaliter tacta quod in administracione et cura ac officio eis per nos commissis diligentes erunt et fideles iuxta industriam et decenciam status cuiuslibet eorumdem, videlicet dictus .. capellanus in cura animarum^a dicte ecclesie iminenti et in obsequio dicti rectoris quo ad personam suam prefatus vero Johannes in alia administracione bonorum dicti rectoris quodque eidem rectori in esculentis et poculentis et aliis vite sue necessariis secundum status sui decenciam congrue faciant deserviri; quodque de ipsorum administracione a festo Sancti Michaelis ultimo preterito facta ibidem et in futuro facienda cum per dictum venerabilem patrem seu alium ipsius nomine fuerint requisiti eidem venerabili patri vel alii ipsius nomine fideliter computabunt. Acta fuit predicta coadiutoris assignacio et iuramenti prestacio per eosdem coadiutores in aula rectorie ecclesie de Grytton' quarto die mensis ianuarii anno Domini millesimo trecentesimo septuagesimo quarto, indiccione tercia, decima pontificatus domini Gregorii pape undecimo anno quarto computando a coronacione et incontinenti ibidem dictus rector ipsos in coadiutores suos admisit. Presentibus Willelmo Coke et Johanne Yakesle, clericis Lincoln' diocesis testibus ad premissa vocatis et rogatis. RF: Foxton. [fol. 19r]

[3 Jul 76 (33.26)] Account by curates of rector of Girton. On 4 Jan. 1375 Mr Nicholas Ross had assigned Walter le Reed, priest, and John Santer junior of Girton curators of Mr William de Santer, rector of Girton, to provide for him because of his age, blindness, and poor health and to render an account when required. Richard Scrope, wanting to be certain about their administration, called them for 9 July 1376 before him or another bishop's commissary to account for their administration and care.

^a animarum] *interlined*.

Walter and John appear personally before Mr Thomas Gloucester, bishop's commissary. John claims that he took care of the rector for a year, from the feast of St Andrew [30 Nov] 1374, but has not since that feast in 1375 by order of the rector. Walter has been serving the church, as ordered by the official. John Santer senior and William Cook, the rector's servant, have been taking care of the rectory by the rector's own authority. Walter and John show an inventory of goods which were contained in the rectory when the administration was committed to them and of goods received since then. The inventory was left in the registry.² They account for their administration. Next to hear pronouncement concerning their administration and account; Walter, John Santer senior, and William Cook will be called to account for their administration and their temerity.

Grytton' compotus curatorum rectoris] Cum bone memorie magister Nicholaus Roos, legum doctor officialis Elien', quosdam dominum Walterum le Rede presbyterum et Johannem Santr' de Grytton' iuniorem curatores magistri Willelmi de Santre rectoris ecclesie de Grytton' Elien' diocesis, senis, surdi, ceci et valitudinari, quarto die mensis ianuarii anno Domini millesimo trecentesimo septuagesimo quarto deputasset et auctoritate ordinaria ordinasset, onerans eosdem et per iuramentum corporaliter prestitum astringens quod de fructibus et proventibus ad dictam ecclesiam a festo Sancti Michaelis tunc ultimo preterito provenientibus et inposterum proventuris ad utilitatem et commodum dicti rectoris disponerent dictoque rectori in esculentis et poculentis et aliis vite necessariis secundum status sui decenciam congrue facerent deserviri cum onere computandi cum eos requiri contigerit prout in actis ipsius magistri Nicholai officialis invenimus inter cetera contineri; nos Ricardus le Scrop', canonicus Ebor' venerabilis patris domini episcopi Elien' officialis et commissarius qui eidem magistro Nicholao in officio successimus supradicto volentes de eorum administracione effici cerciores, prefatos curatores sive coadiutores ad nonum diem mensis iulii anno Domini millesimo trecentesimo septuagesimo sexto coram nobis vel alio dicti patris .. commissario ad computandum super eorum administracione et cura fecimus ad iudicium evocari.

Idem quoque dominus Walterus et Johannes comparentes personaliter coram magistro Thoma de Gloucestr' dicti reverendi patris commissario dicto nono die mensis iulii, dictus Johannes Santre iunior allegat quod a festum Sancti Andree apostoli anno domini millesimo trecentesimo septuagesimo quarto usque ad idem festum anno revolutu administravit et non ultra sed ad mandatum rectoris ab administracione huiusmodi hucusque penitus se subtraxit quodque a dicto festo Sancti Andree anno .. septuagesimo quinto usque nunc^a, dictus dominus Walterus de pertinentibus ad altare auctoritate dicti domini officialis Elien' sicut prius et Johannes Santre senior et Willelmus Cook' famulus dicti rectoris de aliis bonis pertinentibus ad rectoriam propriam auc-

^a usque nunc] *interlined*.

² For this translation, see Introduction.

toritate hucusque se intromiserunt. Predicti insuper dominus Walterus et Johannes Santre iunior curatores predicti, exhibito quodam inventario bonorum in dicta rectoria existencium tempore administracionis eis commisse et postea obveniencium ad eadem et penes registrum dimisso, super eorum administracione computarunt. Unde habent diem ad audiendam pronunciacionem super eorum administracione et compoto cum per nos fuerint premuniti et decernimus dictos dominum Walterum, Johannem Santre seniore et Willelmum Cook' fore vocandos ad computandum super eorum administracione propria temeritate facta. [fol. 51v]

[13 Nov 76 (37.16)] Assignment of curator at Girton. By his ordinary authority, Mr Nicholas Ross, former official of Ely and commissary general, had assigned as assistants to Mr William Santer, rector of Girton, Walter Reed, chaplain of Girton, and John Santer junior. Following Ross's death, they abandoned their assignment leaving the rector destitute.

On 22 Nov. 1376, after hearing the account of their administration, Richard Scrope, official and commissary of the bishop, substitutes in their places John de Santer, priest and kinsman of William. John swears to attend to the rector's needs, to serve the church and its parishioners, and to account for his services. Witnesses: John Norton and John Wiltshire, clerics, and John Santer senior of Chesterton, of York, Salisbury, and Ely dioceses.

Gritton' assignacio curatoris seu coadiutoris] Cum bone memorie magister Nicholaus Roos, legum doctor venerabilis patris domini .. episcopi Eliens' officialis et commissarius, quosdam dominum Walterum Rede, capellanum parochialem de Gritton', et Johannem Santre iuniorem magistro Willelmo Santre rectori ecclesie de Gritton' Elien' diocesis coadiutores assignaverit et deputaverit auctoritate sua ordinaria ipsique coadiutores prefato magistro Nicholao ab hac luce subtracto a cura et onere sibi impositis se penitus subtracterunt et predictum rectorem huiusmodi cura destitutum dimiserunt, unde nos Ricardus le Scrop' canonicus Ebor' dicti venerabilis patris officialis et commissarius in hac parte sufficienter deputatus, audito compoto dictorum coadiutorum super eorum administracione alium seu alios coadiutorem seu coadiutores loco eorum decrevimus subrogandum.

Nos igitur predicti magistri Willelmi rectoris senis, cecis, surdi et decrepiti miseriis miserantes eidemque pio compacientes affectu providum et discretum virum dominum Johannem de Santre, ipsius rectoris consanguineum et presbyterum, isto duodecimo die mensis novembris anno domini millesimo trecentesimo septuagesimo sexto in curatorem et coadiutorem ipsius rectoris admittimus et prefecimus auctoritate nostra ordinaria ac eciam deputamus, prestito per dictum dominum Johannem iuramento quod bene et fideliter ac diligenter geret negocia dicti rectoris et administrabit in bonis et quod laudabiliter faciet deserviri ecclesie de Gritton' et parochianis eiusdem in divinis officiis, eidemque in esculentis et poculentis ac ceteris vite necessariis iuxta status sui decenciam congrue faciet ministrari, quodque nobis seu alteri per

dictum venerabilem patrem seu nos deputando super huiusmodi cura et administracione cum fuerit requisitus fideliter computabit. Presentibus Johanne Norton', Johanne de Wiltesshir', clericis, et Johanne Santre de Chestreton' seniore, Ebor', Sar' et Elien' diocesium, testibus vocatis et rogatis. [fol. 57r]

[21 Oct 78 (65.35)] Girton. John Bidenham, chaplain residing with the vicar of Hinton, was cited before the commissary at the instance of the rector of Girton³ because John would not attend to the cure of souls as parish chaplain and serve the rector as required by the constitution of Simon Islip,⁴ although a competent salary had been offered to him.

Parties appear personally. The rector wants John compelled to serve him as required by the constitution published by former Archbishop Simon Islip. Since John has proposed nothing to show he should not be compelled, we order him to serve and administer the office without delay until 29 Sept, when he will receive his salary.

Grytton'] Dominus Johannes Bidenham, capellanus commorans cum vicario de Hynton', citatus coram nobis commissario predicto ad instanciam rectoris ecclesie de Gritton' super eo quod ipse cure animarum non intendens ac legitime requisitus de deserviendo eidem rectori et cure sue in officio et ministerio capellani parochialis, oblato sibi salario competenti, eidem rectori in predicto officio et ministerio deservire non curavit.

monicio] Partibus coram nobis personaliter comparentibus, dictus rector peciit ipsum [Johannem] per nos compelli ad deserviendum eidem in officio predicto iuxta formam constitutionis per bone memorie dominum Simonem nuper Cant' archiepiscopum in ea parte edite. Et quia dictus dominus Johannes nichil effectuale proponit quare ad deserviendum eidem in officio predicto compelli non debeat, ideo monemus ipsum dominum Johannem quod ad dictum rectorem et ecclesiam suam sine more diffugio^b accedat amino et intencione deserviendi et ministrandi in officio predicto et cum eo in dicto officio maneat usque ad festum Sancti Michaelis proximo futurum pro salario competenti. [fol. 100r]

^b more diffugio] 'delay' see *Latham s.v. diffugium*.

³ It is unclear whether the rector bringing this case is the same as Mr William Santer the rector in the previous entries, because this rector is not named. If it is, the case is probably being brought by others in his name. On 26 Nov. 1381, one Walter professes obedi-

ence to the bishop as rector of Girton (entry 108.37). That is a pretty clear indication that Mr William is now dead, and that the rector in the interim, if there was one, no longer holds the benefice.

⁴ See n. 1.

23. SHEPRETH

[22 Sep 74 (7.18)] Appointment of assistant at Shepreth. 5 Oct. 1374 in the hall of the vicarage of Shepreth the official appoints John Gervase of Wisbech, priest, assistant to Robert Elys, vicar of Shepreth, who is old, infirm, and unable to perform his duties. John is ordered to serve the vicar and the parish, preserving from its income a competent salary, subject to the court's

limitation. Witnesses: Thomas rector of Mepal and Simon de Cottenham, lettered (*litteratus*).

Assignacio curatoris Shepereth'] Memorandum quod anno Domini millesimo trecentesimo septuagesimo quarto indiccione tercio decima pontificatus domini Gregorii pape undecimo anno quarto mensis octobris die quinto in aula vicarie ecclesie parochialis de Schepereth' Elien' diocesis in mei notarii publici et testium subscriptorum presencia constitutus personaliter reverendus et discretus vir magister Nicholaus Roos, doctor legum officialis Elien' ac venerabilis patris domini .. episcopi Elien' commissarius, intelligens ut asseruit quidam dominus Robertus Elys vicarius eiusdem ecclesie, senio confractus ac valitudine corporali sic gravatus et alias perpetuo adeo impeditus quod officium suum nequeat exercere ac curam eidem vicarie incumbentem per seipsum debite supportare; ne igitur dicta vicaria debitis obsequiis defraudetur et ut animarum cura nullatenus necgligatur sed deserviat inibi laudabiliter in divinis, prefatus dominus .. officialis et commissarius providum et discretum virum dominum Johannem Gerveys de Wysebech' presbyterum eidem vicario in curatorem sive coadiutorem auctoritate sua ordinaria deputavit et eciam assignavit ipsumque dominum Johannem oneravit eidem firmiter iniungendo ut prefato [fol. 12r] domino Roberto vicario ac cure animarum dicte vicarie incumbenti diligenter intendat et parochianis eiusdem deserviat laudabiliter in divinis salvo sibi de fructibus dicte vicarie salario competenti per nos si oporteat limitando. Presentibus discretis viris domino Thoma rectore ecclesie de Mephale et Simone de Cottenham litterato, Elien' diocesis, testibus ad premissa vocatis specialiter et rogatis. RF: Foxton. [fol. 12v]

[24 May 75 (18.22)] Shepreth. It had come to the court's attention that Robert Elys, perpetual vicar of Shepreth, was not living at or personally administering the vicarage as required by the provincial constitutions of Otto¹ and Ottobuono² and by his oath of admission. He has been residing in the hospital of Newport in London diocese. Since the court does not want the benefice supporting the vicar defrauded of its curate's service, the vicar was warned peremptorily, under legal penalty, to return to the vicarage within one month of the time of warning and to exercise his cure and reside personally. The chaplain of Shepreth delivered the official's mandate to Robert on 14 May 1375 and certified this in letters patent, bearing the seal of the dean of Barton.

25 May. Robert personally appears before Nicholas Ross, who inhibits him from renting out the vicarage and from allowing those to whom he has already rented to administer without the bishop's permission. Robert is ordered to repair before 29 Sept. at his own expense the vicarage house, which he left ruined.

Schepereth] Ad nostrum nuper pervenit auditum quod dictus Robertus Elys, perpetuus vicarius ecclesie parochialis de Schepereth Elien' diocesis, prefatam vicariam suam, in qua nedum auctoritate sacrorum canonum verumetiam ratione iuramenti sui de continue residendo et personaliter ministran-

¹ See Citations to Canon Law, *Ad Vicariam*.

² See Citations to Canon Law, *Sacrorum*.

do in eadem iuxta formam constitutionum dominorum Othonis et Ottoboni sedis apostolice in Anglie legatorum in ea parte editarum in sua admissione nuper prestiti residere est artatus, tanquam sponsam repudiatam quasi pro derelicta habere noscatur in quodam hospitali de Neuport' London' diocesis a dicta vicaria sua distante nimium et remote continue commorando.

monicio ad residendum] Cum igitur beneficium ecclesiasticum curatum a curati sui servicio non debeat defraudari qui ab eodem suscipit alimenta, ad monendum et requirendum prefatum vicarium primo, secundo et tercio ac peremptorie quod infra unius mensis spacium a tempore monicionis huiusmodi proximo sequenti ad dictam vicariam suam omnino commorandum redeat ac curam eius exerceat et residenciam in eadem sub pena iuris faciat personalem, .. capellano parochiali de Schepereth' predicto nos Nicholaus Roos, officialis et commissarius predictus, nuper dedimus in mandatis. Idem quoque .. capellanus secundo idus maii anno domini supradicto prefatum dominum Robertum vicarium monuit et requisivit ut ad dictam vicariam suam animo commorandi redeat ac curam eius exerceat et residenciam in ea faciat personalem sub pena iuris prout per suos patentes litteras sigillo decanatus de Berton' dicte diocesis consignatas nos reddidit cerciores.

monicio ad reparandum mansum] Nos insuper officialis et commissarius supradictus die veneris proximo post festum Sancti Dunstani anno domini supradicto prefato vicario coram nobis personaliter comparenti inhibuimus ne de cetero fructus vicarie sue ad firmam dimitteret aut prius dimissos per firmarios suos sustineat ministrari^a sine domini .. episcopi Elien' aut nostra licencia speciali ipsumque monuimus quod mansum vicarie sue quem ruinosum dimisit reficiat competenter citra festum Sancti Michaelis proximo futurum alioquin nos ipsius vicarii sumptibus et expensis dictum mansum refici faciemus. [fol. 24v]

^a ne de cetero fructus vicarie sue ad firmam dimitteret aut prius dimissos per firmarios suos sustineat ministrari] *the phrase is somewhat confused, but the meaning seems to be that given in the summary.*

24. ROBINSON

[22 Sep 74 (7.19)] Robinson. Upon inspection of the register of corrections¹ from the vacancy following John Barnet's death, Nicholas Ross found that John Robinson senior of Swaffham Prior and Joan daughter of Geoffrey Morris of Swaffham Prior had been cited *ex officio* for the crime of fornication, notoriously committed and continued uncorrected for five years. They had appeared personally on 14 March 1374 in St Mary the Less, Cambridge, before the keeper of spiritualities of the city and diocese of Ely. Sworn *de veritate dicenda*, they had confessed to having committed the crime for three continuous years, to having been corrected and inhibited

¹ See Introduction.

often by the archdeacon's official, and to having offended since their last correction. Ordered to contract marriage, John had said, "I accept you as my wife if I know you physically" and Joan, "I accept you as my husband if you know me physically." Ross cited them to appear on 5 Oct. 1374 in All Saints' Jewry.

They appear personally. Sworn *de veritate dicenda*, they admit that they contracted in court and that afterwards they slept together alone and naked on two nights, but they deny that they had intercourse. 14 Oct. to hear the pronouncement based on their confessions.

14 Oct. They are absent and found contumacious. Next to hear pronouncement.

Robynesson] Cum nos officialis Elien' inspecto registro correccionum de tempore vacacionis ecclesie Elien' per mortem bone memorie domini Johannis de Barnet ultimi episcopi eiusdem invenimus in eodem inter cetera contineri quod Johannes Robynesson de Suafham Prior senior et^a Johanna filia Galfridi Moryce de eadem citati [erant] ad comparendum coram .. custode spiritualitatis civitatis et diocesis Elien' super crimine fornicacionis inter eos notorie commisso et per quinque annos ut dicitur incorrigiter^b continuato, ad meram animarum correccionem eisdem obiciendo ex officio, responsuri in ecclesia Sancte Marie extra Trumpiton' gates Cant' quarto decimo die mensis marcii anno Domini millesimo trecentesimo septuagesimo tercio coram prefato .. custode. Dictis die et loci personaliter comparuerunt et de veritate dicenda iurati ac super premissis requisiti, fatebantur quod continuerunt dictam fornicacionem inter eos per tres annos et quod sepius fuerant correcti et inhibitati per officialem domini archidiaconi. Fatebantur eciam quod a tempore ultime correccionis coram dicto .. officiali facte cognoverunt se invicem carnaliter. Unde postea dictis die et loco dicti Johannes et Johanna coram prefato .. custode pro tribunali sedente contraxerunt matrimonium per ista verba, "Hic accipio te in uxorem meam si de cetero cognoscam te carnaliter," et ipsa respondit, "Et ego accipio te in virum meum si de cetero cognoveris me carnaliter." Cumque postmodo ad nos pervenit fama publica referente quod dictus Johannes prefatam Johannam post dictum contractum carnaliter cognovit sicque dictum matrimonium consummavit, prefatos igitur Johannem et Johannam super premissa ad diem iovis proximo post festum Sancti Michaelis in ecclesia Omnium Sanctorum in Judaismo Cantebr' coram nobis fecimus evocari.

Quibus die et loco predicti Johannes et Johanna coram nobis personaliter comparuerunt et de veritate dicenda iurati ac super premissa requisiti, fatebantur se adinvicem matrimonium sic ut premittitur contraxisse quodque ab illo tempore per duas noctes solus cum^c sola nudus cum nuda simul iacuerunt, omnem tamen carnalem copulam inter eosdem a dicti contractus tempore expresse negarunt. Unde eisdem Johanni et Johanne diem sabbati proximo post festum Sancti Dionisii proximo futurum loco quo supra ad audiendum publicacionem super confessatis^d prefigimus et assignamus.

^a et] repeated. ^b incorrigiter] sic for the expected incorrecto. ^c cum] interlined. ^d confessatis] see Introduction

Quibus die et loco dictis Johanne et Johanna nullo modo comparentibus, ideo ipsos reputamus contumaces et decernimus ipsos fore vocandos, ad idem videlicet ad audiendum pronunciacionem. [fol. 12v].

25. READING/RAND

The use of the ecclesiastical courts to recover debts became very common in the fifteenth century, despite the fact that all such cases could have been prohibited.¹ There is less evidence of it in our register, though there is some. Two elements in this case are of particular interest. First, the fact that condemnation is to pay an amount one penny short of twenty shillings suggests that those who formulated the sentence were trying to observe, but were a bit confused about, the forty-shilling limit on the recovery of debts in courts other than the Common Bench.² Second, the awkwardness of the phrase in the first entry *sub pena excommunicacionis sentencie late quod*, etc., suggests that Foxton was thinking in terms of the distinction between excommunication *late sentencie* and the excommunication that came to be called *ferende sentencie*. He is apparently trying to say that the excommunication contained in the order was automatic. This is an extension of the term from what we find in the *Liber extra*, where the phrase *late sentencie*, so far as we are aware, only occurs in conjunction with a canon: *canon late sentencie*, that is, a canon that automatically excommunicates someone who commits the offense. This phrase is frequently found with reference to the canon *Si quis suadente diabolo*, which automatically excommunicated anyone who physically assaulted a clerk.³

[26 Oct 74 (9.17)] Reading/Rand. Henry Rand of Barnwell, carpenter, was ordered by the dean of Cambridge to pay to Cecilia wife of John Reading of Cambridge, furbisher, 19s 11d within eighteen days, under penalty of excommunication, in accordance with the sentence given by the official's predecessor. Henry was also cited peremptorily by the dean to appear personally before the official ten juridical days after the eighteen in said place, to show why he should not be excommunicated if he fails to pay. The dean has certified that he personally found, warned, and cited Henry on 22 Sept. 1374.

20 Oct. Cecilia appears by Peter Caprik, proctor; Henry is absent. Both expected 26 Oct.

26 Oct. Henry's wife explains that he is absent because of illness, for which she pledges her faith. Both expected 6 Nov.

6 Nov. Henry is found contumacious. As penalty the official precludes Henry's right to propose and orders the execution.

Redyng/Rande] Cum nos .. decano Cantebr' ad monendum et efficaciter inducendum Henricum Rande de Bernewell' carpentarium sub pena excommunicacionis sentencie late quod viginti solidos uno denario minus in quibus Cecilie uxori Johannis Redyng' de Cant' furbatoris per predecessorem nostrum in officio extitit condemnatus infra duodeviginti dies a tempore monicionis sue huiusmodi solveret indilate, alioquin ipsum Henricum citandum peremptorie quod decimo die iuridico post lapsum dictorum duodeviginti dierum loco quo supra coram nobis .. officiali Elien' vel nostro commissario compareat causam rationabilem si quam habeat quare sic fuisse excommu-

¹ See Helmholz, *Canon Law and Ecclesiastical Jurisdiction*, 358–66, with references.

² See Beckerman, "Forty-Shilling Limit."

³ See Vodola, *Excommunication*, especially 28–43; for the text, see Citations to Canon Law, *Si quis*.

nicatus publice et nominatim non debeat denunciari pro termino preciso et peremptorio in forma iuris proponisuram et ostensuram, alias dederimus in mandatis. Dictus .. decanus ipsum Henricum decimo kalendas octobris anno Domini supradicto personaliter inventum monuit iuxta formam dicti mandati ipsumque ad dictos diem et locum peremptorie citavit prout in dicto mandato plenius continetur, de quo idem .. decanus nos litteratorie reddidit cerciores.

Quibus die et loco, videlicet die veneris proximo post festum Sancti Luce evangeliste, parte Cecilie per Petrum Caprik', clericum, procuratorem suum [comparente], parte Henrici nullo modo, ideo expectamus absentem cum presente ad diem iouis proximo post festum Sancti Romani loco quo supra ad idem quod prius.

Quibus die et loco parte Cecilie ut prius comparente,^a parte Henrici per uxorem suam absenciam suam excusantem facta fide quod detentus infirmitate venire non potuit, ideo expectamus eum usque ad diem lune proximo post festum Omnium Sanctorum loco quo supra ad idem quod prius.

Quibus die et loco predicta Cecilia ut prius comparente, predicto Henrico nullo modo, ideo Henricum preconizatum diucius expectatum nullo modo comparentem reputamus contumacem et in pena contumacie precludimus sibi viam quicquam ulterius proponendi et decernimus execucionem fore faciendam. [fol. 13v]

[26 Oct 74 (9.21)] Reading/Rand. Following his excommunication, Henry Rand paid to Cecilia 19s 11d He is absolved from his excommunication, which will be announced.

Redyng/Rande – absolucio] Subsequenter facta execucione dicte excommunicationis satisfaccioneque postmodum per dictum Henricum eidem Cecilie de dictis viginti solidis uno denario minus, absolutus est dictus Henricus a dicta sententia excommunicationis et decernimus ipsum fore denunciandum absolutum. [fol. 17v]

^a comparente] comparentibus.

26. *LANDBEACH*

[26 Oct 74 (9.19)] Appointment of an assistant at Landbeach. Public fame has brought to the court's attention that John atte Church, rector of Landbeach, is old and infirm and unable to serve the church alone. On 4 July 1374, Nicholas Ross personally made an inquiry. Based on information from reliable persons, he has determined that an assistant should be assigned. John was allowed to suggest someone by 1 Aug.

During the inspection Ross also found that Amy Bernard, residing in the rectory house, had consumed unduly and "diverted" goods of the rectory, had cared for the rector poorly in his maintenance, and had conducted herself dishonorably in the rectory, her stay there being suspicious. The court interdicted Amy from managing the rectory or the rector's goods, and

the rector was ordered to remove her. She was told to leave within fifteen days under penalty of excommunication. Witnesses: Mr Thomas Gloucester; John Campion, priest; and William Cook, cleric; of Lincoln diocese. [NS]

After an increasing number of complaints, it has been found that, despite the interdict, the rector is still wasting the church's goods through Amy's mismanagement and that the manse has fallen into ruin. Since John has not suggested anyone and to prevent the rectory being defrauded, the cure of souls neglected, and John's needs unattended, Mr Robert de Eltisley, rector of St Andrew of Histon, is assigned as his assistant on 9 Dec. in All Saints' Jewry. Robert personally accepts the office and promises to serve and to give an account. Witnesses: William Cook and Richard de Bracher, clerics, of Lincoln and London dioceses. [NS]

10 Dec. Ross personally publishes the appointment before the rector and his parish at Landbeach church; John admits Robert. Witnesses: Richard Godrich, rector of Kneesworth, and John Campion, priest, of Norwich and Lincoln dioceses *et al.* [NS]

Landbeche] Fama publica referente ad nostrum nuper pervenit auditum quod dominus Johannes atte Chirche rector ecclesie parochialis de Landbech' Elien' diocesis, senio sic confractus ac valitudine corporali gravatus et alias perpetuo adeo impeditus quod officium suum nequeat exercere ac curam eidem ecclesie incumbentem per seipsum debite supportare nec bona ad dictam ecclesiam spectancia prout debuit ministrare, nos igitur Nicholaus Roos doctor legum, officialis Elien' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad infrascripta specialiter deputatus, volentes super premissis effici cerciores ad ecclesiam parochialem de Landbech' predictam isto quarto die mensis iulii anno Domini millesimo trecentesimo septuagesimo quarto indicione duodecima pontificatus domini Gregorii pape undecimo anno quarto accessimus personaliter super premissis inquisituri. Cum itaque de statu dicti domini Johannis rectoris ac mansi rectorie sue tam per nostram inspeccionem quam per deposicionem fidedignorum fuisset plenius informati invenimusque per huiusmodi informacionem dictum dominum Johannem rectorum senem et valitudinarium ac corporis sui viribus destitutum et alias perpetuo adeo impeditum quod officium nequivit exercere aut curam eidem ecclesie incumbentem per seipsum debite supportare neque bona ad dictam ecclesiam spectancia ministrare, decrevimus eidem rectori fore per nos providendum de ydoneo coadiutore qui curam dicte ecclesie valeat supportare et bona predicta debite ministrare. Et de nostra benignitate concedimus eidem rectori ut poterit deliberare de aliquo amico suo fideli et ydoneo in quem confidat ad huius officium suscipiendum citra festum Sancti Petri ad vincula proximo nunc futurum nosque super eo reddere cerciores.

Et quia per informacionem predictam invenimus quamdam Amyam Bernard' cum dicto rectore cohabitantem in domibus rectorie sue bona diversa dicti rectoris indebite consumpsisse et dissipasse et in usus suos proprios pro sue libito voluntatis temere divertisse eidemque rectori in esculentis et

poculentis pessime ministrasse et alias minus provide et inhoneste in dicta rectoria se gessisse ac ipsius moram in dicta rectoria suspectam fore, eidem Amye omnem administracionem et ministerium in dicta rectoria de bonis dicti rectoris a modo facienda interdicimus specialiter et expresse prefatoque rectori ut eam ammoveat ac prefate Amye quod de dicta rectoria absque spe ibidem remanendi recedat infra quindenam tunc proximo sequentem mandavimus firmiter iniungendo sub pena excommunicacionis. Presentibus magistro Thoma Glouc', domino Johanne Campion' presbytero et Willelmo Coke clerico, Lincoln' diocesis, testibus ad premissa vocatis et rogatis. RF: Foxton.

assignacio coadiutoris] Subsequenter vero ascendente clamore ad nostram iterum noticiam noviter est deductum quod prefatus dominus Johannes rector per malam administracionem et dolosam circumvencionem prefate Amye bona ad dictam ecclesiam spectancia distrahit miserabiliter et consumit mansumque dicte ecclesie ruinosum permittit quodque prefata Amya administracioni et ministerio bonorum dicti rectoris post et contra interdictum nostrum sibi factum temere se ingessit et adhuc ingerit sicut prius, nec dictus rector curavit de aliquo fideli et ydono in quem confideret ut prefertur nos cerciorare. Nos volentes tam dicte ecclesie quam persone predictae prout ad officium dicti venerabilis patris et nostrum noscitur pertinere sicut convenit providere ne dicta ecclesia debitis defraudetur obsequiis nec animarum cura eidem imminens^a negligatur, sed ut^b bona dicte ecclesie debite ministrentur ac statui dicti rectoris tam in esculentis et poculentis quam aliis vite necessariis uberius consulatur; nos Nicholaus Roos, commissarius supradictus, habita super hoc^c deliberacione, providum et discretum virum magistrum Robertum de Elteslee rectorem ecclesie Sancti Andree de Histon' Elien' diocesis presbyterum eidem domino Johanne rectori in coadiutorem isto nono die mensis decembris anno et pontificatus predictis indiccione tertia decima in ecclesia Omnium Sanctorum in Iudaismo Cantebr' auctoritate nostra ordinaria deputamus et assignamus eidemque firmiter iniungimus ut dictam curam sibi assignatam diligenter adimpleat et fideliter exequatur. Idem quoque magister Robertus tunc presens huiusmodi onus post excusacionem aliqualem suscipiens se fideliter et diligenter administraturum et nobis inde computaturum firmiter repromisit. Presentibus Willelmo Coke et Ricardo de Bracker', clericis Lincoln' et London'^d diocesis, testibus vocatis. RF: Foxton. [fol. 17r]

Et postmodo decimo die dicti mensis decembris ad dictam ecclesiam parochialem de Landbech' personaliter accessimus et predicti curatoris sive coadiutoris assignacionem predicto rectori ac parochianis dicte ecclesie in eadem ecclesia in copiosa multitudine congregatis publicavimus idemque rector prefatum magistrum Robertum tunc eciam presentem in curatorem suum sive

^a imminens] iminens. ^b ut] *interlined.* ^c hoc] *interlined.* ^d et London'] *interlined.*

coadiutorem admisit expresse. Presentibus dominis Ricardo Godrich' rectore ecclesie de Keworth et Johanne Campion' prebytero, Norwicen' et Lincoln' diocesis, et aliis in multitudine copiosa, testbus ad premissa vocatis specialiter et rogatis. [fol. 17v]

[26 Oct 74 (9.20)] Account of curate of Landbeach. Following the death of John rector of Landbeach, the official ordered Robert de Eltisley to sequester, secure, and administer John's goods so they could be used for the rectory's repair. As ordered, Robert certifies the court in letters patent under the seal of the dean of Cambridge, which are in the registry.¹

Compotus curatoris sive coadiutoris de Landbech'] Ceterum prefato domino Johanne rectore sicut domino placuit ab hac luce^e subtracto omnia et singula bona et catalla dicti domini .. rectoris pro reparacione domorum dicte rectorie facienda duximus sequestranda eidemque magistro Roberto coadiutori nostris dedimus in mandatis ut predicta bona omnia et singula sic per nos sequestrata faciat sub arto et salvo sequestro custodiri ac super administracione sua sibi per nos commissa nobis fideliter reddat racionem nosque de bonis per eum sub sequestro custoditis et administracione sua huiusmodi certificet. Idem quoque magister Robertus rector de huiusmodi bonis sequestratis et administracione in officio sibi per nos commisso facta nos certificavit prout in suis patentibus litteris sigillo decanatus Cantebr' sigillatis et penes registrum remanentibus plenius continetur. [fol. 17v]

[23 Feb 80 (85.43)] Landbeach probate of testament. 25 Feb. 1380 the testament of John Campion, rector of Landbeach, is proved before the official, who commits the administration of goods to John's brother [space for name] and reserves the right to commit the administration to the vicar of Impington.

Landbech' probacio testamenti] Memorandum quod quinto kalendas marcii anno Domini supradicto probatum fuit testamentum domini Johannis Campion rectoris ecclesie de Landbech' Elien' diocesis coram nobis Johanne de Neuton legum doctore, venerabilis patris domini Thome Dei gracia episcopi Elien' officiali et commissario, et commissa est administracio bonorum dicti defuncti . . .^f fratri eiusdem defuncti, reservata potestate committendi vicario de Impiton'. [fol. 131v]

[26 Apr 80 (88.33)] Landbeach account. 19 May 1380 before the official, John Campion, executor of the testament of John Campion, rector of Landbeach, deceased, personally gives a final account of the completed administration of the rector's goods. He is absolved from the duty of administration.

Landbech' compotus] Memorandum quod quarto decimo kalendas iunii anno Domini supradicto comparens personaliter Johannes Campion, executor testamenti domini Johannis Campion rectoris ecclesie de Landbech' defuncti, computavit coram nobis .. officiali Elien' super et de administracione sua facta in bonis dicti defuncti. Et quia invenimus eum^g bene et fideliter admini-

^e luce] *interlined* ^f Blank space in ms. ^g eum] *interlined*.

¹ For this translation, see Introduction.

strasse et administracionem suam plenarie complevisse, ipsum ab onere administracionis huiusmodi et ab ulteriori compoto nobis inde reddendo salvo iure cuiuscumque reddimus absolutum. [fol. 137v]

[14 Jun 80 (90.35)] Landbeach. Henry Sander of Landbeach and Alice his wife were cited at the instance of John Campion, executor of the testament of John Campion, rector of Landbeach, in a testamentary case.

John by John Wiltshire, proctor; Henry and Alice by Peter Caprik, proctor. An oral libel is given and requested written. Next to receive it in writing.

Landbech'] Henricus Saundre de Landbech' et Alicia uxor eiusdem citati ad instanciam Johannis Campion' executoris testamenti domini Johannis Campion' rector ecclesie de Landbech' in causa testamentaria, parte actrice per Johannem Wiltesshir', clericum, procuratorem suum, parte rea per Petrum Caprik', clericum, procuratorem suum, comparentibus, libellato per partem actricem oretenus petitoque in scriptis per partem ream, datur dies in proximo ad libellandum in scriptis. [fol. 141r]

[23 Jul 80 (92.33)] Landbeach. A written libel is received. Next to respond.

Landbech'] Partibus ut prius comparentibus, oblato per partem actricem quodam libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum. [fol. 143r]

[25 Oct 80 (94.27)] Landbeach. Peace has been restored. Henry and Alice are called *ex officio*.

Landbech' – pax] Pax est, ideo vocetur pars rea ex officio. [fol. 145r]

27. CAMBRIDGE

The case described in detail here has been known for some time.¹ It turns out that the issue was not only whether the chancellor of the university had to profess obedience to the bishop and to his official but also whether he had to take a somewhat unusual oath. The editing of the case adds to our knowledge in that it shows the work of lawyer for the bishop in the marginalia. The lawyer may or may not have been Foxton. The marginalia are not written in his usual script, but it could be his hand. The case also reproduces a document from the court of Arches. Such documents are quite rare in this period.

[14 Dec 74 (11.14)] Obedience of the Chancellor of Cambridge. Thomas Arundel commissions Nicholas Ross, official of Ely and commissary of the bishop, to request and receive an oath of obedience from Mr John de Dunwich, DCnL and chancellor of Cambridge.² The chancellor should be compelled to swear under penalty of suspension from the office as an example to his successors. The oath was omitted at the time of his admission by the bishop. The official should certify in letters patent. Given at Lewes Castle, 17 Aug. 1374.

The dean of Cambridge and Mr Richard Godrich, cleric, were ordered to cite, separately

¹ See Mullinger, *University of Cambridge*, 51–2; see generally, Ullmann, “Chancellor.” lor. He had served previously from 1371–3. Cambridge, List of Former Chancellors (website last visited 5.ii.2014).

² This was John's second term as chancellor.

or jointly, Mr John de Dunwich for 2 Oct. 1374, or the next juridical day, in All Saints' Jewry, to swear obedience before the official, notwithstanding any new statutes of the university prejudicial to the bishop. Given in Cambridge, 23 Aug. 1374

The dean certified the court by letters patent, under the seal of his office, that he had cited peremptorily the chancellor on 27 Aug. in Cambridge for said day and place. The chancellor claimed that he and his predecessors had never been required to swear obedience to the bishop of Ely, his official, or their commissaries.

Claiming to be agrieved by a brief citation, the chancellor appealed to the pope and to Canterbury for tuition (protection) on 1 Sept. On 4 Sept. he notified Ross of the appeal. An inhibition was sent by the provincial court to the official, who was ordered to appear on the fifth juridical day after 6 Oct. to proceed with the tutorial appeal.

Among the documents produced by the chancellor during the appeal was a certification bearing the name and seal of the dean of Cambridge which was falsely dated. It said the chancellor had been cited personally on 27 Sept. to appear on 2 Oct., a term of only five days. The official's mandate had actually been made on 1 Sept., giving the chancellor an adequate time to appear.³ Because the chancellor could not prove his *suggestio*, the official of the court of Canterbury dismissed Ross. The inhibition dated 10 Sept. 1374 and sent to Mr's Walter de Felstede, William Theosle, William Rookhawe, and Thomas Godmeschestre was annulled. The official was free to exercise his office. Letter of dismissal given 7 Dec. 1374 at London, *sede vacante*.

Pro obediencia cancellarii Cantebr' prestanda domino .. episcopo Elien'] Cum nos Nicholaus Roos doctor legum officialis Elien' ac venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad infrascripta specialiter deputatus litteras commissionis dicti venerabilis patris nobis in ea parte directas nuper receperimus tenorem qui sequitur continentes:

commissio] Thomas permissione divina episcopus Elien' dilecto nobis in Christo magistro Nicholao Roos legum doctori officiali nostro salutem, gratiam et benedictionem. De vestris circumspeccione et industria ad plenum confidentes ad petendum, exigendum et recipiendum obedienciam canonicam nobis debitam de consuetudine et de iure necnon iuramentum hactenus a predecessoribus et precessoribus suis fieri consuetum, cuius formam inferius inseri fecimus ad cautelam, a magistro Johanne de Donewyco doctore decretorum, quem in cancellarium universitatis nostre Cantebr' sub certis protestacionibus iam tarde admisimus, in cuius admissione huiusmodi obediencie et iuramenti prestacio, eo quod registra predecessorum nostrorum protunc ad manus non habuimus, fuerat pretermissa necnon ad compellendum dictum magistrum Johannem cancellarium obedienciam et iuramentum huiusmodi prestare per quascumque censuras ecclesiasticas ac eciam per suspensionem

³ Curiously, the *marginalia* at this point have invalidated the appeal but does not seem suggest that the appeal was made before the to have been the ground of the dismissal. *gravamen* complained of. That would also

officii cancellariatus huiusmodi, si ipsius protervitas hoc requirat, vobis tenere presencium plenarie committimus vices nostras cum cuiuslibet cohercionis canonice potestate. Istam vero commissionem nostram quo ad huiusmodi obediencie et iuramenti prestacionem in posterum faciendam ab aliis ipsius magistri Johannis successoribus in officio trahi nolumus in exemplum. Et quid factum fuerit in premissis vos dicto negocio expedito reddatis fideliter cerciores litteris vestris patentibus habentibus hunc tenorem. Data apud [fol. 19r] castrum de Lewes Cicestren' diocesis sexto decimo kalendas septembris anno domini millesimo trecentesimo septuagesimo quarto et nostre consecracionis primo. Forma iuramenti quod dictus cancellarius prestabit de quo superius sit mencio est tale quod non invitetur^a alicui novo statuto in dicta universitate circa eleccionem huiusmodi cancellarii edito vel edendo quod redundare poterit in preiudicium domini .. episcopi Elien' aut ecclesie sue cathedralis Elien' vel suorum eciam successorum.

citacio] Ad citandum igitur prefatum magistrum Johannem de Donewyco cancellarium predictum quod die lune proximo post festum Sancti Michaelis in mense septembris proximo tunc futurum in ecclesia Omnium Sanctorum in Iudaismo Cantebr' coram nobis compareret si iuridicus fuerit alioquin proximo die iuridico tunc sequente obedienciam et iuramentum huius prestiturum .. decano Cantebr' ac magistro Ricardo Godrich' clerico sub datum Cantebr' decimo kalendas septembris anno domini millesimo trecentesimo septuagesimo quarto dedimus in mandatis cum illa clausula coniunctim et divisim.

certificacio] Idem quoque .. decanus dictis die et loco per litteras suas patentes sigillo officii sui consignatas nos certificavit quod prefatum magistrum Johannem cancellarium sexto kalendas septembris apud Cantebr' eodem anno personaliter inventum peremptorie citavit ad diem et locum supradictos facturum et recepturum quod dictum mandatum nostrum exegit ac eciam requisivit, sed^b prefatus magister Johannes cancellarius pretendens minus veraciter ipsum pro tempore suo ac precessores et predecessores suos suis temporibus successivis liberos fuisse et immunes ab omni obediencia .. episcopis Elien' eciam in annali^c [obediencia] officialibus eorundem et ministris prestanda continue et quod huiusmodi libertate et immunitate usi fuerant pacifice continue et quiete scientibus, tollerantibus, singulis episcopis qui pro tempore fuerunt eorumque officialibus et ministris et eis consentibus et extra omnem possessionem huiusmodi obedienciam percipiendam et habendam

^a invitetur] *the reading is clear (though not on the film); the meaning is difficult. Perhaps what is meant is that he would not be 'seduced' (a classical meaning of invitare; see Lewis and Short) to any new statute, etc. Alternatively, this may be a miscopying of some form of innuere, in the sense of 'consent to'.* ^b sed] ?si. ^c in annali] *reading unclear; it makes sense, but we know of no other indication that annual profession of obedience to the official was required.*

ab eisdem cancellariis continue existentibus quodque nos ipsum magistrum Johannem cancellarium longe post ipsius perfeccionem et confirmacionem ad terminum nimis brevem et peremptorium dicto domino .. episcopo Elien' et nobis ipsius nomine obedienciam sibi tam de iure quam de consuetudine notorie indebitam personaliter prestanturum et facturum, nulla huiusmodi termini abbreviacionis, peremptorie vocacionis aut personaliter comparicionis causa sufficienter expressa vel aliquialiter subsistente, nostris litteris iniuriosis mandavimus et fecimus coram nobis ad iudicium evocari in ipsius preiudicium et gravamen.

appellacio] Quo pretextu idem magister Johannes cancellarius asserens se ex premissis per nos indebite pregravari ab huiusmodi pretensis et confictis^d gravaminibus ad sedem apostolicam directe et pro tuicione curie Cantuar' primo die mensis septembris anno domini supradicto ut asseritur^e appellavit.

notificacio] Et subsequenter quarto die dicti mensis septembris eodem anno ipsam appellacionem nobis se asseruit notificasse prout per instrumenta per partem dicti .. cancellarii in curia Cant' exhibita apparuit evidenter.

inhibicio cum citacione] Ac quamdam inhibicionem a dicta curia impetratam iuxta suggestionem predictam optinuit et nobis in hac parte inhiberi auctoritate dicti curie procuravit et ad comparendum in dicta curia coram presidente eiusdem quinto die iuridico post festum Sancte Fidis virginis in dicto tuitorie appellacionis negocio processuros nos optinuit ad iudicium evocari. Subsequenter vero dicto tuitorie appellacionis negocio in dicta curia introducto libelloque appellatorio per partem dicti .. cancellarii et per partem nostram facto contrario sive exclusorio suggestionis sue predicte seu articuli ex ea elicit iuxta litis contestacionem^f in dictis curia et negocio propositis exhibitisque et productis hincinde quibusdam testibus et aliis munimentis et instrumentis.

certificatorium falsum] Exhibitoque inter cetera per partem dicti .. cancellarii in eadem curia quodam certificatorio sub nomine et sigillo officii decani decanatus Cantebr' falso fabricato et ex quadam precogitata malicia machinato in quo cavetur expresse, falso tamen et mendaciter, quod idem .. decanus ad mandatum nostrum prefatum .. cancellarium vicesimo septimo die mensis septembris anno domini supradicto apud Cantebr' personaliter inventum peremptorie citavit ad diem lune proximo post festum Sancti Michaelis tunc proximo sequens loco quo supra terminum utique quinque dierum spacium minime continentem.

nota appellacio precessit gravamen pro quo fuit appellatum per quinde-

^d conficticiis. ^e ut assertitur] *interlined*. ^f iuxta litis contestacionem] *interlined*.

nam et plus]^g ut per huiusmodi certificatorium false fabricatum aliquod gravamen per eum suggestum probaret quamquam appellacio dicti .. cancellarii ab huiusmodi nostra citacione ut prefertur interposita primo die dicti mensis septembris gravamen pretensum propter quod extitit ut premittitur appellatum, videlicet citacionem predictam per quindenam et amplius processit prout per processum in dictis causa et curia habitum et exhibita in eisdem cuilibet intuenti liquide poterit apparere, ceterum dicto negocio in eadem curia coram presidente eodem diucius agitato servato iuris ordine omnibusque rite peractis.

dimissio] Quia dictus magister Johannes .. cancellarius [fol. 19v] pars appellans appellacionem suam prefate curie in hac parte suggestam prout debuit non probavit officialis dicte curie nos partem appellatam dimisit per decretum nobisque per suas certi tenoris litteras intimavit quod inhibicione quacumque sub data London' quarto idus septembris anno domini millesimo trecentesimo septuagesimo quarto a prefata curia in ea parte impetrata et discretibus viris magistris Waltero de Felstede, Willelmo Theosle, Wilelmo Rookhawe et Thome Godmeschestr' directa non obstante libere possemus facere et exequi quod^h ad officium nostrum in hac parte noscitur pertinere quarum litterarum tenor sequitur in hunc modum:

Officialis curie Cant' ecclesie Cant' sede vacante discreto viro magistro Nicholao Roos domini Elien' episcopi officiali salutem in auctore salutis. Cum nos in tuitorie appellacionis negocio occasione citacionis ad terminum nimis brevem et peremptorium aliorumque gravaminum in hac parte suggestorum quod in dicta curia vertebatur inter magistrum Johannem Donewych' cancellarium universitatis Cantebr' partem appellantam ex parte una et vos magistrum Nicholaum officialem antedictum partem appellatam ex altera legitime procedentes, dictam partem appellatam eo quod pars appellans predicta appellacionem suam prefate curie in hac parte suggestam prout debuit non probavit ab examinacione dicte curie dimiserimus per decretum iusticia suadente. Vobis dicte curie auctorite tenore presencium intimamus et per vos omnibus et singulis quorum interest in hac parte intimari volumus et mandamus quod inhibicione quacumque sub data London' quarto idus Septembris anno domini millesimo trecentesimo septuagesimo quarto a prefata curia in hac parte impetrata et discretis viris magistris Waltero Felstede Willelmo Theosle Willelmo Rookhawe et Thome Godmeschestre directa non obstante libere poteritis facere et exequi quod ad officium vestrum in hac parte dinoscitur pertinere ceterique predicti facere poterunt libere quod est suum. Data London' septimo idus decembris anno domini supradicto. [fol. 20r]

^g See n. 3. ^h quod] *interlined*.

Cases Beginning in 1375

28. DRAPER

[11 Jan 75 (12.8)] Draper. Mr William Rookhawe, the archdeacon's official, was cited at the instance of John Draper of Cambridge in an appeal from grievances caused by the official.

Draper] Magister Willelmus Rokhawe officialis domini archidiaconi Elien' se pretendens citatus ad dictos diem et locum ad instanciam Johannis Draper de Cantebr' in causa appellacionis a quibusdam gravaminibus per ipsum officialem eidem illatis in ea parte suggestis ad audienciam nostram ut asseritur interiecte, parte appellante per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, parte appellata per Ricardum Pyttes, clericum, procuratorem suum apud acta constitutum [comparentibus], libellato per partem appellantem oretenus petitoque per partem appellatam in scriptis, datur dies in proximo ad libellandum in scriptis. [fol. 20v]

[1 Feb 75 (13.7)] Draper. John by William Killerwick; William by John Hostler, substituted for Richard Pitts, original proctor. The libel of appeal is received in writing. Next to respond.

Draper] Parte appellante ut prius, parte appellata per Johannem Hostiler, substitutum Ricardi Pyttes procuratoris originalis, comparentibus, oblato libello appellatorio per partem appellantem et a parte appellata optento in scriptis, datur dies in proximo ad respondendum. [fol. 20v]

[23 Feb 75 (14.7)] Draper. Parties by original proctors. William contests the suit negatively, saying the claims are untrue and the petitions should not be granted. William proposes a qualification concerning contrary material, which is put in writing and left in the registry.¹ He swears *de malicia*. Next to propose and the first term to produce.

Draper] Parte appellante ut prius, parte appellata per Ricardum Pyttes procuratorem suum, comparentibus, lite per dictum Ricardum procuratorem ad eundem libellum negative contestata dicendo narrata prout narrantur in eodem vera non esse et ideo petita prout petuntur fieri non debere cum quadam adieccione seu iustificacione super materia contraria in scriptis redacta et registro dimissa iurataque per partem proponentem de malicia, datur dies in proximo ad ponendum et primo producendum hincinde. [fol. 21r]

[22 Mar 75 (15.7)] Draper. No witnesses or positions are brought; the term ends. Next to propose and the second term to produce.

Draper] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis cedat terminus. Datur dies in proximo ad ponendum et secundo producendum. [fol. 21v]

[6 Apr 75 (16.6)] Draper. John personally; William by proctor. John declares he does not want to revoke his proctor's power by his own appearance. He brings no positions, but one witness: Thomas de Hartford, chaplain of St Andrew, Cambridge, who is admitted and sworn. William reserves the right to speak against witnesses and testimony and to propose interrogatories, once he has received the articles. Next to propose and the third term to produce.

¹ For this translation, see Introduction.

Draper] Parte appellante personaliter comparente et se nolle per comparicionem suam potestatem sui procuratoris revocare expresse protestante, parte appellata ut prius comparente, nullis posicionibus traditis sed producto^a per appellantem uno teste videlicet domino Thoma de Hertford' capellano parochiali Sancti Andrei Cantebr', quo admisso et in forma iuris iurato, premissa protestacione per partem adversam de dicendo contra dictum testem et eius dicta et de proponendo interrogatoria habitis prius articulis, datur dies in proximo ad ponendum et tercio producendum. [fol. 22r]

[4 May 75 (17.6)] Draper. John by proctor; William by John Hostler, substituted for original proctor. A public document is exhibited by Draper to prove his intention. No other witnesses are produced, but the compulsion of Mr Hugh Candlesby is requested; decreed with faith given. Next to produce compelled.

Draper] Parte appellante per dictum procuratorem suum comparente, parte appellata per Johannem Hostiler, substitutum Ricardi Pyttes procuratoris sui originalis, comparente, exhibito per partem appellantem quodam instrumento publico in subsidium probacionis intencionis sue, nullis aliis testibus productis sed petita compulsione unius testis, videlicet magistri Hugonis de Candelesby, qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsum. [fol. 22v]

[24 May 75 (18.5)] Draper. Parties by original proctors. Mr Hugh Candlesby is produced as if a common witness by both John and William, who produces him concerning his qualification. Next to propose and the second term to produce. John proposes some positions and articles, which are admitted. He asks that William be called to respond personally to the positions; decreed. Next to publish the testimony once William has responded and the examinations are done.

Draper] Parte appellante per dictum procuratorem suum, parte vero appellata per Ricardum Pyttes procuratorem suum, comparentibus, producto per partem appellantem teste compulso, videlicet magistro Hugone de Candelesby, quo eciam per partem appellatam super iustificacione sua tamquam teste communi producto et admisso in forma iuris, datur dies in proximo parti appellate ad ponendum et secundo producendum. Propositis per partem appellantem quibusdam posicionibus et articulis quibus admissis eatenus quatenus sunt pertinentes posiciones et articuli petitoque per partem appellantem quod pars appellata vocetur ad personaliter respondendum dictis posicionibus et decreto quatenus tenetur de iure ad eas respondere. Datusque est dies in proximo ad publicandum attestaciones testium productorum, habita prius responsione et facta examinacione. [fol. 23v]

[22 Jun 75 (19.3)] Draper. No other witnesses are produced by John concerning the qualification; no positions are administered and the term ends. Next to propose and the third term to produce. Because John's witnesses have not yet been examined, *nec per eam stat prout fidem*

^a producto] productis.

fecit, next to publish the testimony and to act on William's personal response to the positions.

Draper] In causa appellacionis mota inter Johannem Draper de Cantebr', partem appellantem ex parte una, et magistrum Willelmum Rookhawe officialem domini archidiaconi Elien' partem appellatam ex altera, partibus ut prius comparentibus, nullis testibus aliis productis per partem appellatam super iustificacione nec posicionibus ministratis, ideo cedat terminus. Datur dies in proximo ad ponendum et tercio producendum et quia testes partis appellantis nondum sunt examinati nec per eam stat prout fidem fecit, ideo datur dies in proximo ad videndum publicacionem et eciam ad plenius faciendum super personali responsione ad posiciones. [fol. 26r]

[12 Jul 75 (20.3)] Draper. John by proctor; William is absent and found contumacious. No other witnesses or positions are brought concerning the correction; the term ends as penalty for contumacy. Since John's witnesses have not yet been examined nec per eam stetit prout fidem fecit, next to publish the testimony and to act on William's personal response to the positions.

Draper] In causa appellacionis mota inter Johannem Drap' de Cantebr' partem appellantem ex parte una, et officialem domini archidiaconi Elien' partem appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo, ideo ipsam reputamus contumacem. Nullis aliis testibus productis per partem appellatam super iustificacione nec posicionibus traditis, ideo in pena contumacie sue cedat terminus. Et quia testes partis appellantis nondum sunt examinati nec per eam stetit prout fidem fecit, ideo datur dies in proximo ad idem, videlicet ad videndum publicacionem attestacionum et eciam super personali responsione partis appellate ad posiciones. [fol. 27v]

[4 Oct 75 (21.3)] Draper. The case is adjourned until the next session to publish the testimony and to act on William's personal response to the positions.

Draper] Partibus ut prius comparentibus, continuamus dictam causam usque proximum consistorium ad idem quod prius. [fol. 32r]

[25 Oct 75 (22.3)] Draper. As 21.3.

Draper] Partibus videlicet appellante ut prius, appellata nullo modo, comparentibus, ideo continuamus usque proximum expectando absentum cum presente ad idem quod prius. [fol. 32r]

[7 Dec 75 (24.11)] Draper. Parties by proctors. With the parties' consent, next to publish and to act on William's personal response to the positions.

Draper] Partibus predictis per dictos procuratores suos comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad videndum publicacionem attestacionum et super personali responsione ad posiciones per partem appellatam. [fol. 33v]

[10 Jan 76 (25.10)] Draper. Peace has been restored.

Draper – pax] In causa appellacionis mota inter Johannem Drap' de Cantebr'

partem appellantem ex parte una et .. officialem domini archidiaconi Elien'
partem appellatam ex altera, pax est inter partes. [fol. 36v]

29. CAMPS

Whether these two entries are related in some way other than that they involve the duties of the dean of Camps depends on whether Richard the parochial chaplain of Hildersham and Richard the vicar of Westley Waterless are the same person. Surnames given elsewhere suggest that they are not. Besides, in the second entry the dean is able to escape any punishment by alleging that he was simply doing what was done in other dioceses, an implausible excuse if he had already served as dean of Camps while he was chaplain of Hildersham. The second entry clearly involves the dispute with the archdeacon, and may rest on the principles that a direct line of authority runs from the official to the dean and that the dean should not be executing the archdeacon's mandates. See Introduction. The first entry involves the first of those two principles, but the archdeacon is involved only if we speculate that the dean refused to execute the mandates of the official because he saw himself as being under the authority of the archdeacon.

[1 Feb 75 (13.10)] Contempt of dean of Camps. Richard chaplain of Hildersham, dean of Camps, was cited before the official for contempt because he failed to execute legal mandates received by him.

Richard is absent and suspended.

4 Feb. 1375 in Ross's residence at Cambridge, Richard personally swears obedience to the bishop, his official, and their commissaries and ministers and promises to carry out all canonical mandates. He is absolved and ordered to walk to the shrine of St Etheldreda before Lent and to offer 10s.

Contemptus decani de Caumpes] Cum nos dominum Ricardum capellanum parochialem de Hildersham, decanum de Caumpes, alias coram nobis citatum super contemptu et inobediencia pro eo quod mandata nostra canonica et licita sibi directa et oblata recipere seu ea exequi non curavit, et non comparentem, ab ingressu ecclesie suspenderimus a divinis, idem dominus Ricardus decanus comparuit coram nobis personaliter in hospicio habitacionis nostre Cantebr' quarto die februarii anno domini millesimo trecentesimo septuagesimo quarto indiccione tercia decima pontificatus domini Gregorii pape undecimi anno quinto, obedienciam canonicam dicto venerabili patri domino episcopo Elien', nobis et aliis ipsius et nostris commissariis et ministris ad sancta Dei evangelia per ipsum tacta prestitit et iuravit. Iuravit insuper de stando^a mandatis ecclesie pro sua contumacia et absolutus est a dicta sententia suspensionis quo ad contemptum; submisit se gracie nostre et iuravit de fideliter et diligenter exequendo mandata nostra canonica et iniunximus sibi pro dicta offensa, contemptu et contumacia huiusmodi quod visitet feretrum Sancte Etheldrede super pedes et offerat ibidem decem solidos citra carni-

^a de stando] *sic*.

vium. [fol. 20v]

[13 Feb 76 (26.28)] Camps. Richard vicar of Westley Waterless church, dean of Camps, was called before the official at the instance of the rectors and vicars of the deanery. He had ordered them, under his official seal, to carry out the execution pending in the books of the archdeacon's official against some of the bishop's subjects. He usurped ordinary jurisdiction for himself and introduced a new custom which is contrary to the custom of the deanery and diocese and prejudicial to the rectors, vicars, and chaplains.

Richard appears personally. Hearing the charges, he says he believed this practice was the custom since he had seen this in other dioceses. He is prohibited from this and swears to discontinue the practice since it is prejudicial toward the bishop's subjects, clergy and laymen.

Caumpes] Cum nos Ricardus Scrop' canonicus Ebor' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, dominum Ricardum vicarium ecclesie parochialis de Westlee, decanum decanatus de Caumpes, fecerimus coram nobis ad iudicium evocari per partem quorundam rectorum et vicariorum dicti decanatus sepius interpellati, super eo quod idem dominus Ricardus decanus litteras suas sub sigillo officii sui per modum mandatorum rectoribus, vicariis et capellanis parochialibus dicti decanatus dirigere consuevit, mandando videlicet eisdem rectoribus, vicariis, et capellanis quod faciant execucionem erga nonnullos dicti venerabilis patris subditos^b in libris .. officialis domini .. archidiaconi Elien' pendentes, iurisdiccione ordinariam sibi usurpando ac novam consuetudinem quinpocius coruptelam introducendo contra modum et consuetudinem in dicto decanatu et diocesi Elien' hactenus observata in dictorum rectorum, vicariorum et capellanorum ac subditorum depressionem, preiudicium et gravamen, dictus dominus Ricardus vicarius, decanus, comparens personaliter coram nobis premissa sibi obiecta fatebatur; asseruit tamen se credere talem fore consuetudinem loci eo quod in aliis diocesibus sic vidit ut asseruit usitatum.

iuramentum] Et quia huiusmodi factum si permetteretur in magnam depressionem et preiudicium cleri et populi dicti patris subditorum cederet in futurum, ideo eidem ne de cetero sic faciat interdiximus facultatem, et quod de cetero taliter non faciet visis et tactis sacrosanctis corporale prestitit iuramentum. [fol. 39v]

^b dicti venerabilis patris subditos] *interlined*.

30. REED (1)

[22 Mar 75 (15.8)] Reed. Edward Clench of Chatteris was cited before the official for 23 March 1375 at the instance of Edmund Reed of Chatteris in a defamation case.

Edmund appears by Peter Caprik, proctor *apud acta*; Edward by William Killerwick, proc-

tor *apud acta*. An oral libel is given and requested written. Next to receive it in writing.

Rede] Ed[ward]us^a Clench de Chateris citatus [est] coram nobis officiali Elien' ad diem veneris proximo post festum Sancti Benedicti ad instanciam Edmundi Rede de eadem in causa diffamacionis. Parte actrice per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, parte rea per Willelmum Killerwyk', clericum, procuratorem suum eciam apud acta constitutum [comparentibus], libellato per partem actricem oretenus petitoque in scriptis per partem ream, datur dies in proximo ad recipiendum in scriptis. [fol. 21v]

[6 Apr 75 (16.7)] Reed. Edmund by Roger Sterling, substituted for original proctor; Edward by proctor. The written libel is received. Next to respond.

Rede] Parte actrice per Rogerum Sterling', clericum substitutum Petri Caprik' procuratoris originalis, parte rea ut prius, comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo parti ree ad respondendum. [fol. 22r]

[4 May 75 (17.7)] Reed. Parties by proctors. Edward contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Next both to swear *de calumpnia* and the actor to propose and the first term to produce.

Rede] Parte actrice per Petrum Caprik', clericum, procuratorem suum, parte vero rea per Willelmum Killerwyk', clericum, procuratorem suum, comparentibus, lite per dictum procuratorem negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, datur dies in proximo utrique parti ad iurandum de calumpnia et parti actrici ad ponendum et primo producendum. [fol. 22v]

[24 May 75 (18.6)] Reed. Peace has been restored. Edward is to be called *ex officio*.

Rede – pax] In causa diffamacionis mota inter Edmundum Rede de Chateris partem actricem ex parte una et Ed[wardu]m Clench' de eadem partem ream ex altera, partibus ut prius comparentibus, pace inter partes reformata vocetur pars rea ex officio. [fol. 23v]

^a Ed[ward]us] *for the use of this form see* Introduction.

31. WARLOCK

[22 Mar 75 (15.9)] Warlock. Thomas Marshall of Cottenham was cited for 23 March 1375 at the instance of William Warlock of Cottenham, executor of the testament of William Warlock, his father, in a testamentary case.

Neither appears. They are expected next with hope for peace.

Warlok'] Thomas Marschal de Cotonham citatus ad instanciam Willelmi Warlok' de eadem, executoris testamenti Willelmi Warlok' patris sui defuncti,

in causa testamentaria ad dictum diem veneris post festum Sancti Benedicti, neutra pars comparet, ideo expectamus utramque partem usque proximum sub spe pacis. [fol. 21v]

[6 Apr 75 (16.8)] Warlock. Peace has been restored as certified to the official.

Warlok' – pax] Pax est reformata inter partes prout est nobis certificatum. [fol. 22r]

32. SMYTH (1)

[22 Mar 75 (15.10)] Smyth. Matilda Swetyng was cited *ex officio* before the official for 23 March 1375 at the promotion of John Smyth in a defamation case. John claims she accused him of adultery.

John appears personally; although expected and summoned, Matilda is absent. She is found contumacious and suspended from entering church.

Smyth'] Matildis Swetyng' de Croxton' citata [est] coram nobis officiali Elien' et commissario domini episcopi Elien' ex officio nostro ad promociōnem Johannis Smyth de eadem super eo quod diffamavit ipsum Johannem imponendo sibi crimen adulterii. Parte promovente personaliter comparente coram nobis dicto die veneris, parte dicte Matilde nullo modo, ideo ipsam Matildem preconizatam, diucius expectatam, nullo modo comparentem, reputamus contumacem et in penam contumacie ipsam ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 21v]

[6 Apr 75 (16.9)] Smyth. The chaplain of Croxton orally certified the court that he had announced Matilda's suspension, as ordered. She has left the diocese for parts unknown.

Smyth'] Parte promovente personaliter comparente, parte dicte Matilde Swetyng' denunciata suspensa ab ingressu ecclesie per capellanum parochialem de Croxton ad mandatum [non comparuit]. Prout idem capellanus nos oretenus certificavit, dicta Matildis recessit extra diocesim nescitur ubi. [fol. 22r]

33. SHEPHERD/WRIGHT

This defamation case is longer than most and is quite unusual in having both a definitive sentence and a taxation of costs against the unsuccessful plaintiff. It also involves an appeal from the official of the archdeacon as well as an instance case brought in the consistory. Whether the reluctance of the chaplain of Croxton to cite John Wright in both the instance and the appeal case is connected with the dispute with the archdeacon or simply with the fact that the chaplain favoured Wright is hard to tell. His plea of ignorance in entry 18.11 may be specious. What must be the same man¹ seemed to have no difficulty with the proper form in *Smyth(1)*, though the fact that he made his report orally in that case may indicate that he did not know

¹ Entry 21.4 tells us that his name was John Bluntisham.

how to write it out.

[22 Mar 75 (15.11)] Croxton Contempt. The chaplain of Croxton has failed to cite John Wright of Croxton, at the instance of Thomas Shepherd of Croxton, in a case of defamation, and to certify this in writing as ordered by the official. The chaplain will be called for 7 April 1375 for contempt and disobedience. John Wright will be cited to respond to Thomas.

Croxton' contemptus] Cum nos ad citandum Johannem Wrighte de Croxton' ad instanciam Thome Shepherde de eadem in causa diffamacionis et ad certificandum die et loco supradictis capellano parochiali de Croxton' nos officialis Elien' alias dederimus in mandatis, predictus tamen capellanus dictum Johannem citare seu saltem certificare non curavit, ideo decernimus eum fore vocandum ad diem sabbati proximo post festum Sancti Ambrosii proximo futurum loco quo supra super contemptu et inobediencia. Et decernimus dictum Johannem fore vocandum ad dictos diem et locum prefato Thome in dicta causa responsurum. [fol. 21v]

[6 Apr 75 (16.10)] Shepherd. John Wright of Croxton was cited before Nicholas Ross for 7 April 1375 at the instance of Thomas Shepherd in a defamation case.

Thomas appears by Mr William de Sunday, proctor *apud acta*; John personally. An oral libel is given and requested written. Next to receive it in writing.

Schepherde] Johannes Wrighte de Croxton' citatus coram nobis .. officiali Elien' ad diem sabbati proximo post festum Sancti Ambrosii loco quo supra ad instanciam Thome Schepherde de eadem in causa diffamacionis, parte actrice per magistrum Willelmum de Sondeye, clericum, procuratorem suum apud acta constitutum, parte rea personaliter [comparentibus], libellato ore-tenus per partem actricem et petito in scriptis per partem ream, datur dies in proximo ad recipiendum in scriptis. [fol. 22r]

[4 May 75 (17.8)] Scheperde. The written libel is received. Next to respond.

Schepherde] Partibus ut prius comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum. [fol. 22v]

[4 May 75 (17.12)] Wright. Thomas Schepherde of Croxton was cited at the instance of John Wright of Croxton in an appeal from citation to a brief and final term, uncertain articles, and other grievances caused by the archdeacon's official at Thomas' instigation.

John appears personally; Thomas is absent. Since the chaplain of Croxton did not certify Thomas' citation as ordered, both parties are expected next. The chaplain will be called for contempt.

Wrighte] Thomas Schepherde de Croxton' citatus [est] ad instanciam Johannis Wrighte de eadem in causa appellacionis ad audienciam nostram interiecte a quadam peremptoria citacione ad terminum nimis brevem et peremptorium ac super incertis articulis aliisque legitimis gravaminibus in ea parte suggestis per .. officialem domini archidiaconi Elien' eidem Johanni illatis et

factis ad procuracionem et instanciam dicti Thome subdolas et iniustas. Parte appellante personaliter comparente, parte appellata nullo modo, et quia capellanus parochialis de Croxton' cui mandatum fuit ad citandum et certificandum non certificavit, ideo expectamus absentem cum presente ad proximum ad idem et decernimus dictum capellanum fore vocandum ad proximum super contemptu. [fol. 23r]

[24 May 75 (18.7)] Schepherde. Peter Caprik, John's proctor, contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Next to swear *de calumpnia*, to propose, and the first term to produce.

Schepherde] Partibus ut prius comparentibus, lite per Petrum Caprik' procuratorem suum negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, datur dies in proximo ad iurandum de calumpnia, ponendum et primo producendum. [fol. 23v]

[24 May 75 (18.11)] Croxton. The chaplain of Croxton was cited for contempt because he had not certified the court's inhibition sought by John Wright of Croxton and sent to the chaplain.

Chaplain appears personally. He claims he did not know he was obliged to certify, nor did he neglect certification from contempt but from ignorance. He submits himself to the court's grace and swears to execute canonical mandates faithfully. Dismissed *sub gestura sua*.²

Croxton'] Capellanus parochialis de Croxton' citatus super contemptu eo quod non certificavit de inhibitione nostra per Johannem Wrighte de Croxton' impetrata et sibi directa comparet personaliter; allegat ad sui excusacionem quod nescivit certificare nec intellexit quod ad hoc fuit oneratus quodque non omisit certificare ex contemptu sed ex simplicitate. Unde submitit se gracie nostre, unde ipso iurato de cetero fideliter ad exequendum mandata nostra licita et canonica, ipsum dimittimus sub gestura sua. [fol. 24r]

[24 May 75 (18.12)] Wright. Neither appears. The case is pending until there is a new citation. Wrighte] Neutra parte comparente et ideo pendeat sub nova citacione. [fol. 24r]

[22 Jun 75 (19.4)] Schepherde. No positions or proofs are brought. Next to swear *de calumpnia*, to propose, and the second term to produce.

Schepherde] In causa diffamacionis Thome Schepherde de Croxton' parte actrice ex parte una mota contra Johannem Wrighte de eadem partem ream ex altera, partibus ut prius comparentibus, nullis posicionibus traditis nec probacionibus ministratis, datur dies in proximo ad ponendum et secundo producendum et ad iurandum de calumpnia. [fol. 26r]

[12 Jul 75 (20.4)] Schepherde. Parties by proctors. No positions or proofs are brought. Next to

² The phrase is probably shorthand for *sub bona gestura sua*, i.e., 'on condition of his good behaviour'. See Introduction.

swear *de calumpnia*, to propose, and the third term to produce.

Schepherde] In causa diffamacionis mota inter Thomam Schepherde de Croxton' parte actrice ex parte una et Johannem Wrighte de eadem partem ream ex altera, partibus per dictos procuratores suos comparentibus, nullis posicionibus traditis nec probacionibus ministratis, datur dies in proximo ad ponendum et tercio producendum et iurandum de calumpnia. [fol. 27v]

[4 Oct 75 (21.4)] Shepherd. Thomas produces two witnesses: John Bluntisham, chaplain of Croxton, and John Cottel of Croxton, who are admitted and sworn. John reserves the right to speak against witnesses and testimony. Next to publish.

Schepherde] Partibus per dictos procuratores suos comparentibus, productis per partem actricem duobus testibus, videlicet domino Johanne Bluntesham capellano parochiali de Croxton' et Johanne Cotele de eadem, quibus admisis in forma iuris et iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt et non alias, datur dies in proximo ad publicandum. [fol. 32r]

[25 Oct 75 (22.4)] Shepherd. With the parties' consent, the testimony is published; a copy is ordered for them. Next to speak against witnesses and testimony.

Schepherde] Partibus per dictos procuratores suos comparentibus, de quarum consensu publicatis attestacionibus decretaque copia partibus, datur dies in proximo partibus predictis ad dicendum contra testes et eorum dicta. [fol. 32r]

[7 Dec 75 (24.12)] Shepherd. Nothing is proposed against the witnesses and testimony. Next to propose everything concerning the matter.

Schepherde] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum contra testes seu eorum dicta, datur dies in proximo ad proponendum omnia in facto seu iure consistencia. [fol. 33v]

[10 Jan 76 (25.11)] Shepherd. Nothing is proposed; the case is concluded. Next to hear the definitive sentence.

Schepherde] In causa diffamacionis Thome Schepherde de Croxton' partis actricis^a ex parte una mota contra Johannem Wrighte de eadem partem ream ex altera, partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum sed in dicta causa concluso, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 36v]

[13 Feb 76 (26.8)] Shepherd. Next to hear the definitive sentence.

Schepherde] In causa diffamacionis mota inter Thomam Schepherde de Croxton' partem actricem ex parte una et Johannem Wrighte de eadem partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad

^a Thome Schepherde de Croxton' partis actricis] Thome Scheph'de de Croxton' partem actric'.

idem, videlicet ad audiendum sentenciam. [fol. 38r]

[28 Feb 76 (27.9)] Shepherd. With the parties' consent, next to hear the definitive sentence.

Schepherde] In causa diffamacionis mota inter Thomam Schepherde de Croxton' partem actricem ex parte una et Johannem Wrighte de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 40r]

[20 Mar 76 (28.8)] Shepherd. Next to hear the definitive sentence.

Schepherde] In causa diffamacionis mota inter Thomam Schepherde de Croxton' partem actricem ex parte una et Johannem Wrighte de eadem partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet, ad audiendum sentenciam in dicta causa diffinitivam. [fol. 43r]

[3 Apr 76 (29.4)] Shepherd. Since this day was assigned to hear the definitive sentence, the entire process has been investigated, and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Thomas has not proved his intention, he is condemned to pay to the defendant his lawful costs, their estimation reserved for the official. John is absolved and dismissed from the suit.

Thomas' proctor appeals *ab iniqua*.

Schepherde]. In causa diffamacionis mota inter Thomam Schepherde de Croxton' partem actricem ex parte una et Johannem Wrighte de eadem partem ream ex altera, partibus predictis coram nobis .. officiali Elien' comparentibus sicut prius, cum constiterit nobis istos diem et locum paribus predictis ad audiendum sentenciam in dicta causa diffinitivam legitime fuisse prefixos, rimato per nos et investigato toto processu in dicta causa habito, auditisque et intellectis meritis eiusdem cause, habitaque deliberacione sufficienti super dicto processu, de consilio iuris peritorum nobis assidencium, invocata Spiritus Sancti gracia, ad sentenciam diffinitivam in dicta causa ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos .. officalis antedictus invenimus predictam partem actricem intencionem suam in nullo probasse, sed in probacione eiusdem totaliter defecisse, ipsam partem ream ab instancia eiusdem partis actricis senetencialiter et diffinitive absolvimus et dimittimus in hiis scriptis, ipsamque partem actricem in expensis legitimis per ipsam partem ream hac occasione factis eidem parti ree solvendis condempnamus, taxacionem eorum nobis specialiter reservantes. A qua sententia tanquam ab iniqua, Willelmus Killerwyk' procuratorem partis actricis appellavit. [fol. 44v]

[3 Jul 76 (33.21)] Wright. Thomas Shepherd of Croxton was cited before John Newton, commissary of official, for 4 July 1376 in St Michael's at the instance of John Wright of Croxton

to hear the estimation of costs of the defamation case.

Parties appear personally. John swears that the costs came to 14s. The court estimates them to be 13s 3d and warns Thomas to pay or make competent satisfaction for the sum within two months under penalty of major excommunication.

Wrighte] Thomas Shepherde de Croxton' citatus coram nobis Johanne de Neuton' clerico, reverendi viri domini .. officialis Elien' commissario ad infrascripta specialiter deputato, ad diem veneris proximo post festum apostolorum Petri et Pauli in ecclesia Sancti Michaelis Cant' ad instanciam Johannis Wrighte de eadem, taxacionem expensarum in quadam causa diffamacionis coram dicto domino .. officiali Elien' in consistorio Elien' mota inter dictum Thomam partem actricem ex parte una et prefatum Johannem Wrighte partem ream ex altera appositarum visurus et auditurus, partibus predictis coram nobis personaliter comparentibus, prestito primitus per partem dicti Johannis iuramento de expensis per eundem in dicta causa factis, videlicet quod ad quatuordecim solidis se extendunt, dictas expensas per dictum Johannem in dicta causa factas ad tredecim solidos et tres denarios provida moderacione taxamus et monemus dictum Thomam quod solvat eidem Johanni summam taxatam infra duos menses proximo futuros sub pena excommunicacionis maioris vel alias comptenter satisfaciat pro eadem. [fol. 51r]

34. HINTON

[6 Apr 75 (16.11)] Hinton. William Fool, vicar of Cherry Hinton, was cited *ex officio* before the official for 12 April 1375 at the promotion of William Netherstreet, chaplain of Fulbourn,¹ Roger in le Herne, Thomas Gillet, Richard King, Thomas Beveridge, Robert Godfrey, Hugh Marling, John Collin, John Dill, William Swettok, and John Rolf, parishioners of Fulbourn. The vicar had excommunicated everyone [including, almost certainly, the promoters] who had charged William Nase of Fulbourn and his wife Alice with enriching themselves and building their houses from the goods of John Thresh, who used to reside at Fulbourn. The excommunication had been ordered without warning or reasonable cause, against a public counter-claim, without requisite legal process, and contrary to the general council.² Thus the vicar incurred irregularity, and although suspended from divine service because of the irregularity, he has performed services.

Promoting party appears personally; William by Peter Caprik, proctor *apud acta*. An oral article is given and requested written. Next to receive it in writing.

Hynton'] Dominus Willelmus Fool, vicarius ecclesie parochialis de Hynton' Elien' diocesis, citatus [est] coram nobis officiali Elien' et commissario venerabilis patris domini episcopi Elien' ad diem iovis proximo post dominicam

¹ Netherstreet is also the defendant-appellant in *Netherstreet (1)* and the defendant in *Netherstreet (2)*. These cases may all be related, but the relationship is not clear enough to combine them. See Donahue, *Law, Marriage,*

and Society, 292–3 and T&C 518–19.
² The reference is almost certainly to the canon *Sacro approbante concilio* of the Fourth Lateran Council. See Citations to Canon Law, *Sacro*.

in passione Domini nostri ex officio dicti venerabilis patris et nostro ad promocionem domini Willelmi Netherstrete de Fulbourn' capellani, Rogeri in le Hirne, Thome Gilote, Ricardi Kyng', Thome Beveregh, Roberti Godefrey, Hugonis Merlyng', Johannis Colyon, Johannis Dilly, Willelmi Swettok' et Johannis Rolf' parochianorum de Fulbourn predicto et ipsorum cuiuslibet super eo quod idem vicarius omnes et singulos qui imposuerunt Willelmo Nase de Fulbourn' et Alicie uxori sue quod ipsi Willelmus et Alicia ditati fuerant de bonis Johannis Thressche nuper commorantis in Fulbourn' et de eisdem bonis domos suas edificarunt, nulla premissa monicione generali vel speciali absque causa rationabili quacumque, eciam post et contra reclamacionem in ea parte publice factam, iuris ordine et processu legitimo in ea parte requisito penitus pretermisissis ac contra formam concilii generalis, sua propria temeritate, in generale excommunicavit, sentenciam suspensionis ab ingressu ecclesie a canone latam, nequiter incidendo, sicque suspensus a canone inmiscuit se divinis, notam irregularitatis procul dubio incurrando. Predicto domino Willelmo vicaro per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, parte vero parochianorum de Fulbourn' promovencium personaliter, comparentibus, articulo oretenus petitoque per partem vicarii in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 22r]

[4 May 75 (17.9)] Hinton. Promoting party by William Killerwick, proctor *apud acta*; William by proctor. The written article is received. Next to respond.

Hynton'] Parte promovente per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, parte vicarii ut prius, comparentibus, oblato articulo in scriptis et optento per partem dicti vicarii, datur dies in proximo ad respondendum eidem. [fol. 22v]

[24 May 75 (18.8)] Hinton. Because the judge is absent and both commissaries have counseled the promoting party, next to respond to the article with the parties' consent.

Hynton'] Partibus ut prius comparentibus, de quarum consensu expresso datur dies in proximo ad idem, videlicet ad respondendum dicto articulo, propter absenciam iudicis quia uterque commissarius est de consilio partis promoventis. [fol. 23v]

[22 Jun 75 (19.5)] Hinton. William Fool by Richard Pitts, substituted for original proctor; his original proctor appears while the court is still in session. William contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Hynton'] In causa seu negocio iniuste excommunicacionis et denunciacionis coram nobis moto inter dominum Willelmum Netherstrete de Fulbourn' et socios suos de Fulbourn superius nominatos partem actricem seu promoventem^a ex parte una et dominum Willelmum Fool vicarium ecclesie de Hynton'

^a seu promoventum] *interlined*.

partem ream ex altera, parte actrice seu promovente ut prius, parte rea per Ricardum Pyttes, substitutum Petri Caprik' procuratoris originalis, comparentibus, sed postmodum dominus Petrus, procurator originalis, comparens personaliter iudice adhuc pro tribunali sedente litem contestabatur ad dictum articulum negative, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et^b primo producendum. [fol. 26r]

[12 Jul 75 (20.5)] Hinton. The chaplain and parishioners produces three witnesses: John Reynold, Robert Wright, and Geoffrey Norton of Cherry Hinton, who are admitted and sworn. The vicar reserves the right to speak against witnesses and testimony and wants to propose interrogatories.³ Next to propose and the second term to produce.

Hynton'] In causa seu negocio iniuste excommunicacionis et denunciacionis coram nobis moto inter dominum Willelmum Netherstrete de Fulbourn' capellanum et socios suos de eadem superius nominatos partem actricem seu promoventem ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton' ex parte altera, partibus ut prius comparentibus, productis per partem promoventem seu actricem tribus testibus, videlicet Johanne Reynold' de Hynton', Roberto Wrighte et Galfrido Norton' de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt et non alias protestatoque per partem dicti vicarii quod vult ministrare interrogatoria, datur dies in proximo ad ponendum et secundo producendum. [fol. 27v]

[4 Oct 75 (21.5)] Hinton. Next to propose and the second term to produce.

Hynton'] Partibus ut prius comparentibus, datur dies in proximo ad idem quod prius. [fol. 32r]

[25 Oct 75 (22.5)] Hinton. By default of the judge, next to propose and the second term to produce.

Hynton'] In proximo ad idem quod prius quia non habetur iudex. [fol. 32r]

[7 Dec 75 (24.13)] Hinton. Parties by proctors. No witnesses or positions are brought. Next to propose and the third term to produce.

Hynton'] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 33v]

^b et] followed by sec' expunged and crossed out.

³ The slight awkwardness of the phrasing here (the *pars adversa* reserves the right to speak against the witness, whereas the *pars dicti vicarii* protests that he wants to administer *interrogatoria*; they are in fact both the same party) suggests that former protestation was totally standard whereas the latter was more unusual.

[10 Jan 76 (25.12)] Hinton. No other witnesses are produced. The promoting party requests the compulsion of five witnesses: Henry Charity of Hinton, William Thriplow, Ed[war]d Webstere, Adam Shelford, and John Campion of Hinton; decreed with faith given. Next to produce them.

Hynton'] In causa seu negocio iniuste excommunicacionis et denunciacionis coram nobis moto inter dominum Willelmum Netherstrete de Fulbourn' capellanum, Rogerium le Hirne, Thomam Gilote, Ricardum Kyng', Thomam Beveregh', Robertum Godefrey, Hugonem Merlyng', Johannem Colyon, Johannem Dilly, Willelmum Swettok' et Johannem Rolf', parochianos de Fulbourn', partes promoventes officium nostrum ex parte una et dominum Willelmum Fool vicarium ecclesie de Hynton' ex parte altera, partibus ut prius comparentibus, nullis aliis testibus sed petita compulsione per partem promoventem quinque testium, videlicet Henrici Charite de Hynton', Willelmi Trippelowe, Ed[ward]i Webstere, Ade Schelford' et Johannis Campion' de eadem, qua decreta facta fide que requiretur, datur dies in proximo ad producendum compulsos. [fol. 36v]

[13 Feb 76 (26.9)] Hinton. Three compelled witnesses are produced: William Thriplow, Adam Shelford, and John Campion, who are admitted and sworn. Fool reserves the right to speak against witnesses and testimony and to propose interrogatories; the articles are ordered for Fool, from which he can make interrogatories. Cited, and compelled witness Henry Charite is absent and found contumacious. Next for parishioners to produce Henry and Ed[war]d Webster who was not cited.

Hynton'] In causa seu negocio iniuste excommunicacionis et denunciacionis coram nobis moto inter dominum Willelmum Netherstrete de Fulbourn', capellanum, Rogerium in le Hirne, Thomam Gilote, Ricardum Kyng', Thomam Beveregh', Robertum Godefrey, Hugonem Merlyng', Johannem Colyon, Johannem Dilly, Willelmum Swettok' et Johannem Rolf', parochianos de Fulbourn', partes promoventes officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton', ex parte altera, partibus ut prius comparentibus, productis per partes promoventes tribus testibus compulsis videlicet Willelmo Trippelwe, Adam Schelford' et Johanne Campion', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta et de proponendo interrogatoria, decrevimus articulos eidem fore ministrandos ex quibus elici debent interrogatoria, Henricum Charite quartum testem compulsu[m] citatu[m] iuxta compulsionem huius non comparentem reputamus contumacem et datur dies in proximo partibus promoventibus ad producendum dictu[m] Henricum et aliu[m] quintu[m] testem compellendu[m] qui nondum fuerat citatus videlicet Ed[wardu]m Webstere. [fol. 38r]

[28 Feb 76 (27.10)] Hinton. Although the compelled witnesses were cited, Henry Charite is absent. He is found contumacious and suspended. Ed[war]d Webster is produced by the promoters, who is admitted and sworn. William Fool reserves the right to speak against witnesses

and testimony. The positions and articles to be used to examine the witnesses are exhibited by the promoters; a copy is ordered for William, from which he can make interrogatories. The promoters request that William respond personally to the positions since he knows the truth best and is *legalior persona*; decreed with faith given. 7 March to produce Henry and to publish testimony. William should bring the interrogatories within eight days.

7 March. Henry is produced, absolved, and admitted; the vicar reserves the right to speak against him.

Hynton'] In causa seu negocio iniuste excommunicacionis seu denunciacionis moto coram nobis inter dominum Willelmum Netherstrete de Fulbourn', capellanum, et socios suos parochianos de Fulbourn' partes promoventes officium nostrum ex parte una et dominum Willelmum vicarium ecclesie parochialis de Hynton' partem ream ex altera, partibus ut prius comparentibus, citatis dictis Henrico et Ed[war]do, dictus Henricus non comparet, ideo ipsum reputamus contumacem et in pena contumacie ipsum suspendimus ab ingressu ecclesie in hiis scriptis. Productoque per partem promoventem dicto Ed[ward]o Webstere quo admissio et in forma iuris iurato premissa protestacione per partem adversam de dicendo contra ipsum et ipsius dicta, exhibitis per partem promoventem quibusdam posicionibus et articulis iuxta quos testes sunt examinandi, quarum copia parti adverse decreta ut concipiat interrogatoria petitoque per partem promoventem quod dictus vicarius citetur ad personaliter respondendum posicionibus quatenus sunt posiciones et decreto [fol. 40r] facta primitus fide quod est legalior persona et melius novit veritatem, datus est dies veneris proximo ante festum Sancti Gregorii ad producendum dictum Henricum iterum compellendum et in proximo consistorio ad publicandum et publicari videndum attestaciones dictorum testium et offerat pars vicarii interrogatoria infra octo dies.

Quo die veneris adveniente producto dicto Henrico compulso quo absolute et postea admissio, premissa protestacione per partem adversam de dicendo in testes et eorum dicta. [fol. 40v]

[20 Mar 76 (28.9)] Hinton. With the parties' consent, next to publish testimony.

Hynton'] In causa seu negocio iniuste excommunicacionis seu denunciacionis moto inter dominum Willelmum Netherstrete de Fulbourn', capellanum, et socios suos parochianos de Fulbourn' partes promoventes officium nostrum ex parte una et dominum Willelmum vicarium ecclesie parochialis de Hynton' ex altera, partibus predictis ut prius comparentibus, de quorum consensu datur dies in proximo ad idem, videlicet ad publicandum et publicari videndum attestaciones. [fol. 43r]

[3 Apr 76 (29.9)] Hinton. The testimony is published with the parties' consent. The vicar, cited to appear personally to respond to positions taken from the libel, appears by proctor. Pledging his faith, the proctor claims that the vicar is too ill to travel. He is expected next to respond personally if able to travel; otherwise, his proctor should be sufficiently instructed. And next

to speak against witnesses and testimony.

Hynton'] In causa seu negocio iniuste excommunicacionis sive denunciacionis moto inter dominum Willelmum Netherstrete de Fulbourn', capellanium, et socios suos parochianos de Fulbourn' partes promoventes officium nostrum ex parte una et dominum Willelmum vicarium ecclesie de Hynton' ex altera, partibus ut prius comparentibus, de quorum consensu publicatis attestacionibus decretaque copia partibus supradictis, datur dies in proximo partibus predictis ad dicendum contra testes et eorum dicta. Dictus vicarius, citatus ad istos diem et locum ad personaliter respondendum quibusdam positionibus per partes promoventes ministratis, ex libello elicitis et extractis, non comparet personaliter sed procurator suus allegat quod est detentus infirmitate quominus poterit personaliter laborare, super quo facta fide expectamus eum usque proximum ad idem si tunc poterit laborare, alioquin per procuratorem suum sufficienter instructum. [fol. 45r]

[24 Apr 76 (30.7)] Hinton. Peace has been restored between William Netherstreet, Roger in le Herne, Richard King, Thomas Beveridge, William Suettok, and John Rolf on one side and William Fool on the other. Thomas Gillet, Robert Godfrey, Hugo Marling, John Collin, and John Dill by proctor; William by proctor. Nothing is proposed by either. Next to propose everything concerning the matter.

Hynton'] In causa seu negocio iniuste excommunicacionis sive denunciacionis moto inter dominum Willelmum Netherstrete de Fulbourn', capellanium, Rogerum in le Hirne, Thomam Gilote, Ricardum Kyng', Thomam Bev'egh', Robertum Godefrey, Hugonem Merlyng', Johannem Colyon, Johannem Dilly, Willelmum Suettok' et Johannem Rolf' parochianos de Fulbourn' partes promoventes officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie parochialis de Hynton', ex altera, pace inter dominum Willelmum, Rogerum in le Hirne, Ricardum Kyng', Thomam Bev'egh', Willelmum Suettok' et Johannem Rolf' supradictos ex parte una et dictum vicarium ex altera reformata, partibus aliis ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 46r]

[16 May 76 (31.10)] Hinton. Nothing is proposed; the case is concluded. The parishioners' proctor does not consent to the conclusion. Next to hear the definitive sentence.

Hynton'] In causa seu negocio iniuste excommunicacionis sive denunciacionis moto inter Thomam Gylote de Fulbourn', Robertum Godefrey, Hugonem Merlyng, Johannem Colyon et Johannem Dilly parochianos de Fulbourn' partes promoventes officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton', ex altera, partibus ut prius comparentibus, nichil dicto seu proposito sed in dicta causa concluso, datus est dies in proximo ad audiendum sentenciam et Willelmus Kill', procurator parochia-

norum, protestatur quod non consentit conclusioni. [fol. 47r]

[13 Jun 76 (32.10)] Hinton. Peace has been restored with everyone except Robert Godefrey and the vicar. Parties by proctors. Next to hear the definitive sentence.

Hynton'] In causa seu negocio iniuste excommunicacionis sive denunciacionis moto inter Thomam Gilote de Fulbourn', Robertum Godefrey, Hugonem Merling, Johannem Colyon et Johannem Dilly parochianos de Fulbourn' partes promoventes officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton', ex altera, pace inter omnes parochianos excepto^b Roberto Godefrey et vicarium reformata, quatenus eorum interesse concernit, dictus Robertus comparuit per Willelmum Killerwyk', procuratorem suum, dictus vicarius ut prius, datus est dies in proximo partibus predictis videlicet Roberto et vicario ad idem, videlicet ad audiendum sententiam in dicta cause diffinitivam. [fol. 49v]

[3 Jul 76 (33.9)] Hinton. Next to hear the definitive sentence.

Hynton'] In causa seu negocio iniuste excommunicacionis moto inter Robertum Godefrey de Fulbourn' partem promoventem officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton', ex altera, partibus per dictos procuratores suos comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam. [fol. 50r]

[24 Jul 76 (34.8)] Hinton. As 33.9.

Hynton'] In causa seu negocio iniuste excommunicacionis moto inter Robertum Godefrey de Fulbourn' partem promoventem officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton', ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 52r]

[25 Sep 76 (35.8)] Hinton. Next to hear the definitive sentence with adjournment of the following days.

Hynton'] In causa seu negocio iniuste excommunicacionis moto inter Robertum Godefrey de Fulbourn' partem promoventem officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton', ex altera, partibus ut prius comparentibus, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 54v]

[16 Oct 76 (36.6)] Hinton. As 35.8.

Hynton'] In causa seu negocio iniuste excommunicacionis moto inter Robertum Godefrey de Fulbourn' partem promoventem officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton', ex altera,

^b excepto Roberto] *hole in ms. written around.*

partibus ut prius comparentibus, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 55Av]

[13 Nov 76 (37.6)] Hinton. Parties agree to hear the definitive sentence next with adjournment of the following days.

Hynton'] In causa seu negocio iniuste excommunicacionis moto inter Robertum Godefrey de Fulbourn' partem promoventem officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton', ex altera, partibus ut prius comparentibus, de quorum consensu datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 56Bv]

[4 Dec 76 (38.8)] Hinton. Next to hear the definitive sentence.

Hynton'] In causa seu negocio iniuste excommunicacionis moto inter Robertum Godefrey de Fulbourn' partem promoventem officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie parochialis de Hynton', ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 58v]

[8 Jan 77 (39.12)] Hinton. Next to hear the definitive sentence with adjournment of the following days.

Hynton'] In causa seu negocio iniuste excommunicacionis moto inter Robertum Godefrey de Fulbourn' partem promoventem officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie parochialis de Hynton', ex altera, partibus ut prius comparentibus, datur dies in proximo cum continuacione et prorogacione dierum subsequencium ad idem quod prius, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 61r]

[5 Feb 77 (40.16)] Hinton. As 39.12.

Hynton'] In causa seu negocio iniuste excommunicacionis moto inter Robertum Godefrey de Fulbourn' Elien' diocesis partem promoventem officium nostrum ex parte una et dominum Willelmum Fool, perpetuum vicarium ecclesie parochialis de Hynton', ex altera, partibus ut prius comparentibus, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 63v]

[26 Feb 77 (41.17)] Hinton. Next to hear the definitive sentence.

Hynton'] In causa seu negocio iniuste excommunicacionis moto inter Robertum Godefrey de Fulbourn' Elien' diocesis partem promoventem officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton', ex altera, partibus ut prius comparentibus, datur dies in proximo

ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 65r]

[19 Mar 77 (42.17)] Hinton. As 41.17.

Hynton'] In causa seu negocio iniuste excommunicacionis moto inter Robertum Godefrey de Fulbourn' partem promoventem officium nostrum ex parte una et dominum Willelmum Fool, vicarium ecclesie de Hynton', ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam diffinitivam. [fol. 66v]

[10 Apr 77 (43.16)] Hinton. As 41.17.

Hynton'] In causa seu negocio iniuste excommunicacionis moto contra dominum Willelmum Fool, vicarium ecclesie de Hynton', ex officio nostro ad promocionem Roberti Godefrey de Fulbourn', partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 68v]

[30 Apr 77 (44.17)] Hinton. With the parties' consent, next to hear the definitive sentence.

Hynton'] In causa seu negocio iniuste excommunicacionis moto contra dominum Willelmum Fool, vicarium ecclesie de Hynton' Elien' diocesis, ex officio nostro ad promocionem Roberti Godefrey de Fulbourn', partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod pridem videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 70r]

[29 May 77 (45.18)] Hinton. Next to hear the definitive sentence.

Hynton'] In causa seu negocio iniuste excommunicacionis moto contra dominum Willelmum Fool, vicarium ecclesie de Hynton', ex officio promoti per Robertum Godefrey de Fulbourn', partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam diffinitivam. [fol. 73r]

[18 Jun 77 (46.16)] Hinton. As 45.18.

Hynton'] In causa seu negocio iniuste excommunicacionis moto contra dominum Willelmum Fool, vicarium ecclesie de Hynton', ex officio nostro ad promocionem Roberti Godefrey de Fulbourn', partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam diffinitivam. [fol. 75r]

[9 Jul 77 (47.15)] Hinton. As 45.18.

Hynton'] In causa seu negocio iniuste excommunicacionis moto contra dominum Willelmum Fool, vicarium ecclesie de Hynton', ex officio nostro ad promocionem Roberti Godefrey de Fulbourn', partibus ut prius comparenti-

bus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 76r]

[30 Jul 77 (48.12)] Hinton. As 45.18.

Hynton'] In causa seu negocio iniuste excommunicacionis moto contra dominum Willelmum Fool, vicarium ecclesie de Hynton', ex officio nostro ad promocionem Roberti Godefrey de Fulbourn', partibus ut prius comparentibus, datur dies in proximo ad idem. [fol. 78v]

[1 Oct 77 (49.12)] Hinton. With the parties' consent, next to hear the definitive sentence.

Hynton'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 79v]

[22 Oct 77 (50.9)] Hinton. Next to hear the definitive sentence.

Hynton'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 80v]

[12 Nov 77 (51.9)] Hinton. As 50.9.

Hynton'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 81v]

[3 Dec 77 (52.9)] Hinton. As 50.9.

Hynton'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 82v]

[22 Dec 77 (53.8)] Hinton. As 50.9.

Hynton'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 84v]

[14 Jan 78 (54.10)] Hinton. William has died; the case is discontinued.

Hynton' – pax] Parte actrice ut prius comparente, parte rea viam universe carnis ingressa, ideo discontinuatur causa. [fol. 86v]

35. ELM

[4 May 75 (17.10)] Elm. Robert Kirkham of Elm was cited before the official at the instance of William Petworth, rector of Elm, in a case of tithes.

William appears by William Killerwick, proctor *apud acta*; Robert personally. An oral libel is given. William wants Robert condemned and compelled to pay tithes. Robert, a parishioner of Elm and a layman, for the past four years has leased land located within the boundaries and tithing area of Elm. There he has pastured his animals: milking, non-milking, and sterile. Each of these years Robert has received more than 12*d* for each animal, from which tithes should have been paid, but Robert has refused. Robert admits that he retained the tithes for the sterile and non-milking animals. The next is assigned for Robert to propose why he should not be condemned to pay tithes to the rector for the milking animals such as cows. The libel is

requested written. Next to receive it in writing.

Elm] Robertus Kirkeham de Elm citatus ad dictos diem et locum coram nobis officiali Elien' in causa decimarum, parte actrice per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, parte rea personaliter, proposito libello oretenus per partem actricem in quo narravit quod idem Robertus dicte ecclesie parochialis de Elm, notorie parochianus mere laicus, terras, mariscos, prata, pascua et pasturas sua separalia infra fines, limites ac decimaciones dicte ecclesie patenter et notorie constituta nonnullis tam dicte ecclesie de Elm parochialis quam aliis extraneis per quatuor annos proximos precedentes et amplius locavit et dimisit et adhuc locat et dimittit pro eorum animalibus lactantibus, non lactantibus et sterilibus [fol. 22v] inibi depascendis pro quorum animalium nutrimentis et pastura. Prefatus Robertus recepit et habuit singulis annis dictorum quatuor annorum pro singulis capitibus animalium duodecim denarios et plus, de quibus quidem denariis iustas et veras decimas Deo et prefate ecclesie de Elm ac dicto rectori ipsius ecclesie nomine de iure debitas solveri aliundeve pro eisdem satisfacere temere contradixit. Supradictas decimas subtraxit et detinuit, subtrahit et detinet in presenti, quare petit dictus procurator prefatum Robertum in predictis decimis prefato rectori nomine et iure ecclesie sue predictae solvendis condemnari et ad solucionem eorundem canonice compelli. Prefatus Robertus fatetur se detinuisse et subtraxisse decimas provenientes de pastura sua infra prebendam de Elm constituta pro nutrimentis animalium sterilium et non lactantium conducta et locata. Unde datur dies in proximo dicto Roberto causam rationabilem si quam habeat quare in predictis decimis non debeat condemnari predicto rectori solvendis proposituro et ostensuro, quantum vero ad decimas provenientes de nutrimentis animalium lactantium utpote vaccarum in pastura sua predicta pascencium. Dictus Robertus petit libellum sibi edi in scriptis datusque est dies in proximo ad recipiendum in scriptis. [fol. 23r]

[24 May 75 (18.9)] Elm. William by proctor; Robert by Peter Caprik, proctor *apud acta*.¹ Nothing is proposed by Robert to explain why he detained tithes owed for his sterile and non-milking animals, as he has confessed; the term ends. Robert is condemned to pay the tithes to the rector according to estimation eventually declared. The rector brings a written libel concerning tithes owed for feeding milking animals in the pasture; it is received by Robert. Next to respond.

Elm] Parte actrice per Willelmum Killerwyk', clericum, procuratorem suum, parte vero rea per Petrum Caprik', clericum, procuratorem suum, apud acta constitutos comparentibus, nullo dicto seu proposito per partem ream quare in iustis et veris decimis pro nutrimentis animalium sterilium et non lactantium in pastura sua infra dictam parochiam pascencium per ipsum subtrahitis

¹ See 17.13 for this appointment. In *Potton/Caprik* Mr John Potton, advocate, and

et detentis et coram nobis iudicialiter confessatis, ideo cedat terminus. Unde prefatum Robertum in personam^a procuratoris sui predicti in iustis et veris decimis pro nutrimentis animalium sterilium et non lactancium per ipsum Robertum subtractis et detentis et per eundem confessatis dicto rectori iure et nomine ecclesie sue predictae solvendum iuxta taxationem earundem in eventum declarandam sentencialiter et diffinitive condemnamus in hiis scriptis. Oblatoque per partem actricem quodam libello in scriptis quantum ad decimas provenientes de nutrimentis animalium lactancium utpote vaccarum in pastura sua predicta pascencium ut preferatur et per partem ream optento, datur dies in proximo ad respondendum eidem. [fol. 24r]

[22 Jun 75 (19.6)] Elm. Since Robert's proctor has not been informed how to respond, next to respond to the libel.

Elm] In causa decimarum coram nobis mota inter dominum Willelmum de Petteworth', rectorem ecclesie parochialis de Elm Elie' diocesis, partem actricem ex parte una et Robertum de Kirkeham de eadem partem ream ex altera, partibus per dictos procuratores suos comparentibus et quia procurator partis ree non est informatus ad respondendum, datur dies in proximo ad idem, videlicet ad respondendum libello. [fol. 26r]

[12 Jul 75 (20.6)] Elm. Robert's proctor contests the suit negatively, saying the claims are untrue and the petitions should not be granted. 26 July in Wisbech church to swear *de calumpnia*, to propose, and the first term to produce.

26 July. William by John Congresbury, proctor *apud acta*; Robert is absent and found contumacious. William produces five witnesses: William Newhouse, Nicholas Mathew, Thomas Hucknall, Nicholas atte Lee, and John Rumbold of Elm. They are admitted as penalty to Robert and sworn. 28 July in Elm rectory to propose and the second term to produce. Robert will be called to be present at the production.

28 July. Parties personally, both swear *de calumpnia* and *de veritate dicenda*. William produces two witnesses: Richard Much and William Roray of Elm. They are admitted and sworn with the parties' consent. After they have been examined, the testimony is published with the parties' consent and a copy is ordered for the parties. The terms to speak against witnesses and testimony and to propose anything concerning the matter are renounced; the case is concluded with the parties' consent. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because William has proved that he should be paid tithes by Robert for the feeding both of milking animals and of non-milking and sterile animals within parish pastures, Robert is ordered to pay tithes, estimated by the court at 2 marks of silver, and 5s for the rector's lawful costs, although William swears to have spent more. The official orders Robert canonically compelled to pay both sums and punished for withholding the tithes.

29 July. before the official in Elm church, Robert paid in full the tithes and costs owed to William in the presence of the parishioners.

Elm – sententia] In causa decimarum coram nobis mota inter dominum Willelmum de Petteworth', rectorem ecclesie parochialis de Elm, partem actri-

^a in personam] *sic*.

cem ex parte una et Robertum de Kirkeham de Elm predictam partem ream ex altera, partibus per dictos procuratores suos comparentibus, lite per dictum Petrum Caprik', procuratorem partis ree, negative contestata dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, datur dies iovis proximo post festum Sancti Jacobi apostoli proximo futurum in ecclesia parochiale de Wysebech' partibus predictis ad iurandum de calumpnia et parte actrice ad proponendum et primo producendum et parte ree ad videndum produccionem si voluerit. Quibus die et loco parte actrice per Johannem Cungesbury, clericum, procuratorem suum apud acta constitutum, comparente, parte rea nullo modo, ideo ipsam partem ream reputamus contumacem, productisque per partem actricem quinque testibus videlicet Willelmo Newehous', Nicholao Matheu, Thoma Hogenhale, Nicholao Attelee et Johanno Rumbold' de Elm, quibus admissis in pena contumacie dicti Roberti^b et in forma iuris iuratis, datur dies sabbati proximo futurus apud Elm ad ponendum et secundo producendum et decrevimus dictum Robertum fore vocandum ad interessendum produccioni. Quo die adveniente parte actrice personaliter, parte eciam rea personaliter comparentibus in rectoria dicte ecclesie de Elm, iuratis partibus hincinde de calumpnia et de veritate dicenda, productis per partem actricem duobus testibus videlicet Ricardo Moche et Willelmo Roray de Elm, quibus admissis de consensu parcium tunc ibidem et in forma iuris iuratis, examinatis et de consensu parcium expresso publicatis decretaque copia partibus renunciatisque terminis hincinde de dicendo contra testes et eorum dicta et de quicquam proponendo in facto seu iure consistens, de consensu parcium in dicta causa concludencium concludimus. Et partes predictae expresse consenciant quod ad sententiam diffinitivam in dicta causa ferendam procedamus. Unde nos .. officialis Elien' predictos auditis et intellectis meritis cause decimarum qua coram nobis diucius vertebatur inter Willelmum de Petteworth', rectorem ecclesie parochialis de Elm Elien' diocesis, partem actricem ex parte una et Robertum Kyrkeham de eadem partem ream ex altera rimatoque per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem invocata primitus Spiritus Sancti gracia de iuris peritorum nobis assidencium consilio ad sententiam diffinitivam in dicta causa ferendam procedimus in hunc modum: In Dei nomine amen. Et quia nos officialis Elien' antedictus invenimus dictum dominum Willelmum rectorem intencionem suam in dicto libello in prefata causa et curia proposito deductam ad plenum fundasse et probasse, ipsum dominum Willelmum rectorem nomine dicte ecclesie sue de Elm ipsamque ecclesiam suam ad ius suum percipiendi et habendi iustas et veras decimas denariorum pro nutrimentis, agistamentis et pastura animalium quo-

^b in pena contumacie dicti Roberti] *interlined*.

rumcumque tam lactancium quam non lactancium et sterilium in pastura sua infra dictam parochiam pascencium per dictum Robertum perceptorum et per eundem [fol. 27v] Robertum subtractorum et detentorum, quas ad duas marcas argenti provida moderacione taxamus, reducendas et restituendas fore decrevimus et reducimus ac restituimus cum effectū. Prefatumque Robertum in prefatis duabus marcis racione decimarum predictarum necnon in expensis legitimis per partem dicti rectoris in ea parte factis, quas ad quinque solidos taxamus prestito primitus per dictum rectorem iuramento quod ad . . .^c et amplius se extendunt predicto rectori solvendis in hiis scriptis sententialiter et diffinitive condemnamus ipsumque Robertum ad persolvendum eidem rectori predictas duas marcas sibi debitas racione dictarum decimarum ac quinque solidos nomine expensarum in quibus existit ut premittitur condemnatus decrevimus fore canonice puniendum. Subsequenter vero die dominica proximo post festum Sancti Jacobi apostoli anno domini supradicto, prefatus Robertus de Kyrkeham in ecclesia parochiali de Elm coram nobis .. officiali Elien' supradicto in presencia parochianorum dicte ecclesie in multitudine magna congregatorum dicto domino Willelmo de Petteworth', rectori eiusdem ecclesie, tunc presenti dictas decimas sic subtractas et detentas realiter restituit, predictas duas marcas nomine earundem decimarum ac quinque solidos nomine expensarum predictarum persolvebat. [fol. 28r]

^c *Blank space in ms.*

36. CASTER (1)¹

Geoffrey Caster of Cambridge brought three appeal cases from the archdeacon's official, one against Richard Ingham, cobbler (*sutor*) of Cambridge, another against Richard, his wife Alice, and Margaret daughter of the late William Clopton also, as we learn in entry 19.9, a cobbler of Cambridge, and the third against Joan Dirland *alias* Whitkirke, of Cambridge. A number of sessions are devoted to the appointment of a *curator* for Margaret, who is a minor. Scrope eventually decides that the archdeacon's official did not have the authority to appoint a *curator* for her and says that he will do it himself. At the same session, the case against Joan is discontinued. Later, the case against Margaret is discontinued. The remaining cases are continued through a number of sessions with hope of peace and eventually go pending for non-prosecution without any more substance being revealed.

[4 May 75 (17.11)] Caster. Richard Ingham of Cambridge, cobbler (*sutor*), was cited at the instance of Geoffrey Caster of Cambridge in an appeal from citation to a brief and final term,

¹ *Caster (2)* is a testamentary action brought by a man who seems to be the same as the appellant here. *Caster (3)*, the entries in which appear right next to those in *Caster (2)*, is a defamation action brought by a John Caster of St Benet's, Cambridge. *Caster (4)* is an appeal from the archdeacon brought by a

John Caster of Cambridge. The John Caster of *Caster (4)* may be the same as the John Caster of *Caster (3)*, who, in turn, may be related to the Geoffrey Caster of *Caster (2)*. There is certainly not enough here to combine the four cases, but there is enough to suggest that a web of relationships may link them together.

uncertain articles, and other grievances caused by the archdeacon's official at Richard's instigation.

Geoffrey appears by Peter Caprik, proctor by letter; Richard personally. An oral libel is given and requested written. Next to receive it in writing.

Castre] Ricardus Ingham de Cantebr', sutor, citatus ad instanciam Galfridi Castre de eadem in causa appellacionis ad audienciam nostram interiecte a quadam peremptoria citacione ad terminum nimis brevem et peremptorium ac super incertis articulis aliisque legitimis gravaminibus in ea parte suggestis per officialem domini archidiaconi Elien' eidem Galfrido illatis et factis ad procuracionem dicti Ricardi subdolam iniustam, parte appellante per Petrum Caprik', clericum procuratorem suum litteratorie constitutum, parte appellata personaliter comparentibus, libellato per partem appellantem oretenus petitoque in scriptis per partem appellatam, datur dies in proximo ad recipiendum in scriptis. [fol. 23r]

[24 May 75 (18.10)] Caster. The libel of appeal is received. Next to respond.

Castre] Partibus ut prius comparentibus, oblato per partem appellantem quodam libello appellatorie et a parte appellata optento, datur dies in proximo ad respondendum. [fol. 24r]

[24 May 75 (18.13)] Caster. Richard Ingham of Cambridge, cobbler (*sutor*), Alice his wife, and Margaret daughter of the late William Clopton of Cambridge were cited at the instance of Geoffrey Caster of Cambridge in an appeal from grievances caused by the archdeacon's official at their instigation. Geoffrey was grieved after he had appealed and an inhibition had been shown to the official.

Geoffrey appears by Peter Caprik; Richard personally, Alice by her husband, Margaret by Richard her curator. An oral libel is given and requested written. Next to receive it in writing; Richard to prove his appointment as curator.

Castre] Ricardus Ingham de Canterbr', sutor, Alicia uxor sua et Margareta nuper filia Willelmi Clopton' de Canterbr' citati ad instanciam Galfridi Castre de Cantebr' in causa appellacionis ad audienciam nostram interiecta a quibusdam certis gravaminibus in ea parte suggestis per .. officialem domini archidiaconi Elien' sibi illatis et factis eciam post et contra appellacionem in ea parte legitime factam et debite notificatam ac inhibitionem sibi ostensam ad procuracionem et instanciam dictorum Ricardi, Alicie et Margarete subdolas et iniustas, parte appellante ut prius, predicto Ricardo personaliter comparentibus, dicta Alicia per prefatum Ricardum maritum suum, dicta vero Margareta per eundem Ricardum, curatorem suum ad litem ut pretenditur datum, comparentibus, libellato per partem appellantem oretenus petiturque per partem adversam in scriptis, datur dies in proximo ad recipiendum in scriptis et dicto Ricardo ad probandum curatoris dacionem. [fol. 24r]

[24 May 75 (18.14)] Caster. Joan d'Ireland *al.* Whitchurch of Cambridge was cited at the

instance of Geoffrey Caster of Cambridge in an appeal from grievances caused by the arch-deacon's official at the instigation of Joan.

Geoffrey appears by Peter Caprik, proctor *apud acta*; Joan personally. An oral libel is given and requested written. Next to receive it in writing.

Castre] Johanna Dirland alias Whitkirke de Cantebr' cita ad instanciam Galfridi Castre de Cantebr' in causa appellacionis ad audienciam nostram interiecta a quibusdam certis gravaminibus in ea parte suggestis per .. officialem domini archidiaconi Elien' sibi illatis et factis ad procuracionem et instanciam dicte Johanne subdolas et iniustas, parte appellante per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, parte vero appellata personaliter comparentibus, libellato per partem appellantem oretenus, petiturque [per] partem adversam in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 24r]

[22 Jun 75 (19.7)] Caster. Mr James de Cottenham, Richard's 'mouthpiece' for this (*organum vocis sue*), contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Ricardum Ingham de eadem, sutorem, partem appellatam ex altera, parte appellante per dictum procuratorem suum, parte vero appellata personaliter comparentibus, lite per dictum Ricardum negative contestata in persona magistri Jacobi de Cotenham, quem adhuc constituit organum vocis sue, dicendo narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo consistorio ad ponendum et primo producendum. [fol. 26r]

[22 Jun 75 (19.9)] Caster. 25 June 1375 to prove Richard's appointment as curator and, if proved, for Geoffrey to give the libel in writing.

25 June. Richard does not prove the appointment. Next to give the libel.

Castre] In causa appellacionis mota inter Galfridum Castre de Cant' partem appellantem ex parte una et Ricardum Ingham de eadem, sutorem, Aliciam uxorem suam et Margaretam filiam Willelmi Clopton' de eadem, sutoris, partem appellatam ex altera, parte appellante ut prius, parte Ricardi personaliter, parte Alisie per ipsum Ricardum maritum suum, predicta vero Margareta per dictum Ricardum, pretensum curatorem suum datum ad litem, sed quia dubitatur de curatoris dacione, ideo datus est dies lune proximo futurus loco quo supra ad libellandum in scriptis. Quibus die et loco partibus ut prius comparentibus, quia dictus Ricardus non probat curatoris dacionem, datur dies in proximo partibus predictis ad idem quod prius. [fol. 26r]

[22 Jun 75 (19.10)] Caster. A written libel of appeal is received. Next to respond.

Castre] In causa appellacionis mota inter Galfridum Castre de Cant' partem appellantem ex parte una et Johannam Dirland alias Whitkirke partem appellatam ex altera, partibus ut prius comparentibus, oblato in scriptis per partem appellantem libello appellatorio et per partem appellatam optento, datur dies in proximo ad respondendum. [fol. 26r]

[12 Jul 75 (20.7)] Caster. No witnesses or positions are brought. Next to propose and the second term to produce.

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Ricardum Ingham de eadem, sutorem, partem appellatam ex altera, partibus ut prius comparentibus, nullis testibus productis nec posicionibus ministratis, datur dies in proximo ad ponendum et secundo producendum. [fol. 28r]

[12 Jul 75 (20.8)] Caster. Since Richard has not proved his appointment, next to prove and Geoffrey to give the libel.

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Ricardum Ingham de eadem, sutorem, Aliciam uxorem suam et Margaretam filiam Willelmi Clopton' de eadem, sutoris, partem appellatam ex altera, partibus ut prius comparentibus, parte appellante ut prius sed quia dictus Ricardus non probat curatoris dacionem, datur dies in proximo ad idem et si probaverit parti appellanti ad libellandum. [fol. 28r]

[12 Jul 75 (20.9)] Caster. With the parties' consent, next to respond to the libel with hope of peace.

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Johannam Dirland alias Whitkirke de Cantebr' partem appellatam ex altera, partibus ut prius comparentibus, de quorum consensu datur dies in proximo ad idem, videlicet ad respondendum libello sub spe pacis. [fol. 28r]

[4 Oct 75 (21.6)] Caster. By default of the judge, next to propose and the second term to produce.

Castre] Partibus ut prius comparentibus, datur dies in proximo ad idem quod^a prius propter defectum iudicis. [fol. 32r]

[4 Oct 75 (21.7)] Caster. By default of the judge and since Richard has not proved his appointment, next to prove and if proved, Geoffrey to give the libel.

Castre] Partibus ut prius comparentibus, datur dies in proximo ad idem quod prius propter defectum iudicis et eciam quia Ricardus Inghram non probat curatoris dacionem. [fol. 32r]

^a quos.

[4 Oct 75 (21.8)] Caster. By default of the judge, next to respond to the libel with hope of peace.

Castre] Partibus ut prius comparentibus, in proximo ad idem propter defectum iudicis. [fol. 32r]

[25 Oct 75 (22.6)] Caster. As 21.6.

Castre] Partibus ut prius comparentibus, in proximo ad idem propter defectum iudicis. [fol. 32r]

[25 Oct 75 (22.7)] Caster. As 21.7.

Castre] Partibus ut prius comparentibus, datur dies in proximo ad idem propter defectum iudicis et eciam quia Ricardus Inghram non probat curatoris dacionem. [fol. 32r]

[25 Oct 75 (22.8)] Caster. As 21.8.

Castre] Partibus ut prius comparentibus, datur dies in proximo ad idem propter defectum iudicis. [fol. 32r]

[7 Dec 75 (24.4)] Caster. Geoffrey produces one witness: John Hostler of Cambridge, who is admitted and sworn. He requests that Peter Glover, necessary witness, be compelled; decreed with faith given. Next to produce the compelled. Richard requests the articles to be used to examine the witnesses and wants to administer interrogatories.

Castre] Partibus dictorum Galfridi et Ricardi ut prius comparentibus, producto per partem appellantem uno teste videlicet Johanne Hostiler de Cantebr', quo admisso et in forma iuris iurato, petitaque per partem appellantem compulsionem Petri Glov'e de Cant' testis necessarii qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsus petitisque per partem appellatam articulis super quibus testes sunt examinandi et protestatur de ministrando interrogatoria. [fol. 33v]

[7 Dec 75 (24.5)] Caster. Richard exhibits a letter bearing the seal of the archdeacon's official concerning his appointment as curator; it is disputed. Next to act fully.

Castre] Partibus ut prius comparentibus, exhibita per dictum Ricardum quadam littera sub sigillo .. officialis domini archidiaconi Elien' super curatoris dacione, super qua habita disputatione aliquali, datur dies in proximo ad plenius faciendum. [fol. 33v]

[7 Dec 75 (24.6)] Caster. Geoffrey by William Killerwick, substituted for original proctor; Joan is absent and found contumacious. As penalty the court finds in favour of the contest (*habemus pro contestat'*). Next to propose and the first term to produce; Joan will be called.

Castre] Parte appellante per Willelmum Killerwyk', clericum, substitutum Petri Caprik' procuratoris sui originalis, comparente, parte vero appellata nullo modo, ideo ipsam pronunciamus contumacem et in penam contumacie habemus pro contestacionem, datur dies in proximo ad ponendum et primo

producendum et decrevimus dictam partem appellatam fore vocandam ad proximum ad videndum produccionem. [fol. 33v]

[10 Jan 76 (25.3)] Caster. No other witnesses are produced. Geoffrey swears that he has not tried to produce the compelled because the parties had reached a compromise. 12 Jan. to produce him.

12 Jan. Peter Glover is produced, admitted, and sworn. Geoffrey exhibits a notary's protocol concerning the appeal. Next to publish it.

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Ricardum Ingham de eadem partem appellatam ex altera, partibus ut prius comparentibus, nullis aliis testibus productis sed allegatur per partem appellantem quod captus fuit dies concordie inter partes, quodque compromiserunt in arbitros et propter hoc non laboravit circa testem compulsum producendum super quo facta fide per procuratorem partis appellantis, datur dies sabbati proximo futurus loco quo supra coram nobis ad idem, videlicet ad producendum compulsum. Quibus die et loco partibus ut prius comparentibus, citato dicto teste compulso et^b producto quo admisso in forma iuris et iurato exhibitoque per partem appellantem quodam prothocollo notarii publici super appellacione ipsius appellantis, datur dies in proximo ad publicandum. [fol. 36r]

[10 Jan 76 (25.4)] Caster. There is a dispute about the curator given by the archdeacon's official. The appointment is pronounced invalid by Scrope because it was made by an incompetent judge. By his ordinary authority, the official will assign a *curator ad litem* for Margaret, a minor.

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Ricardum Ingham de eadem, Aliciam uxorem suam et Margaretam nuper filiam Willelmi Clopton' partem appellatam ex altera, partibus ut prius comparentibus, habita disputatione pleniori super dicti curatoris dacione ad litem per .. officialem domini archidiaconi Elien' facta, tandem dictam curatoris dacionem per dictum .. officialem domini .. archidiaconi factam, utpote a non competenti iudice factam et exercitam, reicimus nulliusque fore momenti pronunciamus, decernentes eidem Margarete, minori, curatorem ad litem per nos nostra auctoritate ordinaria fore assignandum. [fol. 36r]

[10 Jan 76 (25.5)] Caster. Geoffrey by proctor; Joan was not called and is absent. The case is discontinued.

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Johannam Dirland' partem appellatam ex altera, parte appellante per dictum procuratorem suum comparente, parte appellata nullo modo nec vocata, ideo discontinuata est causa. [fol. 36r]

^b et] *interlined*.

[13 Feb 76 (26.3)] Caster. With the parties' consent, adjourned to the next session for the same [to publish protocol] with hope of peace.

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Ricardum Ingham de eadem parte appellata ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod prius sub spe pacis. [fol. 38r]

[13 Feb 76 (26.4)] Caster. Geoffrey by proctor; Richard personally; Alice by Richard; [Margaret not specified]. With the parties' consent, adjourned to the next session for the same [?to assign a *curator ad litem*] with hope of peace.

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Ricardum Ingham de eadem, Aliciam uxorem suam et Margaretam nuper filiam Willelmi Clopton' partem appellatam ex altera, parte appellante ut prius, parte vero dictorum Ricardi et uxoris sue per eundem Ricardum comparente, de quarum consensu datur dies in proximo ad idem quod prius sub spe pacis. [fol. 38r]

[28 Feb 76 (27.4)] Caster. Because of the advocates' absences, the case is adjourned to the next session for the same [to publish protocol].

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Ricardum Ingham de eadem partem appellatam ex altera, partibus ut prius comparentibus continuamus usque proximum ad idem propter absenciam advocatorum. [fol. 40r]

[28 Feb 76 (27.5)] Caster. Geoffrey by proctor; Richard personally; Alice by Richard; Margaret absent. Because of the advocates' absences, the case is adjourned to the next session for the same [?to assign a *curator ad litem*].

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellantem ex parte una et Ricardum Ingham de eadem, Aliciam uxorem suam et Margaretam filiam Willelmi Clopton' partem appellatam ex altera, parte appellante ut prius comparente, partibus dictorum Ricardi et Alicie ut prius, predicta vero Margareta nullo modo comparentibus, continuamus dictam causam inter prefatos Galfridum, Ricardum et Aliciam usque proximum consistorium ad idem propter absenciam advocatorum. [fol. 40r]

[20 Mar 76 (28.3)] Caster. The case is adjourned to the next session for the same [to publish protocol].

Castre] In causa appellacionis mota inter Galfridum Castre de Cant' partem appellantem ex parte una et Ricardum Ingham de eadem partem appellatam ex altera, partibus ut prius comparentibus, expectamus dictam causam usque proximum ad idem quod prius. [fol. 42v]

[20 Mar 76 (28.4)] Caster. Because of Margaret's absence, the case is discontinued, as much as it concerns her. For the others, the case is adjourned to the next session for the same [?to act fully].

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' par-

tem appellan-tem ex parte una et Ricardum Ingham de eadem, Aliciam uxorem suam et Margaretam filiam Willelmi Clopton' de eadem partem appellatam ex altera, partibus dictorum Galfridi appellantis et Ricardi et Alicie uxoris sue ut prius comparentibus, parte vero dicte Margareta [nullo modo comparente],^o ideo discontinuata est causa quo ad ipsam, quo ad partes alias continuamus usque proximum ad idem quod prius. [fol. 42v]

[3 Apr 76 (29.5)] Caster. With the parties' consent, the case is adjourned to the next session for the same [to publish protocol].

Castre] In causa appellacionis mota inter Galfridum Castre de Cantebr' partem appellan-tem ex parte una et Ricardum Ingham de eadem partem appellatam ex altera, partibus ut prius comparentibus, de quarum consensu expectamus dictam causam usque proximum ad idem quod prius. [fol. 44v]

[3 Apr 76 (29.6)] Caster. The case is adjourned to the next session for the same [?to act fully].

Castre] In causa appellacionis mota inter Galfridum Castre predictum partem appellan-tem ex parte una et Ricardum Ingham de eadem, Aliciam uxorem suam et Margaretam [fol. 45r] filiam Willelmi Clopton' de eadem, partibus dictorum Galfridi appellantis, et Ricardi et Alicie partis appellate ut prius comparentibus, expectamus dictam causam usque proximum ad idem quod prius. [fol. 44v-45r]

[24 Apr 76 (30.2), 16 May 76 (31.2), 13 Jun 76 (32.2)] Caster. For the same [to publish protocol] with hope of peace.

Castre] Ad idem sub spe pacis. [fols. 45v, 46v, 49r]

[24 Apr 76 (30.3), 16 May 76 (31.3), 13 Jun 76 (32.3)] Caster. For the same [?to act fully] with hope of peace.

Castre] Ad idem sub spe pacis. [fols. 45v, 46v, 49r]

[3 Jul 76 (33.4)] Caster. Neither appears. The case is pending until the *actor* proceeds.

Castre] Neutra parte comparente, ideo pendeat causa quousque pars actrix prosequatur. [fol. 50r]

[3 Jul 76 (33.5)] Caster. Neither appears. The case is pending until the *actor* proceeds.

Castre] Neutra parte comparente, ideo pendeat causa quousque pars actrix prosequatur. [fol. 50r]

^o *Something is clearly missing; restoration made on the basis of 27.5.*

37. BETTE (1)¹

[24 May 75 (18.18)] Bette. Mr William de Rookhawe, archdeacon's official, was cited before

¹ The John Bette of this case is said to be of Hardwick, whereas the John Bette of *Bette (2)* is said to be of Little Wilbraham. While they could be the same person, the toponyms argue against it, and there is nothing to suggest that the cases are related.

the official for 14 June 1375 at the instance of John Bette and Matilda Moulton of Hardwick in an appeal from grievances caused by the official.

John and Matilda appear by William Killerwick, substituted for Simon Godrich, original proctor *apud acta*; William is absent. Parties are expected next to proceed with the appeal.

Bette] Officialis domini .. archidiaconi Elien' citatus ad diem iouis proximo post festum Sancti Barnabe apostoli coram nobis officiali Elien' ad instanciam Johannis Bette de Herdewyk' et Matilde Multon' de eadem in causa appellacionis ad audienciam nostram interiecta a quibusdam certis gravaminibus in ea parte suggestis per eundem officialem domini archidiaconi eisdem illatis et factis, parte appellante per Willelmum Killerwyk', clericum substitutum Simonis Godrich' procuratoris originalis apud acta constitutum, parte appellata nullo modo, ideo expectamus absentem cum presente usque proximum consistorium ad idem, videlicet ad procedendum in dicta causa appellacionis. [fol. 24r]

[22 Jun 75 (19.8)] Bette. The case was inhibited by the court of Canterbury. John and Matilda were cited to appear at the Court of Arches on the third juridical day after the feast of St John Baptist.

Bette – pendet] In causa appellacionis mota inter Johannem Bette de Herdewyk' et Matildem Multon' de eadem partem appellantem ex parte una et magistrum Willelmum de Rookhawe, officialem domini archidiaconi Elien', partem appellatam ex altera, inhibitum est per curiam Cantuar' et dicta pars appellans citata ad tercium diem iuridicum post festum nativitatis Sancti Johannis Baptiste idem. [fol. 26r]

38. *CHESEMAN (1)*¹

[24 May 75 (18.19)] Cheseman. Mr William de Rookhawe, archdeacon's official, was cited before the official for 14 June 1375 at the instance of John Cheseman of Cambridge in an appeal from grievances caused by the official.

John appears by William Killerwick, proctor *apud acta*; William is absent. Parties are expected next to proceed with the appeal.

Cheseman] Officialis domini .. archidiaconi Elien' citatus ad diem iouis proximo post festum Sancti Barnabe apostoli coram nobis .. officiali Elien' ad instanciam Johannis Cheseman de Cantebr' in causa appellacionis ad audienciam nostram interiecta a quibusdam certis gravaminibus in ea parte suggestis per eundem officialem domini archidiaconi eidem illatis et factis, parte appellante per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, parte vero appellata nullo modo comparentibus, ideo expectamus absentem cum presente usque proximum consistorium ad idem,

¹ The appellant in this case may be same as tiff in *Cheseman (3)*, but there is nothing else the appellant in *Cheseman (2)* and the plain- to suggest that the cases are related.

videlicet ad procedendum in dicta causa appellacionis. [fol. 24r]

[24 May 75 (18.27)] Contempt of Cambridge. John vicar of Holy Sepulchre, Cambridge, and dean of Cambridge² was cited before the official for 18 June 1375 in Barnwell conventual church for contempt. He had failed to cite the archdeacon of Ely, as requested by John Chese-man of Cambridge in his appeal, and had contemptuously refused to certify the official as ordered.

John appears personally. Because of insufficient time during the synod, 25 June is assigned in All Saints' Jewry as a peremptory term to respond.

25 June. John is absent, found contumacious, and suspended from divine services.

Afterwards John appears personally. He swears to uphold church mandates and is absolved. Denying the article, he purges himself and swears to execute all mandates. His penance is pending *sub gestura sua*.

Contemptus Cant' – pendet] Dominus Johannes vicarius ecclesie Sancti Sepulchri Cantabr', decanus Cantabr', citatus coram nobis .. officiali et commissario domini episcopi Elien' ad diem et locum supradictos super contemptu et inobediencia pro eo quod mandatum nostrum licitum et canonicum ad citandum .. officialem domini archidiaconi Elien' ad instanciam Johannis Chese-man de Cantabr' in causa appellacionis et certificandum de eo sibi directum at traditum et per eum receptum exequi non curavit sed contemptibiliter recusavit nobis ex officio dicti venerabilis patris et nostro responsurus, comparet personaliter et propter minimam occupationem in dicta synodo expectamus eum usque ad diem lune proximo post festum nativitatis Sancti Johannis Baptiste proximo futurum in ecclesia Omnium Sanctorum in Judaismo Cant' ad idem quos diem et locum eidem pro termino peremptorio prefigimus et assignamus. Quibus die et loci predictis dominum Johannem decanum preconizatum diucius expectatum nullo modo comparentem reputamus contumacem et in pena contumacie sue huiusmodi ipsum a divinis suspendimus in hiis scriptis. Postea comparet personaliter, iuratus de stando mandatis ecclesie absolutus est, negat articulum et purgat^a se et iuratus est de fideliter exequendo mandata nostra licita et canonica et pendet penetencia sibi iniungenda pro contumacia sub gestura sua. [fol. 25v]

[22 Jun 75 (19.11)] Chese-man. The case was inhibited by the court of Canterbury. John was cited to appear at the Court of Arches on the third juridical day after the feast of St John Baptist.

Chese-man – pendet] In causa appellacionis mota inter Johannem Chese-man de Cant' partem appellantem ex parte una et magistrum Willelmum de Rokhawe officialem domini archidiaconi Elien' partem appellatam ex altera, inhibitum est per curiam Cant' et pars appellans citata est ad tercium diem iuridicum post festum nativitatis Sancti Johannis Baptiste ad curiam de arcu-

^a purgat] purgavit.

² See *Baylham*, n. 1.

bus. [fol. 26r]

39. *NETHERSTREET (1)*¹

[24 May 75 (18.20)] Netherstreet. Mr William de Rookhawe, archdeacon's official, was cited before the official for 14 June 1375 at the instance of William atte Netherstreet, chaplain of Fulbourn, in an appeal from grievances caused by Rookhawe.

Netherstreet appears by William Killerwick, proctor *apud acta*; Rookhawe is absent. Parties are expected next to proceed with the appeal.

Netherstrete] Officialis domini .. archidiaconi Elien' citatus ad diem iouis proximo post festum Sancti Barnabe apostoli coram nobis .. officiali Elien' ad instanciam domini Willelmi atte Netherstrete de Fulbourn', capellani, in causa appellacionis ad audienciam nostram interiecta a quibusdam certis gravaminibus in ea parte suggestis per eundem .. officialem domini archidiaconi eidem domino Willelmo illatis et factis, parte appellante per Willelmum Kilerwyk', clericum, procuratorem suum apud acta constitutum, parte vero appellata nullo modo, comparentibus, ideo expectamus absentem cum presente usque proximum consistorium ad idem, videlicet ad procedendum in dicta causa appellacionis. [fol. 24r]

[22 Jun 75 (19.12)] Netherstreet. The case was inhibited by the court of Canterbury. Netherstreet was cited to appear at the Court of Arches on the third juridical day after the feast of St John Baptist.

Netherstrete – pendet] In causa appellacionis mota inter dominum Willelmum Netherstrete de Fulbourn' partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini archidiaconi Elien' partem appellatam ex altera, inhibitum est per curiam Cant' et pars appellans citata est ad tercium diem iuridicum post festum nativitatis Sancti Johannis Baptiste ad curiam de arcubus. [fol. 26r]

¹ See *Hinton*, n. 1.

40. *ST JOHN*¹

[24 May 75 (18.21)] St John. John Speed of Great Shelford and Joan wife of Lawrence Chapman of Great Shelford were cited for 25 May 1375 at the instance of the master and brothers of the hospital of St John the Evangelist, Cambridge, in a testamentary case concerning the will of John Tiler of Cambridge, deceased. John and Joan are his executors. Peace has been restored.

Sancti Johannis] Johannes Speed de Schelford' Magna et Johanna uxor Laurencii Chapman de eadem citati ad diem veneris proximo post festum Sancti

¹ *Rampton* includes another testamentary plaintiffs, but the two cases do not seem to action in which the master and brothers are be related.

Dunstani ad instanciam magistri et fratrum hospitalis Sancti Johannis evangeliste Cant' in causa testamentaria occasione testamenti Johannis [fol.24r] Tiber' de Cantabr' defunti, cuius testamenti dicti Johannes Sped et Johanna executores fuerant, pax est inter partes. [fol. 24v]

41. CANDLESBY (2)

[24 May 75 (18.28)] Candlesby. Hugh Candlesby, registrar of archdeacon, was cited before the official for 18 June 1375 in Barnwell conventual church. Hugh had seized from the court's mandatory a court mandate sent to the dean of Cambridge and had refused to return it, in contempt of the jurisdiction of the bishop and official.

Hugh appears personally. Because of other synodal business, he is expected on 25 June in All Saints' Jewry.

25 June before the official. Hugh, sworn, personally asserts that he did not seize and contemptuously hold the mandate, but retained and copied it, returning it to the dean immediately afterwards. He submits himself to Ross's grace as much as he was delinquent. At the request of the archdeacon's official, then present, his penance is pending *sub gestura sua*.

Candelesby – pendet] Hugo de Candelesby, clericus domini .. archidiaconi Elien' registrarius, citatus ad dictos diem et locum coram nobis officiali et commissario predicto super eo quod ipse dictum mandatum nostrum prefato decano ut certificaret traditum de manibus mandatarii nostri violenter surripuit sibi tradere non curavit sed ipsum mandatum in dicti venerabilis patris et nostre iurisdiccioni illusionem, impeditum et contemptum manifestum ipso mandatario nostro iuncto detinuit et adhuc detinet in presenti, comparuit personaliter et propter occupationem aliam in dicta synodo expectamus eum usque dictos diem et locum. Interim comparuit personaliter coram nobis dictus Hugo et iuratus asseruit se non violenter surripuisse dictum mandatum nec contemptibiliter detinuisse sed dumtaxat illud retinuit dum ipsam copiavit et statim post dicto decano illud liberavit super quo tamen submisit se gracie nostre quatenus deliquit. Unde ad rogatum officialis domini archidiaconi cum eo accedentis pendet penetencia sibi iniungend' sub gestura sua. [fol. 25v]

42. LOKENORE

[24 May 75 (18.29)] Lokenore. Reginald de Wood of Carlton was cited before the official for 9 June 1375 at the instance of John Lokenore of Willingham in a defamation case.

Parties appear personally. An oral libel is given and requested written. Next to receive it in writing.

Lokenore] Reginaldus de Wode de Carlton' citatus coram nobis .. officiali Elien' ad diem sabbati proximo ante festum Sancti Barnabe apostoli ad in-

stanciam Johannis Lokenore de Willyngham in causa diffamacionis, datur dies in proximo ad recipiendum in scriptis. [fol. 25v]

[22 Jun 75 (19.16)] Lokenore. Peace has been restored.

Lokenore – pax] In causa diffamacionis Johannis Lokenore de Willyngham parte actrice ex parte una mota contra Reginaldum de Wode de Carlton’ partem ream ex altera, pax est inter partes. [fol. 26v]

43. CHESTERTON (1)

[24 May 75 (18.30)] Chesterton. William vicar of Chesterton was cited to appear personally before the official on 13 July 1375 because William had not appeared at the last synod.

The vicar alleges that while on his way to the synod, he was recalled to visit an ailing parishioner. He was engaged so long in confession and the administration of sacraments that the synod ended in the meantime. Swearing to this, he is dismissed.

Chestreton’ – punicio absencium synodo] Die veneris proximo post festum translacionis Sancti Thome martyris anno domini supradicto, dominus Willelmus vicarius ecclesie parochialis de Chestreton’ Elien’ coram nobis .. officiali Elien’ personaliter comparens ac impetitus de eo quod non comparuit in synodo nostra per nos ultimo celebrata allegavit quod dum erat veniendo ad synodum fuit subito^a revocatus ut suum parochianum infirmum visitaret et cum eo fuit tanto tempore occupatus in confessione et administracione sacramentorum suorum quod medio tempore fuit synodus finaliter expedita, unde facta fide super premissis ipsum dimittimus. [fol. 25v]

^a subito] *interlined*.

44. WRIGHT

[24 May 75 (18.31)] Wright. Alexander Wright and Isabel daughter of John de Wisbech of Cambridge and stepdaughter of William Walden of Cambridge were cited *ex officio* before the official for 29 May 1375 concerning a contract of marriage.

Parties appear personally. Swearing *de veritate dicenda*, they admit that Alexander asked Isabel, “Do you wish to be my wife?” and she accepted. They joined hands and he pledged to take her as his wife, giving her a kerchief and a purse as gifts. 13 July in All Saints, Cambridge to hear pronouncement on the confessions.

13 July. With the parties’ consent 4 Oct. is assigned to hear the pronouncement.

Wrighte] Alexander Wrighte et Isabella filia Johannis de Wysbech’, filiastra videlicet Willelmi Walden de Cantebr’, citati coram nobis officiali et commissario supradicto super contractu matrimoniali inter eosdem inito, dicti Alexander et Isabella comparuerunt personaliter coram nobis quarto kalendas iunii anno domini millesimo trecentesimo septuagesimo quinto et iurati

de veritate dicenda fatebantur quod vir dixit mulieri ista verba, “Vis tu esse uxor mea?” et ipsa restondit quod “sic.” Et tunc dictus Alexander affidavit dictam Isabellam quod ipsam duxeret in uxorem et strinxerunt manum in manu et fatentur quod dictus Alexander dedit eidem Isabelle videlicet unum flameolum et unum loculum. Unde hunc diem veneris proximo post festum translacionis Sancti Thome martyris in ecclesia Omnium Sanctorum Cantubr’ ad audiendum pronunciacionem super confessatis. Quibus die et loco partibus personaliter comparentibus, de quarum consensu datur dies iouis proximo post festum Sancti Michaelis loco quo supra ad idem. [fol. 25v]

[22 Jun 75 (19.17)] Wright. Next to hear pronouncement.

Wrighte] In causa matrimoniali ex officio nostro mota contra Alexandrem Wrighte de Cant’ et Isabellam filiam Johanne de Wysebech’ de eadem, partibus ut prius comparentibus, datur dies in proximo consistorio ad idem quod pridem videlicet ad audiendum pronunciacionem super confessatis. [fol. 26v]

[12 Jul 75 (20.11)] Wright. As 19.17.

Wrighte] In causa matrimoniali ex officio nostro mota contra Alexandrem Wrighte de Cantebr’ et Isabellam filiam Johanne de Wysebech’ de eadem, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum pronunciacionem super confessatis. [fol. 28r]

[4 Oct 75 (21.9), 25 Oct 75 (22.9), 7 Dec 75 (24.8), 10 Jan 76 (25.7)] Wright. Neither appears. They will be called to hear pronouncement.

Wrighte] Neutra parte comparente, ideo vocentur ad idem, videlicet ad audiendum pronunciacionem super confessatis. [fols. 32r, 32v, 33v, 36r]

[13 Feb 76 (26.6), 28 Feb 76 (27.7)] Wright. As 21.9.

Wrighte] Neutra pars comparet, ideo vocentur ad proximum ad idem, videlicet ad audiendum pronunciacionem super confessatis. [fols. 38r, 40r]

[20 Mar 76 (28.6)] Wright. As 21.9.

Wrighte] Neutra parte comparente, ideo vocentur ad idem, videlicet ad audiendum pronunciacionem super confessatis. [fol. 43r]

[3 Apr 76 (29.7), 24 Apr 76 (30.5)] Wright. As 21.9.

Wrighte] Neutra parte comparente, ideo vocentur ad idem quod prius videlicet ad audiendum pronunciacionem super confessatis. [fols. 45r, 45v]

[16 May 76 (31.4)] Wright. As 21.9.

Wrighte] Neutra parte comparente, vocentur ad idem, videlicet ad audiendum pronunciacionem super confessatis in dicta causa diffinitivam. [fol. 46v]

[13 Jun 76 (32.4)] Wright. As 21.9.

Wrighte] Neutra parte comparente, ideo vocentur ad idem, videlicet ad audiendum pronunciacionem super confessatis. [fol. 49r]

[3 Jul 76 (33.1), 24 Jul 76 (34.2), 25 Sep 76 (35.1)] Wright. Since the parties were not cited, they will be cited to hear pronouncement next.

Wrighte] Neutra parte comparente nec citata, ideo citentur ad proximum ad idem, videlicet ad audiendum pronunciacionem super confessatis. [fols. 50r, 52r, 54v]

[16 Oct 76 (36.1), 13 Nov 76 (37.1), 4 Dec 76 (38.1), 8 Jan 77 (39.1), 5 Feb 77 (40.1), 26 Feb 77 (41.1), 19 Mar 77 (42.1), 10 Apr 77 (43.1), 30 Apr 77 (44.1), 29 May 77 (45.1), 18 Jun 77 (46.1), 9 Jul 77 (47.1), 30 Jul 77 (48.1), 1 Oct 77 (49.1), 22 Oct 77 (50.1), 12 Nov 77 (51.1), 3 Dec 77 (52.1), 22 Dec 77 (53.1), 14 Jan 78 (54.1), 4 Feb 78 (55.1), 25 Feb 78 (56.1), 18 Mar 78 (57.1), 8 Apr 78 (58.1), 29 Apr 78 (59.1), 13 May 78 (60.1), 8 Jul 78 (62.1), 29 Jul 78 (63.1), 1 Oct 78 (64.1), 21 Oct 78 (65.1), 10 Nov 78 (66.1), 2 Dec 78 (67.1), 23 Dec 78 (68.1), 3 Feb 79 (70.1), 25 Feb 79 (71.1), 17 Mar 79 (72.1), 21 Apr 79 (73.1), 23 May 79 (74.1), 10 Jun 79 (75.1), 30 Jun 79 (76.1), 21 Jul 79 (77.1), 22 Sep 79 (78.2), 13 Oct 79 (79.1), 3 Nov 79 (80.1), 24 Nov 79 (81.1), 9 Dec 79 (82.1), 12 Jan 80 (83.1), 3 Feb 80 (84.1)] Wright. For the same.

Wrighte] Ad idem. [fols. 55Av, 56Bv, 58v, 60v, 63r, 64v, 66r, 68r, 69v, 72v, 74v, 76r, 78r, 79v, 80v, 81v, 82r, 84v, 86v, 87v, 89v, 90v, 91v, 92v, 93v, 94r, 96r, 98r, 99r, 102v, 104r, 106r, 107v, 109v, 111r, 113v, 115r, 116v, 117v, 118v, 120r, 121r, 122v, 123v, 125r, 126r, fol. 127v]

[23 Feb 80 (85.1)] Wright. A day is given in the next consistory to hear the definitive sentence.

Wrighte] In causa matrimoniali ex officio mota contra Alexandrem^a Wrighte de Cantebr' et Isabellam filiam Johanne Waldon' de eadem, datur dies in proximo ad idem ut prius videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 129v]

[15 Mar 80 (86.1), 5 Apr 80 (87.1), 26 Apr 80 (88.1), 25 May 80 (89.1), 14 Jun 80 (90.1), 23 Jul 80 (92.1), 4 Oct 80 (93.1), 25 Oct 80 (94.1)] Wright. For the same.

Wrighte] Ad idem. [fols. 133r, 136r, 137r, 138r, 140v, 141v, 144r, 144v]

^a Andrea'.

45. CLERK (1)

[22 Jun 75 (19.14)] Clerk. Anna daughter of John Sergeant of Ely was cited before the official at the instance of Robert Clerk *al.* Carter, cleric, steward of the bishop in the city of Ely. Robert, original defendant, appealed from the definitive sentence given in Anna's favour by the sacristan of Ely in a marriage case.

Robert is absent; Anna appears by William Killerwick, proctor *apud acta*. Robert will be called to the next session under penalty of final remission.

Clerk'] Anna filia Johannis Seriaunt de Ely vocata ad instanciam Roberti Clerk' alio nomine Cart'e, clerici, senescalli domini episcopi Elien' in civita-

te Elien', in causa appellacionis ad audienciam nostram interiecte a quadam sententia diffinitiva per .. sacristam Elien' in causa matrimoniali inter dictam Annam partem actricem originalem ex parte una et prefatum Robertum partem originalem ream ex altera coram eodem .. sacrista mota pro parte dicte Anne et contra prefatum Robertum lata per eundem sacristam, parte appellante nullo modo comparente, parte vero appellata per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, comparente, decrevimus dictam partem appellantem fore vocandam ad proximum sub pena finalis remissionis. [fol. 26v]

[12 Jul 75 (20.10)] Clerke. Robert by William Killerwick, proctor; Anna by Peter Caprik, proctor *apud acta*. [Proctors reversed here?] A written libel of appeal is received. Next to respond.

Clerk'] In causa appellacionis mota inter Robertum Clerk' alio nomine Carter' de Ely partem appellantem ex parte una et Annam filiam Johannis Sergeaunt de eadem partem appellatam ex altera, parte appellante per Willelmum Killerwyk', procuratorem suum, parte vero appellata per Petrum Caprik', procuratorem suum apud acta constitutum, oblato per partem appellantem quodam libello appellatorio in scriptis et a parte appellata optento, datur dies in proximo ad respondendum eidem. [fol. 28r]

[4 Oct 75 (21.10)] Clerk. With the parties' consent, the article of appeal is omitted. The court will proceed in the principal case; the process will be ordered. Next to publish it.

Clerk'] Partibus ut prius comparentibus, omisso articulo appellacionis, de consensu parcium expresso decrevimus fore procedendum in principali et fore transmittendum pro processu. Datur dies in proximo ad publicandum processum. [fol. 32r]

[25 Oct 75 (22.11)] Clerk. Since the process has not yet been sent, it is ordered sent by the next session. Next to publish it.

Clerk'] Partibus ut prius comparentibus, quia processus nondum est transmissus, ideo transmittatur ad proximum. Datur dies in proximo ad publicandum. [fol. 32v]

[7 Dec 75 (24.7)] Clerk. The process of the principal case has been transmitted and is published. Next to speak against it.

Clerk'] Partibus ut prius comparentibus, transmisso processu in dicta causa principali habito coram .. sacrista Elien', quo per nos iudicialiter publicato, datur dies in proximo ad dicendum contra dictum processum. [fol. 33v]

[10 Jan 76 (25.6)] Clerk. Nothing is proposed against the process. With the parties' consent, the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Clerk'] In causa appellacionis mota inter Robertum Clerk' de Ely partem appellantem ex parte una et Annam filiam Johannis Sergeaunt de eadem partem

appellatam ex altera, partibus ut prius comparentibus, nullo dicto seu proposito contra processum sed de consensu parcium in dicta causa concluso, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 36r]

[13 Feb 76 (26.5)] Clerk. Next to hear the definitive sentence.

Clerk'] In causa appellacionis mota inter Robertum Clerk' de Ely partem appellantem ex parte una et Annam filiam Johannis Sergeaunt de eadem partem appellatam ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 38r]

[28 Feb 76 (27.6)] Clerk. With the parties' consent, next to hear the definitive sentence.

Clerk'] In causa appellacionis mota inter Robertum Clerk' de Ely partem appellantem ex parte una et Annam filiam Johannis Sergeaunt de eadem partem appellatam ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 40r]

[20 Mar 76 (28.5)] Clerk. As 27.6.

Clerk'] In causa appellacionis mota inter Robertum Clerk' de Ely partem appellantem ex parte una et Annam filiam Johannis Sergeaunt de eadem partem appellatam ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dictam causam diffinitivam. [fol. 42v]

[3 Apr 76 (29.3)] Clerk. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. The official finds that the sacristan of Ely, a competent judge, proceeded properly as evidenced by the process. Scrope approves and confirms the definitive sentence given by the sacristan in favour of the marriage between Robert and Anna.

Clerk' – sentencia] In causa appellacionis mota inter Robertum Clerk' de Ely partem appellantem ex parte una et Annam filiam Johannis Sergeaunt de eadem partem appellatam ex altera, partibus coram nobis .. officiali Elien' comparentibus sicut prius, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de iuris peritorum consilio nobis assidencium, Christi nomine primitus invocato, ad sentenciam diffinitivam in dicta causa ferendam procedimus in hunc modum: In Dei nomine amen. Quia nos .. officialis antedictus invenimus dictum .. sacristam Elien' iudicem in ea parte competentem de consuetudine vel de iure in dicta causa debite processisse nichilque obstare quod ipsius sentenciam debeat infirmare, sentenciam diffinitivam in causa matrimoniali inter ipsos Robertum et Annam pro matrimonio videlicet inter eos coniungendo per dictum dominum .. sacristam prolatam de quibus quidem processu et

sentencia diffinitiva per acta sua iudicialia nobis transmissa liquet manifeste, tanquam iustam et legitime latam approbamus et confirmamus sentencialiter et diffinitive in hiis scriptis. [fol. 44v]

46. GLASSWRIGHT

[22 Jun 75 (19.20)] Glasswright. Robert Trump of Great Abington was cited at the instance of Thomas Glasswright of Cambridge in a case of breach of faith and perjury.

Thomas appears personally; Robert is absent, found contumacious, and suspended from entering church.

Glaswright'] Robertus Trumpe de Abyngton' Magna citatus ad instanciam Thome Glaswright de Cantebr' in causa fideilesionis et periurii personaliter comparentis non comparet, ideo ipsum Robertum reputamus contumacem et in penam contumacie sue huiusmodi ipsum ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 26v]

[12 Jul 75 (20.16)] Glasswright. Robert Trump of Great Abington, who was suspended from entering church and denounced at another time at the instance of Thomas Glasswright of Cambridge in a breach of faith and perjury case, appears personally before the official on 13 July 1375. He requests absolution from the suspension. Having sworn to obey church mandates, he is absolved and ordered beaten round the church on two days. Thomas offers the libel *sub certa forma*; Robert contests the suit negatively. Both swear *de calumpnia* and *de veritate dicenda*. 20 July to propose and the first term to produce.

20 July. The parties are expected next for same.

Glaswrighte] Robertus Trumpe de Abyngton' Magna alias suspensus ab ingressu ecclesie ad instanciam Thome Glaswrighte de Cantebr' in causa fideilesionis seu periurii et denunciatus comparuit personaliter coram nobis loco quo supra die veneris proximo post festum translacionis Sancti Thome martytis, parte dicti Thome eciam personaliter comparente, et petivit se absolui a dicta sententia suspensionis unde ipsum Robertum, [iuratum] de stando mandatis ecclesie et parendo iuri, absolutus est et pro sua contumacia quatenus officium nostrum offendebat, fustigatus per duos dies circa ecclesiam. Libellato per partem dicti Thome sub certa forma liteque per dictum Robertum principalem incontinenti negative contestata iuratis partibus hincinde in personis suis propriis de calumpnia et de veritate dicenda, datur dies veneris proximo post festum translacionem Sancti Swithini ad ponendum et primo producendo. Quibus die et loco expectamus partes usque proximum ad idem. [fol. 28v]

[28 Feb 76 (27.23)] Glasswright. Robert Trump of Great Abington was cited before the official at the instance of Thomas Glasswright of Cambridge in a case of breach of faith and perjury.

Thomas appears personally; although summoned and long expected, Robert is absent. He is found contumacious and suspended. The execution of the suspension is ordered. Robert will be called to respond.

Glaswright'] Robertus Trumpe de Abyngton' Magna citatus coram nobis .. officiali Elien' ad instanciam Thome Glaswrighte de Cantebr' in causa fidei-lesionis et periurii personaliter comparentis nullo modo comparet, ideo ipsum preconizatum diucius expectatum nullo modo comparentem reputamus contumacem et in penam contumacie ipsum ab ingressu ecclesie suspendimus in hiis scriptis et decrevimus execucionem fore faciendam et ipsum citandum in dicta causa responsurum. [fol. 41r]

47. ABINGTON (1)

[22 Jun 75 (19.21)] Abington sequestration. On 10 July 1375 in All Saints' Jewry, following the death of John Spenser, vicar of Little Abington, which is within the bishop's collation, the official sequesters the vicar's goods, so they will not be alienated. He orders them held safe until his testament, if he made one, can be proved and the administration committed before the court. Witnesses: William Morton and John Doke, lettered (*litteratus*), of Lincoln and Ely dioceses. [NS]

Abyngton' sequestracio] In Dei nomine amen. Quia dominus Johannes Spenser, vicarius ecclesie parochialis de Abyngton' Parve Elien' diocesis, cuius vicaria ad collacionem venerabilis patris domini .. episcopi Elien' pertinere dinoscitur diem suum clausit extremum, nos Nicholaus Roos, doctor legum, venerabilis patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, timentes verisimiliter ne bona ipsius indebite distrahantur et alienentur, omnia bona et catalla ad dictum dominum Johannem vicarium tempore mortis sue spectancia et pertinencia ad quorumcumque manus devenerint sexto idus iulii anno domini millesimo trecentesimo septuagesimo quinto indiccione quarta decima pontificatus domini Gregorii pape undecimo anno quarto in ecclesia Omnium Sanctorum in Judaismo Cantebr' sequestramus et sub arta et salva sequestri custodia teneri volumus et mandamus sequestrata quousque testamentum dicti domini Johannis vicarii si quod condiderit coram nobis probatum fuerit et per nos approbatum prout ad dictum venerabilem patrem et eius officialem, commissarios et ministros probacio et approbacio testamentorum quorumcumque rectorum et vicarorum ecclesiarum ad suam collacionem spectancium tam de iure commune quam de consuetudine laudabili et legitime prescripta et hactenus usitate pertinent et debent pertinere et donec administracionem dictorum bonorum in forma iuris duxerimus committendam. Presentibus Willelmo Morton' et Johanne Doke, litteratis Lincoln' et Elien' diocesum testibus vocatis et rogatis. RF: Foxton. [fol. 26v]

[22 Jun 75 (19.22)] Commission for custody of Little Abington vacancy. The custody of the Little Abington vicarage is committed to Richard dean of Camps and Henry vicar of Great Abington. They are expected to serve the church personally or through others, to receive the tithes and offerings given to it, and to account for them, reserving for their labour a competent

salary from the income of the vicarage.

Commissio custodie vacationis] Subsequenter vero ad custodiendum vacationem dicte vicarie, ad deservendum per se vel alios ipsius ecclesie parochianis in divinis officiis ac recipiendum oblaciones et decimas ac alia emolumenta ad dictam vicariam tempore vacationis obveniencia cum onere computandi de eisdem, discretis viris dominis Ricardo decano de Caumpes ac Henrico vicario ecclesie parochialis de Abyngton' Magna commisimus potestatem reservato sibi de fructibus dicte vicarie pro labore salario competent. [fol. 26v]

[22 Jun 75 (19.23)] Probate of Abington testament. Walter Colman and Alan Hart of Little Abington, executors of John Spenser's testament, were called before the official for 14 July 1375 in All Saints' Jewry to exhibit and prove the testament, to show an inventory of John's goods, and to receive the administration if they wish. Appearing personally, they say that the archdeacon's official came to Abington after John's death and claimed that the will's probate pertained to him. They exhibited and proved the testament before the official, who committed the administration to them without an inventory. Although John's goods were valued at less than 7 marks, the official received 2s 6d for the probate. Since the probate and commission have been done by an incompetent judge, they are invalid. This will not cause prejudice to the bishop and his ministers. 23 July to exhibit and prove the testament and inventory and to receive the administration.

23 July. Walter and Alan exhibit and prove the testament; Ross approves and publishes it as legitimate and commits the administration to them; they swear to administer the goods and to give a true account of the administration. 22 Oct. is assigned to account to Ross or another commissary.

Probacio testamenti Abyngton' – nota^a] Cumque nos .. officialis et commissarius antedictus quosdam Walterum Colman de Abyngton predictum et Alanum Hert de eadem, executores in testamento dicti domini Johannis vicarii nominatos, ad diem sabbati proximo post festum translacionis Sancti Thome martyris in ecclesiam Omnium Sanctorum in Judaismo Cant' fecerimus coram nobis ad iudicium evocari testamentum et inventarium bonorum dicti defuncti exhibituros, probaturos et administracionem bonorum eiusdem si voluerint recepturos, iidem Walterus et Alanus comparaverunt personaliter coram nobis dictis die et loco ac proposuerunt et allegarunt quod .. officialis domini archidiaconi Elien' incontinenti post mortem dicti vicarii ad ecclesiam et villam de Abyngton' accedens pretendensque et suggerens eisdem executoribus quod ad eum pertinent probacio et approbacio dicti testamenti. Ipsis persuadebat ut dictum testamentum coram eo tunc exhiberent et probarent, quodque iidem executores sic decepti et per dolosam persuasionem dicti .. officialis circumventi dictum testamentum coram eo exhibuerunt et probaverunt et administracionem bonorum eiusdem defuncti idem officialis eisdem commisit, nullo confecto inventario bonorum eiusdem et licet omnia bona dicti defuncti septem marcas non attingeret, idem tamen .. officialis duos

^a nota] *in margin next to line beginning bona dicti defuncti.*

solidos sex denarios pro approbacione dicti testamenti recepit. Verum quia dicti testamenti approbacio et huiusmodi bonorum administracionis commissio utpote a non competenti iudice facte nullius penitus sunt momenti, nec debent [fol. 26v] tanquam violenter clamdestine et dolose ac fraudulenter perpetrata et temere attemptata dicto venerabili patri et suis ministris prejudicium asserre, ideo eisdem executoribus diem lune proximo post festum Sancte Marie Magdelene proximo futurum loco quo supra ad exhibendum testamentum et inventarium bonorum dicti defuncti eaque probanda et administracionem dictorum bonorum si voluerint recipiendam prefigimus et assignavimus. Quibus die et loco predictis Waltero et Alano executoribus coram nobis personaliter comparentibus, testamentum et inventarium bonorum dicti defuncti coram nobis exhibuerunt et probaverunt unde nos dictum testamentum approbavimus et insinuavimus ac publicavimus et pro testamento legitimo pronunciavimus, administracionem bonorum dictum defunctum contingencium eisdem executoribus ad sancta Dei evangelia per ipsos corporaliter tacta iuratis de fideliter administrando et fideliter computando nobis vel alteri dicti venerabilis patris commissario super dicta administracione duximus committendam et prefatis executoribus diem lune ad tres septimanas post festum Sancti Michaelis proximo nunc futurum videlicet diem lune proximo post festum Sancti Luce evangeliste loco quo supra coram nobis vel alio dicti venerabilis patris commissario ad computandum super dicta administracione ad eorum instantem petitionem prefigimus et assignamus. [fol. 27r]

[12 Jul 75 (20.25)] Obedience of Abington. John de Binbrook, vicar of Little Abington, appears personally before the official in All Saints' Jewry on 15 Sept. 1375 and swears canonical obedience to the bishop, his official, and his commissaries and ministers. [NS]

Abynton' obediencia] Septimo decimo kalendas octobris anno domini millesimo trecentesimo septuagesimo quinto comparens personaliter coram nobis Nicholai Roos, legum doctore officiali Elien', in ecclesia Omnium Sanctorum in Iudaismo Cantebr' dominus Johannes de Bynbrok', vicarius ecclesie parochialis de Abyngton Parva, obedienciam canonicam dicto venerabili patre, nobis et aliis ipsius commissariis et ministris in licitis et canonicis prestitit et iuravit. RF. [fol. 29v]

[12 Jul 75 (20.35)] Account of Abington vacancy. Thomas de Wormenhale, canon of Salisbury and vicar general of spiritualities in the bishop's absence, calls to court on 16 Oct. 1375 in St Mary the Less, Cambridge, Richard Alwyn, chaplain of Hildersham and dean of Camps. He has received from the bishop's commissary the custody of the vacancy of Little Abington and is called to account for the receipts of the vicarage during the vacancy. Swearing that nothing more was received, Richard personally accounts for 2s 9d. Nine pence is allocated for his labour and 2s is delivered to the vicar general. Witnesses: Mr's William de Ockham and Richard de Spaldwick, MA's, and Thomas de Comberton, cleric, of Lincoln and Ely dioceses.

Compotus vacacionis de Abyngton] Cum nos Thomas de Wormenhale cano-

nicus Sar' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' in ipsius absencia vicarius in spiritualibus generalis dominum Ricardum Aldewyne capellanum de Hildresham tunc decanum decanatus de Caumpes Elien' diocesis cui custodia vacacionis vicarie ecclesie parochialis de Abyngton Parva diocesis et collacionis dicti patris nuper per .. commissarium eiusdem partis fuerat commissa ad sextum decimum diem mensis octobris anno domini supradicto in ecclesia Sancte Marie extra Trumpington-gates Cantebr' ad computandum nobis super et de^b receptis de proventibus ad dictam vicariam tempore vacacionis eiusdem fecimus coram nobis ad iudicium evocari, predictus dominus Ricardus decanus coram nobis personaliter comparens dicto sexto decimo die octobris in cimiterio ecclesie Sancte Marie extra Trumpington-gates et computavit nobis de duobis solidis et novem denariis dicto tempore vacacionis ad dictam vicariam provenientes; qui iuratus asserit quod plus non provenit dicto tempore ad dictam vicariam, unde allocatis sibi pro dicto labore suo dictis novem denariis, prefatos duos solidos per eum receptos nobis restituit et realiter liberavit. Acta sunt hec sub anno domini millesimo trecentesimo septuagesimo quinto indiccione quarta decima pontificatus domini Gregorii pape undecimo anno quinto mensis die et loco predictis. Presentibus magistris Willelmo de Okham et Ricardo de Spaldewik', magistris in artibus, ac Thoma de Cumberton, clericis Lincoln' et Elien' diocesum testibus ad premissa vocatis specialiter et rogatis. [fol. 31v]

[24 Jul 76 (34.21)] Abington account. 24 July 1376 Walter Colman and Alan Hart of Abington, executors of the testament of John Spenser, former perpetual vicar of Little Abington, personally appears before Richard Scrope in St Michael's. They exhibit the testament and inventory of John's goods and give an account of the administration. They are dismissed from the duty of administration.

Abyngton compotus – acquietancia] Die iovis proximo post festum Sancte Marie Magdalene anno domini supradicto comparentes personaliter coram nobis Ricardo le Scrop', officiali et commissario supradicto, in ecclesia Sancti Michaelis Cant' Walterus Colman de Abyngton' et Alanus Herd de eadem, executores testamenti domini Johannis Spens', nuper vicarii perpetui ecclesie de Abyngton' Parva, testamentum et inventarium bonorum dicti Johannis vicarii exhibentes, super administracione in dictis bonis facta nobis finaliter computarunt. Et quia per dictum compotum invenimus eos bene et fideliter administrasse administracionemque suam plenarius complevisse, ipsos ab onere administracionis huiusmodi et ab ulteriori compoto nobis inde reddendo salvo iure cuiuscumque reddimus absolutos. [fol. 53r]

^b et de] *interlined*.

48. CARLTON (1)

[22 Jun 75 (19.24)] Carlton monition. 9 June 1375 Thomas Ansell, rector of Carlton, is warned peremptorily to reside at the church, under penalty of law, and to serve the church.

Carlton' monicio ad residendum] Die sabbati proximo ante festum Sancti Barnabe apostoli anno domini supradicto dominus Thomas Anucel/Auncel, rector ecclesie parochialis de Carlton' Elien' diocesis, monitus est primo, secundo et tercio quod in dicta ecclesia sua debitam faciat de cetero residentiam prout exigit sub pena iuris et eidem ecclesie faciat deserviri laudabiliter in divinis. [fol. 27r]

49. SAFFREY (1)¹

[22 Jun 75 (19.25)] Saffrey. John Saffrey of Wimpole and Alice daughter of Richard Molt of Wendy² were cited before the official for 3 July 1375 in All Saints' Jewry. They had secretly contracted marriage, in present words or in future words followed by intercourse, but had not solemnized the marriage before the church. This has been brought to the court's attention by public fame.

John appears personally; Alice by Peter Caprik, proctor by letter. John swears *de veritate dicenda* and admits he and Alice contracted by saying "I will have you as my husband" and "I will have you as my wife", showing mutual faith by holding hands. Because Alice's proctor is uninformed about the matter, her appearance is announced insufficient. 10 July for Alice to respond about the contract. The vicar of Wendy was ordered to inhibit both Alice and John; John swears to do nothing to impede the marriage or the case while pending. John appoints William Killerwick his proctor *apud acta*

10 July. John by proctor; Alice is absent, found contumacious, and suspended from entering church. Witnesses: Mr's Thomas Gloucester, Richard Godrich, and John Doke, cleric(s), of Lincoln and Ely dioceses.

21 July. Alice personally requests absolution from the official in his residence at Cambridge. Swearing to obey church mandates, she is absolved and assigned 4 Oct. in All Saints' Jewry to respond about the contract. Alice appoints Peter Caprik her proctor *apud acta*

With the case pending and contrary to church interdict, Alice contracted and solemnized marriage with Warren Martin of Royston, at an inappropriate time and place and without the publication of banns. Knowing of the impediment, Warren made Alice his wife, and Richard Molt arranged and was present at the marriage. Thus they each incurred the sentence of major excommunication, as established by the provincial constitution of John Stratford *Humana concupiscencia*.³

Alice, Warren, and Richard appear personally and are charged with the sentence of excommunication. They allege that they have been called before the archdeacon's official, before whom the case is still pending.

Saffrey – procuracio – procuracio^a] Fama publica referente ad nostrum per-

^a procuracio – procuracio] *next to the places where proxies are mentioned.*

¹ The John Saffrey who is plaintiff in *Saffrey* (2) may be the same man, but the cases do not appear to be related.

² See *Bond*, n. 1.

³ See Citations to Canon Law, *Humana*.

venit auditum quod Johannes Saffrey de Wynepol et Alicia filia Ricardi Molt de Wendeye diocesis Elien' matrimonium adinvicem clamdestine contraxerunt per verba de presenti seu per verba de futuro carnali copula subsequuta nec curant dictum matrimonium in facie ecclesie iuxta ritum ecclesie facere solempnizari, unde ipsos Johannem et Aliciam ad diem martis proximo post festum apostolorum Petri et Pauli in ecclesiam Omnium Sanctorum in Iudaismo Cant' fecimus coram nobis ad iudicium evocari. Quibus die et loco predictus Johannes personaliter, predicta vero Alicia per Petrum Caprik, clericum, procuratorem suum literatorie constitutum,^b comparentes, prefatus Johannes de veritate dicenda iuratus fatetur quod ipse et prefata Alicia matrimonium adinvicem contraxerunt per ista videlicet verba "Volo te habere in virum" et "Ego volo te habere in uxorem" et adhuc mutuo decernens fidem tenendo manum in manu. Et quia Petrus procurator Alicie non est informatus super ista materia ut asserit, ideo pronunciamus dictam Aliciam minus sufficienter comparuisse et expectamus eandem usque ad diem martis proximo post festum translacionis Sancti Thome martyris loco quo supra ad respondendum supradicto contractu et dictus Johannes iuratus est ne lite pendente aliunde contrahat seu quicquam aliud faciet quod dictum matrimonium seu causam eiusdem debeat impedire prout eciam per vicarium de Wendeye prefatis Johanni et Alicie prius fecimus inhiberi. Et prefatus Johannes constituit apud acta Willelmum Killerwyk' clericum procuratorem suum cum omnibus et singulis clausulis et articulis prius descriptis. Quibus die et loco predicto Johanne per dictum procuratorem comparente, predicta Alicia nullo modo, ideo ipsam Aliciam nullo modo comparente reputamus contumacem et in penam contumacie sue huiusmodi ipsam ab ingressu ecclesie suspendimus in hiis scriptis. Presentibus magistris Thome Gloucestr', Ricardo Godrich' et Johanne Doke, clericis Lincoln' et Elien' diocesum, testibus vocatis et rogatis. Subsequenter vero die sabbati proximo post festum Sancte Margarete virginis in hospicio habitacionis nostre Cantebr' comparens personaliter coram nobis prefata Alicia a dictam sentenciam peccit se absolvi unde nos ipsam Aliciam iurata de stando mandatis ecclesie absolvimus et dictam sentenciam suspendimus in forma iuris et prefigimus eidem Alicie diem iovis proximo post festum Sancti Michaelis proximo futurum in ecclesia Omnium Sanctorum in Iudaismo Cant' ad respondendum super predicto contractu matrimoniali inter eosdem Johannem et Aliciam inito ut prefertur. Et prefata Alicia constituit Petrum Caprik' clericum procuratorem suum apud acta cum omnibus et singulis clausulis et articulis superius descriptis. Verum quia^c prefata Alicia lite super dicto matrimonio coram nobis pendente eciam post et contra interdictum ecclesie et inhibitionem nostram expressam matrimonium de facto contraxit cum Warino Martyn de Roiston et illud in facie ec-

^b literatorie constitutum] *interlined*. ^c Verum quia] verumquia *possibly* verumquam, *but unlikely*.

clesie solempnizari quinpocius prophanari procuravit et fecit nulla premissa debita bannorum edicione nec horis nec temporibus opportunis, prefatusque Warinus ipsam Aliciam de facto sic ut premittitur duxerat in uxorem ac etiam Ricardus Molt, pater dicte Alicie, huiusmodi contractu interdicto et inhibito ut prefertur sciens de dicto impedimento interfuit illumque fieri procuravit, sententiam excommunicationis maioris a constitutione provinciali que incipit *Humana concupiscencia* provide latam dampnaliter incurrando contra^d prefatos Aliciam et Warinum sic de facto contrahentes et Ricardum interessentem coram nobis personaliter comparentes obiecimur sententiam excommunicationis occasione premissa. Dictique Alicia, Warinus et Ricardus allegant et eorum quilibet allegat quod super premissis sunt preventi et eorum quilibet est preventus per officialem domini archidiaconi Elien' et coram eo adhuc pendeat. [fol. 27r]

[25 Oct 75 (22.14)] Saffrey. Neither appears. They will be called to proceed according to past acts.

Saffrey] Neutra parte comparente, ideo vocentur usque proximum ad procedendum iuxta retroacta. [fol. 32v]

[7 Dec 75 (24.14)] Saffrey. John by proctor; Alice absent. She will be called to proceed according to past acts.

Saffrey] Parte Johannis per Willelmum Killerwyk' procuratorem suum comparente, parte Alicie Molt nullo modo, ideo vocetur dicta Alicia ad proximum processura et procedi visura iuxta formam retroactorum. [fol. 33v]

[10 Jan 76 (25.13)] Saffrey. Since Alice has not been cited, she will be called to proceed according to past acts.

Saffrey] In causa matrimoniali mota inter Johannem Saffrey de Wynepol partem actricem ex parte una et Aliciam filiam Ricardi Molt de Wendeye partem ream ex altera, parte actrice ut prius comparente, parte rea nullo modo comparente nec citata, ideo decrevimus ipsam fore vocandam ad proximum ad procedendum et procedi videndum iuxta forma retroactorum. [fol. 36v]

[13 Feb 76 (26.10)] Saffrey. As 25.13.

Saffrey] In causa matrimoniali mota inter Johannem Saffrey de Wynepol partem actricem ex parte una et Aliciam filiam Ricardi Molt de Wendeye partem ream ex altera, parte actrice ut prius comparente, parte rea nullo modo nec citata, ideo decrevimus ipsam fore citandam ad proximum ad idem, videlicet ad procedendum et procedi videndum iuxta formam retroactorum. [fol. 38r]

[28 Feb 76 (27.11)] Saffrey. As 25.13.

Saffrey] In causa matrimoniali mota inter Johannem Saffrey partem actricem

^d contra] *interlined*.

ex parte una et Aliciam filiam Ricardi Molt de Wendeye partem ream ex altera, parte actrice ut prius comparente, parte rea nullo modo nec citata, ideo decrevimus dictam partem ream fore vocandam ad proximum ad procedendum iuxta formam retroactorum. [fol. 40v]

50. MASON (1)

[12 Jul 75 (20.13)] Mason. Mr William de Rookhawe, claiming to be archdeacon's official, was cited at the instance of Andrew Mason of Trumpington, Margaret wife of Andrew, and Christine daughter of Margaret in an appeal from unjust suspension, denunciation, and citation which was brief and final without reason, and other grievances caused by William.

Andrew, Margaret, and Christine appear by William Killerwick, proctor *apud acta*; although cited and summoned, William is absent and found contumacious. An oral libel is given. William will be called to receive the libel and to appear at all consecutive acts.

Masonn. Magister Willelmus de Rookhawe, officialis domini .. archidiaconi Elien' se pretendens, citatus ad dictos diem et locum ad instanciam Andree Masonn de Trumpinton', Margarete uxoris sue et Cristine filie eiusdem Margarete in causa appellacionis ad audienciam nostram ut asseritur interiecte occasione iniuste suspensionis ab ingressu ecclesie, denunciacionis eiusdem ac citacionis ad terminum nimis brevem et peremptorium, nulla huiusmodi termini abbreviacionis seu peremptorie vocacionis causa in suo citatorio expressa vel aliquialiter subsistente aliorumque gravaminum in hac parte suggestorum per dictum magistrum Willelmum officialem pretendem eisdem Andree, Margarete et Cristina ut pretenditur illatorum, parte appellante per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, comparente, parte vero appellata nullo modo, ideo ipsam partem appellatam citatam in dicta causa preconizatam nullo modo comparentem reputamus contumacem. Libellato oretenus per partem appellantem, ideo decrevimus partem appellatam fore vocandam ad proximo ad recipiendum libellum et alios actos consecutivos. [fol. 28r]

[4 Oct 75 (21.12)] Mason. Since William was not cited, he will be cited to receive the libel.

Masonn] Parte appellante ut prius comparente, parte appellata nullo modo nec citata iuxta decretum, ideo citetur ad proximum ad idem. [fol. 32r]

[25 Oct 75 (22.12)] Mason. As 21.12.

Masonn] Parte appellante ut prius, parte appellata nullo modo nec est citata, ideo citetur ad proximum ad idem. [fol. 32v]

[7 Dec 75 (24.10)] Mason. Both expected next to give and receive the libel.

Masonn] Parte appellante ut prius, parte appellata nullo modo comparentibus, ideo expectamus adsentem cum presente ad proximum ad idem quod

prius. [fol. 33v]

[10 Jan 76 (25.9)] Mason. The case is pending.

Masonn] Parte appellante ut prius comparente, parte appellata nullo modo, ideo pendeat dicta causa. [fol. 36r]

51. GREBBY¹

[12 Jul 75 (20.14)] Grebby. John Grebby, chaplain residing at Cambridge, was cited *ex officio* because he had impeded the jurisdiction of the bishop and his official. Thomas de Hereford, chaplain of St Andrew of Cambridge, had been ordered to denounce Cecilia Silkwoman, residing with Simon Glover in that parish. She had been suspended from entering church for contumacy, after failing to appear before the official for her correction. John had impeded Thomas' execution of the mandate by publicly threatening him. This had caused Thomas to abstain from the mandate's execution and, fearing irregularity, the celebration of divine offices.

John requests a written article. 19 July to receive it.

19 July. John is absent. 23 July to receive the article.

23 July. John appears by Hugh Candlesby, archdeacon's registrar and proctor *apud acta*. The written article is received. Next to respond.

Grebby] Dominus Johannes Grebby capellanus commorans in Cantebr' citatus coram nobis Nicholao Roos, dicti venerabilis patris domini episcopi Elien' .. officiali et commissario ad infrascripta sufficienter deputato, ad diem et locum supradictos ex officio mero dicti venerabilis patris et nostro super eo quod ipse iurisdiccione[m] dicti venerabilis patris et nostram ac exercitium eiusdem nequiter impedivit dum videlicet dominus Thomas de Hereford, capellanus parochialis Sancti Andree Cantebr', quamdam Ceciliam Silkwoman commorantem cum Simone Glov'e in dicta parochia ad mandatum nostrum denunciavit prout erat suspensus ab ingressu ecclesie pro sua contumacia in non comparendo coram nobis in negocio correccionis anime sue contracta. Et idem dominus Johannes prefatum dominum Thomam capellanium parochialem ratione executionis dicti mandati nostri in sua executione impedivit et proturbavit eidemque verba probrosa et comminatoria publice protulit quo pre[te]xtu idem dictus Thomas ab ulteriori executione dicti mandati nostri et a celebracione divinorum dicto se penitus abstinuit et subtraxhit. Dictus dominus Johannes petiit articulum sibi dari in scriptis unde habet diem iovis proximo post festum translacionis Sancti Swithini proximo futurum loco quo supra ad recipiendum in scriptis. Quibus die et loco dicto domino Johanne nullo modo comparente, ideo expectamus eum usque ad diem lune proximo post festum Sancte Marie Magdelene proximo futurum loco quo supradicto ad idem, videlicet ad recipiendum articulum in scriptis. Quibus die et loco

¹ The defendant here is probably the same official of the archdeacon of Ely in *Bilney*. man who appears as commissary of the offi-

predicto domino Johanno per Hugonem Candelesby, clericum registrarium dicti archidiaconi Elien' procuratorem suum apud acta constitutum, comparente, oblato per nos quodam articulo in scriptis et per dictum procuratorem optento, datur dies in proximo consistorio ad respondendum eidem. [fol. 28r]

[4 Oct 75 (21.13)] Grebby. Although long expected and summoned, John is absent. He is found contumacious and suspended. Witnesses: Mr's John Potton and Thomas Oliver, rectors of Hatley St George and Gamlingay.

13 Oct. 1375 John personally requests absolution from suspension. Sworn to obey church mandates, he is absolved and ordered to visit the shrine of St Etheldreda on foot. He denies the article. 15 Nov. to purge himself with four honorable compurgators.

15 Nov. John personally purges himself. [NS]

Grebby] In negocio correccionis mota ex officio nostro contra dominum Johannem Grebby, capellanum, habentem istos diem et locum ad respondendum cuidem articulo sibi oblato ex officio nostro et sibi tradito et per eum recepto, predictus dominus Johannes nullo modo comparet, ideo ipsum preconizatum diucius expectatum nullo modo conparentem reputamus contumacem et in penam contumacie sue huiusmodi ipsum in hiis scriptis suspendimus a divinis. Acta in ecclesia Omnium Sanctorum in Judaismo Cant' per dictum magistrum Thomam commissarium quarto die octobris anno domini millesimo trecentesimo septuagesimo quinto indiccione tercia decima pontificatus domini Gregorii pape undecimo anno quinto. Presentibus magistris Johanne de Potton' et Thoma Olyv' ecclesiarum de Hattele Sancti Georgii et Gamelgeye Elien' diocesis rectoribus testibus vocatis et rogatis. RF.

Subsequenter die sabbati proximo post festum Sancte Fidis virginis anno Domini supradicto dictus dominus Johannes coram nobis personaliter comparens et a dicta sententia pecierit se absolvi, unde ipsum ad sancta Dei evangelia iuratum de stando mandatis ecclesie absolutus est et pro penitencia visitabit feretrum Sancte Etheldrede pedes, respondet ad dictum articulum negative, unde datus est eidem domino Johanni dies iouis proximo post festum Sancti Martini loco quo supra ad purgandum se cum quarta manu honestarum personarum. Quibus die et loco dictus dominus Johannes personaliter comparens et purgatores producens, se canonice purgavit super articulo supradicto. [fol. 32r]

52. SIMOND

[12 Jul 75 (20.17)] Simond. John son of William Simond of Leverington and Alice daughter of William Page of Leverington were called before the official for 26 July 1375 in Wisbech concerning a clandestine contract of marriage, followed by intercourse. This relationship has continued for some time and has been brought to the court's attention by public fame.

They appear personally. Sworn *de veritate dicenda* and questioned, they admit that they contracted in present words of mutual consent, followed by intercourse. Appearing then before the official, William Simond opposes the marriage saying John and Alice are related within the third and fourth degrees of consanguinity. William swears *de malicia*; John and Alice swear *de calumpnia*, *de veritate dicenda*, and *de collusionione*. 27 July to prove.

27 July. William brings seven witnesses: William Greenfield, William Henry, Robert Adamson, John Holpit, Adam Case, John Tydd, John Mey, and Agnes wife of John Ellick of Leverington, who are admitted and sworn. John and Alice reserve the right to speak against witnesses and testimony. The witnesses are examined secretly and individually; the testimony is reduced to writing and published with the parties' consent. A copy is ordered for the parties; other terms are renounced; the case is concluded with the parties' consent. 28 July to hear the definitive sentence.

28 July. In the cases of marriage between John, on one side, and Alice, on the other, and also of reclamation that there is an impediment to their marriage between William Simond, on one side, and John and Alice, on the other, the entire process has been investigated and deliberation has been held with experienced counsel. The court proceeds to the definitive sentence.

Sentence. Since William has proved that John and Alice are related within the third and fourth degrees of consanguinity, the confessed marriage can and should not exist by law. Witnesses to all but the examination: Mr's William de Newton, vicar of Wisbech; John de Pulham, MA; John de Holbech, public notary; John Tittleshall, dean of Wisbech; Mr William Tittleshall, master of Wisbech scholars; *et al.*, of Ely, Norwich, and Lincoln dioceses. [NS] Witness on first day of the case: Mr Hugh Candlesby, public notary and registrar of archdeacon.

Symond – sententia] Cum nos .. officialis Elien' Johannem filium Willelmi Symond de Leveryngton' et Aliciam filiam Willelmi Page de eadem super contractu matrimoniali inter eosdem clandestine inito ac carnali copula subsecuta et diucius continuata prout ad nos fama publica referente pervenit fecerimus coram nobis ad diem iovis proximo post festum Sancti Jacobi apostoli anno domini supradicto in ecclesia parochiali de Wysbech' ad iudicium evocari, uterque comparuit personaliter coram nobis et de veritate dicenda iuratus ac super premissa contractu et carnali copula subsequente requisitus fatentur quod contraherunt matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia carnali copula subsecuta, quidam Willelmus Symond de Leveryngton', pater dicti Johannis tunc ibidem personaliter existens, dicto matrimonio se opposuit asserens ipsos Johannem et Aliciam in tercio et quarto gradibus consanguinitatis se invicem attingere iuratumque per dictum Willelmum de malicia ac per dictos Johannem et Aliciam de calumpnia et de veritate dicenda ac de collusionione, datus est dies veneris tunc proximo sequens loco quo supra ad probandum et predictis Johanne et Alicia ad videndum probacionem. Quibus die et loco partibus personaliter comparentibus productis per dominum Willelmum septem [*sic*] testibus videlicet Willelmo Grenefeld', Willelmo Henry, Roberto Adamesson, Johanne Holpit, Adam Cas, Johanne Tyd, Johanne Mey et Agnete uxore Johannis Ellyk' de Leveryngton', quibus admissis et in forma iuris iuratis, pre-

missa protestacione per partem adversam de dicendum contra testes et eorum dicta, examinatis dictis testibus secrete et singillatim eorum attestacionibus in scriptis redactis et demum de consensu parcium publicatis, decretaque per nos copia earundem partibus supradictis, renunciatis hincinde aliis terminis intermediis de consensu parcium in dicta causa expresse concludencium concludimus, datus est dies sabbati tunc proximo sequens loco quo supra partibus predictis ad audiendum sentenciam in dicta causa diffinitivam. Quibus die et loco partibus predictis personaliter comparentibus et per nos sentenciam ferri postulantibus, nos officialis Elien' auditis et intellectis meritis cause matrimonialis que coram nobis vertitur inter Johannem filium Willelmi Symond de Leveryngton' ex parte una et Aliciam filiam Willelmi Page de eadem ex altera ac eciam cause reclamacionis occasione impedimenti dicti matrimonio ratione consanguinitatis inter eosdem Johannem et Aliciam, que eciam coram nobis vertitur inter Willelmum Symond predictam partem reclamantem ex parte una et predictos Johannem et Aliciam partem reclamatam ex altera, rimato per nos et investigato toto processu in dictis causis habito, habita deliberacione sufficienti super eisdem invocata primitus Spiritus Sancti gracia de consilio iurisperitorum nobis assidencium ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum: In Dei nomine amen. Quia invenimus dictum Willelmum reclamantem predictam consanguinitatem inter prefatos Johannem et Aliciam in tercio videlicet et quarto gradibus ad plenum fundasse et probasse matrimonium inter eosdem Johannem et Aliciam de facto contractum et coram nobis iudicialiter confessatum subsistere non posse nec debere de iure sed viribus omnino carere nulliusque existere firmitatis auctoritate nostra ordinario pronunciamus et declaramus sentencialiter et diffinitive in hiis scriptis. Presentibus discretis viris in omnibus actis predictis preterquam in examinacione magistris Willelmo de Neuton', vicario ecclesie de Wysebech', Johanne de Pulham, magistris in artibus, et Johanne de Holbeche, notorio publico, ac domino Johanne Titeshale, decano de Wysebech', et magistro Willelmo Titeshale, magistro scholarum de Wysebech', et aliis in multitudine copiosa Elien', Nor'cen' et Lincoln' diocesum testibus ad premissa vocatis specialiter et rogatis. RF: Foxton. Presente eciam primo die istius cause magistro Hugone de Candelesby notario publico registrario domini archidiaconi Elien'. [fol. 28v]

53. HALPENNY CLOKE

[12 Jul 75 (20.18)] Halpenny Cloke. John son of William Halpenny Cloke of Wisbech and Katherine Denyfeld of Wisbech were cited before the official for 26 July 1375 in Wisbech church concerning a clandestine contract of marriage, followed by intercourse. This had been brought to the court's attention by public fame.

They appear personally. Sworn *de veritate dicenda* and questioned, they admit that they contracted four years ago in present words of mutual consent, followed by intercourse, and pledged to solemnize the marriage before the church. Appearing then before Ross, Matilda Gibb of Wisbech wants John to be judged her husband because one year ago they contracted marriage, followed by intercourse. Sworn *de veritate dicenda* and questioned, John says this is true. Matilda claims to have no witnesses for proof. Sworn *de collusione, de malicia*, and *de veritate dicenda*, John, Katherine, and Matilda testify as before.

Sentence. Based on John and Katherine's confessions, Ross finds their marriage contract to have preceded the contract between John and Matilda. John is dismissed from Matilda's suit; John and Katherine are judged husband and wife. Witnesses: Mr's William de Newton, vicar of Wisbech; John de Pulham, MA's; John de Holbech, public notary; Hugh Candlesby, public notary and registrar of archdeacon; John de Tittleshall, then dean of Wisbech, and Mr William de Tittleshall, master of the scholars of Wisbech, *et al.*, of Ely, Norwich, and Lincoln dioceses. [NS]

Halpeny cloke – sententia] Johannes filium Willelmi Halpeny Cloke de Wysebech' et Katerina Denyfild de eadem citati coram nobis .. officiali Elien' ad diem iovis proximo post festum Sancti Jacobi apostoli anno domini supradicto in ecclesia parochiali de Wysebech' super contractu matrimoniali inter eosdem inito carnali copula subsecuta, prout ad nos fama referente pervenit, uterque comparens personaliter coram nobis et de veritate dicendo iuratus, ac super premissa requisiti fatentur se matrimonium adinvicem contraxisse per verba de presenti mutuum consensum eorundem exprimencia carnali copula subsecuta, et quod iurarunt de dictum matrimonium solempnizando in facie ecclesie et quod sic contraxerunt quatuor annis elapsis. Subsequenter vero eisdem die et loco comparens coram nobis iudicialiter tunc ibidem quedam Matildis Gibbe de Wysebech' predicta et petivit dictum Johannem sibi in virum adiudicari pro eo quod fidem dederunt adinvicem de matrimonio inter eos contrahendo, uno dumtaxat anno iam elapso, carnali copula subsecuta, dictus vero Johannes super eo de veritate dicendo iuratus et requisitus fateatur quod sic fidem dederunt ut prefertur carnali copula subsecuta, dicta vero Matilde requisita an habeat testes ad hic probandum dicit quod non iuratisque dictis Johanne, Katerina et Matilde de collusionione, de malicia et de veritate dicendo, idem dixerunt sicut prius. Ut quia per confessiones dictorum Johannis et Katherine coram nobis iudicialiter emissas invenimus contractum matrimoniale inter eosdem initum contractum inter eundem Johannem et Matildem notorie precessisse, ipsum Johannem ad impetitione dicte Matilde dimittimus et absolvimus per decretum ipsumque Johannem prefate Katherine in virum legitimum et prefatam Katerinam eidem Johanni in uxorem legitimam sententialiter et diffinitive adiudicamus in hiis scriptis. Presentibus discretis viris magistris Willelmo de Neuton' vicario ecclesie de Wysebech', Johanne de Pulham, magistris in artibus, Johanne de Holbech' notorio publico et Hugone de Candlesby clerico notario publico domini archidiaconi Elien' registrario, domino Johanne Titeshale tunc decano de Wysebech' ac magistro

Willelmo Titeshale, magistro^a scholarum de Wysebech' et aliis in multitudine copiosa testibus ad premissa vocatis specialiter et rogatis Elien', Norwicen' et Lincoln' diocesum. RF: Foxton. [fol. 29r]

^a magistrorum.

54. COLLINS

[12 Jul 75 (20.20)] Collins. John Everard, tailor, formerly residing with Lawrence Taylor of Cambridge, was cited before the official for 9 July 1375 in All Saints' Jewry at the instance of Thomas Collins *al.* Cook of Cambridge, cutler, in a breach of faith and perjury case. The citation was certified by John Wiltshire, cleric and sworn court messenger.

Thomas appears personally; John is absent, found contumacious, and excommunicated.

Colyns – excommunicacio] Johannes Everard, *tailleur*, nuper commorans cum Laurencio Tailleur de Cantebr' citatus coram nobis officiali Elien' ad diem lune proximo post festum translacionem Sancte Thome martyris in ecclesie Omnium Sanctorum in Iudaismo Cantebr' ad instanciam Thome Colyns alio nomine Cok' de Cantebr', cultellari, in causa fideilesionis et periurii prout de dicta citacione per Johannem Wiltesshire, clericum nuncium nostrum, iuratum extitit facta fides parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam partem ream pronunciamus contumacem et in penam contumacionis sue huiusmodi ipsum excommunicamus in hiis scriptis. [fol. 29r]

55. DOWNHAM

[12 Jul 75 (20.21)] Downham sequestration. 8 Aug. 1375 in All Saints' Jewry, following the death of Thomas Amys, rector of Downham, which is within the bishop's collation, the official sequesters Thomas' goods, so they will not be alienated. He orders them held safe until his testament, if he made one, can be proved and the administration committed by the court. Witnesses: Mr's Henry Bowet, rector of Croft and inceptor of law, and Thomas Gloucester, BCivL and advocate of Ely consistory, of York and Lincoln dioceses.

Dounham sequestracio] In Dei nomine amen. Quia dominus Thomas Amys, rector ecclesie parochialis de Dounham Elien' diocesis et ad collacionem venerabilis patris domini .. episcopi Elien' spectantis, diem suum clausit extremum, nos Nicholaus Roos, doctor legum venerabilis patris supradicto officiali et commissario ad infrascripta sufficienter deputatus, timentes verisimiliter ne bona ipsius indebite distribantur et alienantur omnia bona et catalla ad dictum rectorem tempore mortis sue spectancia et pertinencia ad quorumcumque manus devenerint isto octavo die mensis augusti anno domini millesimo trecentesimo septuagesimo quinto in ecclesia Omnium Sanctorum in Iudaismo Cant' indiccione tercia decima pontificatus domini Gregorii pape undecimi anno quinto sequestramus et sub arta et salva sequestrata

quousque testamentum dicti domini Thome rectoris si quod condiderit coram nobis probatum fuerit et per nos approbatum prout ad dictum venerabilem patrem et eius officialem, commissarios et ministros probacio, approbacio et insinuacio testamentorum quorumcumque rectorum et vicariorum ecclesiarum ad suam collacionem spectantium tam de iure communi quam de consuetudine hactenus usitata pertineant et sic debeant et donec administracionem dictorum bonorum in forma iuris duxerimus commitendam. Presentibus magistris Henrici Bowet, rectore ecclesia parochiale de Croft inceptore in legibus, et Thome de Gloucestre, baculario in legibus consistorii nostri Elien' advocatis, Ebor' et Lincoln' diocesis testibus ad premissa vocatus specialiter et rogatis. RF: Foxton. [fol. 29r]

[12 Jul 75 (20.22)] Custody of Downham vacancy. John Fish of Ely, priest, and ?Cook,¹ parker of Downham, are commissioned by the official to guard the vacancy of Downham church, to serve or have served the church, to receive offerings and tithes given to it, and to account for these. They account to Ross for offerings given on the day of the rector's burial and during the seven-day vacancy 3s 6½d, from which 22½d is allocated to Cook to pay the priest serving the church and for his own labour. They also accounted for four candles used on the corners of the rector's coffin.

Commissio custodie vacacionis] Subsequenter vero ad custodiendum vacacionem dicte ecclesie de Dounham et ad deserviendum vel faciendum deserviri eidem ecclesie et parochialis eiusdem in divinis officiis tempore vacacionis eiusdem durante et ad recipiendum oblaciones et decimas ac alia emolumenta ad eandem ecclesiam dicto tempore obveniencia cum onere computandi de eisdem domino Johanni Fyssh' de Ely, presbytero, et Cok' *parker* de Dounham commisimus potestatem. Prefati vero dominus Johannes Fyssh' et Cok' parker, postquam dicta ecclesia per septem dies vacavit computarunt nobis de oblacionibus in die sepulturo dicti rectoris defuncti et aliis emolumentis dicto tempore provenientibus eidem ecclesie de tribus solidis sex denariis et obolo, de quibus duo et viginti denariis et obolo eidem Cok' ut satisfaceret presbytero dicto tempore deservienti ecclesie et sibi pro suo labore allocavimus^a computarunt eciam de quatuor cereis videlicet cornariis^b de feretro dicti defuncti. [fol. 29v]

[12 Jul 75 (20.23)] Probate of Downham testament. John Dreng of Downham and Katherine daughter of Thomas Amys executors named in Thomas' testament were cited before the official for 10 Aug. 1375 to show and prove the testament, to exhibit an inventory of his goods, and to receive the administration if they wished.

Appearing then, they exhibit and prove the testament, which was closed and sealed once with the rector's seal. It is approved, recorded, published, and pronounced legal by Ross, who commits the administration to the executors. They swear to administer faithfully, to account for the administration, and to show a true inventory and appraisal. 5 Oct. or the following

^a allocavimus] *interlined*. ^b cornariis] *see Latham s.v. cornerium; ?adjectival form.*

¹ This seems highly implausible as a Christian name, but it is what Foxton wrote, three times. We assume that it is a surname, and that 'parker' is his office.

juridical day is assigned in All Saints' Jewry, before Ross or another commissary, to show the inventory and appraisal and to account for the administration if completed. They paid 2s for the probate and handed over the rector's seal to Ross.

Probacio testamenti Dounham] Cumque nos officialis et commissarius antedictus quosdam Johannem Dreng de Dounham et Katerinam filiam dicti rectoris executores in testamento dicti domini Thome Amys, rectoris ecclesie de Dounham, nominatos, ad decimum diem mensis augusti anno domini supradicto fecerimus premuniri ut testamentum et inventarium bonorum dicti defuncti coram nobis exhiberent et probarent et administracionem bonorum eiusdem reciperent si voluissent prefati Johannes et Katerina comparverunt coram nobis dicto die dictum testamentum clausum et sigillo dicti rectoris sigillatum una cum dicto sigillo exhibuerunt et probaverunt nosque dictum testmentum approbavimus, insinuavimus et publicavimus ac pro testamento suo legitimo pronuntiavimus administracionemque bonorum dictum testamentum concernencium eisdem executoribus ad sancta Dei evangelia per ipsos corporaliter tacta iuratis de fideliter administrando et fideliter computando nobis vel alteri dicti venerabilis patris commissario super dictam administracionem et de exhibendo fidele inventarium et fideliter appreciatum duximus committendam. Prefatis insuper executoribus diem veneris proximo post festum Sancti Michaelis proximo futurum si iuridicus fuerit alioquin proximum diem iuridicum tunc sequentem in ecclesia Omnium Sanctorum in Judaismo Cantebr' coram nobis vel altero dicti venerabilis patris commissario ad exhibendum fidele inventarium et fideliter appreciatum et ad computandum super eorum administracione si ipsam interim compleverint pro termini peremptorio prefigimus et assignamus, pro cuius testamenti probacione solverunt officio duos solidos et sigillum dicti rectoris nobis liberarunt. [fol. 29v]

56. *WISBECH*

[12 Jul 75 (20.24)] Wisbech monition. 26 July 1375 in Wisbech church John de Tittleshall, dean of Wisbech, is warned peremptorily by the official that he should not extort or receive money, personally or through another, openly or secretly, from the bishop's subjects for crimes they are known to have committed. He should not take payment for recording and approving the testament of any pauper whose inventory does not exceed 100s. Nor should he approve any testament or commit the administration without an inventory or dismiss executors without a complete account of the administration. According to public fame, John has presumed to do these things. If he defies the monition, he will be subject to major excommunication. Witnesses: Mr's William de Newton, vicar of Wisbech; John de Holbech; Hugh Candlesby, registrar of archdeacon and public notary, of Ely and Lincoln dioceses; and other clerics and laymen. [NS]

Request for copy and assignment. Subsequently John requests a copy of the written sentence; the penultimate day of the legal term in All Saints' Jewry is assigned for him to receive it.

On that day Thomas Gloucester, official's commissary, was prepared to deliver the copy, but John failed to appear.

Wysebeche monicio] In Dei nomine amen. Nos Nicholaus Roos, doctor legum venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, te dominum Johannem de Titeshale decanum de Wysebech' monemus primo, secundo et tercio ac peremptorie quod pecuniam pro notoriis criminibus a subditis domini .. episcopi Elien' per te vel alios publice vel occulte nec extorqueas nec recipias oblatam neque pro insinuacione seu approbacione testamenti pauperis cuius inventarium centum solidos non excedit nichil penitus exigas seu recipias aut ad approbacionem alicuius testamenti procedas vel administracionem bonorum committas nullo prius facto de bonis dicti defuncti inventario aut acquietancias vel dimissiones nisi primis reddito compoto et administracione completa liberes amodo seu concedas^a sicut hactenus facere presumpsisti prout fama publica referente ad nos pervenit et sub penam excommunicacionis maioris quam in personam tuam si contrafeceris dicta canonica monicione premissa dolo, mora et culpa suis precedentibus exnunc ut extunc et extunc ut exnunc ferimus in hiis scriptis, facta fuit dicta monicio per dictum dominum officialem .. Elien' et commissarium et sententia lata prout superius continetur in ecclesia de Wysebech' die iouis in crastine Sancti Jacobi apostoli anno domini millesimo trecentesimo septuagesimo quinto indiccione tercia decima pontificatus domini Gregorii pape undecimi anno quinto. Presentibus discretis viris magistris Willelmo de Neuton, vicario ecclesie de Wysebech', Johanne de Holbech' et Hugone de Candelesby, domini archidiaconi Elien' registrario notariis publicis, Elien' et Linc' diocesum et aliis tam clericis quam laicis in multitudine copiosa testibus ad premissa vocatis specialiter et rogatis. RF: Foxton.

peticio copie et assignacio] Et subsequenter cum dictus dominus Johannes decanus copiam scripture dicte sentencie sibi fieri petivisset eidem petenti penultimum diem termini iuris in ecclesia Omnium Sanctorum in Iudaismo Cantebr' coram nobis vel alio loco nostro deputando ad recipiendo dictam copiam prefigimus et assignamus. Quibus die et loco nos Thomas de Gloucestr', dicti magistri Nicholai Roos officialis commissarius et locum tenens in hac parte deputatus, ad liberandum copiam dicte scripture eidem petenti optulimus nos parati sed dictus decanus ibidem comparere non curavit. [fol. 29v]

^a concederas.

57. WILLINGHAM (1)

[12 Jul 75 (20.26)] Willingham sequestration. On 23 Aug. 1375, following the death at the Roman curia of Mr Robert Sustead, DCivL and rector of Willingham, which is within the bishop's collation, Thomas Gloucester, commissary in the official's absence, personally sequesters all Robert's goods within Ely diocese, so they will not be alienated. He announces the sequestration in the church and rectory and orders the goods held safe until Robert's testament, if he made one, can be proved and the administration committed before the bishop or his commissary. The proof, approval, and recording of the testament of any rector or vicar of a church within the bishop's collation pertains to the bishop by law and custom.

Proof of testament if one existed. Inquiring about the value of Robert's goods at Willingham and elsewhere within the diocese, the commissary finds that Robert owned nothing within the diocese at the time of his death. He had sold all the church's annual fruits, sheaves of grain and hay, to John de Bourn, layman, who paid the rector for these in full long before the rector's death. Nothing remained to be administered.

Commission for custody of vacancy. Thomas Gloucester commissioned John Snogh of Willingham to guard the vacancy of Willingham church, to serve the church, to receive offerings, tithes, mortuary, and other gifts given to it, and to account for these. John willingly swore to do these things and to deliver all income to the bishop or his commissary upon request.

Delivery of offerings. 23 Aug. 1375 John Snogh was requested by Gloucester to deliver all offerings received since the rector's death. Producing a locked offertory box from the altar, John shows 4s 3d received within the month and gives it to the commissary. Thomas returns the money to John so that it and future offerings can be saved in the chest and John can give a complete account when required. Witnesses: Thomas Andre, priest, and William Wickham, of Willingham. [NS]

Wyvelyngham sequestracio – probacio testamenti si fuisset – commissio custodie vacationis – liberacio obligacionum] In Dei nomine amen. Quia magister Robertus Sustede, doctor legum rector ecclesie parochialis de Wyvelyngham Elien' diocesis et ad collacionem venerabilis patris domini .. episcopi Elien' spectantis, diem suum in romana curia clausit extremum nos Thomas de Gloucestre, clericus venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' in absencia reverendi viri magistri Nicholai Roos, legum doctoris ipsius patris officialis et commissarii, commissarius in hac parte sufficienter deputatus, timentes verisimiliter ne bona ipsius indebite distraherentur seu consummantur et alienentur ad ecclesiam parochialem de Wyvelyngham predictam et rectoriam eiusdem isto tercio et vicesimo die mensis augusti anno domini millesimo trecentesimo septuagesimo quinto personaliter accessimus et omnia bona et catalla ad dictum rectorem spectancia et pertinencia tempore mortis sue et in diocesi Elien' existencia in quorumcumque manibus fuerint inventa in dicta ecclesia sequestravimus et sic sequestrata nunciavimus publice tam in dicta ecclesia quam in rectoria eiusdem et sub arta et salva sequestri custodia teneri decrevimus sequestrata quousque testamentum dicti rectoris si quod condiderit coram dicto venerabili patre vel alio ipsius commissario probatum fuerit et approbatum prout

ad dictum venerabilem patrem eiusque commissarios et ministros probacio, approbacio et insinuacio testamentorum quorumcumque rectorum et vicariorum ecclesiarum ad suam collacionem spectantium tam de iure communi quam de consuetudine hactenus usitata pertineant et sic debeant pertinere et quousque administracionem dictorum bonorum in forma iuris duxerit committendam. Et statim de valore dictorum bonorum suorum apud Wyvelyngham vel alibi in diocesi Elien' existencium et in quorum manibus existerent et que in qualia forent inquisivimus diligenter et invenimus per inquisicionem huiusmodi quod dictus rector tempore mortis sue nulla prorsus bona habuit in ecclesia seu rectoria de Wyvelyngham aut alibi infra diocesim Elien' de quibus constare potuit sed invenimus quod idem rector omnes fructus videlicet garbas et fenum iste anno provenientes ad dictam ecclesiam vendidit Johanni de Brunne, laico, qui eidem rectori diu ante mortem suam pro eisdem integre satisfecit et sic nichil penitus remansit ut accepimus de bonis suis quorum administracionem potuimus commisisse. Volentes insuper dicte ecclesie ut eidem et parochianis eiusdem laudabiliter deserviat in divinis tempore vacacionis eiusdem prout ad officium dicti venerabilis patris pertinet providere ad custodiendum vacacionem dicte ecclesie de Wyvelyngham et ad deserviendum eidem et parochianis eiusdem in divinis officiis tempore vacacionis eiusdem durante et ad recipiendum obligaciones, decimas, mortuaria et alia emolumenta ad eandem ecclesiam dicto tempore obveniencia cum onere computendi de eisdem domino Johanni Snogh de Wyvelyngham, presbytero, commisimus potestatem. Prefatus vero dictus Johannes huiusmodi onus et potestatem in se gratanter suscipiens iuravit ad sancta Dei evangelia per ipsum corporaliter tacta quod diligenter et fideliter deserviet ecclesie et parochianis eiusdem dicto tempore vacacionis et fideliter recipiet omnia emolumenta supradicta et de eis fideliter computabit dicto venerabili patri vel eius officiali seu commissario cum super hec fuerit requisitus ipsaque emolumenta ei integre liberabit. Et subsequenter quesivimus a dicto domino Johanne quod^a quantum devenerat ad altare a tempore mortis dicti rectoris nobis liberaret et statim dictus dominus Johannes ad summum altare eiusdem ecclesie accedens et quemdam pixidem seratum^b aperiens ostendit nobis in pecunia numerata quattuor solidos et tres denarios, qui ut asseruit infra illum mensem tunc proximo preteritum ad altare devenerunt, ipsamque pecuniam nobis integre liberavit. Nosque volentes tam^c dictam pecuniam tunc proveniente quam alia emolumenta ad dictum altare dicto tempore vacacionis proventura absque diminucione interim^d conservari ut de eisdem prefatus dictus Johannes cum fuerit requisitus dicto venerabili patri eiusve officiali seu commissario plene et integre valeat computare totam dictam pecuniam in dicta cista inventam eidem domino Johanni tradidimus conservandam. Acta

^a quod] *interlined.* ^b seratum] ceratum ^c tam] *interlined.* ^d interim] *interlined.*

sunt hec die loco anno predictis indiccione tercia decima pontificatus domini Gregorii pape undecimi anno quinto. Presentibus domino Thoma Andreu, presbytero, et Willelmo Wykham de Wyvelyngham predictis testibus ad premissa vocatis specialiter et rogatis. RF: Foxton. [fol. 30r]

[15 Nov 75 (23.2)] Willingham account of vacancy. John Snogh, parish chaplain of Willingham, who holds the custody of vacancy, was called before Richard Scrope for 27 Nov. 1375 in Scrope's Cambridge residence to give an account for offerings received during the vacancy.

John personally accounted for 2 marks received as church income, 5s received for a cow given as mortuary for a parishioner, and 4s 3d found in a small box. Six shillings 8d is allocated as John's stipend for two months service and 29s 3d is received by the official. Witnesses: Mr's Thomas Gloucester and Walter Hilton BCivL's, of Lincoln diocese.

Wyvelyngham compotus vacacionis] Cum nos Ricardus le Scrop', canonicus Ebor' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, dominum Johannem Snogh', capellanum parochialem de Wyvelyngham, cui eiusdem venerabilis patris commissarius custodiam vacacionis dicte ecclesie parochialis de Wyvelyngham ad ipsius patris collacionem spectantis nuper commiserat cum onere computandi dicto patri de frugibus, redditibus, decimis, oblacionibus et aliis ad dictam ecclesiam tempore vacacionis eiusdem provenientibus ad diem martis proximo post festum Sancte Katerine virginis super dictis proventibus computaturum fecerimus coram nobis ad iudicium evocari. Prefatus dominus Johannes comparuit personaliter coram nobis in hospicio habitacionis nostre Cant' dicto die martis, computavit nobis de duabus marcis^e receptis per eundem de proventibus ad dictam ecclesiam tempore vacacionis eiusdem et de quinque solidis,^f quos recepit pro una vacca dicto tempore proveniente ad eundem ecclesiam nomini mortuarii cuiusdam parochiani defuncti, et de quatuor solidis et tribus denariis^g in quadam pixide inventis^h ad prefatam ecclesiam dicto tempore eciam provenientibus, de quibus allocavimus pro stipendio suo pro duobus mensibus per quos vacavit dicta ecclesia et ibidem servivit sex solidos et octo denariosⁱ et sic recepimus de eo de claro viginti novem solidos tres denarios.^j Presentibus magistris Thoma Gloucestr' et Waltero Hilton', baculario in legibus, Linc' diocesis testibus vocatis et rogatis. Acta die et loco supradicto anno domini millesimo trecentesimo septuagesimo quinto indiccione tercia decima pontificatus domini Gregorii pape undecimo anno quinto. RF: Foxton. [fol. 32v]

^e de duabus marcis] *underlined*. ^f de quinque solidis] *underlined*. ^g de quatuor solidis et tribus denariis] *underlined*. ^h in quadam pixide inventis] *interlined*. ⁱ sex solidos et octo denarios] *underlined*. ^j viginti novem solidos tres denarios] *underlined*.

58. COTTENHAM (1)

[12 Jul 75 (20.27)] Cottenham sequestration. 18 Sept. 1375, following the death outside the Roman curia and within the English realm of John de Thorp, rector of Cottenham, which is within the bishop's collation, the official personally sequesters all John's goods within the diocese so they will not be alienated. He announces the sequestration in the church and its rectory and orders the goods held safe until John's testament, if he made one, can be proved and approved before the bishop or his commissary. The proof, approval, and recording of the testament of any rector or vicar of a church within the bishop's collation pertains to the bishop by law and custom.

Citation of executors. 19 Sept. 1375 in All Saints' Jewry is assigned to John de Thorp's executor, William Burton, present on Sept. 18, to show and prove the testament before the official and to receive the administration of goods if he wishes.

Obedience shown. Mr Henry Bowet, proctor of Mr Nicholas de Drayton, appeared personally before the official on 18 Sept. 1375 in Cottenham church. He proposes that Cottenham church with its rights and appurtenances was provided to Nicholas by apostolic decree. His proxy, made by a public notary, includes the power to swear obedience. The proctor swears obedience to the bishop, his official, and their commissaries and ministers.

Delivery of vacancy. Alan parish chaplain of Cottenham is asked to deliver to Ross all fruits and offerings given to the church during the vacancy. He says that from the rector's death to Nicholas' entry, the church has been vacant one day. Alan delivers to Ross 2*d* received during the vacancy. Done 18 Sept. 1375.

Probate of Cottenham testament. 19 Sept. 1375 in the church of the hospital of St John the Evangelist, Cambridge, William Burton executor of John de Thorp's testament personally appears before the official. He exhibits and proves the testament, which the official pronounces legitimate and publishes. The administration of goods within the diocese is committed to William, who swears to administer faithfully and to show a true inventory and account to the bishop or his commissary when required. William leaves a copy of the testament for Ross's registry.¹ Witnesses: Mr Henry Bowet, rector of Croft [Yorks, NR]; Robert Beveridge of Babraham; and William Morton, lettered (*litteratus*), of York, Ely, and Lichfield dioceses. Robert Foxton is also present.

Cottenham sequestracio – citacio executoris – prestacio obediencie – tradicio vacacionis – probacio testamenti Cottenham^a] In Dei nomine amen. Quia dictus Johannes de Thorp, rector ecclesie parochialis de Cottenham Elien' diocesis et ad collacionem venerabilis in Christo patris et domini domini .. episcopi Elien' spectantis, diem suum extra romanam curiam et in regno Anglie clausit extremum nos Nicholaus Roos, doctor legum venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius in hac parte sufficienter deputatus, timentes verisimiliter ne bona ipsius indebite distraherentur, consumantur seu alienentur ad ecclesiam parochialem de Cottenham predictam et rectoriam eiusdem isto duodevicesimo die mensis

^a A reference marker looking like three small balls and a pair of braces appears under the paragraph mark here. It is repeated below in the same place in entry 38.25.

¹ For this translation, see Introduction.

septembris anno domini millesimo trecentesimo septuagesimo quinto personaliter accessimus et omnia bona et catalla ad dictum rectorem spectancia et pertinentia tempore mortis sue et infra ambitum parochie de Cotenham existencia in quorumcumque manibus fuerint inventa sequestravimus et sic sequestrata nunciavimus publice tam in dicta ecclesia quam in rectoria eiusdem et sub arta et salva sequestri custodia teneri decrevimus sequestrata quousque testamentum dicti rectoris si quod condidit coram dicto venerabili patre, nobis vel alio ipsius commissario probatum fuerit et approbatum prout ad dictum venerabilem patrem eiusque commissarios et ministros probacio, approbacio et insinuacio [fol. 30r] testamentorum quorumcumque rectorum et vicariorum ecclesiarum ad suam collacionem spectancium tam de iure communi quam de consuetudine hactenus usitata pertineant et sic debeant pertinere, et quousque administracionem dictorum bonorum duxerit vel duxerimus committendam. Et incontinenti Willelmo Burton, executori testamenti dicti domini Johannis, tunc ibidem presenti diem mercurii proximo post festum exaltacionis Sancte Crucis proximo futurum videlicet undevicesimum diem mensis septembris in ecclesia Omnium Sanctorum Cantebr' ad exhibendum testamentum dicti defuncti et inventarium bonorum eiusdem eaque probanda coram nobis et administracionem dictorum bonorum recipiendam si voluerit prefiximus et assignavimus. Subsequenter vero dicto die duodevicesimo mensis septembris in dicta ecclesia de Cotenham comparens personaliter coram nobis discretus vir magister Henricus Bowet, clericus procurator reverendi viri magistri Nicholai de Drayton, coram nobis proposuit quod ipse prefatam ecclesiam parochialem de Cotenham cum suis iuribus et pertinentibus universis vigore gracie et provisionis apostolice prefato magistro Nicholao de Drayton facte nomine procuratorio dicti magistri Nicholai fuit et est canonice assecutus exhibitoque coram nobis per dictum magistrum Henricum procuratorem procuratorio suo sub manu publica confecto potestatem specialem prestandi obedienciam canonicam continente, obedienciam canonicam dicto venerabili patri domino .. episcopo Elien', nobis et aliis ipsius et nostris commissariis et ministris in licitis et canonicis mandatis prestitit atque fecit. Et post hec dominum Alanum, capellandum parochialem de Cotenham, requisivimus ut omnes fructus et obvenciones ad dictam ecclesiam tempore vacationis eiusdem provenientes nobis liberaret, prefatus vero dominus Alanus capellanus respondebat quod a tempore mortis dicti domini Johannis de Thorp rectoris defuncti usque ad tempus ingressus magistri Nicholai de Drayton dicta ecclesia vacavit per unum diem dumtaxat et illo die provenerunt ad altare commodo duo denarios, quos nobis nomine dicti venerabilis patris liberavit nomine vacationis dicte ecclesie. Acta sunt hec sub anno domini mense die^b et loco supradictis indiccione tercia decima

^b hec sub anno domini mense die] *each of these words is separated by a punctus elevatus, and the one after domini looks like a gemipunctus elevatus.*

pontificatus domini Gregorii pape undecimi anno quinto. Et postmodo dicto die mercurii videlicet undevicesimo die septembris anno domini supradicto comparens personaliter coram nobis officiali et commissario supradicto in ecclesia hospitalis Sancti Johannis evangeliste Cantebr' prefatus Willelmus Burton, executor dicti defuncti, testamentum dicti defuncti exhibuit coram nobis et probavit unde nos pro testamento legitimo pronunciavimus ipsumque publicavimus. Et commisimus eidem Willelmo Burton administracionem omnium bonorum ad dictum defunctum spectancium et infra diocesim Elien' existencium prestito primitus per eundem Willelmum iuramento ad sancta Dei evangelia per ipsum corporaliter tacta de fideliter administrando predicta bona, fidele inventarium exhibendo et fideliter computando cum per dictum venerabilem patrem, nos vel alium ipsius commissarium fuerit congrue requisitus dictusque executor copiam testamenti predicti penes registru^m nostrum dimisit. Acta sunt anno indiccione pontificatu et mense diebus et locis supradictis. Presentibus magistro Henrico Bowet, rectore ecclesie de Croft, Roberto Bevereggh' de Badburgham et Willelmo Morton, litteratis, Ebor', Elien' et Lich' diocesium testibus ad premissa vocatis specialiter et rogatis, me RF: Foxton presente. [fol. 30v]

[10 Jan 76 (25.27)] Cottenham account. 23 Jan. 1376 in Scrope's residence, William Burton, executor of John de Thorp, late rector of Cottenham, personally exhibits John's testament, which was proved, approved, recorded, and published by Mr Nicholas Ross, Scrope's predecessor. William exhibits the inventory of goods within the diocese and accounts for the administration to Scrope.

Acquittance. Since a complete account has been received, the executors are dismissed from the duty of administration. Witnesses: Mr Henry Bowet, rector of Croft and consistory advocate, and John Denford, lettered (*litteratus*), of York and Lincoln dioceses. [NS]

Cotenham – compotus – acquietancia] Memorandum quod decimo kalendas february anno domini supradicto comparuit personaliter coram nobis Ricardo le Scrop', canonico Ebor' venerabilis in patris et domini domini Thome Dei gracia episcopi Elien' officiali et commissario in hac parte sufficienter deputato, in hospicio habitacionis nostre Cantebr' Willelmus Burton', executor testamenti domini Johannis de Thorp', nuper rectoris ecclesie de Cotenham Elien' diocesis, testamentum ipsius rectoris per bone memorie magistrum Nicholaum Roos, legum doctorem dicti venerabilis patris nuper officialis et commissarium predecessorem nostrum in officio immediatum, probatum, appropriatum, insinuatum et publicatum ac inventarium bonorum eiusdem rectoris in diocesi Elien' existencium coram nobis exhibuit et super et de administracione facta in dictis bonis nobis computavit. Et quia per ipsius compotum invenimus eundem executorem in bonis dicti defuncti bene et

^m penes registru] penes dictum registru – dictum *may have been crossed out; if it was not, it should have been; there is no previous reference.*

fideliter administrasse, administracionemque suam plenarie complevisse, ipsum ab onere administracionis huiusmodi et ab ulteriori compoto nobis inde reddendo salvo iure cuiuscumque reddimus absolutum. Presentibus magistro Henrico Bowet, rectore ecclesie de Croft consistorii nostri advocato, Johanne Denford', litterato, Ebor' et Lincoln' diocesis testibus ad premissa vocatis et regatis. RF: Foxton. [fol. 37v]

[4 Dec 76 (38.25)] Cottenham. Robert de Gerlethorp, rector of Cottenham, was called by the official for 4 Dec. 1376 in St Michael's to show his title to that church and, if he has a sufficient title, to swear obedience to the bishop, the official, and their commissaries and ministers.

Robert appears by Thomas de Gerlethorp, proctor, who exhibits his proxy, which was made by Mr John de Catherington, public notary, and bears his sign and subscription. He shows the rector's title, a copy of which is left in the official's registry.² The proctor swears obedience by special mandate.

Cotenham^d – exhibicio tituli – obediencia] Cum nos Ricardus le Scrop', officialis et commissarius supradictus, dominum Robertum de Gerlethorp', rectorem ecclesie parochialis de Cotenham Elien' diocesis, ad diem iouis proximo post festum Sancti Andree apostoli anno domini supradicto in ecclesia Sancti Michaelis Cant' titulum quem habit in dicta ecclesia seu ad eam exhibiturum et si titulum sufficientem exhibuerit, obedienciam canonicam dicto venerabili patri domino .. episcopo Elien', nobis et aliis suis et nostris in hac parte officiali, commissariis et ministris in licitis et canonicis mandatis prestiturum fecerimus coram nobis ad iudicium evocari, quidam dominus Thomas de Gerbethorp', procurator dicti domini Roberti, comparens coram nobis dictis die et loco, procuratorium suum manupublica magistri Johannis de Katerington', notarii publici, confectum ac signo et subscriptione sua consignatum exhibens, titulum suum quem ad dictam ecclesiam et in ea habuit exhibuit et ostendit copiaque eiusdem tituli penes registrum nostrum dimisit. Idemque procurator habens ad hoc speciale mandatum obedienciam canonicam dicto venerabili patri, nobis et ceteris ipsius et nostris officiali, commissario et ministris ad sancta Dei evangelia per ipsam corporaliter prestitit et iuravit. [fol. 59v]

[3 Feb 79 (70.35)] Cottenham. John Marris, John Difford, rector of Watton, Robert Beveridge, and William Burton, executors of the testament and administrators of the goods of John de Thorp, late rector of Cottenham, were cited at the instance of the parishioners and keepers of Cottenham in a testamentary case.

Twelve parishioners appear; the executors are absent. With the parishioners' consent, both expected next for same.

Cotenham] Johannes Mareys, dominus Johannes Difford', rector ecclesie de Watton', Robertus Bev'egh' et Willelmus Burton', executores testamenti seu

^d See note a.

² For this translation, see Introduction.

administratores bonorum domini Johannis de Thorp', nuper rectoris ecclesie de Cotenham, citati ad instanciam parochianorum et custodum dicte ecclesie de Cotenham in causa testamentaria, parte actrice per duodecim parochianos dicte ecclesie comparente, parte rea nullo modo, ideo de consensu partis actricis expectamus partem ream absentem cum parte presente usque proximum ad idem. [fol. 108r]

[25 Feb 79 (71.31)] Cottenham. The parishioners by Richard Feriby, proctor by letter; the executors are absent and found contumacious. Their penalty is reserved for the commissary.

Cotenham] Parte actrice per Ricardum Feriby, clericum, procuratorem suum litteratorie constitutum, parte rea nullo modo, ideo ipsam reputamus contumacem pena nobis reservata. [fol. 110r]

[17 Mar 79 (72.31)] Cottenham. The case is inhibited by the provincial court of Canterbury; the parishioners are cited there for the next juridical day after 17 April.

Cotenham] Inhibitum est auctoritate curie Cant' et parochiani citati ad proximum diem iuridicum post dominicam qua cantatur *Quasi modo geniti*. [fol. 112r]

59. KNAPWELL

[12 Jul 75 (20.30)] Knapwell monition. John Cook of Bourn, *anniversarius* [?ordained a priest for a year, or ?having served as chaplain of Bourn for a year], appears personally as cited and is warned peremptorily by Thomas Gloucester, cleric and commissary of Mr Thomas Wormenhale, canon of Salisbury and vicar general of spiritualities in the bishop's absence, that John should go within the next three days to Richard rector of Knapwell. He is ordered to serve the rector and parishioners as parish chaplain until 29 Sept. [1376], under penalty established by the constitutions of the holy fathers,¹ reserving for himself a competent salary. John swears to obey before the rector and dean of Bourn on 1 Oct. 1375 in All Saints, Cambridge.

Knapwelle monicio] In Dei nomine amen. Nos Thomas de Gloucestre, clericus reverendi viri magistri Thome Wormeshale, canonici Sar' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' in ipsius absentia vicarii in spiritualibus generalis, commissarius ad infrascripta sufficienter deputatus, dominum Johannem Cook commorantem in Brunne Elien' diocesis et anniversarium celebrantem coram nobis personaliter comparentem iuxta citacionem sibi in ea parte factam monemus primo, secundo et tercio ac peremptorie quod ad dominum Ricardum rectorem ecclesie parochialis de Knapwell dicte diocesis, capellano parochiali destituto, infra tres dies proximo sequentes accedat animo et intencione eidem rectori et parochialis eiusdem in officio et ministerio capellani parochialis deserviat ibidemque in dicto officio permaneat usque ad festum Sancti Michaelis proximo nunc futurum salvo sibi salario competenti sub pena in constitutionibus sanctorum

¹ Probably a reference to *Effrenata*; see Citations to Canon Law, s.v.

patrium in ea parte editis promulgata, ad quod eciam fideliter faciendum dictus dominus Johannes posita manu ad pectus suum in presencia dicti rectoris et decani de Brunne corporale prestitit iuramentum. Acta in ecclesia Omnium Sanctorum Cant' primo die octobris anno domini millesimo trecentesimo septuagesimo quinto. [fol. 31r]

[10 Jan 76 (25.14)] Knapwell. Richard de Troft, rector of Knapwell, was cited at the instance of John Ward, John Smyth junior, Thomas Daniel, and John Hoot, parishioners of Knapwell, because the parish cleric has been removed and no one is serving the church.

Parishioners are absent; Richard appears by William Killerwick, proctor *apud acta*. Both are expected next for same.

Knapwell'] Dominus Ricardus de Toft, rector ecclesie de Knapwell' Elien' diocesis, citatus coram nobis ad diem et locum supradictos ad instanciam Johannis Warde, Johannis Smyth' iunioris, Thome Danyel et Johannis Hoot, parochianorum ecclesie de Knapwell', super subtraccione clerici parochialis et officii divini in ecclesia, parte actrice nullo modo comparente, parte rea per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum comparente, ideo expectamus absentem cum presente usque proximum ad idem. [fol. 36v]

[13 Feb 76 (26.11)] Knapwell. Both parties are expected next to give and receive the libel.

Knapwell'.] In causa subtraccionis clerici parochialis et officii divini mota inter Johannem Warde de Knapwell', Johannem^a Smyth' iuniorem et Thome Danyel ac Johannis Hoot, parochianos de Knapwell', partem actricem ex parte una et dominum Ricardum de Toft, rectorem ecclesie de Knapwell', partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, ideo expectamus absentem cum presente usque proximum ad idem quod prius. [fol. 38r]

[28 Feb 76 (27.12)] Knapwell. As 26.11.

Knapwell'] In causa subtraccionis clerici parochialis et officii divini mota inter Johannem Warde de Knapwell', Johannem Smyth' juniorem et Thomam Danyel et Johannem Hoot, parochianos de Knapwell', partem actricem ex parte una, et dominum Ricardum rectorem ecclesie de Knapwell' partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, ideo expectamus absentem cum presente usque proximum ad idem. [fol. 40v]

[20 Mar 76 (28.10)] Knapwell. Parishioners absent; Richard personally. He is dismissed; the parishioners are ordered to refund to the rector his costs, according to the decretal *Actor* found in the *Liber Sextus*, under title *De dolo et contumacia*.² The parishioners will be called to hear the estimate, which is reserved for Scrope.

Knapwell' – dimissio] In causa subtraccionis clerici parochialis et officii di-

^a Johannes.

² See Citations to Canon Law, *Actor*.

vini mota inter Johannem Warde de Knapwell', Johannem Smyth' iuniorem, Thomam Danyel et Johannem Hoot parochianos de Knapwell' partem actricem ex parte una, et dominum Ricardum rectorem ecclesie de Knapwell' partem ream ex altera, parte actrice nullo modo comparente, parte rea personalliter, ideo ipsam partem ream dimittimus et predictos Johannem, Johannem, Thomam et Johannem parte actrice in expensis legitimis ea occasione factis eidem parti ree venienti refundendos iuxta formam et tenorem decretalis *Actor* de dolo et contumacia libro sexto condempnamus, earum taxatione nobis specialiter reservata et decrevimus dictos Johannem, Johannem, Thomam et Johannem fore vocandos ad proximum taxationem dictarum expensarum visuros et audituros. [fol. 43r]

[24 Jul 76 (34.35)] Knapwell. John Ward of Knapwell, parishioner and layman, was cited before Thomas Gloucester, bishop's commissary, for 16 Aug. 1376 in St Michael's at the instance of Richard rector of Knapwell to show why he should not be excommunicated according to the provincial constitutions of Canterbury.³ John has not paid any tithes, real or personal. Furthermore he has impeded the solemnities of marriage, the offices of the dead, and the purifications of women performed within the church. Infringing on the rights of the church, John has obstructed parishioners from the custom of offering candles to the rector and of giving gifts to the church on the feast of the Purification of the Virgin.

Parties appear personally. Rector gives an oral article instead of a libel. John promises to make peace with the rector. With the parties' consent, next for John to show why he should not be excommunicated with hope of peace.

Knapwell'] Johannes Warde de Knapwell', Elien' diocesis, citatus coram nobis Thoma de Glouc', clerico venerabilis in Christi patris et domini domini Thome Dei gracia episcopi Elien' commissario in hac parte sufficienter deputato, ad die sabbati proximo post festum assumptionis Beate Marie Virginis in ecclesia Sancti Michaelis Cantebr' causam rationabilem si quam habeat quare in sentenciam maioris excommunicationis in constitutionibus provincialibus Cantuar' provincie in ea parte editis latam incidisse non debeat pronunciari ad instanciam et presecucionem rectoris ecclesie de Knapwell' pro eo et ex eo quod dictus Johannes dicte ecclesie parochianus mere laicus decimas maiores et minores reales et personales de rebus et persona suis provenientes ac eciam oblaciones et alia iura ad dictam ecclesiam et rectorem eiusdem ipsius nomine spectantes et pertinentes subtraxit et detinuit. Quodque in nubencium solemniis, mortuorum exequiis, mulierum purificationibus in dicta ecclesia factis devocionem populi nedum ad unius denarii vel alterius modice quantitatis summam restrinxit verumeciam in toto impedivit, et quod dampnabilius erat dum parochiani dicte ecclesie in festo purificationis Beate Virginis preterito ad offerendum in ecclesia predicta rectori eiusdem candelas iuxta consuetudinem universalem ecclesie in honore dicte virginis gloriose et ob reverenciam festi Purificacionis sue introductam et hactenus observatam se disposuissent, predictus Johannes predictos paro-

³ See Citations to Canon Law, *Erroris dampnabilis*.

chianos utriusque sexus impedit et eis inhibuit ne huiusmodi oblaciones dicto die impenderent. Sicque per ipsum Johannem impediti ab huiusmodi oblacionibus se penitus subtraxerunt sicque et alias prefatam ecclesiam suo iure maliciose privavit et per maliciam ac contra iusticiam ipsius libertates infrinxit et eciam perturbavit prout ex parte dicti rectoris nobis extitit intimatum, partibus personaliter coram nobis .. commissario predicto dictis die et loco comparentibus, obiecto sibi oretenus quodam articulo loco libelli super materia predicta petiturque per nos quod dictam causam proponeret si qua haberet rationalem prout dies requirebat. Tandem promisit se velle pacifici cum rectore supradicto. Unde de parciis predictarum consensu, expectamus dictam causam usque proximum consistorium ad idem quod prius sub spe pacis. [fol. 54r]

[25 Sep 76 (35.16)] Knapwell. Richard by proctor; John is absent and suspended for contumacy.

Knapwell'] In causa subtraccionis decimarum et aliorum iurium ecclesie mota inter dominum Ricardum rectorem ecclesie de Knapwell' partem actricem ex parte una et Johannem Warde de eadem laicum partem ream ex altera, parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam partem ream ab ingressu ecclesie suspendimus in hiis scriptis pro sua contumacia coram nobis contracta. [fol. 55Ar]

[16 Oct 76 (36.13)] Knapwell. Peace has been restored; John is to be called *ex officio*.

Knapwell' – pax] In causa subtraccionis decimarum et aliorum iurium ecclesie mota inter dominum Ricardum rectorem ecclesie de Knapwell' partem actricem ex parte una et Johannem Warde de eadem partem ream ex altera, pax est. Ideo vocetur pars rea ex officio. [fol. 55Av]

60. ICKLETON (1)

[4 Oct 75 (21.14)] Ickleton. John Pye of Babraham, miller, was cited at the instance of John Quayle, vicar of Ickleton, in a case of tithes.

Quayle appears personally; Pye is absent, suspended, and cited.

Ikelyngton'] Johannes Pye de Badburgham *milnere* citatus ad instanciam domini Johannis Quaille vicarii ecclesie de Ikelyngton' in causa decimarum personaliter comparentes, non comparet, ideo ipsum Johannem Pye suspendimus ab ingressu ecclesie et citetur. [fol. 32r]

[25 Oct 75 (22.13)] Ickleton. John Pye is absolved from the suspension; peace has been restored.

Ickleton' – pax] In causa decimarum mota inter dominum Johannem Quaille, vicarium ecclesie de Ikelyngton', parte actricem ex parte una, et Johannem Pye de Badburgham partem ream ex altera, absoluta dicta parte rea a senten-

cia suspensionis quam in dicta causa incurrebat, pax est. [fol. 32v]

61. *HARDWICK*

[15 Nov 75 (23.3)] Hardwick sequestration. 30 Nov. 1375, following the death of Richard Beadshall, rector of Hardwick, which is within the bishop's collation, Richard Scrope sequesters all Richard's goods, so they will not be alienated. He orders them held safe until his testament, if he made one, can be proved and approved and the administration of goods within the diocese committed before the bishop, the official, or another commissary. Done in Scrope's Cambridge residence. Witnesses: Mr John Newton, BCivL, and John Denford, of Lincoln diocese. [NS]

Following the publication of the sequestration, an inquiry is made for a testament and Scrope finds that Richard died intestate.

Commission of administration. The administration of the goods of the rector of Hardwick was committed by Richard Scrope to John Wendout of Madingley, Thomas Dawe, and John Warden of Madingley. They swear to pay any debts, to administer the goods well, and to account for the administration to the official. Instead of an inventory, they show that the rector owned nothing. John Wendout says he bought the fruits of the church from the rector while he lived for 20 pounds, which he has not paid. The official orders the administrators to pay the repair of the rectory, the debts left by the late rector, and the costs of administration from the 20 pounds, giving any remainder to those to whom the rector gave his goods before his death. Witnesses: Nicholas rector Coton and John Masham, cleric, of Ely and York dioceses. [NS]

Herdewyke – sequestacio – commissio administracionis] In Dei nomine amen. Quia dominus Ricardus Bidishale, nuper rector ecclesie parochialis de Herdewyke Elien' diocesis et ad collacionem venerabilis patris domini episcopi Elien' spectantis, diem suum clausit extremum nos Ricardus le Scrop', canonicus Ebor' venerabilis in Chisto patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripto sufficienter deputatus, timentes verisimiliter ne bona ipsius indebite distraherentur et consumatur seu alienentur omnia bona et catalla ad dictum dominum Ricardum rectorem spectancia et pertinencia et in diocesim Elien' existencia isto ultimo die veneris novembris anno domini millesimo trecentesimo septuagesimo quinto indiccione tercia decima pontificatus domini Gregorii pape undecimo anno quinto in hospicio habitationis nostre Cantebr' ex causis premissis duximus sequestranda et sub arto et salvo custodiri mandavimus sequestro quousque testamentum dicti rectoris si quod condidit per dominum venerabilem patrem, nos vel alium ipsius commissarium probatum fuerit et approbatum bonaque dicti defuncti in dicta diocesi existencia duxerit vet duxerimus committenda. Presentibus magistro Johanne de Neuton', baculario in legibus, et Johanne Denford', Lincoln' diocesis testibus vocatus et rogatis. RF.

Subsequenter dicto sequestro nostro ad mandatum nostrum in dicta ecclesia et rectoria eiusdem publicato et an condidit testamentum per nos inquisito

invenimus quod dictus rector decesserat intestatus propter quod administracionem omnium bonorum dictum defunctum concernencium et in dicta diocesi existencium primo die mensis decembris anno, indiccione, pontificatu, mense et [fol. 32v] loco predictis Johanni Wendout de Maddyngle, Thome Dawe et Johanni Wardeyn de eadem commissimus in forma iuris prestito primitus per eosdem iuramento de solvendo debita, bene ministranda bona^a dicti rectoris quatenus bona sufficiunt et fideliter computando nobis de dicta administracione dictique administratores per nos ex officio nostro deputati exhibunt et ostendunt nobis loco inventarii quod dictus rector nichil penitus habuit in dicta diocesi preterquam fructus ipsius ecclesie de anno proximo preterito, quos dictus Johannes Wendout asseruit se emisse de eodem rectore dum vixit pro viginti libris quas quidem viginti adhuc non solvit. Unde iniungimus eisdem administratoribus quod de dictis viginti libris solvat reparacionem futuro rectori et alia debita ipsius defuncti iuxta visum et descrecionem nostram et quod superesse contigerit ultra reparacionem et debita et alias expensas et sumptus que circa huiusmodi administracionem sunt necessarie solvant dicti administratores illis quibus dictus Richardus bona sua dedit ante mortem suam. Presentibus domino Nicholao rectore ecclesie de Cotes et Johanne Masham, clerico, Elien' et Ebor' diocesium testibus ad premissa vocatis specialiter et rogatis. R. Foxton' [fol. 33r]

[15 Nov 75 (23.4)] Exhibition of title. Appearing personally before Richard Scrope on 30 Nov. 1375 in the official's residence, Mr Edmund Baylham of Cambridge, BCivL, asserts that he has been made rector of Hardwick, which is within the bishop's collation, and shows papal letters.

Obedience. Edmund swears obedience to the bishop, the official, and their ministers. At his request Scrope commissions Mr John Newton, BCivL and the official's advocate, to investigate defects in Hardwick church and rectory, the reparation of which had been the late rector's responsibility, and to certify about the cost of repairs.

Inquiry into defects. John has questioned Nicholas vicar of Caldecote, then dean of Bourn; William vicar of Comberton; Thomas Sutton, parish chaplain of Hardwick; and also John Bette, John Sergeant, Hugh Wynde, John Morris, Walter Scot of the same, and John Comfrey, laymen, about the defects. He has found they will cost 10 pounds to repair, as made clear in the certification to Scrope.

Exhibicio tituli – obediencia – inquisicio super defectibus] Anno, indiccione, pontificatu, mense, die et loco predictis coram nobis .. officiali et commissario supradicto comparens personaliter magister Edmundus Beylham de Cantebr', bacallarius in legibus, rector ut asseruit dicte ecclesie parochialis de Herdewyk' vigore gracie apostolice sibi ut asseruit facte de beneficio ecclesiastico spectante ad collacionem, provisionem, presentacionem seu quamvis aliam disposicionem venerabilis patris domini .. episcopi Elien',

^a bene ministranda bona] *interlined*.

litteras apostolicas sibi inde factas et processum inde secutum nobis exhibuit et ostendit et se fore dictam ecclesiam auctoritate apostolica supradicta canonice assecutum nobis intimavit et obedienciam canonicam dicto venerabili patri, nobis et ceteris ipsius et nostris ministris in licitis et canonicis mandatis prestitit atque fecit. Et ad ipsius magistri Edmundi rectoris pretensi instantem petitionem commisimus magistro Johanni de Neuton^a, baculario in legibus consistorii nostri advocato, ad inquirendum super defectibus tam in ecclesia quam in rectoria de Herdewyk^a, quorum reparacio ad rectorem defunctum dum vixit spectantibus, pro quanto videlicet poterunt competenter reparari et ad certificandum nos ipso negotio expedito quid invenerit in premissis. Idem quoque magister Johannes commissarius noster per dominos Nicholaum vicarium ecclesie de Caldecote, tunc decanum de Bru'ne, Willelmum vicarium ecclesie de Cumberton^a et Thomam Sutton, capellanum parochialem de Herdewyk^a, clericos, ac eciam per Johannem Bette, Johannem Sergeaunt, Hugonem Wynde, Johannem Morice, Willelmum Scot de eadem et Johannem Comfrey,^b laicos, super dictis defectibus iuratos inquirens invenit per eosdem quod defectus in dictis ecclesia et rectoria dimissos per dictum rectorem defunctum negligenter incorrectos se extendunt ad decem libras prout per certificatorium suum nobis inde transmissum liquet manifeste. [fol. 33r]

[5 Apr 81 (101.17)] Hardwick. John Wendout of Madingley had been excommunicated at another time at the instance of the rector of Hardwick. John has withheld money owed to the rector from the goods of Richard Bideshale, late rector of Hardwick, for the repair of the chancel and the rectory. John has been denounced and cited again.

John appears personally and promises to pay the rector; he is absolved.

Herdewyk^a – absolucio] Johannes Wendout de Maddingle alias excommunicatus ad instanciam rectoris ecclesie de Herdewyk^a super subtraccione marcarum sibi debitarum de bonis domini Ricardi Bideshale, nuper rectoris eiusdem, cuius extitit administrator bonorum occasione reparacionis defectuum^c tempore suo contingencium in cancello et rectoria eiusdem, denunciatus et iterato citatus comparuit personaliter et satisfacto primitus dicto rectore de dicta pecunia absolutus est. [fol. 149r]

^b et Johannem Comfrey] *interlined.* ^c defectuum] *followed by per ipsum crossed out.*

62. SWAFFHAM (1)

[7 Dec 75 (24.18)] Probate of Swaffham testament. 12 Dec. 1375, following the death of John de Downham, vicar of St Mary's, Swaffham Prior, which is within bishop's collation, Roger Hayward and John Dulkyn, the vicar's executors, were called before Richard Scrope in his Cambridge residence in the hospital of St John the Evangelist, Cambridge. They show and prove the testament and inventory. Scrope publishes and records the testament and commits the administration of goods to them.

Custody of vacancy. Thomas de Broughton, chaplain of St Mary of Swaffham Prior, is

commissioned to guard the vicarage during the vacancy, to receive offerings in the bishop and Scrope's names, and to account for the receipts to Scrope. Receiving the bishop's confirmation, Thomas accounts for 10*d* and 4 torches used at the corners of the bier, at the time of the vicar's burial. He delivers these [presumably the receipts less the expenses] to the official.

Account. 20 Dec. 1375 in Scrope's residence the executors personally show the testament and inventory and account for the administration to Scrope.

Acquittance. Since a complete account has been received, the executors are dismissed from the duty of administration.

Swaffham probacio testamenti – custodia vacacionis – liberacio vacacionis – compotus – acquietancia] In Dei nomine amen. Quia dominus Johannes de Dounham, vicarius ecclesie parochialis Sancte Marie de Swaffham Prior diocesis Elien' et ad collacionem venerabilis patris domini episcopi Elien' spectantis, diem suum clausit extremum, nos Richardus le Scrop', canonicus Ebor' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infra causa sufficienter deputatus, quosdam Rogerum Hayward et Johannem Dulkyyn, ipsius testamenti executores, ad diem mercurii proximo post festum conceptionis Sancte Marie dicti defuncti testamentum et inventarium exhibituros et probaturos ac administracionem bonorum dicti defuncti si voluerint recepturos fecimus coram nobis ad iudicium evocari. Quo die dicti Rogerus et Johannes executores in hospicio habitacionis nostre Cantebr' coram nobis personaliter comparentes, testamentumque et inventarium bonorum dicti defuncti exhibentes et probantes, ea duximus approbanda ipsumque testamentum publicavimus et insinuavimus et administracionem omnium bonorum dictum defunctum concernencium eisdem executoribus in forma iuris duximus committendam. Subsequenter vero ad custodiendum dictam vicariam tempore vacacionis eiusdem et recipiendum fructus, redditus, oblaciones et proventus eiusdem nomine dicti venerabilis patris et nostro discreto viro domino Thome de Broughton' capellano eiusdem dedimus in mandatis cum onere computandi nobis de eisdem, dictus dominus Thome ipsius vicarie custodiam pro tempore vacacionis assumens et fructus, redditus, oblaciones et proventus nomine dicti patris et nostro recipiens, ex eadem computavit nobis, postquam dictus venerabilis pater ipsam [fol. 34r] vicariam contulit iure suo, de decem denariis et quatuor torticis ad cornaria feretri dicti defuncti tempore sepulturi provenientibus et nobis eos liberavit.

Subsequenter die iovis proximo post festum Sancte Lucie virginis anno Domini supradicto comparentes personaliter coram nobis in hospicio habitacionis nostre prefati executores testamentum et inventarium^a bonorum dicti defuncti exhibentes super eorum administracione nobis finaliter computarunt. Et quia per dictum compotum invenimus eas bene et fideliter admini-

^a inventarium.

strasse administracionemque suam plenarie complevisse, ipsos ab onere administracionis huiusmodi et ab ulteriori compoto nobis inde reddendo salvo iure cuiuscumque reddimus absolutos. [fol. 34v]

[7 Dec 75 (24.20)] Swaffham obedience. 29 Dec. 1375 Thomas Broughton, chaplain and vicar of St Mary of Swaffham Prior, appointed by the bishop and inducted by the vicar of St Cyriac of Swaffham Prior, personally swears obedience to the bishop, his official, and their ministers.

Swaffham obediencia] Quarto kalendas ianuarii anno domini supradicto comparens personaliter dominus Thomas Broughton', cappellanus, cui dictus venerabilis pater vicariam ecclesie parochialis Sancte Marie de Swaffham Prior Elien' contulit iure suo et per vicarium Sancti Cirici de eadem induci fecit in eandem, prestitit obedienciam dicto venerabili patri domino episcopo, nobis et ceteris ipsius et nostris ministris in licitis et canonicis mandatis. [fol. 34v]

63. LITTLEPORT/LAKENHEATH

[7 Dec 75 (24.21)] Littleport. Simon de Lakenheath, vicar of Littleport, had been called by Nicholas Ross, former official of Ely, concerning the crimes of fornication and incest. These crimes had been committed with Margaret de Lakenheath, whom he had been supporting in the vicarage house and elsewhere for months. He had also been called to swear obedience to the bishop and his ministers.

Although summoned, Simon was absent. He was found contumacious, excommunicated, and publicly denounced. Pretending to be grieved, Simon appealed to the court of Canterbury and obtained an inhibition.

Since the appeal was never brought before the provincial court following Ross's death, Richard Scrope, the present official, orders the execution of the excommunication. Mr James de Cottenham, Simon's advocate, requests the execution deferred until 19 Jan. 1376, promising that his principal will appear to swear and to submit to Scrope's grace. The execution is deferred.

19 Jan. Simon appears personally before Scrope at his residence in the presence of Mr James and other witnesses. He renounces his appeal, submits to Scrope's grace, and requests absolution. Sworn to obey church mandates, he is absolved and ordered to offer to the sacristan of Ely 4d for St Etheldreda's tomb because of his contumacy. Questioned about the crimes and sworn *de veritate dicenda*, Simon denies intercourse with Margaret and purges himself. He promises to remove her from his house within fifteen days and to avoid suspicious places with her. Witnesses: Mr's Thomas Gloucester, Henry Bowet, James de Cottenham, and John Newton, advocates of consistory. [NS]

Lyttelport – excommunicacio – appellacio – renunciacio – absolucio – purgacio – abiuracio] In nomine Dei amen. Cum bone memorie magister Nicolaus Roos doctor legum venerabilis patris domini episcopi Elien' officialis et commissarius sufficienter deputatus, dominum Simonum de Lakyngheth', vicarium ecclesie parochialis de Lyttelport, super criminem gravis fornicacionis et incestus cum Margareta de Lakyngheth', quam in domibus vicarie

sue et alibi assertur se tenere per mensem et per menses, ac eciam ad faciendum et prestandum canonicam obedienciam dicto venerabili patri et suis ministris, fecisset coram eo ad iudicium evocari, prefatus magister Nicolaus officialis et commissarius ipsum dominum Simonem citatum, preconizatum, nullo modo comparentem reputavit prout erat merito contumacem et pro sua huiusmodi contumacia ipsum excommunicavit et excommunicatum mandavit et fecit publice nunciari. Prefatus tamen Simon vicarius pretendens minus tam veraciter se per dictum magistrum Nicholaum officialem et commissarium fore ex dictis excommunicatione et denunciacione indebite pregravatum, ad curiam Cantuar' se asseruit appellasse et inhibitionem optinuit ab eadem, prefato postmodum magistro Nicholao sicut domino placuit ab hac luce subtracto dictaque appellacionis causa in curia Cant' nullatenus introducta. Nos Ricardus le Scrop', canonicus Ebor' dicti venerabilis patris officialis et commissarius post magistrum Nicholaum immediate in dicto officio succedentes, dictam excommunicationis sentenciam contra prefatum Simonem vicarium execucioni demandavimus iusticia suadente, postmodum magister Jacobus de Cotenham, dicti Simonis vicarii advocatus, pro eodem erga nos cum instancia intercessit ut dictam execucionem usque ad diem sabbati proximo post festum Sancti Hillarii differre curaremus, promittens de sistendo eum dicto die personaliter iurare mandatis^a ecclesie et nostris pariturnum et nostre gracie in omnibus submissurum, unde ad ipsius magistri Jacobi instantem rogatum execucionem erga eum faciendam usque dictum diem duximus differendam. Quo die adveniente, predicto Simone vicario coram nobis in hospicio habitacionis nostre Cant' in presencia dicti magistri Jacobi et aliorum testium infrascriptorum personaliter comparenti, appellacioni suo predicto expresse renunciante et se nostris gracie et voluntati in omnibus se submitit ac beneficium absolucionis a dicta sententia peccit sibi dari sicque prefatum Simonem vicarium iuratum prius de stando mandatis ecclesie absolvimus in forma iuris et pro dicta contumacia iniuximus quod offerat in manus .. sacriste Elien' nomine feretri Sancte Etheldrede [fol. 34v] quattuor denarios, quam penitenciam admisit expresse, impetitus eciam per nos super crimine gravis fornicacionis cum dicta Margareta commisso ac super detencione eiusdem in domibus vicarie sue per mensem et menses de qua habetur sinistra suspicio. Prefatus Simon vicarius carnalem copulam cum predicta Margareta per ipsum commissam iuratus prius de veritate dicenda negavit expresse et super dicta carnali copula in presencia dicti magistri Jacobi et aliorum infrascriptorum coram nobis canonice purgavit et iuravit dictus dominus Simon vicarius tunc ibidem ad sancta Dei evangelia per ipsum corporaliter prestita quod dictam Margaretam a domibus vicarie sue et

^a personaliter iurare mandatis] personaliter, iurir mandatis – iurir is unclear; it may be iuri followed by a dramatic virgula. Perhaps read iuri [et] mandatis.

a cohabitacione sua infra quindenam tunc proximo sequentem absque animo redeundi penitus ammovebit et ab aliis locis suspectis cum eadem abstinebit. Presentibus magistris Thoma de Gloucestr', Henrico Bowet, Jacobo de Cotenham et Johanne de Neuton', consistorii nostri advocatis testibus vocatis et rogatis. RF: Foxton. [fol. 35r]

[7 Dec 75 (24.22)] Littleport obedience. Simon vicar of Littleport swears obedience to the bishop, his official, and their commissaries and ministers.

Obediencia Littelpo[rt]]. Eisdem die et loco predictus dominus Simon vicarius prestitit obedienciam canonicam in manibus nostris domino .. episcopo Elien', nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis. [fol. 35r]

[7 Dec 75 (24.23)] Lakenheath. Margaret Lakenheath, residing with the vicar of Littleport, appears personally on 9 Jan. 1376 before Richard Scrope at his residence, in the presence of Mr James de Cottenham. She is questioned about the crime of fornication committed with the vicar and with Alan de Lakenheath, chaplain formerly residing in Littleport. She denies committing the crime with either, purges herself, and abjures suspicious places, under penalty of six whippings round the market and church.

Lakyngheth' – purgacio – abiuracio] Die mercurii proximo post festum epiphanie Domini anno domini supradicto in hospicio habitacionis nostre Cantebr' comparens personaliter coram nobis Ricardo le Scrop' officiali et commissario supradicto Margareta Lakyngheth' comorans cum vicario ecclesie de Lytelpport presente magistro Jacobo de Cotenham pro ipsa instantia rogante super crimine gravis fornicacionis cum domino Simone vicario ecclesie de Lytelpport ac cum domino Ade de Lakyngheth', capellano nuper commorante apud Lytelpport, per nos impetitur. Dictum criminem cum prefatis dominis Simone vicario et Ade capellano per ipsam commissum expresse negavit et super dictis criminibus coram nobis in presencia dicti magistri Jacobi canonice se purgavit et abiuravit loca suspecta sub pena fustigacionis sex per mercatum et ecclesiam. [fol. 35r]

64. WILCOCKSON

[7 Dec 75 (24.24)] Wilcockson. John Wilcockson and Agnes daughter of John Hare, residing in Barnwell, were cited *ex officio* to appear personally before the official on 11 Jan. 1376 concerning a clandestine contract of marriage and subsequent intercourse. They appear personally. Sworn *de veritate dicenda*, they admit that they contracted marriage in present words of mutual consent, followed by intercourse. When asked whether they know any reason why they should not be judged married, they propose nothing. They swear they are free of conjugal ties and other impediments. Scrope pronounces them married and orders the banns published and the marriage, barring impediment, solemnized before St Benet's Cambridge, where they are parishioners.

Wylcokesson' – contractus – pronunciacio] Johannes Wylcokesson' et Agnes

filia Johannis Hare commorantes in Bernewell' Elien' diocesis iuxta Cantebr' citati coram nobis officiali et commissario predicto comparuerunt personaliter coram nobis die veneris proximo post festum epiphanie Domini, impetiti ex officio nostro super clandestino contractu matrimoniali inter eos inito et carnali copula subsecuta, iurati de veritate dicenda fatebantur se matrimonium adinvicem contraxisse per verba de presenti mutuum consensum eorumdem exprimencia carnali copula subsecuta, requisiti an sciant quicquam dicere quare non debeat adjudicari pro matrimonio inter eos, dicunt se nichil scire dicere seu proponere, prestito per ipsos iuramento ex habundanti quod sunt liberi et immunes ab omni nexu coniugali aliunde et ab omni alio impedimento in hac parte, pronunciamus pro matrimonio inter eosdem decernentes matrimonium inter eosdem fore in facie ecclesie Sancti Benedicti Cant' cuius sunt parochiani solempnizandum, bannis prius editis si nullum subsit impedimentum loco et tempore opportunis. [fol. 35r]

65. HUMBLETON

[7 Dec 75 (24.25)] Humbleton. Thomas Humbleton of Cambridge, tailor, and Agnes Folville of Cambridge were cited to appear personally before the official on 17 Dec. 1375 concerning intercourse, long continued, and a clandestine contract of marriage.

They appear personally. Sworn *de veritate dicenda*, they admit that they contracted marriage in present words of mutual consent, followed by intercourse. When asked whether they know any reason why they should not be judged married, they propose nothing. They swear they are free of conjugal ties and other impediments. Scrope pronounces them married and orders the banns published and the marriage, barring impediment, solemnized before St Benet's Cambridge, where they are parishioners.

Humbelton' – contractus – pronunciatio] Thomas Humbelton' de Cantebr', *taillor*, et Agnes Folvyle de eadem citati coram nobis .. officiali et commissario predicto ad diem lune proximo post festum Sancte Lucie virginis anno domini supradicto super carnali copula inter eosdem commissa et diucius, fatebantur se matrimonium adinvicem contraxisse per verba de presenti mutuum consensum eorumdem exprimencia carnali copula subsecuta, requisiti an sciant quicquam dicere quare non debeat adjudicari pro matrimonio inter eos, dicunt se nichil scire dicere seu proponere. Prestito per ipsos iuramento ex habundanti quod sunt liberi et immunes ab omni nexu coniugali aliunde et ab omni alio impedimento in hac parte, pronunciamus pro matrimonio inter eos decernences matrimonium inter eosdem fore in facie ecclesie Sancti Benedicti Cantebr' cuius sunt parochiani solempnizandum, bannis prius editis si nullum subsit impedimentum pro loco et tempore opportunis. [fol. 35r]

66. STARR/FISKERTON

In addition to this messy matrimonial action, Joan Fiskerton *al.* Cornwall, the intervening and unsuccessful defendant in the basic action, is convicted of adultery with two Cambridge servants (entry 36.28).

[7 Dec 75 (24.26)] Starr. Adam Reynold of Cambridge, dyer (*lystere*), was cited before the official for 9 Dec. 1375 in St Michael's at the instance of Margery Starr of Cambridge in a marriage case.

Parties appear personally. Margery proposes orally that Adam should be judged her husband because they contracted in present words of mutual consent, or in future words followed by intercourse. The marriage was recognized by them before the community and acknowledged by public fame prior to the suit. Adam contests the suit affirmatively. Sworn *de calumpnia*, *de veritate dicenda*, *de collusione vitanda*, and *de malicia* and questioned, they admit to having said "I promise to accept you as my husband." and "I promise to accept you as my wife." Intercourse followed. Margery wants to prove the contract with witnesses. 19 Jan., before the official or his commissary, is assigned to propose and the first term to produce. Witnesses: Mr's Thomas Gloucester, Henry Bowet, and John Newton, advocates of consistory, *et al.*

19 Jan. Joan Fiskerton of Cambridge appears personally and orally proposes that she and Adam contracted in present words of mutual consent, or in future words followed by intercourse, and that a definitive sentence was given by a competent judge in favour of their marriage. Since no appeal was made, the matter is *res iudicata*. For her own interest, Joan wants to be admitted to defend her case so that Adam and Margery cannot collude to prejudice Joan and her contract. She is admitted, her faith given summarily concerning her interest. Margery produces four witnesses: Robert Danhurst of Cambridge, Denise his wife, Agnes wife of Henry Outlaw, and Alice wife of Walter Kimberlee of Cambridge, who are admitted and sworn. Joan reserves the right to speak against witnesses and testimony. She requests the articles to be used to examine the witnesses so that she can make interrogatories. A copy of them is ordered for her. 4 Feb. before Scrope or his commissary is assigned for Margery to propose and the second term to produce. Witnesses: Mr's Thomas Gloucester, Henry Bowet, and James de Cottenham, advocates of the consistory, *et al.*

Sterre] Adam Reynold' de Cantebr', *lystere*, citatus coram nobis .. officiali Elien' ad diem mercurii proximo post festum epiphanie Domini in ecclesia Sancti Michaelis Cantebr' ad instanciam Margerie Sterre de eadem in causa matrimoniali, partibus personaliter coram nobis comparentibus, proposita petitione per dictam Margeriam oretenus qua peciit dictum Adam sibi in virum adiudicari pro eo quod dicti Adam et Margeria matrimonium adinvicem per verba de presenti mutuum consensum eorudem exprimencia seu per verba de futuro carnali copula subsecuta legitime contraxerunt, quem quidem contractum uterque eorum in alterius et aliorum fidedignorum presencia ex certa sciencia fatebatur et recognovit et super quibus laborat publica vox et fama et laboravit ante omnem litem in hac parte motam, liteque per dictum Adam affirmative contestata, iuratis dictis partibus hincinde de calumpnia et de veritate dicenda ac de collusione vitanda et de malicia ac requi-[fol. 35r] siti de verbis contractus inter eos initi, fatebantur quod contraxerunt matri-

monium per ista verba, “Accipio te in virum meum et ad hoc do tibi fidem meam” et “Ego accipio te in uxorem meam et ad hoc do tibi fidem meam.” Fatebantur eciam quod post ea se invicem carnaliter cognoverunt. Unde ex habundanti prefata Margeria asseruit se velle probare dictum contractum per testes, unde eidem Margerie diem sabbati proximo post festum Sancti Hilarii loco quo supra coram nobis ut commissario nostro ad ponendum et primo producendum prefigimus et assignavimus. Presentibus magistris Thoma Gloucestre, Henrico Bowet et Johanne de Neuton’ curie nostre advocatis et aliis in multitudine copiosa. Quibus die et loco partibus predictis coram nobis .. officiali predicto personaliter comparentibus, Johanna Fyskerton’ de Canteb’ comparuit tunc ibidem personaliter coram nobis et proposuit oretenus quod dicti Adam et Johanna matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorudem exprimencia seu per verba de futuro carnali copula subsecuta et inter eos per iudicem competentem pro matrimonio extitit^a adiudicatum sentencialiter et diffinitive, que quidem sententia diffinitiva nulla appellacione suspensa in rem transiit iudicatam, quare peciit dicta Johanna se admitti ad defensionem dicte cause pro suo interesse ne dicti Adam et Margeria adinvicem colludent in ipsius Johanne et contractus sui priudicium, qua admissa ad ipsius cause defensionem facta fide summarie de suo interesse. Productique per dictam Margeriam quatuor testibus videlicet Roberto Danhurst de Canteb’, Dionisia uxore sua, Agnete uxore Henrici Outlawe et Alicia uxore Walteri Kymberlee de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem dicte Johanne de dicendo contra testes et eorum dicta quatenus contra se deponunt, datur dies lune proximo post festum purificationis Beate Marie virginis loco quo supra coram nobis vel nostro commissario dicte Margerie ad ponendum et secundo producendum et dictis Ade et Johanne ad videndum et interessendum product’ huiusmodi si sua viderint interesse et predicta Johanna protestatur de ministrando interrogatoria et pecit articulos super quibus testes debent examinari ut ex eis poterit elicere interrogatoria, quorum copiam ei duximus decernendam. Presentibus magistris Thoma de Gloucestre, Henrico Bowet et Jacobo de Cotenham, consistorio nostri advocatis et aliis in multitudine copiosa. [fol. 35v]

[7 Dec 75 (24.30)] Starr. Margery personally; Adam by John Wiltshire proctor; Joan personally. No other witnesses are produced. Since the previous witnesses have been examined, the testimony is published and a copy is ordered for the parties. Next to speak against witnesses and testimony. Joan’s exception is exhibited in writing and admitted.

Sterre] In causa matrimoniali mota inter Margeriam Sterr’ partem actricem ex parte una et Adam Reynold’ de Cant’ partem ream ac eciam Johannam Fyskerton’ eidem Ade assistentem pro suo interesse ex altera, parte actrice

^a extitit] *interlined*.

personaliter comparente, predicto Ada per Johannem Wiltesshire, clericum, procuratorem suum, predicta vero Johanna personaliter comparentibus, nullis aliis testibus productis sed examinatis testibus prius productis publicatisque attestacionibus eorumdem et decreta earum copia partibus predictis, datur dies in proximo eisdem partibus ad dicendum contra testes et eorum dicta, exhibita insuper per partem dicte Johanne quadam excepcione sive propositione rei iudicate in scriptis quam eatenus quatenus de iure est admittenda et non alias duximus admittendam. [fol. 36r]

[13 Feb 76 (26.21)] Starr. Nothing is proposed. Next for Joan to prove her exception.

Sterre] In causa matrimoniali mota inter Margeriam Sterre partem actricem ex parte una et Adam Reynold' de Cantebr' partem ream ac eciam Johannam Fyskerton' eidem Ade assistentem pro suo interesse ex altera, partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem partium predictarum, datus est dies in proximo dicte Johanne ad probandum dictam propositionem. [fol. 39r]

[28 Feb 76 (27.18)] Starr. To help prove her exception, Joan exhibits a document, signed and subscribed by Hugh Candlesby, public notary, and bearing the seal of the archdeacon's official. She proposes articles to be used to examine witnesses who have yet to be produced; admitted. 7 March for Joan to offer final proof, a brief and peremptory term because of their proximity and the nature of the case.

7 March. Margery personally; Adam by proctor; Joan absent. Thomas Walpole, chaplain, delivers to Scrope an inhibition sought from the court of Canterbury by Joan. It suggests falsely that the primary cognizance of the ecclesiastical cases does not pertain to the bishop of Ely, his official, or their commissaries or ministers, and that Scrope caused other grievances. Scrope is inhibited so that while the appeal is undecided, he will not do anything prejudicial to Joan and she will be able to appeal freely. The chaplain cites Margery to appear on the third juridical day after 25 March at the court of Canterbury to proceed with the appeal. Scrope declares his intention to obey the provincial court's mandate. Witnesses: Mr's Thomas Gloucester and John Potton, advocates of consistory; William Killerwick and Peter Caprik, clerics; and John Wiltshire, lettered (*litteratus*), *et al.*, of Lincoln, Ely, York, and Salisbury dioceses. [NS]

Sterre. In causa matrimoniali mota inter Margeriam Sterre partem actricem ex parte una, Adam Reynold' de Cantebr' partem ream ac eciam Johannam Fyskerton' eidem Ade assistentem pro suo interesse ex altera, partibus ut prius comparentibus, exhibito per partem predictae Johanne quodam instrumento publico in subsidium probacionis dicte propositionis sue signo et subscripcione magistri Hugonis de Candelesby clerici et notario publico ac sigillo .. officialis domini .. archidiaconi Elien' consignato, datur dies veneris proximo ante festum Sancti Gregorii proximo futurum dicte Johanne ad peremptorie probandum terminum ita brevem et peremptorium propter loci propinquitatem et cause qualitatem duximus assignari^b, et pars dicte Johanne proponit articulos super quibus testes producendos debent examinari ipso-

^b terminum ita brevem et peremptorium propter loci propinquitatem et cause qualitatem duximus assignari] *interlined*.

sque quatenus sunt pertinentes ad materiam per eam propositam et sunt admittendos de iure duximus admittendi. [fol. 40v] Quibus die et loco predicta Margeria personaliter, dicto Ada per procuratorem suum predictum, prefata vero Johanna Fyskerton nullo modo sed comparet quidam dominus Thomas Walpol, capellanus, quamdam inhibitionem a curia Cantuar' per Johannam Cornewaille de Cant' ut asseritur impetratam et eidem Thome directam in qua suggeritur falso et mendaciter inter alia^c quod primarie cognicio causarum ecclesiasticarum ad venerabilem patrem dominum .. episcopum Elien' vel nos seu alium ipsius officialis, commissarium seu ministrum non pertinet quodque nos quedam gravamina in dicta suggestionem contenta eidem intulimus coram nobis iudicialiter porrigens nobis inhibuit ne pendente in dicta curia Cant' appellacionis sue in ea parte pretense causa indecisa quicquam ea occasione in predicta Johanne Cornewaille appellantis pretense preiudicium attemptaremus seu faceremus aliquammodo attemptari, quominus eidem parti appellanti pretensio libera pateret appellacionem suam huiusmodi pretensam proseguende facultas et citavit dictam Margeriam partem appellatam pretensam quod compareat in curia Cant' tercio die iuridico post festum Annunciationis dominice in dicta appellacionis pretense causa processuram, protestatur per nos quod volumus et intendimus ipsius curie Cantuar' presidentis madatis licitis et canonicis parere reverencialiter. Presentibus discretis viris magistris Thoma de Glouc', Johanne de Potton', consistorii nostri advocatis, Willelmo Killerwyk', Petro Caprik', clericis, ac Johanne Wiltesshire, litterato, et aliis in multitudine copiosa Lincoln', Elien', Ebor' et Sar' diocesum testibus vocatis et rogatis. RF: Foxton. [fol. 41r]

[16 Oct 76 (36.28)] Fiskerton *al.* Cornwall. Joan Fiskerton of Cambridge, *al.* Cornwall, had been cited before the official for the crime of adultery committed with John Ernest, servant of John Barker of Cambridge, and with John Chapman, servant of Richard March of Cambridge. The crime had been brought to the court's attention by public fame. Her correction and punishment had been committed to Mr Thomas Gloucester.

Although summoned and long expected, Joan was absent. She was found contumacious and excommunicated, the excommunication being published subsequently. Joan appealed to the court of Canterbury, suggesting that she had been called before the court to a brief and final term concerning uncertain articles, found contumacious although she had appeared with difficulty, and excommunicated unjustly. She requested an inhibition against the official acting while the appeal was pending; he was called to the provincial court. Since Joan could not prove her appeal, the court of Canterbury remitted her case to Scrope's examination and condemned her to pay 5*s* sterling to him for his costs.

A letter of execution given at London on 7 Oct. 1376 was sent by the official of the court of Canterbury to the dean of Cambridge and Mr Robert Foxton, public notary of Ely diocese. It reiterates the circumstances of the appeal and orders the inhibition given at London on 20 March 1376, delivered by Robert Walton and William Broghton chaplains of Norwich and Ely, annulled. The dean and notary, acting separately or jointly, are instructed to compel Joan to

^c inter alia] *interlined*.

pay Scrope within a month of the warning and to certify their actions by letters patent, bearing an authentic seal.

After the public announcement of Joan's excommunication, she appears before him personally in St Michael's on 6 Dec. 1376 and requests absolution. She is absolved and swears to do penance. 10 Jan. 1377 is assigned for Joan to receive penance and to respond concerning the crimes. Having paid 5*s* to Scrope, she submits to his grace. The same day is assigned to hear the court's will.

Fyskerton' alias Cornwaille – appellacio – remissio – condempnacio expensarum – executio] Cum nos Ricardus de Scrop', canonicus Ebor' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, quamdam Johannam Fyskerton' alias Cornwaille de Cantebr' Elien' diocesis super crimine adulterii per ipsam cum Johanne Erneys, famulo, Johannis Barker' de Cant' et cum Johanne Chapma', famulo, Ricardi March' de eadem .. fama publica referente commisso ad certos diem et locum congruos et competentes fecerimus coram nobis ad iudicium evocari, ad corrigendum igitur et puniendum dictam Johannam super dicto crimine discreto viro magistro Thome de Gloucestre commisimus potestatem cum qualibet canonica coercione. Idem quoque magister Thoma commissarius noster prefatam Johannam legitime citatam, preconizatam, diucius expectatam nullo modo comparentem reputavit prout erat merito contumacem et pro sua huiusmodi contumacia ipsum excommunicavit, nosque subsequenter ipsam sic excommunicatam fecimus evocari, predicta tamen Johanna suggerens curie Cantuar' false tamen et mendiciter quod nos ipsam ad terminum nimis brevem et peremptorium ac super incertis articulis fecimus coram nobis ad iudicium evocari. Quodque nos ipsam Johannam licet cum difficultate comparentem pronuntiavimus contumacem et ipsam pro sua huiusmodi contumacia excommunicavimus minus iuste propter que ad dictam curiam se asseruit appellasse et quamdam inhibitionem a dicta curia impetravit nobisque inhiberi optinuit ne pendente in dicta curia huiusmodi appellacionis causa quicquam ea occasione in ipsius preiudicium attestaremus seu faceremus aliququaliter attemptari nosque ad certos diem et locum ad comparendum in dicta curia citari fecit et procuravit. Verum cum dicta appellacionis causa in eadem curia fuisset introducta et in ea aliquam diu verteretur reverendus vir dominus .. officialis curie Cant' in dicta causa appellacionis inter ipsam Johannam partem appellantem ex parte una et nos partem appellatam ex altera rite procedens dictam Johannam partem appellantem eo quod appellacionem suam prefate curie in hac parte suggestam prout debuit non probavit ad nostrum examen a quo extitit appellatum remisit per decretum ipsamque partem appellentem in quinque solidos sterling' nomine expensarum in hac parte factarum per nos et moderate taxatarum et iuratarum nobis solvendarum condempnavit, suasque litteras executorie exinde factas direxit sub hac forma: .. Officialis curie Cant' discretis viris de-

cano Cantebr' et magistro Roberto Foxton', notario publico Elien' diocesis, salutem in auctore salutatis. Cum nos in causa appellacionis directe occasione maioris excommunicacionis sentencie per venerabilem virum magistrum Ricardum le Scrop', domini .. episcopi Elien' officialem, in quamdam Johannam Cornwaille, mulierem, ut suggerebatur late aliorumque gravaminum in hac parte suggestorum que in dicta curia vertebatur inter predictam Johannam partem appellantem ex parte una et dictum magistrum Ricardum le Scrop' officialem partem appellatam ex altera legitime procedentes, dictam partem appellantem eo quod appellacionem suam prefate curie in hac parte suggestam prout debuit non probavit ad examen dicti magistri Ricardi officialis iudicis a quo ut suggerebatur in hac parte extitit appellatum remiserimus per decretum partemque appellantem in quinque solidos sterling' nomine expensarum in hac parte factarum, taxatarum moderate et iuratarum parti dicti magistri Ricardi officialis solvendarum condempnaverimus iusticia suadente. Vobis coniunctim et utrique vestrum divisim dicte curie auctoritate tenore presencium intimamus et per vos prefato magistro Ricardo officiali ac ceteris omnibus quorum interest in hac parte intimari volumus et mandamus quod inhibicione quacumque sub datum London' tercio decimo kalendas aprilis anno domini millesimo trecentesimo septuagesimo quinto a prefata curia in hac parte impetrata et discretis viris dominis Willelmo Broghton' et Roberto Walton', capellanis Elien' et Nor'cen' diocesium directa non obstante, poterit dictus Ricardus officialis libere facere et exequi quod est suum, moneatis insuper et efficialiter inducatis monerive et induci peremptorie faciatis prefatam Johannam Cornwaille, mulierem, quod infra unius mensis spacium a tempore monicionis vestre huiusmodi continue numerandum de dicta pecunie summa parti dicti magistri Ricardi officiali satisfaciat ut tenetur quod si monicionibus vestris huiusmodi non paruerit cum effectum ipsam ad hoc faciendum per censures ecclesiasticas canonice compellatis ad que omnia et singula ut premititur facienda vobis coniunctim et utrique vestrum divisim vices nostras committimus cum cuiuslibet coercicionis canonice potestate. De diebus vero recepcionis presencium ac monicionis vestre huiusmodi in hac parte faciende modoque et forma eiusdem necnon quid feceritis in premissis, nos aut alium dicte curie presidentem cum per partem dicti magistri Ricardi officialis super hoc contigerit vos requiri certificetis per vestras [litteras] seu certificet alter vestrum qui presens mandatum receperit exequendum per suas litteras patentes harum seriem continentes sigillo autentico consignatas. Data London' nonas octobris anno domini millesimo trecentesimo septuagesimo sexto.

Cumque nos Ricardus le Scrop', commissarius predictus, prefatam Johannam sic per nos fuisse alias excommunicatam mandavimus et fecimus publi-

ce nunciari dictam Johannam [fol. 55Br] coram nobis personaliter comparens in ecclesia Sancti Michaelis Cantebr die iovis proximo post festum Sancti Andree apostoli et a dicta sententia excommunicationis in eam per nos lata peciit se absolui ipsaque in forma iuris per nos absoluta et de faciendo penitenciam pro dicta sua contumacia per nos iniungendam iurata, ipsam in forma iuris duximus absoluendam eidemque Johanne die iovis proximo post festum epiphanie Domini proximo futurum loco quo supra ad recipiendum penitenciam sibi per nos iniungendam et ad respondendum super dictis criminibus per eam ut dicitur commissis prefigimus et assignamus. Dicta insuper Johanna quo ad quinque solidos nobis solvandos in quibus extitit per dictam curiam condemnata gracie nostre penitus se submisit, eidemque Johanne dictos diem et locum ad audiendum voluntatem nostram in premissis prefigimus et assignamus. [fol. 55Bv]

[16 Oct 76 (36.33)] Starr. In a marriage case between Margery Starr, plaintiff, and Adam Reynold, defendant, with Joan Fiskerton *al.* Cornwall assisting Adam, Joan, believing that the consistory favoured Margery, appealed to the court of Canterbury, received an inhibition, and had the official called before the provincial court by rescript.

Having proceeded legally in the appeal, the provincial official remitted the case to Scrope's examination because Joan failed to prove her appeal. The court ordered her to pay 5s sterling for Scrope's costs and annulled the inhibition given at London on 7 March 1376, sent to Thomas Walpole and Robert Walton, chaplains of Norwich. The official, Margery, and Adam were free to act.

According to the letter of remission given at London on 24 Nov. 1376 and sent by the official of the court of Canterbury to the dean of Cambridge and Mr Robert Foxton, public notary, the official of the archbishop has judged that the bishop's official proceeded legally in the appeal between Joan, appellant, and Margery, appellee. The appeal had been brought from the definitive sentence given by Mr William Rookhawe, official of archdeacon, in a case of marriage and divorce between Joan and Margery (*competitricis*) and Adam. The dean and Foxton are ordered to compel Joan to pay to Margery 5s for costs within a month; they are to certify to provincial official about their actions by letters patent, bearing an authentic seal.

Joan, Margery, and Adam are called for 4 Dec. 1376 in St Michael's to proceed in the case according to past acts.

Sterre – condemnacio expensarum – remissio – execucio] In causa matrimoniali coram nobis mota inter Margeriam Sterre de Cantebr' partem actricem ex parte una et Adam Reynold' de eadem partem ream ac eciam Johannam Fyskerton' alias Cornewaile eidem Ade assistentem pro suo interesse ex altera, cum alias prefata Johanna asserens falso tamen et mendaciter quod nos quedam gravamina in dicta causa eidem intulimus prefate Margerie nimis faventes a nobis et audientia nostra ad curiam Cantuar' propter huiusmodi gravamina conficticia appellasset nobisque procurasset inhiberi et citari dictam Margeriam prout in rescripto ipsius curie continetur et in retroactis istius cause coram nobis ultimo habitis plenior fit mencio. Cumque subsequenter dicta causa appellacionis in prefata curia introducta officialis dicte curie in

prefata cause appellacionis rite cognoscens et legitime procedens, dictam partem appellantem et quod appellacionem suam prefate curie suggestam prout debuit non probavit ad nostrum examen remisit per decretum, ipsamque partem appellantem in quinque solidis sterling' nomine expensarum in hac parte factarum, taxatarum moderate et iuratarum parti dicte Margerie solvendarum condemnnavit, nobisque intimari fecit quod inhibicione quacumque sub datum London' nonas marcii anno domini millesimo trecentesimo septuagesimo quinto a prefata curia in ea parte ministrata et dominis Thome Walpol et Roberto Walton', capellanis Nor'cen diocesis, directa non obstante, poterimus in dicta causa libere facere et exequi quod est nostrum, isdemque Margeria Sterr' et Adam libere poterint exequi quod ad eos noscitur pertinere, littere vero intimacionis dicte domini .. officialis curie super dicta remissione tenor sequitur in hunc modum:

Officialis curie Cant' discreto viro decano Cantebr' ac magistro Roberto Foxton', notario publico Elien' diocesis, salutem in auctore salutatis. Cum nos in causa appellacionis directa occasione sentencie diffinitive in quadam causa matrimoniali et divorcii coram discreto viro magistro Willelmo Rokhawe domini .. archidiaconi Elien' officiali inter Johannam Cornewaille et Margeriam Sterre, mulieres, competitrices ex parte una et Adam Reynold' de Cantebr' dicte diocesis partem ream ex altera ventilata per eundem magistrum Willelmum late que in eadem curia vertebatur inter predictam Johannam Cornewaille parte appellantem ex parte una et Margeriam Sterr' mulierem partem appellatam ex altera legitime procedentes, dictam partem appellantem eo quod appellacionem suam prefate curie in hac parte suggestam prout debuit probare non curavit ad examen .. officialis Elien' iudicis a quo ut suggerebatur in hac parte extitit appellatum remiserimus per decretum, ipsamque partem appellantem in quinque solidis sterling' nomine expensarum in hac parte factarum, taxatarum moderate et iuratarum parti dicte Margerie solvendarum condemnnaverimus iusticia suadente. Vobis coniunctim et utrique vestrum divisim dicte curie auctoritate tenore presencium intimamus et per vos prefato .. officiali Elien' et Margerie Sterr' ac ceteris omnibus quorum interest in hac parte intimare volumus et mandamus quod inhibicione quacumque sub datum London' nonas marcii anno domini millesimo trecentesimo septuagesimo quinto a prefata curia in hac parte impetrata et discretis viris dominis Thome Walpool et Roberto de Walton', cappellanis Nor'cen' diocesis, directa non obstante poterit dictus .. officialis Elien' libere facere et exequi quod est suum, iidemque Margeria Sterr' et Adam Reynold' exequi poterunt quod ad eos in hac parte dinoscetur pertinere, moneatis insuper et efficialiter inducatis monerive et induci peremptorie faciatis prefatam Johannam Cornewaille quod infra unius mensis spacium a tempore monicio-

nis vestre huius continue minorandam de dictam pecunie summa parti dicte Margerie satisfaciat ut tenetur quod si monicionibus vestris huiusmodi non perverit cum effectum, ipsam ad hoc faciendum per censuras ecclesiasticas canonice compellatis, ad que omnia et singula ut premittitur facienda, vobis coniunctim et utrique vestrum divisim vices nostras committimus cum cuiuslibet cohercionis canonice potestate. De die vero receptionis presencium executionisque vestre ac modo et forma eiusdem necnon quid feceritis in premissis, nos aut alium dicte curie presidentem cum per partem dicte Margerie Sterr' vos super hoc congrue requiri contigerit certificetis per vestras seu certificet alter vestrum qui presens mandatum receperit exequendum per suas litteras patentes, litterarum seriem continentes sigillo autenticum consignatus. Data London octavo kalendas decembris anno domini millesimo trecentesimo septuagesimo sexto.

Post cuius quidem remissionis intimacionem prefati Johanna Cornewaille, Margeria Sterr' et Adam Reynold' ad diem iovis proximo post festum Sancti Andree apostoli proximo futurum in ecclesia Sancti Michaelis Cantabr' vocandi fore ad procedendum in dicta causa et procedi videndum iuxta formam retroactorum decrevimus iusticia exigente. [fol. 56Br]

[4 Dec 76 (38.17)] Starr. Margery personally; Adam by proctor; Joan personally. After Joan has been absolved and she has promised to perform penance, she is ordered to beat herself three times in front of her parish church, in the manner of a penitent. Joan brings three witnesses to prove her proposition: Mr John Potton; Hugh Candlesby, archdeacon's registrar; and John Hostler, archdeacon's apparitor, who are admitted and sworn. Margery and Adam reserve the right to speak against them. 9 Dec. 1376 to offer final proof.

9 Dec. Joan produces Joan wife of Thomas Lister of Cambridge, who is admitted and sworn. The right to speak against her is reserved. Joan renounces the final production. Next to publish the testimony.

Sterre] In causa matrimoniali coram nobis .. officiali Elien' mota inter Margeriam Sterre de Cantabr' partem actricem ex parte una et Adam Reynold' de eadem partem ream ac eciam Johannam Fyskerton' alias Cornewaile eidem Ade assistentem pro suo interesse ex altera, parte actrice personaliter predicto Ada per Johannem Wiltesshire, clericum, procuratorem suum, predicta Johanna personaliter comparentibus, absoluta dicta Johanna a sententia excommunicatis in ipsam alias per nos lata pro sua contumacia in non comparando coram nobis contractam, iurata primitus de stando mandatis ecclesie et faciendo penitenciam sibi iniungendam iniunctamque sibi tribus festigationes ante ecclesiam suam parochialem more penitencie productisque per ipsam Johannem ad probandum materiam alias per eam propositam tribus testibus videlicet magistris Johanne de Potton', Hugone de Candelesby, registario domini archidiaconi Elien', et Johanne Hostiler, apparitore dicti .. archidiaconi, quibus admissis et in forma iuris iuratis, premissa protestacione

per dictos Margeriam et Adam de dicendo in testes et eorum dicta, datur dies martis proximo post festum conceptionis Sancte Marie loco quo supra ad peremptorie probandum. Quibus die et loco partibus ut prius comparentibus, producta per dictam Johannam alia teste videlicet Johanna uxore Thome Lystere de Cantebr', qua admissa et in forma iuris iurata, protestatur per partem adversam ut prius, renunciato per eandem Johannam ulteriori produccioni, datur dies in proximo ad publicandum et publicari videndum attestaciones et dicta testium productorum. [fol. 59r]

[8 Jan 77 (39.20)] Starr. Margery absent; Adam by proctor; Joan absent. Since all witnesses have not yet been examined, next to publish the testimony.

Sterre] In causa matrimoniali mota inter Margeriam Sterr' de Cantebr' partem actricem ex parte una et Adam Reynold' de eadem partem ream ac eciam Johannam Fyskerton' alias Cornewaile eidem Ade assistentem pro suo interesse ex altera, parte actrice nullo modo comparente, predicto Ada ut prius, predicta Johanna nullo modo, sed quia omnes testes nondum sunt examinati, ideo datur dies in proximo ad idem quod prius videlicet ad publicandum et publicari videndum attestaciones testium pro parte dicte Johanne productorum. [fol. 61v]

[5 Feb 77 (40.24)] Starr. Margery personally; Adam by proctor; Joan personally. With the parties' consent, the testimony of Joan's witnesses is published; a copy is ordered for the parties. With the parties' consent, the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Sterre. In causa matrimoniali mota inter Margeriam Sterr' de Cantebr' partem actricem ex parte una et Adam Reynold' de eadem partem ream ac eciam Johannam Fyskerton' alias Cornewaile eidem Ade assistentem pro suo interesse ex altera, predicta parte actrice personaliter, Adam per procuratorem suum predictum, dicta vero Johanna personaliter comparentibus, de quorum consensu publicatis attestacionibus testium per dictam Johannam productorum, decreta copia earum predictis partibus, factaque conclusione in dicta causa per nos de consensu parcium nobiscum concludencium, datur dies in proximo partibus predictus cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in predictis causis diffinitivam. [fol. 64r]

[26 Feb 77 (41.24)] Starr. Next to hear the definitive sentence with adjournment of the following days.

Sterre] In causa matrimoniali mota inter Margeriam Sterre de Cantebr' partem actricem ex parte una et Adam Reynold' de eadem partem ream ac eciam Johannam Fyskerton' alias Cornewaile eidem Ade assistentem pro suo interesse ex altera, partibus ut prius comparentibus, datus est dies in proximo cum continuacione et prorogacione dierum sequencium ad idem quod prius videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 65v]

[19 Mar 77 (42.24)] Starr. With the parties' consent, next to hear the definitive sentence with adjournment of the following days.

Sterre] In causa matrimoniali mota inter Margeriam Sterr' de Cantebr' partem actricem ex parte una et Adam Reynold' de eadem partem ream ac eciam Johannam Fyskerton' alias Cornewaile eidem Ade assistentem pro suo interesse ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 66v]

[10 Apr 77 (43.23)] Starr. Margery personally; Adam by William de Bridge, substituted for original proctor; Joan personally. With their consent, 21 April (*dies martis proximo post festum Sancti Alphegii*) to hear the definitive sentence.

22 April [*sic*]. Margery and Joan personally; Adam is absent and found contumacious. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Margery has proved her intention; Joan has not proved the contract of marriage between herself and Adam. While the archdeacon's official ruled in favour of Joan's marriage, the commissary finds his judgment *iniqua* and erroneous. Adam is dismissed and absolved of Joan's suit; Adam and Margery are judged husband and wife.

Sterre – sentenciam] In causa matrimoniali mota inter Margeriam Sterre de Cantebr' Elien' diocesis partem actricem ex parte una et Adam Reynold' de eadem partem ream ac eciam Johannam Fyskerton' alias Cornewaille eidem Ade assistentem pro suo interesse ex altera, parte actrice personaliter comparente, predicto Adam per Willelmum de Brugges, substitutum Johannis Wiltesshir' clerici procuratoris originalis, comparente, parte Johanne personaliter, de quorum consensu datur dies martis proximo post festum Sancti Alphegi[i] loco quo supra ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. Quibus die et loco videlicet vicesimo secundo die mensis aprilis anno domini millesimo trecentesimo septuagesimo septimo, Mageria et Johanna coram nobis Thoma de Gloucestr', clerico reverendi viri domini .. officialis Elien' commissario generali, personaliter comparentibus, predicto Ada nullo modo, ideo ipsum reputamus et pronunciamus contumacem, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de iurisperitorum nobis assidencium consilio Christi nomine primitus invocato ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum: In Dei nomine amen. Quia nos commissarius antedictus invenimus dictam Margeriam intencionem suam ad plenum fundasse et probasse ipsamque Johannam precontractum matrimoniale inter ipsam et prefatum Adam ut pretendebat initum minus sufficienter probasse ac eciam sentenciam diffinitivam per .. officialem domini archidiaconi Elien' pro matrimonio videlicet inter dictos Johannam et Adam si quam forte tulerat inique, erronee et contra canonicas sancciones latam, predictam sentenciam

diffinitivam per officialem domini archidiaconi Elien' ut premittitur latam tamquam iniquam, erroneam et invalidam reputamus et pronunciamus ipsumque Adam ab impetitione et instancia eiusdem Johanne sentencialiter et diffinitive absolvimus et dimittimus, necnon prefatum Adam eidem Margerie in virum legitimum, ipsamque Margeriam eidem Ade in uxorem legitimam [fol. 68v] sentencialiter et diffinitive adiudicamus in hiis scriptis. [fol. 69r].

67. *DRAYTON*

[7 Dec 75 (24.27)] Drayton. 19 Dec. 1375 Mr James de Burwell, proctor of Mr Thomas de Newmarket, rector of Dry Drayton, appears personally before Richard Scrope and exhibits letters which appoint Thomas as rector. The proctor swears obedience to the bishop, his official, and their ministers.

Drayton' – exhibicio tituli – obediencia] Quarto decimo kalendas ianuarii anno domini supradicto comparens personaliter coram nobis Ricardo Scrop', officiali et commissario supradicto, magister Johannes de Borewell', procuratoris magistri Thome de Novo Mercato rectoris ecclesie de Briebayton' Elien' diocesis, exhibuit coram nobis litteras apostolicas, processum inde secutum gratiam et provisionem apostolicam de et super dicta ecclesia habitum et factum, continenter cuius vigore, idem magister Thomas predictam ecclesiam est assecutus ac cetera munimenta dictam gratiam concernencia et predicto venerabili patri, nobis et ceteris ipsius et nostris ministris in licitis et canonicis mandatis canonicam obedienciam prestitit acque fecit. [fol. 35v]

[4 Dec 76 (38.26)] Dry Drayton. Mr Thomas de Newmarket, rector of Dry Drayton, was cited by Richard Scrope, commissary of the bishop, along with Mr's Thomas Dalby, Thomas Gloucester, and John Potton, for 24 Nov. 1376 in St Michael's, Cambridge. He is expected to show why he should not be removed from possession of the church. Thomas has a defect of birth because his parents were unmarried. Without mention of the defect, Thomas had sought a papal indulgence concerning the benefice, which is in the gift of the abbot and convent of Crowland. On the pretext of papal provision, Thomas has held the church, which was vacant after the death of Henry de Thorp, late rector, unlawfully for a year. During that year, he did not receive a promotion to subdeacon's order as required by law. Others were cited to show and prove their interest.

24 Nov. before Gloucester, bishop's commissary. Thomas and the others, although cited according to the certification of John Wiltshire, special mandatary, which bore the dean of Chesterton's seal and was read in court, are summoned but failed to appear. They are found contumacious and as penalty they are denied the right to propose. Aided by expert counsel, Gloucester and his colleagues pronounce Thomas removed *de facto* from the possession of Dry Dayton church. Witnesses: Mr's James de Cottenham; John Newton, advocate of the consistory; and William Laas, cleric and public notary, of Ely, York, and Lichfield dioceses *et al.*

Drie Drayton' de Novo Mercato – pronunciatio super privacione] Cum nos Ricardus le Scrop', canonicus Ebor' venerabilis in Christo patris et domini

domini Thome de gracia episcopi Elien' commissarius una cum magistris Thoma Dalby, Thoma de Gloucestr' et Johanne de Potton' cum illa clausula coniunctim et divisim in hac parte specialiter deputatus, magistrum Thomam de Novo Mercato, rectorem ecclesie parochialis de Drie Drayton' se dicentem Elien' diocesis, ad diem lune proximo post festum Sancti Edmundi regis et martyris in ecclesia Sancti Michaelis Cantebr' coram nobis vel nostro aliquo fecerimus ad iudicium evocari super eo quod idem magister Thomas de Novo Mercato, qui defectum natalium paciebatur et adhuc patitur utpote de soluto genitus et soluta gratiam de beneficio ecclesiastico spectante communiter vel divisim ad collacionem, provisionem, presentationem seu quamvis aliam dispositionem religiosorum virorum dominorum .. abbatis et conventus Croiland' a sede apostolica impetravit, in qua de dicto defectu natalium nullam omnino fecerat mencionem, quodque idem^a magister Thomas ecclesiam parochialem de Drie Drayton' Elien' diocesis ad dictorum religiosorum virorum presentationem ut asseritur spectantem per mortem domini Henrici de Thorp', dudum rectoris eiusdem qui apud Drayton' predictum diem suum clausit extremum vacantem, auctoritate graciae et provisionis apostolice pre-tensa ingressus et se intrudens nequiter in eandem, ipsam ecclesiam cum suis iuribus et pertinenciis universis in qua nullum ius habuit seu habet vel ad eam quovismodo impedimento huiusmodi obsistente per nonmodica tempora detinuit et occupavit de facto dumtaxat ac detinet et occupat in presenti, prefatus insuper magister Thomas intrusor et ipsius ecclesie occupator iniustus predictam ecclesiam cum suis iuribus et pertinenciis universis per annum integrum et continuum a tempore quo ipsam pacifice possedit, detinuit et occupavit sicuti revera adhuc de facto dumtaxat detinet et [fol. 59v] occupat nec infra dictum tempus se facerat cum potuit et de iure debuit ad subdiaconatus ordinem promoveri, causam rationabilem si quam haberet quare a dicta ecclesia parochiali et possessione eiusdem de facto non deberet ex causis supradictis amoveri, sicut ammotus est ipso iure, pro termino preciso et peremptorio propositurum et ostensurum omnesque alios quorum interest ad dictos diem et locum publice et in genere citari peremptorie fecimus [Thomam] ac etiam premuniri suum interesse in ea parte in forma iuris proposituros et ostensuros, et quatenus ius pateretur legitime probaturos. Quibus die et loco exhibito coram nobis Thoma de Gloucestr', clerico commissario supradicto in hac parte specialiter deputato, certificatorio per Johannem de Wiltesshir', clericum mandatarium in hac parte specialiter deputatum, sigillo decanatus de Chestreton' consignato et coram nobis iudicialiter perlecto per quod constat nobis sufficienter dictum magistrum Thomam de Novo Mercato et omnes alios quorum interest fuisse legitime citatos ut premissitur, ipsum magistrum Thomam de Novo Mercato, rectorem pretensum dicte ecclesie de

^a idem] *interlined.* ^b in specie] *interlined.*

Drie Drayton, in specie^b ac omnes alios quorum interest in genere fecimus coram nobis tunc ibidem iudicialiter preconizari ipsosque magistrum Thomam et omnes alios quorum interest in hac parte nullo modo comparentes^c reputavimus et pronunciavimus prout erant quo ad infrascripta merito contumaces, habita per nos informacione pleniori super premissis ad pronunciacionem sive execucionem mandati dicti venerabilis patris nobis commissi in penitencia contumacie dicti magistri Thome et aliorum quorum interest, quibus viam quicquam ulterius in hac parte propenendi preclusimus per decretum de consilio iuris peritorum nobis assidencium Christi nomine primitus invocato procedimus in hunc modum: In Dei nomine amen. Nos Thomas de Gloucestr', clericus venerabilis in Christo patris et domini domini Thome Dei gracia Elien' episcopi commissarius una cum infrascriptis collegis nostris cum illa clausula coniunctim et divisim specialiter deputatus, magistrum Thomam de Novo Mercato nudum detentorem ecclesie parochialis de Drie Drayton' Elien' diocesis ad istos diem et locum coram nobis citatum causam rationabilem si quam habeat quare a dicta ecclesia ammoveri non debeat de facto propter causas superius designatas propositurum et ostensurum ac omnes alios et singulos quorum interest suum interesse proposituros ad eosdem diem et locum citatos, preconizatos, diucius expectatos nullo modo comparentes reputamus et pronunciamus contumaces et eorum quemlibet contumacem. Et in penam contumacie sue huiusmodi precludimus sibi viam quicquam ulterius in ea parte proponendi ipsumque magistrum Thomam de Novo Mercato dicte ecclesie nudum et illicitum detentorem a possessione eiusdem ecclesie parochialis de Drie Drayton' a qua de iure ammotus est de facto ammovemus et denunciamus ac declaramus ammotum sentencialiter et diffinitive in hiis scriptis. Presentibus magistris Jacobo de Cotenham, Johanne de Neuton', consistorii Elien' advocatis, ac Willelmo Las, clerico notario publico Elien', Ebor' et Lich' diocesum et aliis in multitudine copiosa testibus vocatis ad premissa specialiter et rogatis. Tenor commissionis dicti venerabilis patris nobis facta sequitur in hunc modum: [fol. 60r]

[4 Dec 76 (38.27)] Commission. On 12 Nov. 1376 at Downham, Bishop Arundel commissions, jointly or separately, Mr's Richard Scrope, official, Thomas de Dalby, Thomas Gloucester, and John Potton (*iurisperiti*) to remove Mr Thomas de Newmarket from possession of Dry Dayton church. He has held the church for a year despite a defect of birth and and has not been promoted to subdeacon.

Commissio] Thomas permissione divina episcopus Elien' dilectis filiis magistris Ricardo le Scrop', officiali nostro, Thome de Dalby, Thome de Gloucestr' et Johanni de Potton', iuris peritis, salutem, gratiam et benedictionem. Ad procedendum ad ammocionem magistri Thome de Novo Mercato ab ecclesia parochiali de Drie Drayton' nostre diocesis ipsumque magistrum Tho-

^c nullo modo comparentes] *interlined*.

mam a possessione eiusdem de facto ammovendum prout de iure est ammotus eo quod ipse defectum paciens natalium utpote de saluto genitus et soluta dictam parochialem ecclesiam accepit et ad subdiaconatus ordinem minime promotus per annum integrum et continuum occupavit eandem, necnon ad omnia alia et singula facienda, exercenda, expedienda que in premissis necessaria fuerint vel opportuna vobis de quorum fidelitate, circumspectatione et industria plene confidimus commixtim et cuilibet vestrum divisim tenore presencium committimus vices nostras et plenam potestatem cum cuiuslibet coercitionis canonice potestate. Data apud Dounham duodecimo die novembris anno domini millesimo trecentesimo septuagesimo sexto et nostre consecrationis tercio. [fol. 60r]

68. GRINDER

[7 Dec 75 (24.31)] Grinder. William Taylor of St Botolph's, Cambridge, was cited before the official for 19 Jan. 1376 at the instance of Joan wife of John Grinder of Cambridge, shearman (*schehere*), in a defamation case.

Joan appears by her husband; William is absent, found contumacious, and suspended from entry into the church.

Grindere] Willelmus Taillo' de parochiale Sancti Botulphi Cantebr' citatus coram nobis .. officiali Elien' ad diem sabbati proximo post festum Sancti Hillarii anno domini supradicto ad instanciam Johanne uxoris Johannis Grinder' de Cantebr', *scherhere*, in causa diffamacionis comparentis per maritum suum non comparet, ideo ipsum Willelmum reputamus contumacem et in penam contumacie sue huiusmodi ipsum ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 36r]

[13 Feb 76 (26.20)] Grinder. Peace has been restored; William will be called *ex officio*.

Grindere – pax] In causa diffamacionis mota inter Johannam uxorem Johannis Grinder' de Cantebr', *schechere*, partem actricem ex parte una et Willelmum Taillo' de eadem partem ream ex altera, pax est inter partes reformata, ideo vocetur pars rea ex officio. [fol. 39r]

Cases Beginning in 1376

69. LOVELY

[10 Jan 76 (25.16)] Lovely. William Fitton of Little Eversden was cited at the instance of Richard Lovely, rector Maulden, Lincoln diocese, in a defamation case.

Richard appears by William Killerwick, proctor *apud acta*; William by Hugh Candlesby, registrar of the archdeacon's official and proctor by letter, dated 6 Jan. 1376 bearing the dean of Barton's seal. An oral libel is given and requested written. 12 Jan. to receive it in writing.

12 Jan. The written libel is received. Next to respond.

Lovelych'] Willelmus Fithion de Everesdon' Parva citatus ad instanciam domini Ricardi Lovelych', rectoris ecclesie de Maldon' Lincoln' diocesi, in causa diffamacionis, parte actrice per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, parte vero rea per Hugonem Candlesby, clericum domini .. archidiaconi Elien' registrarium procuratorem suum litteratorie constitutum sub sigillo officii .. decani de Berton' de dato Cant' octavo idus ianuarii anno Domini millesimo trecentesimo septuagesimo quinto, comparente, libellato oretenus per partem actricem petitoque in scriptis per partem ream, datur dies sabbati proximo futurus loco quo supra ad recipiendum in scriptis.

Quibus die et loco partibus ut prius comparentibus, oblato libello in scriptis et a parte rea optento, datur dies in proximo dicte parti ree ad respondendum eidem. [fol. 36v]

[13 Feb 76 (26.12)] Lovely. Declinatory exceptions, claiming that primary cognizance of the case pertains to the archdeacon or his deputy and brought by William's proctor against Scrope's jurisdiction, are read before Scrope and rejected as fictitious. The proctor is warned peremptorily to respond to the libel under penalty of excommunication; he is excommunicated for his refusal and contumacious withdrawal. Witnesses: Mr's Thomas Gloucester, Henry Bowet, John Newton, advocates of consistory, *et al.*

The same day before Scrope after lunch (*post horam nonam*), Hugh personally requests absolution, swearing to uphold church mandates. Absolved, he substitutes John Wiltshire as his proctor. According to Hugh's instruction, the substitute proposes dilatory exceptions against the libel, which were given to him listed on parchment. Next for William to propose all dilatory exceptions and to act on the proposed. Witnesses: Mr's Thomas Gloucester, Henry Bowet, and James de Cottenham, advocates of consistory. [NS]

Lovelych'] In causa diffamacionis mota inter dominum Ricardum Lovelych', rectorem ecclesie de Maldon' Lincoln' diocesis, partem actricem ex parte una et Willelmum Fithion de Everesdon' Elien' diocesis partem ream ex altera, parte actrice per Willelmum Killerwyk', clericum procuratorem predictum suum apud acta, parte rea per Hugonem Candlesby, clericum domini .. archidiaconi Elien' registrarium procuratorem suum litteratorie constitutos comparentibus, propositis per procuratorem predictum dicte partis ree^a quibusdam excepcionibus fori declinatoriis contra iurisdiccione nostram in

^a ree] *interlined*.

quibus pretendebat ipsius cause cognitionem saltem primariam non ad nos sed ad archidiaconi Elien' ipsiusque officiali et ministros pertinere et pertinere debere solum et insolidum ex consuetudine laudabili ut asseruit et legitime prescripta et hactenus pacifice observata, quibus coram nobis iudicialiter perlectis, ipsas excepciones tanquam manifeste fictas et falsas ac falso conceptas duximus reiciendas, unde predictum Hugonem procuratorem dicte partis ree monemus primo, secundo et tercio ac peremptorie et sub pena excommunicationis quod respondeat libello in dicta causa porrecto et per eum recepto prout istos diem et locum admisit et quia hoc facere non curavit sed contumaciter recessit, ideo ipsum excommunicavimus sub hac forma.

excommunicacio] In Dei nomine amen. Hugonem Candelesby, procuratorem Willelmi Fithion de Ev'esdon', habentem istos diem et locum ad respondendum libello sibi porrecto et per eum recepto in causa diffamacionis coram nobis mota inter dominum Ricardum Lovelych' rectorem ecclesie de Maldon' Lincoln' diocesis partem actricem ex parte una et Willelmum Fithion de Ev'esdon' partem ream ex altera, iussum et monitum legitime ad respondendum eidem libello et hoc facere recusantem sed contemptibiliter recedentem reputamus et pronunciamus contumacem et manifestum offensorem et pro sua huiusmodi contumacia et offensa manifesta ipsum excommunicamus in hiis scriptis. Presentibus magistris Thoma Gloucestre, Henrico Bowet, Johanne de Neweton', consistorii nostri advocatis, et aliis testibus in multitudine copiosa testibus vocatis et rogatis.

absolutio – substitutio – responsio] Subsequenter vero die et loco predictis post horam nonam eiusdem diei, dictus Hugo procurator dicte partis ree comparens personaliter coram nobis, beneficium absolucionis a dicta sententia excommunicationis sibi impendi cum instantia postulavit, ipsumque Hugonem procuratorem iuratum ad sancta Dei evangelia per ipsum corporaliter tacta de stando mandatis ecclesie et parendo offense a dicta sententia duximus absolvendum et substituit dictus procurator habens hoc specialiter in mandatis Johannem de Wyltesshire clericum nomine suo iudicialiter coram nobis ad proponendum contra dictum libellum quasdam excepciones dilatorias in quadam pergameni cedula script' quas sibi tradidit proponendas. Idem quoque Johannes Wyltesshire, substitutus, tunc presens dictas excepciones dilatorias contra dictum libellum proposuit tunc ibidem de ipsius Hugonis procuratoris mandato speciali, datusque est dies parti ree predictae in proximo ad proponendum omnes dilatorias et ad faciendum super propositis. Presentibus magistris Thoma de Gloucestre, Henrico Bowet et Jacobo de Cotenham, dicti nostri consistorii advocatis, et aliis in multitudine copiosa. RF: Foxton. [fol. 38v]

[28 Feb 76 (27.13)] Lovely. Richard by proctor; William by Richard Pitts, proctor by letter.

No other exceptions are proposed; William contests the suit negatively, and wants to add to the suit. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Lovelych'] In causa diffamacionis mota inter dominum Ricardum Lovelych' rectorem ecclesie parochialis de Maldon' partem actricem ex parte una et Willelmum Fithion de Ev'esdon' Elien' diocesis partem ream ex altera, parte actrice ut prius comparente, parte rea per Ricardum Pittes, clericum, procuratorem suum litteratorie constitutum, comparentibus, nulliis aliis excepcionibus propositis sed lite per dictum Ricardum procuratorem negative contestatur cum protestacione adiciendi, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 40v]

[20 Mar 76 (28.11)] Lovely. Peace has been restored. William will be called *ex officio*.

Lovelych' – pax] In causa diffamacionis mota inter dominum Ricardum Lovelych' rectorem ecclesie parochialis de Maldon' partem actricem ex parte una et Willelmum Fithion de Ev'esdon' partem ream ex altera, pax est, ideo vocetur pars rea ex officio. [fol. 43r]

70. THRILOW

[10 Jan 76 (25.17)] Thriplow. Denise Marvel of Fowlmere was cited at the instance of John Thriplow of Fowlmere in a defamation case.

John appears by William Killerwick, proctor *apud acta*; Denise is absent and found contumacious, her penalty reserved for the official.

Trippelowe] Dionisia Merveille de Foulmere citata ad instanciam Johannis Trippelowe de Foulmer' in causa diffamacionis comparentis per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, non comparet, ipsam Dionisiam reputamus contumacem reservata nobis pena. [fol. 36v]

[13 Feb 76 (26.13)] Thriplow. Peace has been restored.

Trippelowe – pax] In causa diffamacionis mota inter Johannem Trippelowe de Fowlmere partem actricem ex parte una et Dionisiam M'veile de eadem partem ream ex altera, pax est. [fol. 38v]

71. WARDEN

[10 Jan 76 (25.18)] Warden. John Moor of Madingley and Joan daughter of John Codling of Madingley and wife of Moor were cited for 12 Jan. 1376 at the instance of Matilda daughter of John Warden of Madingley in a case of marriage and divorce.

Parties appear personally before the official. Matilda proposes an oral libel that John and

Joan's marriage should be annulled and they should be separated. Matilda claims that she and John should be judged legally married because they contracted marriage in present words of mutual consent, or in future words followed by intercourse, prior to any contract or solemnization between John and Joan. Her marriage to John has been acknowledged by public fame in Madingley and its vicinity. She requests summary procedure established by the new constitutions *Dispendiosam* and *Saepe contingit*.¹ John contests the suit affirmatively. Parties swear *de calumpnia*, *de veritate dicenda*, *de malicia*, and *de collusione*. John promises he will provide Joan with the costs of the suit and alimony and he will not alienate his goods while the suit is pending, as Joan fears. 18 Jan. to propose and the first term to produce.

18 Jan. Matilda produces one witnesses: Simon Tydd of Cambridge, porter, who is admitted and sworn. 22 Jan. to propose and the second term to produce.

22 Jan. Matilda produces two witnesses: John Craft and Thomas Sadler of Madingley, who are admitted and sworn. Joan reserves the right to speak against witnesses and testimony. 4 Feb. to propose and the third term to produce.

4 Feb. No positions are brought: Adam vicar St Clement, Cambridge, is produced, who is admitted and sworn. Next to speak against witnesses and testimony.

Wardeyn] Johannes Moor de Maddyngle' Elien' diocesis et Johanna filia Johannis Codlyng' de eadem quam dictus Johannes de facto duxit ut asseritur in uxorem citati ad idem sabbati proximo post festum epiphanie Domini ad instanciam Matildis filie Johannis Wardeyn de Maddyngle in causa matrimoniali et divorcii quam contra eosdem movere intendit, partibus coram nobis .. officiali Elien' personaliter comparentibus, proposita per partem dicte Matildis petitione oretenus qua peciit matrimonium inter prefatos Johannem et Johannam de facto contractum et solempnizacionem eiusdem quatenus de facto processerunt, cassari, irritari, annullari^a et per nos cassum, irritum et nullum pronunciari, eosque abinvicem separari et divorciari, prefatumque Johannem eidem Matildi in virum legitimum ac ipsam Matildem eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicari pro eo et ex eo quod ante omnem contractum matrimonialem inter prefatos Johannem et Johannam initum seu factum et solempnizacionem eiusdem, prefati Johannes et [fol. 36v] Matildis matrimonium adinvicem per verba de presenti mutuum consensum eorudem exprimencia seu per verba de futuro carnali copula subsecuta contraxerunt, quem quidem contactum uterque eorum in alterius et aliorum presencia fatebantur et recognoverunt ante tempus supradictum super quibus laboravit et adhuc laborat publica vox et fama in villa de Maddyngle et locis convicinis, et peciit pars dicte Matildis quod in dicta causa procedatur summarie et de plano sine strepitu et figura iudicii iuxta novellas constitutiones *Dispendiosam* et *Sepe contingit*, lite per dictum Johannem ad eandem petitionem affirmative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de malicia et collusione, datur dies veneris proximo post festum Sancti Hillarii proximo futurum loco quo supra

^a annullari] *sic*.

¹ See Citations to Canon Law, *Dispendiosam*; *Saepe*.

ad ponendum et primo producendum. Et dictus Johannes iuratus est de ministrando prefate Johanne sumptus litis et alimonie et de non alienando bona sua lite pendente de quo pars ipsius Johanne asserit se timere.

Quibus die et loco partibus predictis ut prius comparentibus, producto per partem actricem unico teste videlicet Simone Tyd de Cantebr', portitor, quo admisso in forma iuris et iurato, datur dies martis proximo post festum Sancte Agnetis virginis loco quo supra ad ponendum et secundo producendum.

Quibus die et loco partibus personaliter comparentibus, productis per partem actricem duobus testibus videlicet Johanne Craft et Thoma Sadeler' de Maddyngle, quibus admissis et in forma iuris iuratis, protestatur per partem Johanne de dicendo contra testes et eorum dicta quatenus contra se deponunt, datur dies lune proximo post festum purificationis Beate Marie virginis proximo futurum loco quo supra ad ponendum et tercio producendum.

Quibus die et loco partibus personaliter comparentibus, nullis testibus aliis productis, sed de consensu parcium expresso, datur dies mercurii proximo futurum loco quo supra ad idem, videlicet ad ponendum et tercio producendum.

Quibus die et loco partibus personaliter comparentibus, nullis positionibus ministratis sed producto uno alio teste videlicet domino Ada vicario ecclesie Sancti Clementis Cantebr', quo admisso et in forma iuris iurato, premissa protestacione per partem dicte Johanne qua supra, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 37r]

[13 Feb 76 (26.14)] Warden. With the parties' consent, next to publish the testimony.

Wardeyn] In causa matrimoniali et divorcii coram nobis mota inter Matildem filiam Johannis Wardeyn de Maddynggle partem actricem ex parte una et Johannem Moor et Johannam Codlyng' quam de facto duxit in uxorem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad videndum et audiendum publicacionem attestacionum. [fol. 38v]

[28 Feb 76 (27.14)] Warden. Matilda is absent and found contumacious; John and Joan personally. As Matilda's penalty, the testimony is published; a copy is ordered for the parties. 7 March to speak against witnesses and testimony. Matilda will be called; John is expected to attend all consecutive acts through the definitive sentence.

7 March. Parties personally. Nothing is proposed; with their consent, the case is concluded. Next to hear the definitive sentence.

Wardeyn] In causa matrimoniali et divorcii coram nobis mota inter Matildem Wardeyn filiam Johannis Wardeyn de Maddyngle partem actricem ex parte una et Johannem Moor et Johannam Codlyng' quam de facto duxit in uxorem partem ream ex altera, parte actrice nullo modo comparente, parte Johannis

et Johanne personaliter, dictam partem actricem reputamus contumacem et in pena contumacie publicamus attestaciones et decrevimus copiam partibus predictis, et datus est dies veneris proximo ante festum Sancti Gregorii ad dicendum contra testes et eorum dicta et decrevimus dictam partem actricem fore vocandam ad dictos diem et locum ad idem et prefigimus eidem Johanni dictum diem ad idem et eciam ad omnes actus consecutivos in dicta causa usque ad sentenciam inclusive.

Quibus die et loco partibus personaliter comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum sed de consensu parcium in dicta causa concluso, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 40v]

[20 Mar 76 (28.12)] Warden. Matilda proposes that she just realized that proof of the second contract and its solemnization has been omitted. She requests admission to prove. Next to prove, and if the matter is clear, to hear the definitive sentence.

Wardeyn] In causa matrimoniali et divorcii coram nobis mota inter Matildem filiam Johannis Wardeyn de Maddyngle partem actricem ex parte una et Johannem Attemoor de eadem et Johannam Codlyng' quam de facto duxit in uxorem partem ream ex altera, partibus personaliter comparentibus, proposito per partem actricem quod iam de novo perpendebat quod omissa fuit probacio super secundo contractu et solempnizazione eiusdem petitoque se admitti ad ipsius probacionem, datur dies in proximo ad probandum et parti ree ad videndum probacionem et ad audiendum sentenciam si liqueat. [fol. 43r]

[3 Apr 76 (29.10)] Warden. Matilda absent; John absent; Joan personally. Parties are expected 5 April to prove and hear the definitive sentence before Scrope or Mr John Newton, advocate of consistory and commissary appointed to proceed and terminate the case.

Wardeyn] In causa matrimoniali et divorcii coram nobis mota inter Matildem filiam Johannis Wardeyn de Maddyngle Elien' diocesis partem actricem ex parte una et Johannem Attemoor et Johannam Codlyng' quam de facto duxit in uxorem partem ream ex altera, parte actrice nullo modo comparente, predicto Johanne nullo modo, predicta Johanna personaliter, ideo expectamus absentes cum presente usque diem sabbati proximo futurum loco quo supra coram nobis vel magistro Johanne de Neuton' consistorii nostri advocato, cui dictam causam committimus audiendam, procedendam, cognoscendam et fine debito terminandam ad idem quod prius.

Quibus die et loco partibus coram nobis Johanne de Neuton', commissario predicto, personaliter comparentibus, productis per partem actricem tribus testibus super secundo contractu et solempnizazione eiusdem videlicet Juliana Rampton' de Maddyngle, Matilde Messag' et Agnete Wendout de eadem, quibus admissis et in forma iuris iuratis, examinatis, eorum attestacionibus

publicatis, factaque postmodum de consensu expresso parcium predictarum nobis concludencium conclusione in dicta causa, datus est dies in proximo ad audiendum sentenciam diffinitivam. [fol. 45r]

[24 Apr 76 (30.8)] Warden. Parties personally. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Matilda has not proved her intention, John and Joan are absolved and dismissed from the suit.

Wardeyn] In causa matrimoniali et divorcii mota inter Matildem filiam Johannis Wardeyn de Maddyngle partem actricem ex parte una et Johannem atte Moor et Johannam Codlyng' quam de facto duxit in uxorem partem ream ex altera, cum constiterit nobis istos diem et locum partibus predictis ad audiendum sentenciam in dicta causa diffinitivam legitime fuisse prefixos, partibus personaliter comparentibus, rimato per nos et investigato toto processu in dicta causa habito hacitaque deliberacione sufficienti super eodem invocata primitus Spiritus Sancti gracia de consilio iuris peritorum nobis assidencium ad sentenciam diffinitivam in hac parte ferendum procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos .. commissarius reverendi viri domini .. officialis Elien' invenimus predictam partem actricem intencionem suam in hac parte deductam minus sufficienter fundasse et probasse si in probacione eiusdem penitus defecisse ipsam partem ream ab impetitione cuiusdem partis actricis sentencialiter et diffinitive absolvimus et dimittimus in hiis scriptis. [fol. 46r]

72. *WICKHAM (2)*

[10 Jan 76 (25.19)] Wickham. The prior of St Mary of Colne, London diocese, having the use of [West] Wickham church for himself and his priory, was cited for 19 Jan. 1376 before the official at the instance of John Taylor, Simon Smart, Stephen Milner, and Walter Tredgett parishioners of Wickham. The prior has failed to provide a cleric to serve the church.

Parishioners appear personally; prior is absent and found contumacious, the penalty reserved for Scrope. If he can be found, the prior will be cited personally for 4 Feb. in St Michael's, otherwise in Wickham church and rectory. Richard Aldewere, Wickham chaplain, is ordered to provide a cleric from its funds.

4 Feb. Parishioners personally; prior by Peter Caprik, who claims to be his proctor. The proctor promises to respond to the parishioners next.

Wykham] Prior ecclesie Beate Marie de Colne London' diocesis ecclesiam parochialem de Wykham Elien' diocesis in proprios usus suos perpetuo possidendam sibi et prioratui suo optinens citatus coram nobis .. officiali Elien' ad diem sabbati proximo post festum Sancti Hillarii anno Domini supradicto

ad instanciam Johannis Taillo', Simonis Smert, Stephani Milner' et Walteri Treget parochianorum dicte ecclesie de Wykham super eo quod dictus .. prior, rector eiusdem ecclesie, ipsam ecclesiam et parochianos suos divinis defraudat obsequiis sacramenta ecclesiastica et alia divina officia ac clericum ecclesie^a per ipsum debita dicte ecclesie et eisdem parochianis nequiter subtrahendo, parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam partem ream reputamus contumacem reservando nobis penam et decrevimus ipsum fore citandum ad diem lune proximo post festum purificationis Beate Marie virginis loco quo supra personaliter si valeat inveniri, alioquin in ecclesia de Wykham predicta et domibus rectorie eiusdem. Et iniungimus domino Ricardo Aldewene, capellano parochiali eiusdem ecclesie, tunc presenti quod medio tempore provideat ecclesie de uno clerico ministraturo singulis diebus in ecclesia, ipsius ecclesie sumptibus et expensis.

Quibus die et loco parte actrice ut prius comparente, parte rea per Petrum Caprik', clericum, procuratorem suum se dicentem, habunt diem in proximo ad respondendum parochianis in dicta causa. [fol. 37r]

[13 Feb 76 (26.15)] Wickham. With the parties' consent, next to respond with hope of peace.

Wykham] In causa parochianorum ecclesie de Wykham mota contra .. priorem de Colne ecclesiam parochialem de Wykham in proprios usus suis optinentem occasione subtraccionis officii divini et clerici in dicta ecclesia ministraturi, partibus ut prius comparentibus, de quarum consensu expectamus dictam causam usque proximum consistorium ad diem sub spe pacis. [fol. 38v]

[28 Feb 76 (27.15)] Wickham. Parishioners by John Wiltshire, proctor *apud acta*; prior by Peter Caprik, proctor by letter. Having sworn to uphold church mandates, the prior is absolved from the suspension and ordered to offer two one-pound wax candles in St Michael's within eight days. With the parties' consent, next to respond with hope of peace.

Wykham] In causa parochianorum ecclesie de Wykham mota contra .. priorem et conventum de Colne ecclesiam parochialem de Wykham in proprios usus suos optinentes occasione subtraccionis officii divini et clerici in dicta ecclesia ministraturi, parte actrice per Johannem Wiltesshire, clericum, procuratorem suum *apud acta* constitutum, parte vero rea per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, absoluto dicto .. priore a sententia suspensionis prefato prius iurato de stando mandatis ecclesie et iniungimus eidem procuratori quod offerat duas candelas unius libre cere in ecclesia Sancti Michaelis Cantebr' infra octo dies, unde de consensu parcium expectamus dictam causam usque proximum ad idem. [fol. 40v]

[20 Mar 76 (28.14)] Wickham. Next to receive the libel in writing.

^a ac clericum ecclesie] *interlined*.

Wykham] In causa parochianorum ecclesie de Wykham mota contra .. priorem de Colne et conventum eiusdem ecclesiam parochialem de Wykham in proprios usus suos optinentes, partibus ut prius comparentibus, datur dies in proximo ad recipiendum libellum in scriptis. [fol. 43r]

[3 Apr 76 (29.11)] Wickham. As 28.14.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra priorem de Colne et conventum eiusdem ecclesiam parochialem de Wykham predictam in proprios usus suos optinentes, partibus ut prius comparentibus, expectamus dictam causam usque ad proximum ad idem quod pridem videlicet ad recipiendum libellum in scriptis. [fol. 45r]

[24 Apr 76 (30.9)] Wickham. The written libel is received. Next to respond.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne London' diocesis dictam ecclesiam parochialem in proprios usus suos optinentes, partibus ut prius comparentibus, oblato libello in scriptis et optento, datur dies in proximo ad respondendum eidem. [fol. 46r]

[16 May 76 (31.11)] Wickham. The prior and convent propose dilatory exceptions. Next to act on them.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne London' diocesis dictam ecclesiam de Wikham in proprios usus optentes, partibus ut prius comparentibus, propositis per partem ream quibusdam excepcionibus dilatoriis, datur dies in proximo ad faciendum super eisdem. [fol. 47r]

[13 Jun 76 (32.11)] Wickham. Following an argument about the exceptions, the court orders that an addition be made to the libel: "of Ely diocese" in those places where it says "Wickham" and does not mention "of Ely diocese." Next to respond to the libel.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne London' diocesis ecclesiam parochialem de Wikham predictam in proprios usus optinentes, partibus ut prius comparentibus, habita aliquali altercacione super dictis excepcionibus, decrevimus adieccionem fore faciendam ad dictum libellum videlicet illarum dictionum "Elien' diocesis" in ea parte libelli ubi deducitur "Wykham" nec exprimit "de diocesi Elien'," datusque est dies in proximo ad respondendum dicto libello. [fol. 49v]

[3 Jul 76 (33.10)] Wickham. The prior contests the suit negatively, saying the claims are untrue and the petitions should not be granted; the exceptions against the libel and the actors are preserved. Next to propose and the first term to produce.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra priorem et conventum de Colne London' dictam ecclesiam parochia-

lem in proprios usus optinentes, partibus per dictos procuratores suos comparentibus, lite per partem ream negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, salvis excepcionibus contra libellum et personas agencium, datur dies in proximo ad ponendum et primo producendum. [fol. 50v]

[24 Jul 76 (34.9)] Wickham. The parishioners produce five witnesses: John Neal of Balsham, John Walt of West Wrating, John Taylor of Wickham, John Byfold of Wickham, John By of West Wrating, who are admitted and sworn. The prior and convent declare the right to speak against witnesses and testimony and want to administer interrogatories; decreed. Next to publish the testimony; the articles and interrogatories to be administered in the meantime.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra priorem et conventum de Colne London' diocesis dictam ecclesiam parochialem in proprios usus optinentes, partibus ut prius comparentibus, productis per partem dictorum parochianorum quinque testibus videlicet Johanne Neel de Balsham, Johanne Walter de Wrattyng, Johanne Taillo' de Wykham, Johanne Byfold' de eadem et Johanne By de Wrattyng', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt et quod vult ministrare interrogatoria, peciit dicta pars rea articulos sibi dari ex quibus possit elicere interrogatoria et decretum, datur dies in proximo ad publicandum attestaciones et interim ministrantur articuli et interrogatoria. [fol. 52r]

[25 Sep 76 (35.9)] Wickham. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne London' diocesis dictam ecclesiam parochialem in proprios usus optinentes, partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 54v]

[16 Oct 76 (36.7)] Wickham. Nothing is proposed against the witnesses and testimony. Next to propose everything concerning the matter.

Wykham] In causa parochianorum ecclesie parochialis de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne London' diocesis dictam ecclesiam parochialem in proprios usus optinentes, partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum contra testes seu eorum dicta, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 55Av]

[13 Nov 76 (37.7)] Wickham. Nothing is proposed by either; the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota

contra .. priorem et conventum de Colne dictam parochialem ecclesiam de Wykham in proprios usus optinentes, partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, sed in dicta causa conclusa, datus est dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 56Bv]

[4 Dec 76 (38.9)] Wickham. Next to hear the definitive sentence.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne dictam parochialem ecclesiam de Wykham in proprios usus optinentes, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 58v]

[8 Jan 77 (39.13)] Wickham. Next to hear the definitive sentence with adjournment of the following days.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne ecclesiam parochialem de Wykham predictam in proprios usus optinentes, partibus ut prius comparentibus, datur dies in proximo cum continuacione et prorogacione dierum subsequencium ad idem quod prius videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 61r]

[5 Feb 77 (40.17)] Wickham. As 39.13.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne London' diocesis ecclesiam parochialem de Wykham predictam in proprios usus optinentes, partibus ut prius comparentibus, datur dies in proximo ad idem quod prius videlicet ad audiendum sentenciam in dicta causa diffinitivam cum continuacione et prorogacione dierum subsequencium. [fol. 63v]

[26 Feb 77 (41.18)] Wickham. Next to hear the definitive sentence.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne London' diocesis dictam ecclesiam de Wykham in proprios usus optinentes, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 65r]

[19 Mar 77 (42.18)] Wickham. As 41.18.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne London' diocesis dictam ecclesiam de Wykham in proprios usus optinentes, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta

causa diffinitivam. [fol. 66v]

[10 Apr 77 (43.17)] Wickham. Parishioners by William de Bridge, substituted for original proctor; prior and convent by proctor. Next to hear the definitive sentence.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne London' diocesis dictam ecclesiam in proprios usus optinentes, parte parochiorum per Willelmum Brugges, substitutum dicti Johannis Wiltesshir' procuratoris originalis, comparente, parte alia ut prius, de quarum consensu datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 68v]

[30 Apr 77 (44.18)] Wickham. Parties by original proctors. With the parties' consent, 8 May is assigned to hear the definitive sentence.

8 May. Since the entire process has been investigated and deliberation has been held with experienced counsel, John Potton, rector of Hatley St George and special commissary of the official, proceeds to the definitive sentence.

Sentence. Because the parishioners have proved their intention, the court finds in favour of the parishioners' right and restores the right to them, according to law and custom.

Wykham] In causa parochianorum ecclesie de Wykham Elien' diocesis mota contra .. priorem et conventum de Colne London' diocesis dictam parochialem ecclesiam in proprios usus optinentes, partibus per procuratores originales comparentibus, de quarum consensu datur dies veneris proximo post [fol. 70r] festum ascencionis Domini proximo futurum loco quo supra ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam.

Quibus die et loco partibus predictis per procuratores suos originales comparentibus coram nobis .. Johanne de Potton', clerico rectore ecclesie Sancti Georgii de Hattele Elien' diocesis domini officialis Elien' commissario in hac parte specialiter deputato, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium Christi nomine primitus invocato ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos commissarius supradictus invenimus partem dictorum parochianorum intencionem suam in omnibus predictis in libello in dicta causa porrecto deductis plene fundasse et probasse, ideo pro iure et possessione dictorum parochianorum sentencialiter et diffinitive pronunciamus et declaramus, possessionemque eorum reformamus, ipsosque ad possessionem iuris vel quia quam in huiusmodi prestacionibus et oneribus habuerunt vel de iure seu consuetudine habere debuerunt restituimus et reducimus ac restitutos et reducendos fore cum effectu decrevimus sentencialiter et diffinitive in hiis scriptis. [fol. 70v]

73. OAK

[10 Jan 76 (25.20)] Atte Oak. Margaret wife Thomas Rayson of Milton was cited before the official for 26 Jan. 1376 at the instance of Rose wife of John atte Oak in a defamation case.

Rose appears by William Killerwick, proctor *apud acta*; Margaret is absent, found contumacious, and suspended.

Atte Ok' – suspensio] Margareta uxor Thome Raysonn de Middelton' citata coram nobis .. officiali Elien' ad diem sabbati proximo post festum conversionis Sancti Pauli ad instanciam Roisie uxoris Johannis atte Ok' de eadem in causa diffamacionis, parte actrice per Willelmum Killerwuk', clericum, procuratorem suum apud acta constitutum [comparente,] parte rea nullo modo comparente, ideo ipsam partem ream reputamus contumacem et pro sua contumacia ipsam ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 37r]

[13 Feb 76 (26.16)] Atte Oak. Peace has been restored. Sworn to uphold church mandates, Margaret is absolved and satisfies the court.

Atte Ok' – pax – absolucio] In causa diffamacionis^a mota inter Roisam uxorem Johannis atte Ok' de Midelton' partem actricem ex parte una et Margaretam uxorem Thome Raysoun de eadem partem ream ex altera, pax est inter partes reformata dictaque Margareta iurata de stando mandatis ecclesie absoluta est et satisfecit officio. [fol. 38v]

^a diffamacionis] *interlined*.

74. HART/HAMMOND¹

[10 Jan 76 (25.23)] Hart/Hammond. Mr William de Rookhawe, archdeacon's official, was cited for the above place and day at the instance of John Hart of Barton and William Hammond of Barton in an appeal from a citation to a brief and final term, and other grievances caused by the official.

John and William appear by William Killerwick, proctor *apud acta*; the official by Richard Pitts, proctor *apud acta*. An oral libel is given and requested written. Next to receive it in writing.

Hert Hamond'] Magister Willelmus Rookhawe officialis domini archidiaconi Elien' se pretendens citatus ad diem et locum supradictos ad instanciam Johannis Hert de Barton' et Willelmi Hamond de eadem in causa appellacionis ad audienciam nostram interiecte, a quadam citacione peremptoria ad terminum minus breuem et peremptorium aliisque gravaminibus in ea parte suggestis per dictum Willelmum officialem pretensum eisdem ut asserunt latis, parte appellante per Willelmum Killerwyk', clericum, procuratorem suum

¹ John Hart, the first appellant in this case *Barton (3)*. The cases may all be in some way related, but there is not enough to warrant combining them.

apud acta constitutum, parte vero appellata per Ricardum Pyttes, clericum, procuratorem suum eciam apud acta constitutum [comparentibus], libellato oretenus per partem appellantem petitoque per partem appellatam in scriptis, datur dies in proximo ad libellandum in scriptis.

[13 Feb 76 (26.17)] Hart/Hammond. The written libel is received. Next to respond.

Hert Hamond'] In causa appellacionis mota inter Johannem Hert de Berton' et Willelmum Hamond' de eadem partem appellantem ex parte una et magistrum Willelmum Rookhawe, officialem domini archidiaconi Elien', partem appellatam ex altera, partibus ut prius comparentibus, oblato libello et a parte appellata optento in scriptis, datur dies in proximo ad respondendum. [fol. 38v]

[28 Feb 76 (27.16)] Hart/Hammond. The official contests the suit negatively, saying the claims are untrue and the petitions should not be granted. He reserves the right to add to the contest. Next to swear *de calumpnia* and to prove.

Hert/Hamond'] In causa appellacionis mota inter Johannem Hert de Berton' et Willelmum Hamond' de eadem partem appellantem ex parte una et magistrum Willelmum Rookhawe, officialem domini archidiaconi Elien', partem appellatam ex altera, partibus ut prius comparentibus, lite per dictum Ricardum procuratorem negative contestatur dicendo narrata proutarrantur vera non esse et ideo petita prout petuntur fieri non debere, cum protestacione adiciendi iuxta contestacionem, datur dies in proximo ad iurandum de calumpnia et ad probandum. [fol. 40v]

[20 Mar 76 (28.15)] Hart/Hammond. John and William by proctor; the official by Peter Caprik, substituted for original proctor. John and William personally swear *de calumpnia* and *de veritate dicenda*. They exhibit a document concerning the appeal and produce three witnesses: Robert Warin of Barton, John Roger, and John Marris of Barton, who are admitted and sworn. They request the compulsion of the vicar of Barton as a witness; decreed with faith given. Next to produce compelled and to offer final proof.

Hert/Hamond'. In causa appellacionis mota inter Johannem Hert de Berton' et Willelmum Hamond' de eadem partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini .. archidiaconi Elien' partem appellatam ex altera, parte appellante ut prius comparente, parte vero appellata per Petrum Caprik', clericum substitutum Ricardi Pyttes clerici procuratoris sui originalis, iurato per dictos Johannem et Willelmum appellantes in personis suis propriis de calumpnia et de veritate dicenda exhibitoque per eosdem quodam instrumento publico super appellacione productisque tribus testibus super gravaminibus videlicet Roberto Waryn' de Berton', Johanne Rog' et Johanne Mareys de eadem, quibus admissis et in forma iuris iuratis, petitaque compulsione vicarii ecclesie de Berton' qua decreta facta fide que requiritur, datur dies in proximo ad producendum testem compellendum et ad peremptorie probandum. [fol. 43r]

[3 Apr 76 (29.12)] Hart/Hammond. Peace has been restored.

Hert/Hamond' – pax] In causa appellacionis mota inter Johannem Hert de Berton' et Willelmum Hamond' de eadem partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini .. archidiaconi Elien' partem appellatam ex altera, pax est. [fol. 45r]

75. ROPER

[10 Jan 76 (25.24)] Roper. Mr William de Rookhawe, archdeacon's official, was cited for the above place and day at the instance of Margaret Roper of Cambridge in an appeal from a citation to a brief and final term, and other grievances caused by the official.

Margaret is absent; the official appears by Richard Pitts, proctor *apud acta*. Margaret will be called to proceed with the case under penalty of final remission.

Ropere] Idem magister Willelmus officialis domini archidiaconi Elien' se pretendens citatus ad diem et locum supradictos coram nobis .. officiali Elien' ad instanciam Margarete Rop'e de Cantebr' in causa appellacionis ad audienciam nostram interiecte a quadam citacione peremptoria et iniusta ad terminum nimis brevem et peremptorium aliisque gravaminibus in ea parte suggestis per dictum magistrum Willelmum officialem pretensum eidem ut asseruit illatis, parte appellante nullo modo comparente, parte vero appellata per Ricardum Pyttes, clericum, procuratorem suum, ideo decrevimus partem appellantem fore vocandam ad proximum causam appellacionis sue persecuturam sub pena finalis remissionis. [fol. 37v]

[13 Feb 76 (26.18)] Roper. Peace has been restored.

Ropere – pax] In causa appellacionis mota inter Margaretam Ropere de Cantebr' partem appellantem ex parte una et dominum magistrum Willelmum officialem partem appellatam ex altera, pax est. [fol. 38v]

76. GAYTON¹

[10 Jan 76 (25.25)] Gayton. Mr William de Rookhawe, archdeacon's official, was cited for the above place and day at the instance of Margaret Gayton of Cambridge in an appeal from an unjust excommunication and denunciation, a citation to a brief and final term, and other grievances caused by the official.

Margaret appears by William Killerwick, proctor *apud acta*; the official by Richard Pitts, proctor *apud acta*. An oral libel is given and requested written. Next to receive it in writing.

Geyton'] Idem magister Willelmus officialis domini archidiaconi Elien' se pretendens citatus ad diem et locum supradictos coram nobis .. officiali

¹ Margaret Gayton, the appellant here, is *man (2)*, but there is no other indication of a probably also one of the appellants in *Chese-* relationship between the cases.

Elie' ad instanciam Margarete Geyton' de Cantebr' in causa appellacionis ad audienciam nostram interiecte a quadam excommunicatione iniusta et denunciacione eiusdem necnon citacione ad terminum nimis brevem et peremptorium aliisque gravaminibus in ea parte suggestis per dictum magistrum Willelmum officialem pretensum eidem ut asseruit illatis, parte appellante per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, comparente, parte vero appellata ut prius, libellato oretenus per partem appellantem petitoque in scriptis per partem appellatam, datur dies in proximo ad libellandum in scriptis. [fol. 37v]

[13 Feb 76 (26.19)] Gayton. The written libel is received. Next to respond to it.

Geyton'] In causa appellacionis mota inter Margaretam Geyton' de Cantebr' partem appellantem ex parte una et dictum magistrum Willelmum officialem partem appellatam ex altera, partibus ut prius comparentibus, oblato libello in scriptis per partem appellantem et a parte appellata optento, datus est dies in proximo ad respondendum eidem. [fol. 39r]

[28 Feb 76 (27.17)] Gayton. The official contests the suit negatively, saying the claims are untrue and the petitions should not be granted. He reserves the right to add to the contest. Next to swear *de calumpnia* and to prove.

Geyton'] In causa appellacionis mota inter Margaretam Geyton' de Cantebr' partem appellantem ex parte [una], et dictum magistrum Willelmum officialem partem appellatam ex altera, partibus ut prius comparentibus, lite per dictum Ricardum procuratorem negative contestatur dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, cum protestacione adiciendi iuxta contestacionem, datus est dies in proximo partibus predictis ad iurandum de calumpnia et ad probandum. [fol. 40v]

[20 Mar 76 (28.16)] Gayton. Margaret by proctor; William by Peter Caprik, substituted for original proctor. Margaret exhibits a document concerning the appeal and administers no other proof. Since she has not sworn *de calumpnia*, next to swear and to offer final proof.

Geyton'] In causa appellacionis mota inter Margaretam Geyton' de Cantebr' partem appellantem ex parte una, et magistrum Willelmum de Rookhawe officialem domini .. archidiaconi Elie' partem appellatam ex altera, parte appellante ut prius comparente, parte appellata per Petrum Caprik', clericum substitutum Ricardi Pyttes clerici procuratoris sui originalis, exhibito per partem appellantem quodam instrumento publico super appellacione, nullis aliis probacionibus ministratis nec iurato de calumpnia, datur dies in proximo ad iurandum de calumpnia et ad peremptorie probandum. [fol. 43r]

[3 Apr 76 (29.13)] Gayton. Margaret by proctor; the official by John Hostler, substituted for original proctor, substitution made by letter. Margaret produces one witness: John Cheseman of Cambridge, who are admitted and sworn. She requests the compulsion of two witnesses: Mr Hugh Candlesby and John clerk of St Mary the Less. She requests a *missio* to examine Thomas chaplain of St Mary the Less, who is infirm; decreed with faith given. 5 April for parties to see

admission of Thomas at his residence, if they wish; next session to produce the compelled.

Geyton'] In causa appellacionis mota inter Margaretam Geyton' de Cantebr' partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini .. archidiaconi Elien' partem appellatam ex altera, parte appellante ut prius comparente, parte appellata per Johannem Hostiler, substitutum Ricardi Pyttes procuratoris originalis litteratorie deputatum, producto per partem appellantem unico teste videlicet Johanne Cheseman de Cantebr' qui admisso et in forma iuris iurato, petitaque compulsione duorum testium videlicet magistri Hugonis de Candelesby et Johannis clerici ecclesie Sancte Marie extra Trumpiton' gates Cant', petita eciam missione ad dominum Thomam capellanum parochialem dicte ecclesie debilem, infirmum et valitudinarium, quibus decretis facta fide que requiretur, datur dies in proximo ad producendum compulsos et prefigimus partibus predictis ad interessendum et videndum admissionem testis infirmi si voluerint, die sabbati proximo futuro in loco habitationis sue cum ipsum locum exire non possit propter infirmitatem. [fol. 45r]

[24 Apr 76 (30.10)] Gayton. The other witnesses were not cited or produced because they could not be found, as certified. Next to produce the compelled.

Geyton'] In causa appellacionis mota inter Margaretam Geyton' de Cantebr' partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini .. archidiaconi Elien' partem appellatam ex altera, parte appellante ut prius comparente, parte appellata per Johannem Hostiler, substitutum Ricardi Pyttes procuratoris originalis, comparente, nullis aliis testibus productis nec citatis quia inveniri non possunt ut est certficatum, datur dies in proximo ad idem quod prius. [fol. 46r]

[16 May 76 (31.6)] Gayton. The other witnesses have not been cited or produced. With the parties' consent, next to produce the compelled.

Geyton'] In causa appellacionis mota inter Margaretam Geyton' de Cantebr' partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini archidiaconi Elien' partem appellatam ex altera, partibus ut prius comparentibus, nullis aliis testibus productis nec citatis, ideo de consensu expresso parcium predictarum, datur dies in proximo ad idem quod pridem. [fol. 46v]

[13 Jun 76 (32.6)] Gayton. Peace has been restored.

Geyton'] In causa appellacionis mota inter Margaretam Geyton' de Cant' partem appellantem ex parte una et magistrum Willelmum Rookhawe officialem domini archidiaconi Elien' partem appellatam ex altera, pax est inter partes. [fol. 49r]

77. **BAND**

[13 Feb 76 (26.25)] Band. Isabel widow of John Prime of Thriplow was cited for said day and place before the official at the instance of Thomas Band of Chesterford [Essex] in a marriage case.

Thomas appears personally; Isabel by Richard Pitts, proctor *apud acta*. Thomas proposes by oral libel that they should be judged husband and wife because they contracted marriage in present words of mutual consent, or in future words followed by intercourse. The marriage has been acknowledged by public fame in Chesterford, Thriplow, and the vicinity. He asks to proceed summarily according to the new constitutions *Dispendiosam* and *Saepe contingit*.¹ With the parties' consent, next for Isabel to respond to the libel and for each to do what the law requires.

Band] Isabella nuper uxor Johannis Pryme de Trippelowe citata^a ad dictos diem et locum coram nobis .. officiali Elien' ad instanciam Thome Band de Chestreford' in causa matrimoniali, parte actrice personaliter comparente, parte rea per Ricardum Pyttes, clericum, procuratorem suum apud acta constitutum, libellato oretenus per partem actricem videlicet predicti Thomas et Isabella matrimonium adinvicem per verba de presenti mutuum consensum eorumdem exprimentia seu per verba de futuro carnali copula subsequuta legitime contraxerunt, quem quidem contractum utrique eorum in alterius et aliorum fidedignorum presencia ex certa sciencia fatebatur, recognovit, innovavit et publicavit super quibus laborat publica vox et fama in villis de Chestreford', Trippelowe et locis aliis convicinis, quare peciit dictus Thomas ipsam Isabellam eidem in uxorem legitimam ipsumque Thomam prefate Isabella in virum legitimum probatis in hac parte probandis per nos sententialiter et diffinitive adiudicari ulteriusque fieri, statui et decrevi in premissis et ea concernentibus quod canonicis convenit institutis et petit pars dicti Thome quod per nos procedatur in dicta causa summarie et de plano ac sine strepitu et figura iudicii iuxta novelles constitutiones *Dispendiosam* et *Sepe contingit*. Unde de consensu parcium predictarum datur dies in proximo parti ree ad respondendum libello et parti actrici ad videndum et audiendum responsionem et utrique parti ad faciendum alterius quod est iuris. [fol. 39r]

[28 Feb 76 (27.20)] Band. Thomas by John Wiltshire, proctor *apud acta*; Isabel by proctor. Isabel contests the suit negatively, saying the claims are untrue and the petitions should not be granted. She reserves the right to add to the contest. Parties swear *de calumpnia* and *de veritate dicenda*. 7 March to propose and the first term to produce.

Thomas by proctor; Isabel by Peter Caprik, substituted for original proctor. No witnesses or positions are brought. Thomas wants three witnesses compelled: Thomas vicar of Thriplow, Walter Waller, and John Swan of Thriplow; decreed with faith given. Next to produce compelled.

Band] In causa matrimoniali coram nobis mota inter Thomam Band de Che-

^a citatus.

¹ See Citations to Canon Law, *Dispendiosam*; *Saepe*.

streford' partem actricem ex parte una et Isabellam nuper uxorem Johannis Pryme de Trippelowe partem ream ex altera, parte actrice per Johannem Wyltesshire, clericum, procuratorem suum apud acta constitutum, parte rea per Ricardum Pyttes, clericum, procuratorem suum apud acta constitutum, comparentibus, lite per dictum Ricardum procuratorem negative contestata ad dictum libellum dicendo videlicet narrata prout narratur vera non esse et ideo petita prout petuntur fieri non debere cum protestacione adicienda ad dictam contestacionem et iuxta eam, iuratis partibus in personis dictorum procuratorum hincinde de calumpnia et de veritate dicenda, datur dies veneris proximum ante festum Sancti Gregorii pape proximo futurum loco quo supra ad ponendum et primo producendum.

Quibus die et loco parte actrice ut prius comparente, parte vero rea per Petrum Caprik', clericum substitutum Ricardi Pyttes procuratoris originalis apud acta constitutum, nullis testibus productis nec posicionibus traditis sed petita per partem actricem compulsione trium testium videlicet domini Thome vicarii ecclesie de Trippelowe, Walteri Walour et Johannis Swan de eadem, qua decreta facta fide que requiritur in hac parte, datur dies in proximo ad producendos compulsos. [fol. 41r]

[20 Mar 76 (28.18)] Band. Although the compelled witnesses were cited, Walter and John are absent. They are found contumacious and suspended. Thomas appears, who is admitted and sworn. Walter and John will be called for 27 March. The witnesses' examination is committed by Scrope to Mr John Newton, with power to collate the testimony.

27 March. Thomas by William Killerwick, substituted for original proctor; Isabel by Peter Caprik substituted for original proctor. Thomas produces Walter and John, who are absolved from the suspension, admitted, and sworn. Isabel reserves the right to speak against witnesses and testimony. Next to publish the testimony.

Band] In causa matrimoniali coram nobis mota inter Thomam Band de Chetstreford' London' diocesis partem actricem ex parte una et Isabellam nuper uxorem Johannis Pryme de Trippelowe Elien' diocesis partem ream ex altera, parte actrice ut prius comparente, parte vero rea per Petrum Caprik', clericum substitutum Ricardi Pyttes procuratoris sui originalis, citatis dictis testibus compulsis, dicto domino Thoma vicario comparente ipsoque admisso et in forma iuris iurato, predictos Walterum^b Walo' et Johannem Swan citatos, preconizatos nullo modo comparentes reputamus contumaces et in pena contumacie sue ipsos suspendimus ab ingressu ecclesie in hiis scriptis et decrevimus ipsos fore vocandos ad diem iouis proximo post festum Annunciationis dominice veritatem quam noverint in dicta causa dicturos et committimus magistro Johanni de Neuton' examinacionem dictorum testium cum potestate concordandi dicta sua. [fol. 43r]

Quo die adventente parte actrice per Willelmum Killerwyk', clericum

^b Walterum] *interlined*.

substitutum Johannis Wiltesshire procuratoris originalis, comparente, parte rea per Petrum Caprik', clericum substitutum dicti Ricardi Pyttes procuratoris originalis, productis per partem actricem dictis Waltero Walo' et Johanne Swan, quibus absolutis a dicta sententia suspensionis admissis in forma iuris et iuratis, protestur per partem adversam de dicendo in testes et eorum dicta, datur dies in proximo ad publicandum et publicari videndum attestaciones supradictorum testium. [fol. 43v]

[3 Apr 76 (29.14)] Band. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Band] In causa matrimoniali coram nobis mota inter Thomam Band de Chestreford' London' diocesis partem actricem ex parte una et Isabellam nuper uxorem Johannis Pryme de Trippelowe Elien' diocesis partem ream ex altera, partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 45r]

[24 Apr 76 (30.11)] Band. Thomas by Killerwick, substituted for original proctor; Isabel by John Hostler, substituted for original proctor. Nothing is proposed by either. Next to propose everything concerning the matter.

Band] In causa matrimoniali mota inter Thomam Band de Chestreford' London' diocesis partem actricem ex parte una et Isabellam nuper uxorem Johannis Pryme de Trippelowe Elien' diocesis partem ream ex altera, parte actrice ut prius comparente, parte rea per Johannem Hostilere, substitutum Ricardi Pyttes procuratoris originalis, nullo dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto seu iure consistencia. [fol. 46r]

[16 May 76 (31.12)] Band. With the parties' consent, next to propose everything concerning the matter.

Band] In causa matrimoniali mota inter Thomam Band de Chestreford' London' diocesis partem actricem ex parte una et Isabellam nuper uxorem Johannis Pryme de Trippelowe Elien' diocesis partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad proponendum omnia in facto seu iure consistencia. [fol. 47r]

[13 Jun 76 (32.12)] Band. Since nothing is proposed by either, the case is concluded with the parties' consent. Next to hear the definitive sentence.

Band] In causa matrimoniali mota inter Thomam Band de Chestreford' London' diocesis partem actricem ex parte una et Isabellam nuper uxorem Johannis Prime de Trippelowe Elien' diocesis partem ream ex altera, partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed de consensu parcium in causa concluso, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 49v]

[3 Jul 76 (33.11)] Band. 12 July to hear the definitive sentence.

12 July. With the parties' consent, 14 July is assigned for same; Mr John Newton is commissioned to bring the definitive sentence.

14 July. Since the entire process has been investigated and deliberation has been held with experienced counsel, Newton proceeds to the definitive sentence. [The process of the case is reiterated.]

Sentence. Since Thomas has not proved his intention, Isabel is absolved and dismissed from his suit.

Thomas' proctor appeals *ab iniqua* and requests *apostoli*.

Band] In causa matrimoniali mota inter Thomam Band de Chestreford' London' diocesis partem actricem ex parte una et Isabellam nuper uxorem Johannis Pryme de T'ppelowe Elien' diocesis partem ream ex altera, partibus ut prius comparentibus, datur dies sabbati proximo post festum translacionis Sancti Thome martyris loco quo supra ad idem.

Quo die partibus ut prius comparentibus de quarum consensu datur dies lune proximo post festum translacionis Sancti Benedicti proximo futurum ad idem loco quo supra. Et committimus magistro Johanni de Neuton' potestatem sententiam diffinitivam in dicta causa ferendi.

Quibus die et loco partibus coram nobis Johanne de Neuton', commissario predicto, ut prius comparentibus et sententiam per nos ferri postulantibus, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Auditis et intellectis meritis cause matrimonialis que coram domino .. officiali Elien' aliquamdem vertebatur inter Thomam Band de Chestreford' partem actricem ex parte una et Isabellam nuper uxorem Johannis Pryme de Trippelowe partem ream ex altera, partibus predictis coram dicto domino officiali legitime comparentibus, oblato quod articulo sive libello per partem actricam et a parte rea optento liteque ad eundem negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, productis quibusdem testibus quibus admissis in formam iuris, examinatis eorumque attestacionibus publicatis decretis partibus copiis earundem et optentis, datus fuit terminus ad dicendum contra testes et eorum dicta. Quo termino nichil dicto seu proposito, datus fuit terminus ad proponendum omnia in facto seu iure consistencia. Quo termino partibus ut prius comparentibus nichil dicto seu proposito sed de consensu parcium in causa concluso, datus fuit iste dies ad audiendum sententiam in dicta causa diffinitivam. Quo die partibus ut prius coram nobis .. commissario predicto comparentibus, rimato per nos et investigato toto processu in dicta causa habito, diligenti deliberacione prehabita, invocata Spiritus Sancti gracia de consilio

¹ In 1870, this chapel became the parish church of Parson Drove.

iurisperitorum nobis assidencium in hac parte, ad sentenciam diffinitivam procedimus in hunc modum:

In Dei nomine amen. Quia nos Johannes de Neuton', domini .. officialis Elie' commissarius in hac parte specialiter deputatus, invenimus dictum Thomem in probacione intencionis sue omnino defecisse et nullo modo probasse, ipsam Isabellam ab impetitione dicti Thome sentencialiter et diffinitive absolvimus et dimittimus in hiis scriptis.

appellacio] A qua sententia tanquam ab iniqua Johannes Wiltesshire, procurator dicte Thome, appellavit et apostolos peciit. [fol. 50v]

78. LEVERINGTON

[13 Feb 76 (26.26)] Leverington. John Wilkinson of Leverington was cited before the official for 25 Feb. 1376 at the instance of the parishioners of Leverington because he has been withholding rents owed to the chapel of St John in Parson Drove.¹

Parishioners appear by John Holbech, chaplain, who claims to be their proctor; John personally. An oral libel is given and requested written. Next consistory after Easter to receive it in writing.

Leveryngton'] Johannes Wylkynesson' de Leveryngton' Elie' diocesis citatus coram nobis .. officiali Elie' ad diem lune proximo post festum Sancte Juliane virginis ad instanciam parochianorum ecclesie de Lev'ynghon' super subtraccione reddituum et iurium ad fabricam capelle Sancti Johannis in Persones Drove de eadem infra dictam parochiam debitorum, parte actrice per dominum Johannem Holbech' capellanum procuratorem suum se dicentem comparente, parte rea personaliter libellato oretenus per dictum procuratorem petitoque in scriptis per partem ream, datur dies in proximo consistorio post festum Pasche proximo futurum ad recipiendum libellum in scriptis. [fol. 39r]

79. BOURN¹

[13 Feb 76 (26.29)] Bourn. Roger vicar of Eversden church, dean of Bourn, was called before the official for 23 Feb. 1376 in Fen Ditton church to show canonical obedience to the bishop, the official, and their commissaries and ministers for his contempt and disobedience. He had refused to receive Scrope's inhibition requested by John de Podington, rector of Kingston, against the archdeacon's official and sent to Roger.

Roger personally admits he refused the inhibition, but not from contempt. He submits to Scrope's grace, swears obedience, and promises to execute of all mandates of the bishop and his official. The penance will be at Scrope's pleasure *sub sua gestura*. Witnesses: Mr John

¹ These entries seem pretty clearly to be related. In Acta 72.44 and again in 83.48, two different men profess obedience as deans of Bourn. These entries may be related to the 'Bourn problem' suggested here, but that is less clear.

Newton, BCivL, and John Denford, lettered (*litteratus*), *et al.*, of Lincoln diocese. [NS]

Brunne – obediencia] Cum nos .. officialis Elien' et commissarius supradictus dominum Rogerum vicarium ecclesie de Ev'esdon', decanum decanatus de Bru'ne Elien' diocesis, super contemptu et inobediencia pro eo quod inhibitionem nostram per dominum Johannem de Podyngton', rectorem ecclesie de Kyngeston', contra .. officialem domini .. archidiaconi Elien' impetratam a nobis et eidem .. decano inter alios directam et sibi oblatam recipere non curavit necnon ad prestandum dicto venerabili patri domino .. episcopo Elien', nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis ad diem sabbati proximo post festum Sancti Petri in cathedra in ecclesia parochialis de Dyttin' fecerimus coram nobis ad iudicium evocari, predictus dictus Rogerus vicarius et decanus coram nobis comparens personaliter tunc ibidem fatebatur se non curasse dictam inhibitionem recipere, quam non distulit recipere ut asseruit ex contemptu, super quo tamen se submitit gracie nostre, unde dictus Rogerus vicarius et decanus obedienciam canonicam dicto venerabili patri, nobis et ceteris ipsius et nostris commissariis et ministris in licitis et canonicis mandatis ad sancta Dei evangelia per ipsum corporaliter tacta prestitit et iuravit. Et iuravit quod omnia mandata dicti patris et nostra sibi inposterum dirigenda absque dolo seu fraude ac diligenter et fideliter exequetur, cuius penitencia pro dicta inobediencia pendet usque ad nostre voluntatis beneplacitum sub gestura sua. Presentibus magistro Johanne de Neuton', bacallario in legibus, et Johanne Denfordd', litterato, ac aliis Lincoln' diocesis testibus vocatis et rogatis. RF: Foxton. [fol. 39v]

[10 Apr 77 (43.36)] Bourn. 29 April 1377 John Dyne of Wimpole, chaplain and newly appointed dean of Bourn, appears personally before the official and swears obedience to the bishop, his official, and their commissaries and minsters.

Brunne – obediencia] Die mercurii proximo post festum Sancti Marci evangeliste anno Domini supradicto comparens personaliter coram nobis .. Ricardo le Scrop' officiali Elien' dominus Johannes Dyne de Wynepol, capellanus .. decanus decanatus de Bru'ne nominaliter, prefectus obedienciam canonicam venerabili in Christo patri et domino domini Thome Dei gracia episcopo Elien', nobis et ceteris ipsius venerabilis patris et nostris commissariis et ministris ad sancta Dei evangelia per ipsum corporaliter tacta prestitit et iuravit. [fol. 69v]

[29 May 77 (45.30)] Bourn. John Dyne, chaplain and dean of Bourn, was ordered by the commissary to cite Simon Kymwelle of Caldecote for assaulting Nicholas Kymwell, vicar of Caldecote, and to certify the citation. Because he failed to do this, he will be cited to respond about his contempt and disobedience.

Brunne – contemptus] Cum nos .. commissarius supradictus domino Johanni Dyne, capellano .. decano de Brunne, ad citandum Simonem Kymwelle de Caldecote super violenta manuum iniectio in dominum Nicholaum

Kymwell', vicarium de Caldecote, et certificandum nos de eodem nuper derimus in mandatis, idem .. decanus de citacione huiusmodi certificare non curavit, ideo ipsum decrevimus fore citandum super contemptu et inobedientia nobis responsurum. [fol. 74r]

80. BARBER/SOUSTER

[13 Feb 76 (26.30)] Souster. Thomas Barber of St Benet's, Cambridge, and Joan Souster, his long time concubine, were cited before Thomas Gloucester, commissary of the official, for 10 March 1376 in St Michael's concerning a contract of marriage and subsequent intercourse, known to the court by public fame.

They appear personally. Sworn *de veritate dicenda* and questioned, Joan admits they contracted marriage in present words of mutual consent, or in future words followed by intercourse. They promised this on the Sunday after the Exaltation of the Holy Cross [16 Sept. 1375] at Sturbridge fair. She asks that they be judged husband and wife. Thomas denies this contract, but says he contracted with her in the following way. Prior to said feast, Thomas had told Joan to leave. Later he learned that she intended to go away, which made him so unhappy he became suicidal. When Joan insisted on leaving the country, Thomas tearfully appealed to her saying, "Joan if you will stay here, I will betroth you." She replied she would stay. He said, "I promise to have you." She was pleased. Thomas admits that he had intercourse with Joan both before and after the promise, but not with the intention of marrying her. Meanwhile he has kept her as his concubine. Joan produces one witness: Mr Edmund de Alderford, MA, who is admitted and sworn. 10 March before the official, Gloucester, or another commissary for the second term to produce.

20 March before Gloucester. Thomas and Joan contract marriage in common form. Thomas swears, "I accept you as my wife if, from now on, I know you physically." She swears, "I accept you as my husband if, from now on, you know me physically." Witnesses: Mr's John de Holbech; John Masham; Robert Foxton, registrar of consistory and public notary; and William Killerwick, cleric, of Lincoln and York dioceses. [NS]

Seustere] Thomas Barbo' de parochia Sancti Benedicti Cantebr' et Johanna Seustere quam diu tenuit concubinam citati coram nobis Thome de Gloucestr', clerico reverendi viri magistri Ricardi Scrop' venerabilis in Christo domini domini Thome Dei gracia episcopi Eliensis officialis et commissarii generalis sufficienter^a ad infrascriptum negocium commissario specialiter deputato, ad diem lune proximo ante festum Sancti Gregorii videlicet decimum diem marcii anno Domini supradicto in ecclesia Sancti Michaelis Cantebr' super contractu matrimoniali inter eosdem fama publica referente inito et carnali copula subsecuta, predicti Thomas et Johanna coram nobis personaliter comparentes et de veritate dicenda iurati ac super predictis contractu et carnali copula requisiti, predicta Johanna fatebatur et asseruit quod dictus^b Thomas et ipsa matrimonium adinvicem contraxerunt^c per verba de presenti seu per verba de futuro carnali copula subsecuta et hoc se invicem mutuum

^a sufficienter] followed by *redundant* deputato. ^b dictus] dicti. ^c contraxerunt] contraxherunt.

dederunt fidem, die dominica proximo post festum exaltacionis Sancte Crucis ultimo preteritum apud vindemias de Sterresbruggh' quare peciit dicta Johanna predictum Thomam sibi in virum legitimum ipsamque Johannam eidem Thome in uxorem legitimam sentencialiter et diffinitive adiudicari, predictus Thomas huiusmodi contractum inter eos initum fore negavit expresse, fatebatur tamen quod cum ea contraxit prout sequitur, predictus Thomas ante festum exaltacionis Sancte Crucis ultimo preteritum volens eam dimittere premunivit ea quod noluerit plus habere facere cum ea et postmodum audito quod dicta Johanna voluit recessisse et se divertisse ad alia loca, dictus Thomas tantum dolorem inde concepit quod seipsum voluit perimisse tandem pre nimio dolore quod dicta Johanna sibi non adhesit sed a patria recedere proposuit. Dictus Thomas circa festum exaltacionis predictae tempore vindemiarum predicto apud Sterebruggh' accessit et lacrimabiliter eidem Johanne dixit ista verba, "Johanna, si velis morari in partibus, volo te affidare," et dicta Johanna respondebat se velle morari et tunc dictus Thomas dixit eidem Johanne, "Hic securo tibi fidem meam quod volo te habere," et quod^d dicta Johanna respondebat incontinenti, "Placet michi." Fatebatur insuper dictus Thomas quod post dictum tempus et eciam ante [fol. 39v] prefatam Johannam carnaliter cognovit, dixit tunc quod non fuit nunc est intencionis sue quod ipsam duceret in uxorem, sed dumtaxat quod ipsam detineret in concubinam sicut prius detinuit productoque per dictam Johannam ex habundanti ad probandum intencionem suam uno teste videlicet magistro Edmundo de Alderford', magistro in artibus, quo admisso et in forma iuris iurato, datus est dies iovis proximo post festum Sancti Edwardi regis proximo futurum coram domino .. officiali Elien', nobis vel alio ipsius commissario dicte Johanne ad producendum secundo et prefato Thome ad videndum produccionem huiusmodi. Et nihilominus dicti Thomas et Johanna tunc ibidem coram nobis in iudicio pro tribunali sedente videlicet die lune proximo ante festum Sancti Gregorii pape loco quo supra, matrimonium adinvicem contraxerunt sub forma infrascripta videlicet prefatus Thomas dixit eidem Johanne ista verba, "Hic accipio te in uxorem meam si exnunc cognoscam te carnaliter," et prefata Johanna eidem statim respondit, "Hic accipio te in virem meum si exnunc cognoscas me carnaliter." Acta sunt hec anno, die, loco et mense predictis indiccione quarta decima pontificatus domini Gregorii pape undecimo anno sexto. Presentibus discretis viris magistris Johanne de Holbech', Johanne Masham et Roberto de Foxton', registario nostro notariis publicis, ac Willelmo Killerwyk', clerico, Lincoln' et Ebor' diocesum testibus vocatis et rogatis. RF: Foxton. [fol. 40r]

[20 Mar 76 (28.21)] Souster. Joan absent; Thomas personally. No other witnesses are produced. Next to propose and the third term to produce; Joan will be called.

^d quod] *interlined*.

Seustere] In causa matrimoniali mota inter Johanne Seustere de Cantebr' de parochia Sancti Benedicti partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, parte actrice nullo modo comparente, parte rea personaliter, nullis aliis testibus productis, datur dies in proximo ad ponendum et tercio producendum et decrevimus dictam Johannem fore vocandam ad idem. [fol. 43v]

[3 Apr 76 (29.17)] Souster. Since Joan was not cited, she will be called to propose and the third term to produce.

Seustere] In causa matrimoniali mota inter Johannam Seustere de Cantebr' de parochia Sancti Benedicti Cantebr' partem actricem ex parte una et Thomam Barbour de eadem partem ream ex altera, parte actrice nullo modo comparente, parte rea personaliter, et quia dicta pars actrix non est citata iuxta decretum, ideo citetur ad proximum ad idem quod prius. [fol. 45v]

[24 Apr 76 (30.13)] Souster. Joan personally; Thomas by Peter Caprik, proctor by letter. No other witnesses or positions are brought. Joan requests the compulsion of six witnesses: John rector of St Benet's, Cambridge, Thomas Stowe of Cambridge, Joan his wife, William Baylham of Cambridge, Marion Duke, and Joan Skinner of Cambridge; decreed with faith given. Next to produce the compelled.

Seustere] In causa matrimoniali mota inter Johanne Seuster' de Cantebr' partem actricem ex parte una et Thomam Barbour de eadem partem ream ex altera, parte actrice personaliter comparente, parte rea per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, nullis aliis testibus productis nec posicionibus traditis sed petita compulsionem sex testium videlicet dominum Johannis rectoris ecclesie Sancti Benedicti Cantebr', Thome Stowe de eadem, Johanne uxoris sue, Willelmi Beylham, Marione Duk' et Johanne Skynn'e de eadem et decreta facta fide que requiritur, datur dies in proximo ad producendum compulsos. [fol. 46r]

[16 May 76 (31.13)] Souster. Joan produces five compelled witnesses: John rector of St Benet's Cambridge, William Baylham, Thomas Stowe, Marion Duke, and Joan Skinner of Cambridge, who are admitted and sworn. Thomas reserves the right to speak against witnesses and testimony. Next the final term to produce.

Seustere] In causa matrimoniali mota inter Johannam Seustre' de parochia Sancti Benedicti Cantebr' partem actricem ex parte una et Thomam Barbour de eadem partem ream ex altera, partibus ut prius comparentibus, productis per dictam partem actricem quinque testibus compulsis videlicet domino Johanne rectore ecclesie Sancti Benedicti Cantebr', Willelmo Beylham, Thoma Stowe, Mariona Duk' et Johanna Skynnere de eadem, quibus admissis et in forma iuris iuratis, protestatur per partem adversam de dicendo in testes et eorum dicta, datur dies in proximo ad peremptorie probandum. [fol. 47r]

[13 Jun 76 (32.13)] Souster. No positions or other witnesses are brought; the term ends. Next to publish the testimony.

Seustere] In causa matrimoniali mota inter Johannam Seustre' de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, nullis aliis testibus productis nec positionibus traditis cedat terminus, datur dies in proximo ad publicandum attestaciones. [fol. 49v]

[3 Jul 76 (33.12)] Souster. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Seustere] In causa matrimoniali mota inter Johannam Seuster' de Cant' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 50v]

[24 Jul 76 (34.10)] Souster. Next to speak against witnesses and testimony.

Seustere] In causa matrimoniali mota inter Johannam Seuster' de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem quod prius videlicet ad dicendum contra testes et eorum dicta. [fol. 52r]

[25 Sep 76 (35.10)] Souster. Nothing is proposed by either party. Next to propose everything concerning the matter.

Seustere] In causa matrimoniali mota inter Johannam Seustere de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo partibus predictis ad proponendum omnia in facto consistencia. [fol. 54v]

[16 Oct 76 (36.8)] Souster. With parties' consent, next to propose everything concerning the matter.

Seustere] In causa matrimoniali mota inter Johannam Seuster' de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad proponendum omnia in facto consistencia. [fol. 55Av]

[13 Nov 76 (37.8)] Souster. As 36.8.

Seustere] In causa matrimoniali mota inter Johannam Seustere de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod pridem videlicet ad proponendum omnia in facto seu iure consistencia. [fol. 56Bv]

[4 Dec 76 (38.10)] Souster. As 36.8.

Seustere] In causa matrimoniali mota inter Johannam Seuster de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad proponendum omnia in facto seu iure consistencia. [fol. 58v]

[8 Jan 77 (39.14)] Souster. Nothing is proposed by either; the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Seustere] In causa matrimoniali mota inter Johannam Seuster de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed in dicta causa concluso, datur dies in proximo consistorio ad audiendum sentenciam in dicta causa cum continuacione et prorogacione dierum tunc subsequencium. [fol. 61r]

[5 Feb 77 (40.18)] Souster. With the parties' consent, next to hear the definitive sentence with adjournment of the following days.

Seustere] In causa matrimoniali mota inter Johannam Seustere de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datus est dies in proximo cum continuacione et prorogacione dierum subsequencium ad idem quod prius videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 63v]

[26 Feb 77 (41.19)] Souster. With the parties' consent, next to hear the definitive sentence.

Seustere] In causa matrimoniali mota inter Johannam Seuster' de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus [fol. 65r] ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 65v]

[19 Mar 77 (42.19)] Souster. As 41.19.

Seustere] In causa matrimoniali mota inter Johannam Seuster' de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 66v]

[10 Apr 77 (43.18)] Souster. Joan by William de Bridge, substituted for original proctor; Thomas by proctor. Next to hear the definitive sentence with adjournment of the following days.

Seustere] In causa matrimoniali mota inter Johannam Seuster' de Cant' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, parte actrice per Willelmum de Brugges, substitutum dicti procuratoris,

comparente, parte rea ut prius, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 68v]

[30 Apr 77 (44.19)] Souster. Parties by original proctors. 13 May to hear the definitive sentence.

13 May. Thomas proposes by exception that Joan had a previous contract of marriage with Ralph Bressingham; he swears *de malicia*. Next to propose and the first term to produce.

Seustere] In causa matrimoniali mota inter Johannam Seuster' de Cant' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus per dictos procuratores suos originales comparentibus, datur dies mercurii proximo post festum ascencionis Domini proximo futurum loco quo supra ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam.

Quibus die et loco partibus ut prius comparentibus, proposita per partem dicti Thome quadam excepcione precontractus matrimonialis inter ipsam Johannam et quemdam Radulum Bressingham adhuc superstitem ante omnem contractum matrimoniale inter eosdem Thomam et Johannam initum si quis fuerat iuraturque per partem proponentem de malicia, datur dies in proximo ad ponendum et primo producendum. [fol. 70v]

[29 May 77 (45.19)] Souster. No witnesses or positions are brought. Next the second term to produce; Joan will be cited to respond personally to the positions, which will be administered next and drawn up in the meantime.

Seustere] In causa matrimoniali mota inter Johannam Seustere de Cant' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad secundo producendum et decrevimus dictam Johannam fore citandam ad proximum ad personaliter respondendum posicionibus tunc ministrandis et interim fiant posiciones. [fol. 73v]

[18 Jun 77 (46.17)] Souster. No witnesses or positions are brought. Next to propose and the third term to produce; Joan will be cited to respond personally to the positions.

Seustere] In causa matrimoniali mota inter Johannam Seustere de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex altera, partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et tercio producendum et parti dicte Johanne ad personaliter respondendum posicionibus. [fol. 75r]

[9 Jul 77 (47.16)] Souster. No witnesses are produced. Thomas requests the compulsion of Richard Masterman and a *missio* for the archdeacon's official to admit and examine John Raven of [Little] Easton, London diocese; decreed with faith given. Cited to respond personally to the positions, Joan promises to reply truthfully and responds to the positions. Next to produce the compelled; Joan is cited to all acts of the case because the court fears she will flee.

Seustere] In causa matrimoniali mota inter Johannam Seuster' de Cantebr' partem actricem ex parte una et Thomam Barbo' de eadem partem ream ex

altera, partibus ut prius comparentibus, nullis testibus productis sed petita compulsione Ricardi Maisterma' de Bernewell' et missione ad admittendum et examinandum Johannem Ravene de Eston' London' diocesis, officiali domini .. archidiaconi . . .^e et decreta facta fide que requiritur, dicta Johanna, citata ad personaliter respondendum posicionibus, comparet personaliter et de fideliter respondendo et veritate dicenda iurata, factis sibi posicionibus habitisque per eandem responsionibus ad easdem, datur dies in proximo ad producendum compulsum et prefigimus predictae Johanne terminum ad omnes actus in dicta causa consecutivos cum de ipsius fuga verisimiliter timeatur. [fol. 76r]

[30 Jul 77 (48.13)] Souster. Next to produce the compelled.

Seustere] In causa matrimoniali mota inter Johannam Seuster' de Cant' partem actricem ex parte una et Thomam Barbo' de eadem, partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem quod prius. [fol. 78v]

[1 Oct 77 (49.13)] Souster. No other witnesses are produced; with the parties' consent, the case is concluded. Next to hear the definitive sentence.

Seustere] Partibus ut prius comparentibus, nullis testibus aliis productis sed de consensu parcium in causa concluso, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 79v]

[22 Oct 77 (50.10)] Souster. Next to hear the definitive sentence.

Seustere] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 80v]

[12 Nov 77 (51.10)] Souster. As 50.10.

Seustere] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 81v]

[3 Dec 77 (52.10)] Souster. As 50.10.

Seustere] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 82v]

[22 Dec 77 (53.9)] Souster. As 50.10.

Seustere] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 84v]

[22 Dec 77 (53.32)] Barber. Thomas Barber of St Benet's, Cambridge, had been summoned for 14 Dec. 1377 in St Michael's before John Newton, bishop's commissary, concerning the crime of adultery committed with Joan Souster, a married woman, and known by public fame. On that day Thomas was absent, found contumacious, and suspended from entering church; his penalty was ordered publicly announced. Hoping to escape correction, Thomas claimed that he had been grieved by the court, and he appealed to the provincial court of Canterbury

^e *Blank space in ms.*

and received an inhibition.

After the appeal was to be introduced into the provincial court, Thomas appears personally before Scrope on 1 Feb. 1378 in St Michael's. He admits that he appealed erroneously, induced by bad counsel. He renounces the appeal and process held in the higher court, submitting himself to the official's correction. He requests absolution from the suspension, swears to obey church mandates, is absolved and given penance. When questioned about committing adultery with Joan, he admits to having committed the crime since his last correction. He promises to abjure the crime and suspicious places, under penalty of being beaten round the market and church on six days. As penance for his confessed crime, he will be beaten round the market and church on three days.

Subsequently Thomas pays 13s 4d to the official for the costs estimated for the defence of the appeal. Since Thomas did not appeal maliciously but from bad counsel, Scrope commutes the public penance into private penance and returns 6s 8d to Thomas.

Barbour – citacio – suspensio – denunciacio – appellacio – renunciacio – submissio – absolucio – correccio – penitencia – satisfaccio] Cum nos Johannes de Neweton', clericus venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad infrascripta sufficienter deputatus, Thomas Barbo' de parochia Sancti Benedicti Cantabr' super crimine adulterii per ipsum cum Johanna Seuster', coniugata, fama referente commisso ad diem lune proximo post festum Sancte Lucie virginis anno Domini supradicto in ecclesia Sancti Michaelis Cant' fecimus coram nobis ad iudicium evocari, idem tamen Thomas non comparuit, ideo ipsum reputavimus contumacem et in pena contumacie sue huiusmodi, ipsum ab ingressum ecclesie suspendimus in scriptis sicque suspens' mandavimus et fecimus publice nunciari. Sed predictus Thomas volens correccionem debitam subterfugere pretendens falso et mendaciter ipsum fore per nos in hac parte multipliciter pregravatum ab huiusmodi pretensio gravamine ad curiam Cantuar' appellavit et rescriptum inhibitionis optinuit ab eadem. Cumque causa appellacionis huiusmodi in dicta curia introduceretur primo die mensis februarii anno Domini supradicto coram venerabili viro magistro Ricardo le Scrop', officiali Elien', in ecclesia Sancti Michaelis Cantabr' personaliter comparens dictus Thomas se erronee et frivole appellasse et ex malo consilio aliorum ipsum ad hoc inducencium fatebatur iudicialiter alias non facturum eidemque appellacioni ac omni processui in dicta curia exinde habito expresse renunciavit et se gracie et correccioni dicti domini .. officialis Elien' in omnibus submisit, ac beneficium absolucionis a dicta sententia petiit sibi impendi. Unde ipsum iuratum de stando mandatis ecclesie et dicti domini .. officialis dictus dominus officialis absolvit in forma iuris et iniuxit penitenciam pro huiusmodi contumacia salutarem. Dictusque Thomas requisitus super dicto crimine adulterii cum eadem Johanna commisso a tempore quo ulterio coram eodem fuerat correctus, fatebatur se dictam Johannam a dicto tempore in adulterio carnaliter cognovisse, unde abiuravit dictum criminem cum eadem

de cetero committendum et loca suspecta sub pena fustigacionis sex diebus circa mercatum et ecclesiam et pro commisso decrevit ipsum fustigandum tribus diebus circa mercatum et ecclesiam, subsequenter solutis per dictum Thomam tredecim solidis quattuor denariis eidem domno .. officiali pro expensis in defensione dicte cause appellacionis appositis idem dominus .. officialis videns quod ex sua malicia in vocem appellacionis huiusmodi non prorupit sed circumventus per alios, dictam penitentiam publicam in aliam privatam penitentiam commutavit et de dictis tredecim solidis quattuor denariis solutis, sex solidos et octo denarios eidem Thome de sua mera liberalitate et gracia liberavit. [fol. 86r]

[14 Jan 78 (54.11)] Souster. As 50.10.

Seustere] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 86v]

[14 Jan 78 (54.29)] Souster. Joan Souster of St Mary the Less, Cambridge, had been called before Thomas Gloucester, bishop's commissary, for 15 Jan. 1378 in St Michael's concerning the crime of adultery committed with Thomas Barber of St Benet's, Cambridge, and known by public fame. On that day Joan was absent, found contumacious, and suspended from entering church; her penalty was ordered publicly announced. Claiming to have been grieved by the consistory and hoping to avoid correction, Joan appealed to the provincial court of Canterbury and received an inhibition.

After the appeal was to be introduced into the provincial court, Joan appears personally on 2 Feb. before the consistory and admits that she appealed erroneously, induced by the inexperience of others. Led by saner counsel, she renounces the appeal and the process held in the higher court and submits herself to correction. She requests absolution from the suspension, swears to obey church mandates, is absolved and given penance for her contumacy. When questioned about adultery with Thomas, she admits to having committed the crime since her last correction before the court. She abjures the crime and suspicious places under penalty of being beaten round the market and church on six days. As penance for her confessed crime, she will be beaten round the church on three days.

Seustere – citacio – suspensio – denunciacio – appellacio – renunciacio – absolucio – correccio – abiuracio – penitencia] Cum nos Thomas de Gloucestr', clericus venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad infrascripta sufficienter deputatus, Johannam Seustere de parochia Sancte Marie extra Trumpiton' gates Cantebr' super crimine adulterii per ipsam cum Thoma Barbo' de parochia Sancti Benedicti Cantebr' fama publica referente commisso ad diem veneris proximo post festum Sancti Hillarii anno Domini supradicto in ecclesia Sancti Michaelis Cantebr', fecimus coram nobis ad iudicium evocari, eadem tamen Johanna nullo modo comparuit, ideo ipsam reputavimus contumacem et pro sua contumacia ipsam ab ingressu ecclesie suspendimus in scriptis, sicque suspensionem mandavimus et fecimus publice nunciari. Sed prefata Johanna volens correccionem debitam subterfugere pretendens falso et mendaciter ipsam per

nos fore multipliciter pregravatam ab huiusmodi pretenso gravamine ad curia Cantuar' appellavit et rescriptum inhibicionis optinuit ab eadem. Cumque causa appellacionis huiusmodi in dicta causa introduceretur secundo die mensis februarii anno domni supradicto, dicta Johanna comparens personaliter coram nobis se erronee et frivole appellasse et ex impericia quorumdam ipsam ad hoc inducencium iudicialiter fatebatur dicteque appellacioni sue et omni processui ex ea habito in curia supradicta saniori ut asseruit ducta consilio expresse et ex certa sciencia renunciavit et gracie et correccioni nostre in omnibus se submitit et a dicta sententia suspensionis per nos peciit se absolvi. Unde ipsam Johannam iuratam de stando mandatis ecclesie in forma iuris absolvimus et eidem iniuximus pro contumacia huiusmodi penitentiam salutarem dictaque Johanna requisita super dicto crimine inter ipsam et prefatum Thomam commisso, fatebatur quod ipsam carnaliter cognovit a tempore ultime correccionis alias coram nobis facte, unde abiuravit peccata et loca suspecta sub pena fustigationis sex diebus circa mercatum et ecclesiam, decrevimus ipsam fore fustigatam tribus diebus dominicis circa ecclesiam. [fol. 87r]

[4 Feb 78 (55.11)] Souster. As 50.10.

Seustere] In causa matrimoniali mota inter Johannam Seustere^f de Cantebr' partem actricem ex parte una et Thomam Barbour^g de eadem partem ream ex parte una, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 87v]

[18 Mar 78 (57.10)] Souster. [The missing entry on fol. 89v (*Acta* 56) was probably similar to 55.11 and this one.] As 50.10.

Seustere] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 91r]

[8 Apr 78 (58.10)] Souster. Before John Newton, official's commissary, Joan and Thomas ask that the sentence be given. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Joan has proved her intention and Thomas has not proved his exception, they are judged husband and wife.

Thomas' proctor orally appeals *ab iniqua* and requests *apostoli*.

Seustere] In causa matrimonialis que in consistorio Elien' vertitur et diucius vertebatur inter Johannam Seuster' de Cantebr' partem actricem ex parte una et Thomam Barb' de eadem partem ream ex altera, partibus predictis coram nobis Johanne de Neweton', clerico domini officialis Elien' commissario, ut prius comparentibus et sententiam ferri petentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti

^f Thomam Barbour] *the names were reversed and corrected in the ms: A b has been written over Thomam and an a over Johannam.* ^g Johannam Seustere] *see previous note.*

super eodem, invocata Spiritus Sancti gracia, de consilio iuris peritorum nobis assidencium ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Johannam partem actricem intencionem suam ad plenum fundasse et probasse dictumque Thomam excepcione sua per ipsum proposita nullo modo probasse sed in probacione eiusdem penitus defecisse, ipsum Thomam eidem Johanne in virum legitimum, ipsamque Johannam eidem Thome in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis. A qua sentencia tanquam ab iniqua Petrus Caprik', clericus procurator dicto Thome apud acta, oretenus statim post ipsius prolacionem appellavit et apostolos peciit. [fol. 91v]

81. *HART(1)*¹

[28 Feb 76 (27.19)] Hart. William Rich of Barton was cited at the instance of John Hart of Barton in a defamation case.

Parties appear by proctors. An oral libel is given and requested written. Next to receive it in writing.

Hert] Willelmus Rich' de Berton' citatus ad instanciam Johannis Hert de eadem in causa diffamacionis, partibus predictis per dictos procuratores suos comparentibus, libellato oretenus per partem actricem petiturque per partem ream in scriptis sibi dari. Datur dies in proximo ad recipiendum libellum in scriptis. [fol. 41r]

[20 Mar 76 (28.17)] Hart. Peace has been restored. William will be called *ex officio*.

Hert – pax] In causa diffamacionis mota inter Johannem Hert de Berton' partem actricem ex parte una et Willelmum Rich' de eadem partem ream ex altera, pax est, ideo decrevimus partem ream fore vocandam ex officio. [fol. 43r]

¹ See *Hart/Hammond*, n. 1.

82. *MOUNT SION*

[28 Feb 76 (27.24)] Alms-seeking of St Mary of Mount Sion. Richard de Boxted, monk and proctor¹ of the hospital of St Mary of Mt. Sion near Jerusalem was called before Scrope because he carried out his business for the hospital within Ely diocese without the approval of the bishop or his official. Richard had acted by virtue of letters from the official of the archdeacon, whose approval is impertinent.

2 March 1375/6. Brother Richard appears personally before John Newton, commissary of the official, in Scrope's Cambridge residence. Sworn *de veritate dicenda*, he admits that

¹ Clearly, Richard's function was broader than just representing the hospital in litigation. See Introduction. Richard's name mutates from Richard to Thomas in mid-entry, but returns to Richard at the end.

he acted with the permission of the archdeacon's official, believing the right pertained to the official. Richard has been interdicted from proceeding with his business until the bishop or his commissary has examined and approved it. He exhibits papal letters conceding indulgences to benefactors of the hospital and the proxy given to him by the keeper of the hospital, written and sealed by Mr John de Catherington, public notary. He also shows the letters of the bishop of Ely concerning indulgences conceded by him to benefactors of the hospital. He asks that they be examined and approved, and that he be admitted to explain his business in the churches of the diocese. The business is found valid and Richard is allowed to execute his duty. Letters patent, under seal of the official's office, are ordered made for him. Richard swears to leave true copies of the papal letters and the proxy in the registry of the official,² and he promises not to request or use any other letters of permission. Witnesses: Mr William Bland, rector of Walton, and William Killerwick, cleric, of Lincoln and York dioceses. [NS].

Questus Sancte Marie de Monte Syon] Cum nos Ricardus le Scrop', canonicus Ebor', venerabilis in Christo patris et domini domini Thome de gracia episcopi Elien' officialis et commissarius generalis, quemdam fratrem Ricardum de Boxstede, monachum, procuratorem hospitalis Beate Marie de Monte Syon prope Jerlm' se dicentem, super eo quod idem frater Ricardus negocia dicti hospitalis exposuit in diversis ecclesiis et locis civitatis et diocesis Elien' ipsis negociis per dictum patrem vel nos non admissis, examinatis nec probatis prout de iure communi requiretur, sed [fol. 41r] ipsa negocia exponet vigore litterarum .. officialis domini archidiaconi Elien' contra canonica instituta, ad quem dictorum negociorum admissio examinacio seu approbacio non pertinet de iure neque de consuetudine, presertim cum dicti hospitalis negocia in dictis civitate vel diocesi nullo umquam tempore antea fuerant exhibita seu ostensa, fecerimus coram nobis vel nostro commissario ad iudicium evocari. Idem frater Ricardus procurator coram discreto viro magistro Johanne de Neuton', commissario in hac parte specialiter deputato, in hospicio habitationis nostre Cantebr' secundo die mensis marcii anno Domini millesimo trecentesimo septuagesimo quinto, personaliter comparens et iuratus de veritate dicenda, fatebatur quod exposuit dicta negocia virtute litterarum .. officialis dicti domini .. archidiaconi credens quod ad eum pertinisset dictorum negociorum examinacio, admissio et approbacio, dictus vero magister Johannes commissarius noster eidem fratri Ricardo^a procuratori ne dicta exponeret de cetera vigore litterarum dicti .. officialis domini archidiaconi seu alii, quousque ipsa negocia per dictum venerabilem patrem, nos vel alium ipsius seu nostrum commissarium plenarie fuerint examinata, admissa et approbata interdixit facultatem. Idem quoque frater Ricardus^b procurator, volens ut asseruit iuri parere, litteras apostolicas super indulgentia benefactoribus dicti hospitalis a sede apostolica concessa, necnon quoddam procuratorium eidem fratri Ricardo^c a custode dicti hospitalis factum, signo et subscripcione magistri Johannis de Katerington', notarii publici, confecto

^a Ricardo] Thome. ^b Ricardus] Thomas. ^c Ricardo] Thome. ^d debita] *interlined*.

² For this translation, see Introduction.

et consignato ac litteras domini .. episcopi Elien' super indulgencias per eum concessas benefactoribus dicti hospitalis coram dicto nostro commissario exhibuit et ostendit, quas quidem litteras apostolicas, indulgencias et procuratorium ac negocia supradicta petivit per dictum nostrum commissarium examinari et approbari ipsumque ad exponendum dicta negocia in ecclesiis civitatis et diocesis Elien' per nos admitti nostrasque litteras super huiusmodi admissione sibi fieri faceremus. Unde nos Ricardus le Scrop', officialis et commissarius antedictus, invenientes dicta negocia fore valida et sufficiencia, ipsum fratrem Ricardum procuratorem ad exponendum dicta negocia in singularis ecclesiis parochialibus et conventualibus civitatis et diocesis Elien' dicto venerabili patri ordinario iure subiectis cum debita^d moderacione verborum duximus admittendum et nostras litteras eidem fieri fecimus patentes, sigillo officii nostri consignato prestito, primitus per dictum fratrem Ricardum iuramento corporali ad sancta Dei evangelia per ipsum corporaliter tacta coram dicto nostro commissario quod dictarum litterarum apostolicarum et procuratorii sui veras copias nobis exhibeat infra septem dies tunc proximo sequentes et penes registrum nostrum dimittat et quod non impetrabit aliquas litteras ab .. archidiacono Elien' vel eius .. officiali seu commissario pro dictis negociis exponendis et si que forsitan hactenus fuerint impetrata ab eidem vel eorum aliquo, illis non utetur et quod non plus exponet quam in litteris apostolicis et dicti domini .. episcopi continetur quodque nullos brevettos super eodem negocio apud aliquos dimittat vel alicubi de dicta diocesi transmittat nisi veri fuerint et elicit et extracti a dictis litteris apostolicis et domini .. episcopi supradicti. Acta sunt hec sub anno Domini, mense, die et loco predictis indiccione quarta decima pontificatus domini Gregorii pape undecimo anno sexto. Presentibus magistro Willelmo Bland', rectore ecclesie de Walton', et Willelmo Killerwyk', clerico, Lincoln' et Ebor' diocesum testibus ad premissa vocatis et rogatis. RF: Foxton.

Subsequenter vero idem frater Ricardus procurator dictas copias nobis exhibuit et penes nos dimisit, quas ad perpetuam rei memoriam hic fecimus registrari. [fol. 41v]

Papal letters of indulgences. Matthew de Castroilderii, knight of Valva diocese,³ was appointed rector of the hospital of St Mary of Mount Sion, Jerusalem, which had been destroyed by the Saracens a short time ago. He proposes to repair the hospital and to build a church or oratory on that site, where the Blessed Virgin Mary is said to have stayed and ascended to heaven. Contributors who are penitent and confessed are released from penance for three years and forty days. Other indulgences which have been conceded to the hospital by the pope or his predecessors will continue unaffected. Given at Avignon on 28 Feb. 1373.

Notary's subscription to the papal indulgence. John *dictus* Sire de Catherington, cleric

³ We have been unable to identify the almost certainly the twin diocese of Valva e 'castle [or camp] of Ilderius' that gave Mat- Sulmone in central Italy southeast of Rome.. thew his surname, but his diocese of origin is

of Winchester diocese and public notary by papal authority, has written and inspected this document on 26 Aug. 1374 in his residence in St Faith parish, London diocese. He found that the bull and its copy was unchanged; he collated them along with John Moulsham and Walter Craas, chaplains, and William de Stortford, cleric, of Wells and London dioceses. He subscribes the document and adds his seal so that a faithful summary of the copy can be used by Matthew, keeper of the hospital.

Copy of the proxy. Matthew de Castroilderii, master and rector of the hospital of St Mary of Mount Sion, has been licensed to elect twelve people to carry out the business of the hospital, six to remain in the hospital and some to go overseas. Richard de Boxted, who is from England and a monk of the Benedictine monastery of St Mary in Sitria in Lombardy, Nocera diocese.⁴ He is appointed vicar and proctor general in England, Wales, and Ireland, with the privileges given by the pope to Matthew and his deputies. He is licensed to explain the hospital's business, to publish indulgences given to those who assist the hospital, to seek and collect alms in its name, and to appoint other proctors in his place. The proxy has been sealed but because the seal is not well known, the seal of the official of the archdeacon of London has been added. Given at the residence of John called Sire de Catherington, St Faith, London on 26 Aug. 1374. Witnesses: John Moulsham and Walter Craise, chaplains, and William Stortford, cleric, of Wells and London dioceses.

Subscription of John Catherington, who was personally present and saw and heard these things done on 26 Aug. He had the document written by someone else and subscribed and added his seal to it as a witness.

At the request of the rector of the hospital, the official of the archdeacon of London has added his seal, same and day.

Copy of Scrope's letter. All deans, rectors, vicars, and parish chaplains of Ely diocese are ordered to admit Richard Boxted to seek alms for the hospital over the next year. Anything collected for this purpose by any cleric should be handed over to him in full. Given at Cambridge on 2 March 1375/6.

Copia littere apostolice] Gregorius episcopus, servus servorum Dei universis Christi fidelibus, presentes litteras inspecturas salutem et apostolicam benedictionem. Licet is de cuius munere venit ut sibi et suis fidelibus digne et laudabiliter serviatur de habundancia sue pietatis, que merita supplicum excedit et bona vota servientibus sibi multo maiora retribuat quam valeant promere, nichilominus tamen desiderantes Domino reddere populum acceptabilem et bonorum operum sectatorem, fideles ipsos ad complacendum sibi quasi quibusdam allectivis muneribus indulgentiis videlicet et remissionibus invitamus ut exinde reddantur divine gracie apciores. Cum itaque sicut accepimus dilectus filius nobilis vir Matheus de Castroilderii, miles Valven' diocesis, quem nuper hospitali Beate Marie de Monte Syon Jerosolymitano,^e per alias nostras litteras prefecimus rectorem, ipsum hospitale, dudum per Saracenos destructum, reparare ac in loco ipsi hospitali contiguo, in quo beatam virginem Mariam Dei genetricem sepius permansisse et ex inde ad celum ascendisse asseritur, quamdam ecclesiam seu oratorium tam de bonis suis

^e Jerosolymitano] Jerll'mitan'.

⁴ A Camaldolese monastery, founded by St 'Sitria'. Romuald in the eleventh century. See IPP, s.v.

quam aliis sibi et hospitali prefato pia largitacione fidelium tribuendis fundare et construere cupiat. Nos optantes quod hospitale reparetur et ecclesia seu oratorium huiusmodi fundatur et eciam construatur ac pauperes et peregrini qui pro tempore ad ipsum hospitale confluent congrue sustententur ut Christi fideles eo libencius reparacioni, fundacioni, construccioni et sustentacioni huiusmodi manus porrigant adiutrices, que ex hoc dono celestis gracie conspexerint uberius se refectos, de omnipotentis Dei misericordia et beatorum Petri et Pauli apostolorum [fol. 41v] cuius^f auctoritate confisi omnibus vere penitentibus et confessis qui pro reparacione, fundacione, construccionem et sustentacionem predictis de bonis sibi a Deo collatis manus porrexerint adiutrices, tres annos et totidem quadragenas de iniunctis eis penitenciis misericorditer relaxamus indulgenciis aliis per nos vel quoscumque predecessores nostros romanos pontifices ipsi hospitali concessis in suo robore nichilominus duraturis. Data Avinnon' kalendas marcii pontificatus nostri anno tercio. § Sequitur subscripcio notarii.^g

Et ego Johannes dictus Sire de Kateryngton', clericus Wynton' diocesis, publicus auctoritate apostolica notarius, litteras apostolicas bullatas sanctissimi in Christo patris et domini nostri domini Gregorii divina providencia pape undecimi, quarum tenor verborum superius recitatur, vidi et inspexi diligenter sexto et vicesimo die mensis auguste, anno domini millesimo trecentesimo septuagesimo quarto, indiccione duodecima pontificatus sanctissimi in Christo patris domini nostri pape predicti anno quarto, in hospicio habitacionis mee in parochia Sancte Fidis virginis London' situato, sanas et integras ac omni ut apparuit vicio et sinistra suspicione carentes eademque litteras bullatas una cum earum prescripta copia examinaui diligenter et de eisdem invicem feci collacionem fidelem una cum discretis viris dominis Johanne Mulsham et Waltero Craas, capellanis, et Willelmo de Storteford', clerico, Wellen' et London' diocesum testibus ad hoc specialiter rogatis. Et quia inveni prefatam copiam in tenore verborum cum dictis litteris originalibus in omnibus concordare, nil addito seu diminuto quod facti substanciam inmutaret, manu propria hic me subscripsi et signum meum hic apposui consuetum in testimonium omnium per me predictorum ut suprascripte copie fides plenior saltem summaria valeat adhiberi per venerabilem virum dominum Matheum de Castroilderii, militem Valven' diocesis, magistrum sive custodem hospitalis in dictis litteris apostolicis nominate, specialiter rogatus. § Copia procuratorii de quo supra fit mencio sequitur in hunc modum:^h

Copia procuratorii] Matheus de Castroilderii, miles Valven' diocesis, magister sive rector hospitalis pauperum Beate Marie de Montesyon Jerlm' per sanctissimum in Christo patrem et dominum nostrum dominum Gregorium

^f cuius] eius. ^g § Sequitur sbserpcio notarii] *written in* litterae notabiliores. ^h § Copia procuratorii de quo supra fit mencio sequitur in hunc modum] *written in* litterae notabiliores.

divina providencia papam undecimum modernum nuperime deputatus, habens ab eodem domino nostro papa plenam et liberam licenciam eligendi duodecim devotas personas utriusque sexus mecum in dicto hospitali mansuras easque et qualibet earum ducenda, reducenda, mittenda et remittenda ultra et citra mare tociens quociens pro fabrica et negociis dicti hospitalis, mihi visum fuerit expedire, dilecto mihi in Christo fratri Ricardo de Boxstrede, in Angl' oriundo ac monacho monasterii Sancte Marie in Citria in Lombardia ordinis Sancti Benedicti Nucian' diocesis, salutem et fraternam in Domino caritatem. Tue devocionis affectum quem erga dictum hospitale habere dinosceris intime considerans et tue discrecionis et fidelitatis industriam in multipliciter commendatam attendens, te unum ex dictis duodecimo personis videlicet in numero sextum et in regno Angl' personam primam eligo et assumo ad ipsius hospitalis regimen per presentes tibi per easdem concedens quod meritis et privilegiis mihi et huiusmodi duodecim personis a sede apostolica concessis et indultis gaudere valeas in hoc seculo et eciam sine fine. Et quia variis et arduis negociis me extra loca regni Angl' ac Wallie et Hibernie pro utilitate dicti hospitalis occupari in utramarinis partibus oportebit, te per omnia et singula loca regni Anglie, Wallie et Hib'nie vicarium meum ac procuratorem ordino, facio et constituo generalem ad exponendum et promovendum ac exponere et promoveri faciendum negocia dicti hospitalis indulgenciasque et remissiones peccatorum, qui in subsidium dicti hospitalis et pauperum eiusdem manus suas porrexerint adiutrices, publicandas elemosinasque a Christi fidelibus dicto hospitali per loca predicta regni Angl' ac Wallie et Hibern' petendas et colligendas, petive et colligi faciendas, questusque et convocationes nomine dicti hospitalis per te et alios viros honestos faciendos, omniaque alia et singula facienda, exercenda et expedienda que in premissis et circa ea seu eorum aliquod necessaria fuerint seu quolibet opportuna, licet talia forent que mandatum exigent speciale ac alium vel alios procuratorem seu procuratores loco tui faciendum et creandum qui eandem seu consiliamen in omnibus habeat seu habeant potestatem pro te vero dicto vicario et procuratore meo et quibuscumque per te dictum¹ vicarium per predicta loca seu eorum aliquem constitutis seu constituendis ordinatis seu ordinandis, rem ratam haberi, iudicio sisti et iudicatum solui sub hypotheca et obligacione omnium bonorum dicti hospitalis promitto et cauciones expono per presentes. Nolo tamen per presentes aliquos alios procuratores per me primitus ordinatos revocare quovismodo sed eos pocius confirmare et confirmatos esse volo ad meum beneplacitum duraturos premissis omnibus non obstantibus, in quorum testimonium sigillum meum presentibus apposui et quia ipsum pluribus est incognitum presentes litteras meas per notarium infrascriptas mandavi et feci publicari ipsiusque signo consueto et subscripcione muniri et sigillum reverendi viri domini .. archidiaconi Lon-

¹ dictum] *interlined*. ² Sequitur subscripcio] *written in* litterae notabiliores.

don' officialis procuravi eisdem apponi in fidem pleniorum et testimonium omnium premissorum. Acta et data London' in hospicio habitacionis magistri Johannis dicti Sire de Kateryngton', notarii publici infrascripti, in parochia Sancte Fidis [fol. 42r] virginis London' situtato sexto et vicensimo die mensis augusti anno domini millesimo trecentesimo septuagesimo quarto indicione duodecima pontificatus domini nostri pape anno quarto. Presentibus discretis viris dominis Johanne Mulsham, Waltero Crais, capellanis, Willelmo de Storteford', clerico, Wellen' et London' diocesum testibus ad premissa vocatis specialiter et rogatis. Sequitur subscripcio.^j

Et ego Johannes dictus Sire de Kateryngton', clericus Wynton diocesis, publicus auctoritate apostolica notarius, premissis omnibus et singulis dum sic ut premittitur sub anno indicione pontificato mense die et loco prefatis agerentur et fierent personaliter interfui una cum testibus antedictis eaque sit fieri vidi et audivi ac aliis arduis negociis multipliciter occupatus per alium scribi feci, publicavi et in hanc publicam formam redegei, manu propria me^k subscripsi et signum meum consuetum hic apposui in testimonium premissorum, per nobilem virum dominum Matheum de Castroilderii, magistrum sive rectorem predictum specialiter rogatum. Et nos reverendo viri domini archidiaconi London', officialis antedictus, ad rogatum personalem nobilis viri domini Mathei, magistri sive rectoris predicti, sigillum officii nostri una cum appensione sigilli eiusdem magistri et appositione signi dicti notarii et subscripcione eiusdem presentibus litteris apposuimus in fidem pleniorum omnium premissorum. Data London' ut supra. § Copia littere per nos sibi facte pro negociis exponendis.^l

Copia littere nostre sibi facte] Ricardus le Scrop, canonicus Ebor', venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, discretis viris .. universis et singulis .. decanis .. rectoribus .. vicariis et capellanis parochialis et aliis per civitatem et diocesim Elien' constitutis ad quos presentes pervenerint salutem in omnium^m Salvatore. Vobis et vestrum cuilibet in virtute obediencie committimus et mandamus quatinus cum frater Ricardus de Bexstete, monachus, procurator hospitalis Beate Marie de Monte Syon prope Jerlm' ad vos seu loca vestra accesserit Christi fidelium elemosinas pro ipsius hospitalis sustentacione petiturus, ipsum benigne et favorabiliter admittatis ipsiusque hospitalis negocia populo vobis commissio exponatis seu eundem cum moderacione tamen verborum exponere permittatis. Et quicquid per vos seu per eum collectum fuerit in hac parte seu eciam procuratum eidem procuratori integraliter liberetis, presentibus per unum annum tantummodo duraturis. Data Cantebr' secundo die mensis marcii anno domini millesimo trecentesimo septuagesimo quinto. [fol. 42v]

^k me] sic. ^l § Copia . . . exponendis] *written in litterae notabiliores*. ^m omnium] omī'.

83. *BARTON (1)*¹

[20 Mar 76 (28.19)] Barton. John Hart of Barton was cited before the official at the instance of William vicar of Barton in a case of breach of faith and perjury.

William appears by Peter Caprik, proctor *apud acta*, John by William Killerwick, proctor *apud acta*. An oral libel is given and requested written. Next to receive it in writing.

Berton'] Johannes Hert de Berton' citatus coram nobis ad instanciam domini Willelmi vicarii ecclesie de Berton' in causa fideilesionis seu periurii, partibus per procuratores suos videlicet actrice per Petrum Caprik', clericum, et rea per Willelmum Killerwyk', clericum, procuratores suos apud acta constitutos, comparentibus, libellato oretenus, petitur in scriptis, datur dies in proximo ad libellandum in scriptis. [fol. 43v]

[3 Apr 76 (29.15)] Barton. Peace has been restored. John will be called *ex officio*.

Berton' – pax] In causa fideilesionis seu periurii mota inter dominum Willelmum vicarium ecclesie de Berton' partem actricem ex parte una et Johannem Hert de eadem partem ream ex altera, pax est, ideo vocetur pars rea ex officio. [fol. 45r]

¹ For John Hert, see *Hart/Hammond*, n. 1. is also the plaintiff in *Barton (2)*, a pension case that appears to be unrelated. This case may be related to *Barton (3)*; see the introduction to that case. The vicar of Barton

84. *KINGSTON (1)*¹

[20 Mar 76 (28.20)] Kingston. Mr William de Rookhawe, archdeacon's official, was cited at the instance of John de Podington, rector of Kingston, in an appeal from grievances caused by William and contained in John's suggestion.

John appears personally; William by Peter Caprik, substituted for Richard Pitts, original proctor. With the parties' consent, next to receive a written libel with hope of peace.

Kyngeston'] Magister Willelmus de Rookhawe, officialis domini .. archidiaconi Elien', citatus ad dictos diem et locum ad instanciam domini Johannis de Podyngton', rectoris ecclesie de Kyngeston' [Elien'] diocesis, in causa appellacionis ad audienciam nostram interiecte a quibusdam gravaminibus per ipsum magistrum Willelmum officialem eidem illatis et factis prout in suggestione in ea parte facta continetur, parte appellante personaliter comparente, parte vero appellata per Petrum Caprik', clericum substitutum Ricardi Pyttes procuratoris originalis, de quarum consensu expectamus dictam causam usque proximum ad idem, videlicet ad libellandum in scriptis sub spe pacis. [fol. 43v]

¹ There are five actions in the register involve, his strained relations with his parishioners. They are, however, spread over a considerable period of time and seem to involve different legal issues, so it seemed best to keep them separate. (*Kingston (1)*, *Kingston (2)*, *Kingston (3)*, *Kingston (4)*, and *Kingston/Gissing*) that involve the rector of Kingston, some of which

[3 Apr 76 (29.16)] Kingston. John absent; William by John Hostler, substituted for original proctor. John will be called to proceed next, under penalty of final remission.

Kingston'] In causa appellacionis mota inter dominum Johannem de Podyngton', rectorem ecclesie de Kyngeston' Elien' diocesis, partem appellantem ex parte una et magistrum Willelmum de Rookhawe, officialem domini archidiaconi Elien', partem appellata ex altera, parte appellante nullo modo [fol. 45r] comparente, parte appellata per Johannem Hostiler substitutum predictum, decrevimus partem appellantem fore vocandam ad proximum prosecuturam causam sub pena finalis remissionis. [fol. 45v]

[24 Apr 76 (30.12)] Kingston. Neither appears.

Kyngeston'] In causa appellacionis mota inter dominum Johannem de Podyngton', rectorem ecclesie de Kyngeston' Elien' diocesis, partem appellantem ex parte una et magistrum Willelmum de Rookhawe, officialem domini archidiaconi Elien', partem appellatam ex altera, neutra pars comparet. [fol. 46r]

85. VALLEY

[20 Mar 76 (28.23)] Valley. Mr William de Rookhawe, archdeacon's official, was cited at the instance of Margaret Valley of Cambridge in an appeal from grievances caused by William and contained in Margaret's suggestion.

Margaret appears by Peter Caprik, proctor by letter; William by John Hostler, substituted for Richard Pitts, original proctor *apud acta*. An oral libel is given and requested written. Next to receive it in writing.

Valey] Magister Willelmus de Rookhawe, officialis domini .. archidiaconi Elien', citatus ad dictos diem et locum ad instanciam Margarete Valey de Cantabr' Elien' diocesis in cause appellacionis ad audienciam nostram interiecte a quibusdam gravaminibus per ipsum magistrum Willelmum officialem illatis eidem et factis prout in suggestione in ea parte facta continetur, parte appellante per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, comparente, parte vero appellata per Johannem Hostiler, substitutum Ricardi Pyttes, clerici, procuratoris sui originalis, comparente, libellato oretenus petitoque in scriptis, datur dies in proximo ad recipiendum libellum in scriptis. [fol. 43v]

[3 Apr 76 (29.18)] Valley. The written libel is received. Next to respond.

Valey] In causa appellacionis mota inter Margaretam Valey de Cantabr' partem actricem appellantem ex parte una et magister Willelmum de Rookhawe officialem domini archidiaconi Elien' partem ream appellatam ex altera, parte appellante ut prius ut prius comparente, parte appellata per Johannem Hostiler, substitutum predictum, oblato a parte appellante libello appellatorio in

scriptis et a parte appellata optento, datur dies in proximo ad respondendum eidem. [fol. 45v]

[24 Apr 76 (30.14)] Valley. William's substitute proctor proposes a written contestation with a qualification. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Valey] In causa appellacionis mota inter Margaretam Valey de Cantebr' partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini archidiaconi Elien' partem appellatam ex altera, partibus predictis per procuratorem et substitutum predictos ut prius comparentibus, proposita per substitutum partis appellate quadam contestacione in scriptis cum iustificacione sive facto contrario, iuratis partibus hincinde in personis dictorum procuratoris et substituti de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 46r]

[16 May 76 (31.7)] Valley. No witnesses or positions are brought. Next to propose and the second term to produce.

Valey] In causa appellacionis mota inter Margaretam Valey de Cantebr' partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini archidiaconi Elien' partem appellatam ex altera, partibus ut prius comparentibus, nullis testibus productis nec posicionibus ministratis, datur dies [fol. 46v] in proximo ad ponendum et secundo producendum. [fol. 47r]

[13 Jun 76 (32.7)] Valley. Margaret by proctor; William by John Hostler, substituted for original proctor. No positions or witnesses are brought. The compulsion of Mr Hugh Candlesby and a *missio* for Mr John de Finchingfeld, rector of Braintree, London diocese, are requested; decreed with faith given. Next to produce the compelled and to exhibit the testimony of Mr John, if he has been examined by then.

Valey] In causa appellacionis mota inter Margaretam Valey de Cant' partem appellantem ex parte una et magistrum Willelmum Rookhawe officialem domini archidiaconi Elien' partem appellatam ex altera, parte appellante per procuratorem suum predictum comparente, parte vero appellata per Johannem Hostiler, substitutum Ricardi Pyttes procuratoris originalis, nullis posicionibus ministratis nec testibus productis sed petitis compulsione magistri Hugonis de Candelesby, clerici, et missione ad magistrum Johannem de Fynchingfeld', rectorem ecclesie de Branketre London' diocesis, quibus decretis facta fide que requiritur, datur dies in proximo ad producendum compulsu et exhibendum attestaciones dicti magistri Johannis si contingat eum interim examinari. [fol. 49r]

[3 Jul 76 (33.6)] Valley. Parties by original proctors. No witnesses are produced or compelled; no testimony is sent. Since the commissary did not issue a mandate to admit and examine Mr John according to the decree, the official assigns 12 July to produce the compelled and commissions the archdeacon's official to admit and examine John in Braintree church on 21 July. William's proctor is warned of this should he wish to hear the admission. 7 July to receive the

articles from which interrogatories can be prepared. Next session to publish the testimony.

Valey] In causa appellacionis mota inter Margaretam Valey de Cant' partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini archidiaconi Elien' partem appellatam ex altera, partibus per procuratores suos originales comparentibus, nullis testibus productis nec compulsis nec attestacionibus transmissis quia non emanavit commissio ad admittendum et examinandum dictum magistrum Johannem iuxta decretum, datur dies sabbati proximo post festum translacionis Sancti Thome martyris ad producendum dictum testem compellendum, petita eciam ut prius missione ad dictum magistrum Johannem. Decrevimus fore scribendum ad admittendum ipsum magistrum Johannem in ecclesia sua parochiali de Branketre die lune proximo post festum Sancte Margarete proximo futurum et examinandum eundem per .. officialem domini .. archidiaconi illius loci et prefigimus procuratori partis appellate quod dictis die et loco intersit admissionem huiusmodi si voluerit visurus et auditurus. Datusque est dies lune proximo nunc futurum ad recipiendum articulos super quibus elicientur interrogatoria et in proximo consistorio ad videndum et audiendum publicacionem attestacionum. [fol. 50r]

[24 Jul 76 (34.4)] Valley. No *missio* was made; although cited, Hugh Candlesby is absent. He is found contumacious, his penalty reserved. Margaret brings some positions and requests that William be required to respond to them personally. Next to act on them.

Valey] In causa appellacionis mota inter Margaretam Valey de Cantebr' partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini archidiaconi Elien' partem appellatam ex altera, partibus ut prius comparentibus, nulla facta missione ad partes sed citato magistro Hugone teste compulso non comparet. Ideo reputatur contumax pena reservata, oblatis per partem appellantem quibusdem posicionibus et petitur quod pars appellata personaliter respondeat eis, datur dies in proximo consistorio ad faciendum super eisdem. [fol. 52r]

[25 Sep 76 (35.3)] Valley. Margaret by proctor; William absent. It has been claimed that William is no longer the official and someone else has been substituted in his place.

Valey] In causa appellacionis mota inter Margaretam Valey de Cantebr' partem appellantem ex parte una et magistrum Willelmum de Rookhawe officialem domini archidiaconi Elien' partem appellatam ex altera, parte appellante ut prius comparente, pars appellata nullo modo comparuit sed allegata fuit pro parte dicti magistri Willelmi quod desinit esse officialis et alius loco suo subrogatus. [fol. 54v]

86. CARTER

[20 Mar 76 (28.24)] Carter. Henry Palmer of Littleport and Joan his wife were cited at the instance of Agnes wife of William Carter of Littleport in a defamation case.

Agnes appears by William Killerwick, proctor *apud acta*; although cited, summoned, and long expected, Henry and Joan are absent. They are found contumacious and suspended.

Cartere – suspensio] Henricus Palmere de Lyttelport Elien' diocesis et Johanne uxor sua citati ad dictos diem et locum ad instanciam Agnetis uxoris Willelmi Cartere de eadem in causa diffamacionis, parte actrice per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, comparente, parte rea nullo modo, ideo ipsos Henricum et Johannam citatos, preconizatos, diucius expectatos nullo modo comparentes reputamus contumaces et pro sua huiusmodi contumacia ipsos ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 43v]

[3 Apr 76 (29.19)] Carter. Agnes by proctor; Henry personally; Joan absent. Absolved from suspension and ordered to offer 1*d* at the altar of St Michael's, Henry explains that Joan is absent from this and the last consistory because of poor health. An oral libel is given by Agnes and requested written. Next to receive it in writing; Joan is expected then.

Cartere] In causa diffamacionis mota inter Agnetem uxorem Willelmi Carter' de Lyttelport Elien' diocesis partem actricem ex parte una et Henricum Palm'e de eadem et Johannam uxorem suam partem ream ex altera, parte actrice ut prius comparente, predicto Henrico personaliter quo absoluto a dicta sententia suspensionis munitoque sibi quod offerat pro dicta contumacia quantum concernit officium unum denarium summo altari ecclesie Sancti Michaelis Cantebr', libellato per partem actricem oretenus contra dictum Henricum petitoque in scriptis, datur dies in proximo ad recipiendum in scriptis. Predicta vero Johanna nullo modo comparet sed allegat dictus Henricus quod in ultimo consistorio detinebatur sicut adhuc detinetur tanta corporis valitudine, ideo expectamus eam usque proximum. [fol. 45v]

[24 Apr 76 (30.15)] Carter. Peace has been restored.

Cartere – pax] In causa diffamacionis mota inter Agnetem uxorem Willelmi Carter' de Lyttelport Elien' diocesis partem actricem ex parte una et Henricum Palmere de eadem et Johannam uxorem suam partem ream ex altera, pax est. [fol. 46r]

87. STOKESLEY

[20 Mar 76 (28.26)] Stokesley. Margaret wife of Hugh Cook of Westley Waterless was cited at the instance of Richard Stokesley of Westley Waterless¹ and John Milner of Westley Waterless in a defamation case.

¹ The action that Henry Bowet brings ably the result of the Henry's services in this against Richard for a salary (*Bowet*) is prob- case.

Richard and John appear personally; Margaret by William Killerwick, who claims to be her proctor. An oral libel is given and requested written. Next to receive it in writing and for Killerwick to prove his proxy.

Stokeslee] Margar' uxor Hugonis Cok' de Westlee Elien' diocesis citata ad dictos diem et locum ad instanciam Ricardi Stokeslee de Westlee et Johannis Milner' de eadem in causa diffamacionis, parte actrice personaliter comparente, parte rea per Willelmum Killerwyk', procuratorem suum se dicentem, libellato oretenus petitoque in scriptis, datur dies in proximo ad recipiendum in scriptis et procuratori partis ree ad probandum procuratorium. [fol. 43v]

[3 Apr 76 (29.20)] Stokesley. Richard and John by John Wiltshire, proctor *apud acta*; Matilda by proctor. William Killerwick proves his proxy by letter; the written libel is received. Next to respond.

Stokeslee] In causa diffamacionis mota inter Ricardum Stokeslee de Westle et Johannem Milner' de eadem partem actricem ex parte una et Margar' uxorem Hugonis Cok' de Westle partem ream ex altera, parte actrice per Johannem Wiltesshire, clericum, procuratorem suum apud acta constitutum, parte rea per Willelmum Killerwyk', procuratorem suum litteratorie constitutum, oblato libello per partem actricem in scriptis et per partem ream optento, datur dies in proximo ad respondendum eidem. [fol. 45v]

[24 Apr 76 (30.16)] Stokesley. Peace has been restored.

Stokeslee – pax] In causa diffamacionis mota inter Ricardum Stokeslee de Westlee et Johannem Miner' de eadem partem actricem ex parte una et Margar' uxorem Hugonis Cok' de eadem partem ream ex altera, pax est. [fol. 46r]

88. DALLING/SAVAGE¹

[20 Mar 76 (28.28)] Savage. Adam Savage sergeant and Christine Wafer were cited before Thomas Gloucester, commissary of the official, for 14 March 1376 concerning their having had intercourse, which was brought to the court's attention by public fame.

They appear personally. Sworn *de veritate dicenda* and questioned about a contract of marriage and the intercourse, they admit that they contracted after the feast of the Nativity last, by saying, "I wish to have you as my wife." and "I wish to have you as my husband." Intercourse followed.

Savage] Adam Savage *Sergeaunt* et Cristina Wafrer de Cantebr' citati coram nobis Thome de Gloucestre, clerico domini .. officialis Elien' commissario in hac parte specialiter deputato, ad diem veneris proximo post festum Sancti Gregorii pape anno Domini supradicto super carnali copula inter eosdem fama publica referente inita, uterque comparuit personaliter et iuratus de veritate dicenda ac super contractu matrimoniali inter eosdem inito et carnali copula subsequenta requisiti, fatebantur se invicem matrimonium contraxisse sub istis verbis, "Volo te habere in virum meum," et "Ego volo te habere in

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, 276–7.

uxorem meam,” carnali copula subsecuta. Fatebantur eciam quod sic contraxerunt post festum nativitatis Domini nostri iam ultimo preteritum et non ante. [fol. 43v]

[20 Mar 76 (28.29)] Savage. Adam Savage Sargeaunt and Matilda de Worsley spinner, *al.* Ward de Oakington, of Cambridge were cited before Thomas Gloucester, commissary of the official, to the above day and place concerning a contract of marriage, followed by intercourse.

They appear personally. Sworn *de veritate dicenda* and questioned about the contract and intercourse, Matilda orally proposes that she and Adam contracted marriage in present words of mutual consent, or in future words followed by intercourse. The marriage was recognized by them before the community and acknowledged by public fame. She asks that they be judged husband and wife. Adam contests the suit negatively; they swear *de calumpnia* and *de veritate dicenda*. 19 March to propose and the first term to produce.

19 March. No witnesses or positions are brought. Matilda requests that a *missio* be sent for Alice wife of John Brigham of Cambridge and Joan Brewster; decreed. 26 March is assigned in St Clement of Cambridge for Matilda to produce witnesses, for Adam to see the production, and for Christine Wafer to be present if she wishes.

26 March. Matilda, Adam, and Christine personally before Gloucester. Alice and Joan are produced, who are admitted and sworn. Next in St Michael's for Matilda's third term to produce and Christine's first term to produce witnesses concerning her alleged contract with Adam.

Savage] Idem Adam Savage et Matildis de Wereslee alias Warde de Hokyton',^a *spynnere*, de Cantebr' citati coram nobis Thoma de Gloucestr', commissario supradicto, ad diem et locum supradictos super contractu matrimoniali inter eosdem inito et carnali copula subsecuta, uterque comparet personaliter et de veritate dicenda iuratus ac super premissis contractu et carnali copula requisiti, dicta Matildis proposuit oretenus quod dictus Adam et ipsa [fol. 43v] matrimonium adinvicem per verba de presenti mutuum consensum eorumdem exprimencia seu per verba de futuro carnali copula subsecuta quem quidem contractum et carnalem copulam uterque in alterius et aliorum fidedignorum presencia fatebantur et recognoverunt et super quibus laborat publica vox et fama. Quare probatis probandis petit dicta Matildis prefatum Adam sibi in virum ipsamque Matildem eidem Ade in uxorem adiudicari. Lite per dictum Adam negative contestata, iuratis partibus hincinde in propriis personis suis de calumpnia et de veritate dicenda, datus est dies mercurii proximo post festum Sancti Edwardi loco quo supra ad ponendum et primo producendum.

Quibus die et loco partibus personaliter comparentibus, nullis testibus productis nec posicionibus traditis sed petita missione per partem actricem ad Aliciam uxorem Johannis Brigham de Cantebr' et Johannam Breuster' et decreta, parti actrici ad producendum dictas testes in ecclesie Sancti Clementis Cantebr' die mercurii proximo post festum Annunciationis dominice et parti dicti Ade ad videndum admissionem et produccionem ac eciam dicte

^a alias Warde de Hokyton'] *interlined*.

Cristina Wafrer ad interessendum se voluerit dictis die et loco prefigimus et assignavimus.

Quibus die et loco predictis Matildis, Ada et Cristina personaliter comparantibus coram nobis Thome de Gloucestre clerico domini .. officialis Elien' commissario, productis per dictam Matildem dictis testibus videlicet Alicia et Johanna, quibus admissis et in forma iuris iuratis, datur dies in proximo consistorio in ecclesie Sancti Michaelis Cantebr' dicte Matildi ad tercio producendum et prefate Cristine ad primo producendum super contractu pretensio inter ipsam et prefatum Adam inito. [fol. 43v-44r]

[20 Mar 76 (28.30)] Savage. Adam Savage sergeant and Agnes Dalling of Cambridge were cited before Thomas Gloucester, commissary of the official, for the above day and place concerning a contract of marriage, followed by intercourse.

They appear personally. Sworn *de veritate dicenda* and questioned about the marriage contract and intercourse, Agnes orally proposes that she and Adam contracted marriage in present words of mutual consent, or in future words followed by intercourse. The marriage was recognized by them before the community and acknowledged by public fame. She asks that they be judged husband and wife. Adam contests the suit negatively. They swear *de calumpnia* and *de veritate dicenda*. 17 March in St Botolph's, Cambridge, is assigned for Agnes to propose and the first term to produce; Christine Wafer and Matilda de Worsley should be present.

17 March. Agnes personally; Adam is absent and found contumacious. Agnes produces two witnesses: Andrew Brewster and Alice his wife. They are admitted, sworn, and examined as penalty to Adam. 19 March in St Michael's to publish the testimony. Adam, Christine, and Matilda will be called.

19 March. Parties personally. With their consent the testimony is published; a copy is ordered for them; other terms are renounced. The case is concluded; the definitive sentence or pronouncement is given.

Sentence. Since Agnes has not proved her intention, Adam is dismissed from her suit and absolved. The matter is left to their consciences.²

Savage] Idem Adam Savage et Agnes Dallynge de Cantebr' citati coram nobis .. commissario predicto ad diem et locum supradictos super contractu matrimoniali inter eosdem ut dicebatur inito et carnali copula subsecuta, uterque comparuit personaliter et de veritate dicenda iuratus ac super predictis contractu et carnali copula requisiti, dicta Agnes proposuit oretenus quod dictus Adam et ipsa matrimonium ad invicem per verba de presenti mutuum consensum eorundem exprimencia seu per verba de futuro carnali copula subsecuta quos quidem contractum et carnalem copulam uterque in alterius et aliorum fidedignorum presencia fatebantur et recognoverunt et super quibus laborat publica vox et fama. Quare probatis probandis petit dicta Agnes prefatum Adam sibi in virum ipsamque Agnetem eidem Ade in uxorem adiudicari, lite per dictum Adam negative contestata, iuratis partibus hincinde in propriis personis suis de calumpnia et de veritate dicenda, datur dies lune

² For the phrase *suis conscienciis relinquentes*, see Introduction.

proximo nunc futurus in ecclesia Sancti Botulphi Cantebr' ad ponendum et primo producendum et dictis Cristine et Matildi ad videndum et interessendum, si sua crediderint interesse.^b

Quibus die et loco parte actrice paersonaliter comparente, parte rea nullo modo, ideo ipsam partem ream reputamus contumacem, productis per partem actricem duobus testibus videlicet Andrea Breuster' et Alicia uxore sua quibus in penam contumacie dicte partis ree admissis, in forma iuris iuratis, examinatis, datus fuit dies mercurii proximo tunc futurus in ecclesia Sancti Michaelis Cant' ad publicandum dicta testium et ulterius faciendum quod est iuris et decrevimus dictum Adam et prefatas Cristinam et Matildem fore vocandos et preveniendos ad dictos diem et locum ad interessendum et videndum, si sua crediderint interesse.^b

Quibus die et loco partibus predictis personaliter comparentibus de quarum consensu publicatis attestacionibus decretaque copia partibus ac renunciatis hincinde terminis aliis de consensu expresso parcium predictarum in dicta causa concludencium concludimus et ad sentenciam diffinitivam sive pronunciacionem in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Agnetem intencionem suam minus sufficienter probasse sed in probacione eiusdem penitus defecisse predictum Adam ab^c impetitione ipsius Agnetis dimittimus et absolvimus sentencialiter et diffinitive in hiis scriptis, suis conscienciis relinquentes.[fol. 44r]

[3 Apr 76 (29.21)] Savage. No witnesses or positions are brought. Next for Christine to propose and the second term to produce.

Savage] In causa matrimoniali mota inter Cristinam Wafrer de Cantebr' partem actricem ex parte una et Adam Savage, *sergeaunt* de eadem, partem ream ex altera, partibus personaliter comparentibus, nullis testibus productis nec posicionibus traditis, ideo datur dies in proximo dicte Cristine ad ponendum et secundo producendum. [fol. 45v]

[3 Apr 76 (29.22)] Savage. No other witnesses are produced; the case will remain in its present state until the other Savage case is at the same point. Then they can proceed concurrently and end with one sentence.

Savage] In causa matrimoniali mota inter Matildem Weresle alias *spynnere* de Cantebr' partem actricem ex parte una et predictum Adam Savage partem ream ex altera, partibus personaliter comparentibus, nullis aliis testibus productis sed pendeat dicta causa in eodem statu quosque alia causa sit in eodem statu, ut poterint concurrere in processu et una sententia terminari. [fol. 45v]

[24 Apr 76 (30.17)] Savage. No witnesses or positions are brought. Next for Christine to propose and the third term to produce.

^b si sua crediderint interesse] *sic*; see Glossary, s.v. ^c ab] *interlined*.

Savage] In causa matrimoniali mota inter Cristinam Wafrer de Cantebr' partem actricem ex parte una et Adam Savage, *sergeant*, de eadem partem ream ex altera, partibus ut prius comparentibus, nullis testibus predictis nec positionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 46r]

[24 Apr 76 (30.18)] Savage. With the parties' consent, the case is pending the other case.

Savage] In causa matrimoniali mota inter Matildem Weresle de Cantebr', spynner, partem actricem ex parte una et dictum Adam Savage partem ream ex altera, partibus ut prius comparentibus, de quarum consensu pendeat causa expectando aliam causam ut prius. [fol. 46r]

[16 May 76 (31.14)] Savage. As 30.17.

Savage] In causa matrimoniali mota inter Cristinam Wafrer de Cantebr' partem actricem ex parte una et Adam Savage, *sergeant*, de eadem partem ream ex altera, partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad idem, videlicet ad ponendum et tercio producendum. [fol. 47r]

[16 May 76 (31.15)] Savage. As 30.18.

Savage] In causa matrimoniali mota inter Matildem Weresle de Cantebr' partem actricem ex parte una et predictum Adam Savage partem ream ex altera, partibus ut prius comparentibus, de quarum consensu pendeat ista causa expectando aliam ut prius. [fol. 47r]

[13 Jun 76 (32.14)] Savage. Christine produces three witnesses: John Piper, sergeant, John Scottow, sergeant, and Amy wife of Luke Lockyer, who are admitted and sworn. 20 June to publish.

20 June. Christine personally; Adam is absent and found contumacious. As penalty, the testimony of Christine's witnesses is published. She renounces the final production; a copy of the testimony is ordered for the parties. Next to speak against witnesses and testimony; Adam will be called.

Savage] In causa matrimoniali mota inter Cristinam Wafrer de Cant' partem actricem ex parte una et Adam Savage, *sergeant*, de eadem partem ream ex altera, partibus personaliter comparentibus, productis per dictam Cristinam tribus testibus videlicet Johanne Pippere, *sergeant*, Johanne Scothowe, *sergeant*, et Amya uxore Luce Lokyer', quibus admissis et in forma iuris iuratis, dato die veneris proximo futuro loco quo supra ad publicandum et ulterius faciendum quod est iuris.

Quibus die et loco parte Cristine personaliter comparente, parte Ade nullo modo, ideo ipsum reputamus contumacem et in pena contumacie publicamus attestaciones testium dicte Cristine, facta primitus per dictam Cristinam renunciacione ulteriori produccioni decretaque copia partibus, datur dies in

proximo ad dicendum contra testes et eorum dicta et ulterius faciendum quod est iuris et decrevimus partem absentem fore vocandam ad proximum ad idem. [fol. 49v]

[13 Jun 76 (32.15)] Savage. Matilda by John Wiltshire, proctor *apud acta*; Adam is absent and found contumacious. As penalty and at Matilda's request, the testimony of her witnesses is published; a copy is ordered for the parties. Next to speak against witnesses and testimony; Adam to be called.

Savage] In causa matrimoniali mota inter Matildem Wereslee alias Warde de Hokyton' commorentem in Cant' partem actricem ex parte una et prefatum Adam Savage, *sergeant*, partem ream ex altera, parte actrice per Johannem Wiltesshire, clericum, procuratorem suum apud acta constitutum, comparente, parte rea nullo modo, ideo ipsum reputamus contumacem et in penam contumacie sue et ad petitionem partis dicte Matildis publicamus attestaciones testium ipsius Matildis decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta et ulterius faciendum quod est iuris et decrevimus partem absentem fore vocandam ad proximum ad idem. [fol. 49v]

[3 Jul 76 (33.13)] Savage. Parties personally. Nothing is proposed; since the term to propose anything concerning the matter has been renounced, the case is concluded with the parties' consent. Next to hear the definitive sentence with adjournment of the following days.

Savage] In causa matrimoniali mota inter Cristinam Wafrer de Cant' partem actricem ex parte una et Adam Savage de Cant', *sergeant*, partem ream ex altera, partibus personaliter comparentibus, nichil dicto seu proposito sed renunciato termino ad quicquam aliud proponendum in facto seu iure consistens factaque per nos conclusionem in dicta cause de consensu parcium nobiscum concludencium, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam cum continuacione et prorogacione dierum sequencium. [fol. 50v]

[3 Jul 76 (33.14)] Savage. Parties personally. Nothing is proposed; since the term to propose anything concerning the matter has been renounced, the case is concluded with the parties' consent. Next to hear the definitive sentence with adjournment of the following days.

Savage] In causa matrimoniali mota inter Matildem Wereslee alias Warde de Hokyton' commorentem in Cant' partem actricem ex parte una et prefatum Adam reum ex altera, partibus personaliter comparentibus, nichil dicto seu proposito sed renunciato termino ad quicquam proponendum in facto seu iure consistens factaque per nos conclusionem in dicta cause de consensu parcium nobiscum concludencium, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam cum continuacione et prorogacione dierum sequencium. [fol. 50v]

[24 Jul 76 (34.11)] Savage. Christine personally; Adam absent. The case is adjourned until 26 July to hear the definitive sentence with adjournment of the following days. Mr John Potton,

advocate of consistory, is commissioned to give the sentence.

Savage] In causa matrimoniali mota inter Cristinam Wafer de Cantebr' partem actricem ex parte una et Adam Savage de eadem, *sergeant*, partem ream ex altera, parte actrice personaliter comparente, parte rea nullo modo, ideo expectamus absentem cum presente et continuamus dictam causam ad idem quod prius videlicet ad audiendum sentenciam in dicta causa diffinitivam usque ad diem sabbati proximo nunc futurum cum continuacione et prorogacione dierum tunc sequencium. Et committimus magistro Johanni de Potton', consistorii nostri advocato, ad ferendum in dicta causa sentenciam specialiter potestatem. [fol. 52r]

[24 Jul 76 (34.12)] Savage. Matilda by proctor; Adam absent. The case is adjourned until 26 July to hear the definitive sentence with adjournment of the following days. Mr John Potton, advocate of consistory, is commissioned to give the sentence.

26 July. Christine Wafer, Matilda, and John personally before John Potton in St Michael's. There is disputation about the processes. Despite harvest time, the case is adjourned until 16 Aug. with the parties' consent.

16 Aug. There is a long dispute about the process. The case is adjourned until 23 Aug. to hear the definitive sentence.

23 Aug. In the case of marriage between Christine Wafer, plaintiff, and Adam Savage, defendant, and between Matilda de Worsley, co-plaintiff (*competitrix*) and Adam Savage, defendant, since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Christine has not proved her intention and Matilda has, Adam is absolved and dismissed from Christine's suit. Adam and Matilda are judged husband and wife and ordered to solemnize the marriage at an appropriate time and place. Witnesses: Mr John Newton BCivL, John son of John Wroth of Haddenham, and John Wiltshire, clerics of York, Ely, and Salisbury dioceses.

Savage] In causa matrimoniali mota inter Matildem Wereslee alias Warde de Hokyton' commorentem in Cantebr' partem actricem ex parte una et prefatum Adam reum ex altera, parte actrice per procuratorem suum, parte rea nullo modo comparentibus, continuamus dictam causam expectando absentem cum presente ad idem quod prius videlicet ad audiendum sentenciam in dicta causa diffinitivam usque ad diem sabbati proximo nunc futurum cum continuacione et prorogacione dierum tunc sequencium. Et committimus magistro Johanni de Potton' consistorii nostri advocato ad ferendum in dicta causa sentenciam specialiter potestatem.

Quo die adveniente partibus predictis videlicet Cristina, Matilde et Adam coram nobis Johanne de Potton', commissario supradicto, loco quo supra personaliter comparentibus, habita aliquali disputatione super processibus dictarum causarum,^d continuamus dictas causas usque ad diem sabbati pro-

^d causarum] *interlined*..

ximo post festum assumptionis Beate Marie virginis proximo futurum loco quo supra de consensu parcium quod in dicta causa procedatur non obstante tempore messium quod tunc imminebit.

Quibus die et loco partibus predictis coram nobis .. commissario predicto personaliter comparentibus, habita altercacione diutina super processu in dicta causa habito, continuamus dictas causas^e usque ad diem sabbati proximo ante festum Sancti Bartholomei apostoli loco quo supra ad idem [fol. 52v] videlicet ad audiendum sentenciam in dictis causis diffinitivam.

Quibus die et loco partibus predictis coram nobis personaliter comparentibus et sentenciam ferri in dictis causis petentibus, auditis per nos .. commissarium predictum et intellectis meritis dictarum causarum que nuper coram domino .. officiali Elien' vertebatur et nunc coram nobis vertitur inter Cristinam Wafrer de Cantebr' partem actricem ex parte una et Adam Savage de Cantebr', *sergeant*, partem ream ex altera ac eciam inter Matildem de Wereslee alias Warde de Hokyton' commorans in Cantebr' partem eciam actricem sive competitricem ex parte una et prefatum Adam partem ream ex altera, partibus predictis coram nobis personaliter comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium invocata Spiritus Sancti gracia ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos commissarius antedictus invenimus dictam Cristinam intencionem suam in hac parte deductam minus sufficienter fundasse et probasse dictamque Matildem suam intencionem sufficienter fundasse et probasse, ipsum Adam ab impetitione eiusdem Cristine absolvimus et dimittimus prefatumque Adam eidem Matildi in virum legitimum ipsamque Matildem eidem Ade in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium fore inter eosdem in facie ecclesie solemnizandum pro loco et tempore opportunis, acta in ecclesia Sancti Michaelis Cant' quo ad prolacionem istius sentencie per dictum magistrum Johannem commissarium die sabbati in vigile Sancti Bartholomei apostoli anno Domini millesimo trecentesimo septuagesimo sexto indiccione quarta decima pontificatus domini Gregorii pape undecimo anno sexto. Presentibus magistro Johanne de Neuton', baculario in legibus, Johanne filio Johannis Wroch' de Hadenham et Johanne Wiltesshire, clericis, Ebor', Elien' et Sar' diocesum testibus ad premissa vocatis specialiter et rogatis. [fol. 52v]

[13 Nov 76 (37.15)] Dalling. Adam Savage, sergeant, was assigned this day to respond to Agnes Dalling of Cambridge in a marriage case.

^e dictas causas] *final s's written over what were probably m's*

Parties appear personally, before the commissary. Agnes proposes orally that she and Adam contracted marriage in present words of mutual consent, or in future words followed by intercourse. The contract has been recognized by them before the community and acknowledged by public fame. She wants them judged husband and wife. Adam requests a day to respond to the article. 21 Nov. 1376 above place for him to respond.

21 Nov. Adam contests the suit affirmatively, claiming by exception that although he contracted and had intercourse with Agnes, this had happened while his wife [Alice (44.22)] was living. Agnes claims by replication that this woman was not his legal wife because at the time of Adam's contract with her, the woman had a legitimate husband who was still alive. They swear *de calumpnia, de veritate dicenda, de collusionione, and de malicia*. 1 Dec. to propose and the first term to produce; Matilda Weresle will be called to be present, if possible.

1 Dec. Adam, Agnes, and Matilda appear personally. Agnes produces one witness to prove the contract: Basilia de Swaffham, who is admitted and sworn. Adam produces no one to prove his exception; Agnes produces no one to prove her replication. 3 Dec. to propose and the second term to produce.

3 Dec. Agnes personally; Adam personally; Matilda is absent and found contumacious. Agnes produces four witnesses: Andrew Brewster, John Clare, Blanche Teynterel, and Alice Rose, who are admitted and sworn as penalty to Matilda. No proof is brought for the exception or the replication. 5 Dec. to propose and the third term to produce.

5 Dec. Parties personally. No other witnesses or positions are brought. A *missio* is requested for Alice wife of Andrew Brewster, who was old and in poor health; decreed with faith given. Next to publish the testimony.

Dallynge] Adam Savage *Sergeant* habens istos diem et locum ad respondendum Agneti Dallyng' de Cantebr' in causa matrimoniali, partibus coram nobis commissariis predictis personaliter comparentibus, dicta Agnes proposuit oretenus quod dictus Adam et ipsa matrimonium adinvicem per verba de presenti, mutuum consensum eorumdem exprimencia seu per verba de futuro carnali copula subsequuta legitime contraxerunt, quem quidem contractum uterque eorum in alterius et aliorum fidedignorum presencia ex certa sciencia fatebantur et recognoverunt et super quibus fama publica dinoscitur laborare. Quare peciit dicta Agnes dictum Adam sibi in virum legitimum ipsamque Agnetem eidem Ade in uxorem legitimam sentencialiter et diffinitive adiudicari. Dictus Adam peciit diem ad respondendum dicto articulo, unde datus est eidem Ade dies veneris proximo post festum Sancti Edmundi regis loco quo supra ad respondendum dicto articulo.

Quibus die et loco partibus predictis personaliter comparentibus liteque per dictum Adam affirmative contestata excipiendo tamen dicit et allegat dictus Adam quod dictus contractus fuit inter eos initus et ipsam postea carnaliter cognovit, quadam . . .^f uxore sua legitima tunc superstite, prefata insuper Agnes repplicando proponit quod dicta . . .^f non fuit uxor legitima dicti Ade sed habuit tempore dicti contractus ante et post alium maritum legitimum tunc et nunc superstitem, iuratis partibus huicinde de calumpnia et de verita-

^f *Blank space in ms.*

te dicenda ac de collusione et malicia, datur dies lune proximo post festum Sancte Katerine virginis proximo futurum loco quo supra hincinde ad ponendum et primo producendum et decrevimus Matildem Weresle cuius notorie interest fore vocandam ad dictos diem et locum ad interessendum producioni huius si sibi videbitur expedire.

Quibus die et loco predictis Ade, Agnete' et Matilde personaliter comparentibus, productis per dictam Agnetem unica teste videlicet Basilia de Swafham, qua admissa et in forma iuris iurata, nullis testibus pro dictum Adam ad probandum suam excepcionem productis, datur dies mercurii proximo tunc futurus loco quo supra partibus predictis ad ponendum et secundo producendum.

Quibus die et loco predictis Agnete et Ade coram nobis personaliter, predicta vero Matilde nullo modo comparentibus, productis per dictam Agnetem quatuor testibus videlicet Andrea Breuster', Johanne Clare, Blanchia Teynterel et Alicia Rose, quibus in pena contumacie dicte Matildis, quam in hac parte reputavimus contumacem, admissis et in forma iuris iuratis, datur dies veneris proximo tunc futurus loco quo supra ad ponendum et tercio producendum.

Quibus die et loco partibus dictorum Agnete, Ade et Matilde personaliter comparentibus, nullis aliis testibus productis nec posicionibus traditis sed petita missione ad Aliciam uxorem Andree Breuster', mulierem senem et valitudinariam, et decreta facta fide que requiritur, datur dies in proximo ad publicandum et publicari videndum attestaciones et dicta testium predictorum. [fol. 57r]

[4 Dec 76 (38.14)] Dalling. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Dallynge] In causa matrimoniali coram nobis mota inter Agnetem Dallyng' de Cantebr' partem actricem ex parte una et Adam Sergeant alias Savage partem ream ex altera, partibus predictis ac eciam Matilde Weresle alias Warde de Hokyton' commorante in Cantebr', cuius interesse verti pretenditur, citata pro suo interesse personaliter comparentibus, publicatis attestacionibus testium per dictam Agnetem productorum decretaque copia earum partibus predictis, datur dies in proximo partibus predictis ad dicendum contra testes et eorum dicta. [fol. 59r]

[8 Jan 77 (39.17)] Dalling. With the parties' consent, 12 Jan. is assigned to speak against witnesses and testimony.

12 Jan. Next day for same.

13 Jan. Agnes personally; Matilda personally; Adam is absent and found contumacious. Nothing is proposed against the witnesses and testimony. 16 Jan. to propose everything concerning the matter; Adam will be called.

16 Jan. Parties personally. Nothing is proposed; Agnes and Matilda agree to the conclude the case. Next for the definitive sentence.

Dallynge] In causa matrimoniali mota inter Agnetem Dallynge de Cantebr' partem actricem ex parte una et Adam Savage *Sergeant* de eadem partem ream ex altera, partibus predictis ut prius comparentibus, de quarum consensu datur dies lune proximo futurus loco quo supra ad idem, videlicet ad dicendum contra testes et eorum dicta.

Quibus die et loco partibus ut prius comparentibus, datur dies crastinus ad idem.

Quibus die et loco predictis Agnete et Matilde Wereslee personaliter comparentibus, predicto Ade nullo modo, ideo ipsum reputavimus contumacem, nichil dicto seu proposito per dictas Agnetem seu Matildem aut earum aliquam contra testes vel eorum dicta, datur dies veneris proximo post festum Sancti Hillarii proximo futurum loco quo supra ad proponendum omnia in facto seu iure consistencia et decrevimus dictum Adam absentem vocandum fore ad dictos diem et locum ad idem.

Quibus die et loco partibus predictis personaliter comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed de consensu dictarum Agnetis et Matildis nobiscum concludencium in dicta causa concluso, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 61r]

[5 Feb 77 (40.21)] Dalling. The process is disputed. Adam will be called to hear the definitive sentence next with adjournment of the following days.

Dallynge] In causa matrimoniali mota inter Agnetem Dallynge de Cantebr' partem actricem ex parte una et Adam Savage *Sergeant* et Matildem Weresle partem ream ex altera, predictis Agnete et Matilde personaliter comparentibus, predicto Ade nullo modo, habita aliquali disputatione super processu dicte cause, datur dies in proximo cum continuacione et prorogacione dierum subsequencium ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam et decrevimus dictum Adam fore vocandum ad idem ad dictos diem et locum. [fol. 64r]

[26 Feb 77 (41.22)] Dalling. Agnes requests admission to speak against Matilda's repeated witness and testimony, the conclusion of the case notwithstanding, because Agnes just found out about the repetition. Next to propose *in forma*.

Dallynge] In causa matrimoniali mota inter Agnetem Dallynge de Cantebr' partem actricem ex parte una et Adam Sergeant alias Savage ac Matildem Weresle partem ream ex altera, predictis Agnete et Matilde ut prius comparentibus, predicto Ade nullo modo, predicta Agnes peciit se admitti ad dicendum contra testem repetitam ex parte dicte Matildis productam et ipsius dicta

quatenus dictam repeticionem concernit, non obstante quod est conclusum in causa, eo quod iam primo de dicta repeticione sibi constat, unde datur dies in proximo ad proponendum in forma. [fol. 65v]

[19 Mar 77 (42.22)] Dalling. Agnes proposes nothing against Matilda's witness Joan Brewster, who was repeated *ex officio*, or the repetition. A copy of the repetition is given to Agnes. The next session is assigned to speak against the repeated witness and her testimony so as to convict Agnes of malice.

Dallynge] In causa matrimoniali mota inter Agnetem Dallynge de Cantebr' partem actricem ex parte una et Adam Sergeant alias Savage ac Matildem Warde alias Weresle partem ream ex altera, predictis Agnete et Matilde personaliter comparentibus, predicto Ade nullo modo, nullo dicto seu proposito per dictam Agnetem contra Johannam Breuster', testem ipsius Matildis, repetitam ex officio nostro seu ipsam repeticionem prout istos diem et locum admisit,^s ideo ad convincendum maliciam eiusdem Agnetis datur dies in proximo ad idem, videlicet ad dicendum seu proponendum contra ipsam repetitam et eius dicta in ipsa repeticione proposita, tradita prius sibi copia dicte repeticionis quam eidem Agneti fecimus liberari. [fol. 66v]

[10 Apr 77 (43.21)] Dalling. Agnes absent; Matilda personally; Adam absent. At Matilda's request, Agnes is found contumacious. Nothing is proposed against the repeated witness and testimony. As penalty for her contumacy, Agnes is precluded from speaking against the witness. Next to hear the definitive sentence.

Dallynge] In causa matrimoniali mota inter Agnetem Dallynge de Cantebr' Elien' diocesis partem actricem ex parte una et Adam Savage *Sergeant* ac Matildem Warde alias Weresle partem ream ex altera, parte actrice nullo modo comparente, predicta Matildis personaliter comparuit, predicto Ade nullo modo, ideo predictam Agnetem ad petitionem ipsius Matildis reputamus contumacem, nullo dicto seu proposito contra dictam testem repetitam seu eius dicta, ideo eidem Agneti ad quicquam dicendum seu proponendum contra ea in pena contumacie sue precludimus daturque dies in proximo ad audiendum sentenciam. [fol. 68v]

[30 Apr 77 (44.22)] Dalling. The case is adjourned. Agnes and Adam will be called for 15 May before Gloucester or John Newton to hear the definitive sentence.

15 May. Although cited, long expected, and summoned, Agnes is absent; Adam personally; Matilda personally. Agnes is found contumacious and as penalty John Newton, commissary of the official, proceeds to the definitive sentence. [The process of the case is reiterated. Information about the repeated witness is given here for the first time.]

In another marriage case, John Potton had judged Adam and Matilda husband and wife [34.12]. Afterwards Agnes brought this marriage suit against Adam, and Matilda was called into the case, which was committed by the official to Gloucester and Newton.

While examining the processes of the marriage cases between Adam and Matilda and be-

^s prout istos diem et locum admisit] *sic*; *perhaps* prout ad istos diem et locum admissa est *is meant*..

tween Adam and Agnes, Gloucester found that the testimony of Joan Brewster, Matilda's witness, was obscure and too general. Joan had said she had been present when Adam and Matilda recognized their contract more than two years previously, but she had not known how much time beyond the two years. Gloucester repeated Joan as a witness *ex officio* on 26 Feb. 1377. She said the contract had been made within three to four weeks after the feast of St Michael, three years ago.

Sentence. Considering the priority of the marriage contract between Matilda and Adam, as proved by Matilda and so judged, and finding that Agnes has not proved her suit, Newton rules that the definitive sentence brought in favour of Adam and Matilda's marriage stands. Adam is dismissed from Agnes' suit; the marriage is ordered solemnized.

Dallynge] In causa matrimoniali mota inter Agnetem Dallynge de Cant' Elien' diocesis partem actricem ex parte una et Adam Savage *Sergeaunt* ac Matildem Warde alias Weresle partem ream ex altera, predicta Agnete parte actrice nullo modo comparente, predicta Matilde personaliter, dicto^h vero Adam nullo modo, ideo continuamus dictam causam expectando absentes cum presente usque ad diem veneris proximo post festum Sanctorum Nerrei et Achilei proximo futurum loco quo supra ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam et decrevimus dictos Adam et Agnetem fore vocandos ad dictos diem et locum coram nobis vel magistro Johanne de Neuton', dicti domini officialis commissario, ad idem.

Quibus die et loco predictis Adam et Agnete citatis iuxta decretum, predicta Agnete preconizata, diucius expectata, nullo modo comparente, predictis Adam et Matilde personaliter comparentibus coram nobis Johanne de Neuton, clerico domini officialis Elien' commissario in hac parte specialiter deputato, ideo prefatam Agnetem reputamus et pronunciamus contumacem et in penam contumacie sue huiusmodi ad sententiam diffinitivam in hac parte ferendam processimus in hunc modum:

In Dei nomine amen. Cum inter Matildem Warde alias Weresle de Hokytton' commorantem in Cantebr' partem actricem ex parte una et Adam Savage *Sergeant* partem rea ex altera ac eciam inter Cristinam Wafrer de Cant' predictam aliam partemⁱ competitricem sive actricem ex parte una et prefatum Adam ream ex altera cause matrimoniales coram reverendo viro domino .. officiali Elien' nuper verterentur. Idem dominus officialis in dictis causis legitime precedens, predictas causas discreto viro magistro Johanni de Potton', consistorii Elien' advocato, commisit audiendum et fine debito terminandum. Idem quoque magister Johannes commissarius in dictis causis rite procedens premissis iuris ordine ac concurrentibus omnibus de iure requisitis quia invenit dictam Cristinam intencionem suam in ea parte deductam minus sufficienter fundasse et probasse dictamque Matildem suam intencionem sufficienter fundasse et probasse, ipsum Adam ab inpeticione et instancia

^h dicto] dictas. ⁱ partem] *interlined*.

eiusdem Cristine sentencialiter et diffinitive absoluit et dimisit prefatumque Adam eidem Matildem in virum legitimum, ipsamque Matildem eidem Ade in uxorem legitimam sentencialiter et diffinitive adiudicavit per decretum, decernens matrimonium fore inter eosdem in facie ecclesie solempnizandum pro loco et tempore opportunis.

Cumque post hanc Agnes Dallynge de Cantebr' prefatum Adam Savage coram dicto domino .. officiali Elien' super contractu matrimoniali inter eosdem ut pretendebat inito traxisset in causam dictus dominus .. officialis omnes causas coram eo ventilatas et ventilandas cum suis incidentibus, dependentibus et connexis magistro Thoma de Gloucestr' et nobis coniunctim et divisim generaliter commisit cognoscendas, procedendas, audiendas et fine debito terminandas, predictis Agnete et Adam coram nobis [fol. 70v] personaliter comparentibus, proposita petitione per dictam Agnetem qua peciit dictum Adam sibi in virum adiudicari pro eo quod dicti Adam et Agnes matrimonium adinvicem per verba de presenti mutuum consensum eorumdem exprimencia seu per verba de futuro carnali copula subsecuta contraxerunt, quem quidem contractum uterque eorum in alterius et aliorum fidedignorum presencia fatebantur et recognoverunt et super quibus fama publica dinoscitur laborare. Liteque per eundem Adam ad dictum articulum sive petitionem affirmative contestata excipiendo tamen dicit et allegat dominus Adam quod dictus contractus fuit inter eos initus et ipsam postea carnaliter cognovit quadam Alicia uxore sua legitima tunc vivente, prefata insuper Agnes repplicando proposuit quod dicta Alicia non fuit uxor legitima dicti Ade sed habuit tempore dicti contractus ante et post alium maritum legitima tunc et nunc superstitem, iuratis dictis Agnete et Adam hincinde in propriis personis suis de calumpnia et de veritate dicenda ac de collusionione et malicia, datus fuit terminus hincinde ad ponendum et primo producendum tam super contractu quam super excepcione et repplicatione et decrevimus dictam Matildem Warde alias Weresle, cuius notorie interest causam defendere memoratam, fore vocandam ad dictum terminum ius et interesse suum defensuram et prosecuturam.

Quo termino loco quo supra predictis Agnete, Ade et Matilde coram dicto commissario personaliter comparentibus, producta per dictam Agnetem super contractu predicto quadam teste qua admissa et in forma iuris iurata, nullis probacionibus ministratis nec posicionibus traditis per dictum Adam super excepcione nec per Agnetem super repplicatione, datus fuit terminus predictis Agnete et Ade hincinde ad ponendum et secundo producendum super premissis et prefate Matilde ad interessendum, defendendum et proseguendum sicut prius loco quo supra.

Quibus termino et loco predictis Agnete et Ade coram dicto commissario

personaliter comparentibus, predicta Matilde nullo modo, ideo ipsam reputavit contumacem, productis per dictam Agnetem super contractu predicto dumtaxat quibusdam testibus quibus in penam contumacie dicte Matildis admissis et in forma iuris iuratis, nullis probacionibus ministratis nec posicionibus factis per dictum Adam super excepcione nec per Agnetem super repplicatione, datus fuit terminus loco quo supra predictis Agnete et Ade ad proponendum et tercio producendum super contractu, excepcione et repplicatione premissis et decretum fuit dictam Matildem fore vocandam ad dictum terminum ad interessendum, defendendum et prosequendum sicut prius.

Quibus termino et loco predictis Agnete, Ade et Matilde coram dicto .. commissario personaliter comparentibus, nullis aliis probacionibus ministratis nec posicionibus factis sed petita missione per dictam Agnetem ad unam mulierem testem sibi ut asserit necessariam ad probandum dictum contractum, senem et valitudinariam, qua decreta, ipsaque teste admissa in forma iuris et iurata, datus fuit terminus predictis Agnete, Ade et Matilde ad publicandum et publicari videndum et audiendum attestaciones et dicta testium productorum.

Quibus termino et loco predictis Agnete, Ade et Matilde coram dicto commissario personaliter comparentibus, publicatis attestacionibus dictorum testium decretaque copia partibus, datus fuit terminus loco quo supra partibus predictis ad dicendum contra testes et eorum dicta.

Quibus termino et loco predictis Agnete et Matilde coram dicto commissario personaliter comparentibus, predicto Ade nullo modo, ideo ipsum reputavit contumacem. Nichil dicto seu proposito per dictas Agnetem et Matildem seu earum alteram contra testes seu eorum dicta, ideo in pena contumacie dicti Ade cessit terminus quoad hunc actum, datus fuit terminus partibus predictis ad proponendum omnia in facto seu iure consistencia et decretum fuit dictum Adam fore vocandum ad idem.

Quibus termino et loco predictis Agnete, Ade et Matilde coram dicto commissario personaliter comparentibus, nichil dicto seu proposito per alterutram partem parcium predictorum sed de earum consensu in dicta causa concluso, datus fuit terminus partibus predictis ad audiendum sentenciam in dicta causa diffinitivam. Verumquia rimato processu in causa matrimoniali inter prefatos Matildem et Adam et eciam inter dictos Agnetem et Adam habito, dictus magister Thomas de Glouc', commissarius, invenit quamdam Johannam Breustere, testem per dictam Matildem productam, nimis generaliter et obscure deposuisse in ea videlicet parte deposicionis seu qua dixit et deposuit quod interfuit ubi et quando dicti Adam et Matildis recognoverunt se contraxisse etc., prout in attestacionibus suis continetur, duobus annis elapsis et amplius nec apparet quantum tempus intelligit per illam adieccionem am-

plius. Ideo prefatam Johannem ex officio suo duxit non inmerito repetendum factaque pro dictam Johannam die iouis proximo post festum Sancti Mathie anno Domini millesimo trecentesimo septuagesimo septimo declaracione illius adieccionis dicit quod dictus contractus et recognicio de quibus deposuit facti fuerunt circiter festum Sancti Michaelis videlicet per tres septimanas vel ad plus per quatuor septimanas proximo post festum Sancti Michaelis quod ultimo fuit ad tres annos. Datus fuit terminus partibus predictus loco quo supra coram nobis Thome de Glouc' et Johanne de Neuton', clericis dicti domini .. officialis commissariis vel nostrum altero, ad audiendum sententiam in dicta causa diffinitivam.

Quibus termino et loco predictis Ade et Matilde personaliter comparentibus coram nobis Johanne de Neuton', commissario predicto, predicta Agnete ad interessendum et audiendum sententiam legitime premunita de qua sufficienter extitit facta fides, nullo modo comparente, ideo ipsum reputavimus contumacem rimatoque per nos et investigato toto processu tam in dicta causa inter dictos Agnetem et Adam quam in alia causa inter prefatos Matildem et Adam eidem connexa habito habitaque deliberacione sufficienti super eisdem de iurisperitorum consilio nobis assidencium invocata primitus Spiritus Sancti gracia ad instantem petitionem dicte Matildis et in pena contumacie eiusdem Agnetis ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos commissarius predictus considerantes prioritatem contractus matrimonialis inter dictos Matildem et Adam initi et per eandem Matildem sufficienter probati pro quo extitit ut prefertur adiudicatum, invenimus [fol. 71r] dictam Agnetem Dallyng' intencionem suam in hac parte deductam minus sufficienter fundasse et probasse, obstante precontractu matrimoniali inter eosdem Matildem et Adam inito et probato et sententiam diffinitivam super eo latam de qua nobis notorie constat, ipsum Adam ab impetitionem et instancia eiusdem Agnetis sentencialiter et diffinitive dimittimus et absolvimus in hiis scriptis decernentes matrimonium inter dictos Adam et Matildem contractu de quo iudicialiter constat et pro quo extitit adiudicatum fore in facie ecclesie solemnizandum pro loco et tempore opportunis. [fol. 71v]

89. *STOW (1)*

It seems virtually certain that the action by the chaplain of Stow for his salary is related to the action brought by the defendants in the salary case (with one possible exception) against a fellow guild member for breach of faith. Having agreed to pay the chaplain, we might speculate, they turn around and sue a man who, they allege, owes the guild money, perhaps even as a contribution to the salary of the chaplain. Neither action proceeds far enough to let us know

for certain just what the relationship between them in is, but the identity of the ‘swing parties’ and the proximity of the entries allows us to combine them.

[3 Apr 76 (29.24)] Stow. William Hubert, Walter Fowler, Henry Kinman, and Robert Newman of Stow were cited before the official at the instance of John chaplain of Stow because they have not paid him his salary of 40s.

John appears by proctor; William *et al.* personally. They admit that they owe John the sum and promise to pay before Pentecost. Scrope condemns them to pay by then under penalty of excommunication.

Stowe – condemnacio] Willelmus Hubert de Stowe iuxta Quye, Walterus Foulere, Henricus Kymon’ et Robertus Neweman de eadem citati coram nobis .. officiali Elien’ ad instanciam domini Johannis, capellani celebrantis in ecclesia de Stowe, super iniusta subtraccione salarii sui pro ipsius labore eis impensi videlicet quadraginta solidorum eidem per eos debitorum, parte actrice per procuratorem suum, parte rea in propriis personis suis, dicti Willelmus, Walterus, Henricus et Robertus fatebantur expresse se teneri dicto domino Johanni ex causa predicta in quadraginta solidos ipsosque petiverunt condemnari in eis solvendis dicto domino Johanni citra festum Pentecostes proximo futurum, unde nos ipsorum confessiones et petitiones sequentes ipsos in dictis quadraginta solidis eidem domino Johanni solvendis citra dictum festum sub pena excommunicatis et per sentenciam preceptam condemnamus. [fol. 45v]

[24 Apr 76 (30.19)] Stow. Alan Bird of Quye was cited at the instance of William Hubert, Walter Fowler, Henry Kinman, and Robert Hart of Stow, brothers of the guild of All Saints of Stow, in a case of breach of faith and perjury.

Parties appear personally. An oral libel is given and requested written. Tomorrow (25 April) to receive it in writing; next session to respond.

Stowe] Alanus Brid de Quye citatus ad dictos diem et locum ad instanciam Willelmi Hubert, Walteri Foulere’, Henrici Kymon’ et Roberti Hert de Stowe, fratrum gilde Omnium Sanctorum de Stowe, in causa fidei lesionis seu periurii, partibus personaliter comparentibus, libellato oretenus per partem actricem petiturque per partem ream in scriptis, datur dies in proximo ad recipiendum in scriptis et in proximo ad respondendum eidem. [fol. 46v]

[16 May 76 (31.16)] Stow. Alan brings dilatory exceptions against the libel. Next to propose all.

Stowe] In causa fideilesionis seu periurii mota inter Willelmum Hubert de Stowe, Walterum Foulere’, Henricum Kymon’ et Robertum Hert de eadem, confratres gilde Omnium Sanctorum de Stowe, partem actricem ex parte una et Alanum Brid de Quye partem ream ex altera, partibus ut prius comparentibus, propositis per partem ream quibusdem excepcionibus dilatoriis contra libellum, datur dies in proximo ad proponendum omnis. [fol. 47r]

[13 Jun 76 (32.16)] Stow. Brothers absent; Alan personally before John Potton, official’s com-

missary. Both expected next to propose all dilatory exceptions.

Stowe] In causa fideilesionis seu periurii mota inter Willelmum Huberd de Stowe, Walterum Foulter', Henricum Kymon' et Robertum Hert de Stowe, confratres gilde Omnium Sanctorum eiusdem, partem actricem ex parte una et Alanum Brid de Quye partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius coram nobis Johanne de Potton', dicti domini .. officialis commissario, datur dies in proximo ad idem, videlicet ad proponendum omnes dilatoria ad quod faciendum expectamus absentem cum presente. [fol. 49v]

[3 Jul 76 (33.15)] Stow. Alan is dismissed for that day (*ab instancia diei*). He protests about the costs.

4 July. The brothers appear personally in the presence of Alan's proctor. They ask that the dismissal be retracted and the case proceed according to past acts since they were warned to appear on Friday not Thursday. They did not know Thursday was assigned for the case and they were detained by an impediment. 12 July to proceed according to past acts.

With the parties' consent, next for same under hope of peace.

Stowe] In causa fideilesionis seu periurii mota inter Willelmum Huberd de Stowe et socios suos predictos confratres gilde predictae partem actricem ex parte una et Alanum Brid de Quye partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, ideo ipsam partem ream ab instancia diei dimittimus in hac parte cum protestacione expensarum.

Subsequenter vero die veneris in crastino, dicta pars actrix coram nobis personaliter comparens in presencia procuratoris partis ree et petit quod procedatur in causa iuxta formam retroactorum recisso decreto prius habito super dimissione eo quod fuerant premuniti ad dictum diem veneris non ad diem iovis nec sciverunt quod dicto die iovis fuisset causa tractanda et eciam impedimento decenti non potuerunt venire, unde datur dies sabbati proximo post festum translacionis Sancti Thome martyris proximo futurum ad procedendum et procedi videndum iuxta formam retroactorum.

Quo die partibus ut prius comparentibus de quarum consensu datur dies in proximo ad idem sub spe pacis. [fol. 50v]

[24 Jul 76 (34.13)] Stow. Brothers absent; Alan by proctor. Alan is dismissed from the suit. The brothers are ordered to pay costs according to the decretal *Actor* found in the *Liber Sextus*, under title *De dolo et contumacia*.¹ They will be called to hear the estimation.

Subsequently, on the same day while the court is still in session and Alan is present, William Hubert personally alleges that peace has been restored with Alan and so they will not pursue the case. Alan denies this. The decree [of dismissal] is suspended; next for William to prove the restored peace.

Stowe] In causa fideilesionis seu periurii mota inter Willelmum Huberd de

¹ See Citations to Canon Law, *Actor*.

Stowe, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de Quye partem ream ex altera, parte actrice nullo modo comparente, parte vero rea ut prius, ideo ipsam partem ream ab instancia dicte partis actricis non prosequentis dimittimus et ipsam partem actricem in expensis legitimis in hac parte factis condempnamus iuxta forma et effectum capituli *Actor* de dolo et contumacia libro sexto et decrevimus eam fore vocandam ad proximum ad audiendum taxationem expensarum.

Subsequenter vero eodem die iudice adhuc pro tribunali sedente et in presencia partis ree comparuit personaliter dictus Willelmus Huberd et allegat pro se et consortibus suis in eadem lite quod pax est inter dictas partes reformata et huiusmodi pacis reformatione adherentes ab ulteriori presecutione dicte cause se subtraxerunt, pars vero rea pacis reformationem in dicta causa negat, unde dictus Willelmus habet diem in proximo ad probandum pacem et interim suspendatur executio decreti. [fol. 52v]

[25 Sep 76 (35.11)] Stow. The brothers produce two witnesses to prove peace: John Elys of Wilbraham and John Baker of Stow cum Quye, who are admitted and sworn. Alan reserves the right to speak against witnesses and testimony. Next to publish.

Stowe] In causa fidei lesionis seu periurii mota inter Willelmum Huberd' de Stowe, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de Quye partem ream ex altera, partibus ut prius comparentibus, productis per partem actricem ad probandum pacem et concordiam inter eos duobus testibus videlicet Johanne Elys de Wilburgham et Johanne Baker' de Quye, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 54v]

[16 Oct 76 (36.9)] Stow. The brothers are absent and found contumacious; Alan personally. As penalty for the absent, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony; the actor will be called.

Stowe] In causa fidei lesionis seu periurii mota inter Willelmum Huberd' de Stowe, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de Quye partem ream ex altera, parte parochianorum nullo modo comparente, parte rea ut prius, ideo ipsam partem actricem reputamus contumacem et in penam contumacie sue publicamus attestaciones et decrevimus copiam partibus, datur dies in proximo ad dicendum contra testes et eorum dicta et decrevimus dictam partem actricem fore vocandum ad idem. [fol. 55Av]

[13 Nov 76 (37.9)] Stow. Parties by proctors. Nothing is proposed. Since Alan claims he has not received a copy of the testimony, next to speak against witnesses and testimony.

Stowe] In causa fidelesionis seu periurii mota inter Willelmum Hubt' de Stowe, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de Quye partem ream ex altera, partibus per dictos procuratores suos comparentibus, nichil dicto seu proposito sed quia pars rea dixit se non habere copiam attestacionum, ideo datur dies in proximo ad idem, videlicet ad dicendum contra testes et eorum dicta. [fol. 56Bv]

[4 Dec 76 (38.11)] Stow. Next to speak against witnesses and testimony.

Stowe] In causa fidelesionis seu periurii mota inter Willelmum Hubert de Stowe, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de Quye partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem quod prius videlicet ad dicendum contra testes et eorum dicta. [fol. 58v]

[8 Jan 77 (39.15)] Stow. With the parties' consent, next to speak against witnesses and testimony.

Stowe] In causa fidelesionis seu periurii mota inter Willelmum Huberd de Stowe, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de Quye partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad dicendum contra testes et eorum dicta. [fol. 61r]

[5 Feb 77 (40.19)] Stow. Next to speak against witnesses and testimony with hope of peace.

Stowe] In causa fidelesionis seu periurii mota inter Willelmum Hub't de Quye, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de eadem partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem quod prius videlicet ad dicendum contra testes et eorum dicta sub spe pacis. [fol. 64r]

[26 Feb 77 (41.20)] Stow. Nothing is proposed against the witnesses and testimony. Next to propose everything concerning the matter.

Stowe] In causa fidei lesionis et periurii mota inter Willelmum Hubert de Quye, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de eadem partem ream ex altera, partibus ut prius comparentibus, nichil dicto seu proposito contra testes seu eorum dicta, per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 65v]

[19 Mar 77 (42.20)] Stow. With the parties' consent, next to propose everything concerning the matter.

Stowe] In causa fidei lesionis et periurii mota inter Willelmum Huberd de Quye, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de eadem partem ream ex altera,

partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod prius videlicet ad proponendum omnia in facto consistencia seu in iure. [fol. 66v]

[10 Apr 77 (43.19)] Stow. Brothers by proctor; Alan absent. Both expected next with hope of peace.

Stowe] In causa fideilesionis et periurii mota inter Willelmum Hubert de Quye, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de eadem partem ream ex altera, parte actrice per dictum procuratorem suum comparente, parte rea nullo modo, ideo expectamus absentem cum presente usque proximum ad idem sub spe pacis. [fol. 68v]

[30 Apr 77 (44.20)] Stow. The case is pending until the next session with hope of peace.

Stowe] In causa fidei lesionis et periurii mota inter Willelmum Hubert' de Quye, Walterum Fouler', Henricum Kymon' et Robertum Hert de eadem partem actricem ex parte una et Alanum Brid de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu pendet usque proximum ad idem. [fol. 70v]

90. *POTTON/CAPRIK*¹

[24 Apr 76 (30.20)] Potton/Caprik. Robert Kirkham of Elm was cited at the instance of Mr John Potton, advocate of Ely consistory, and Peter Caprik, proctor of Ely consistory, in a case of salary.

John and Peter appear personally; Robert is absent, found contumacious, and suspended.

Potton'/Caprik'] Robertus Kirkeham de Elm citatus ad dictos diem et locum ad instanciam magistri Johannis de Potton', consistorii nostri Elien' advocati, et Petri Caprik', clerici eiusdem consistorii procuratoris, in causa salarii, parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam partem ream reputamus contumacem et in penam contumacie sue huiusmodi ipsum ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 46v]

¹ See *Elm*, n. 1.

91. *BARGON*

[24 Apr 76 (30.22)] Bargon. Margaret Smyth of Westley Waterless was cited before the official at the instance of John Bargon of Westley Waterless in an appeal from the definitive sentence given in a marriage case by the archdeacon's official in Margaret's favour.

John appears personally; Margaret is absent, found contumacious, and suspended.

Bargon] Margareta Smyth' de Westle Elien' diocesis citatus coram nobis ad

diem et locum supradictos ad instanciam Johannis Bargon de eadem in causa appellacionis a quadam sententia diffinitiva per .. officialem domini .. archidiaconi Elien' pro dictam Margaretam' et contra prefatum Johannem ut asseritur lata in quadam causa matrimoniali inter eos mota non comparet, dicto Johanne personaliter comparente et contumaciam ipsius Margarete accusante, ipsam Margaretam reputamus contumacem et pro sua contumacia, ipsam ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 46v]

[16 May 76 (31.9)] Bargon. Parties personally. Margaret is absolved from the suspension. An oral libel is given and requested written. 23 May 1376 to receive it in writing.

23 May. The written libel is received. Next to respond.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, partibus personaliter comparentibus, absoluta dicta Margareta a sententia suspensionis in forma iuris, libellato per partem appellantem oretenus petitoque in scriptis per partem appellatam, datur dies veneris proximo post festum ascensionis Domini proximo futurum loco quo supra ad recipiendum in scriptis.

Quibus die et loco partibus ut prius comparentibus, oblato libello in scriptis per partem appellantem et a parte appellata optento, datus est dies in proximo ad respondendum eidem. [fol. 47r]

[13 Jun 76 (32.9)] Bargon. John by proctor; Margaret is absent and found contumacious. As penalty the court decides in favour of the contest. Next to swear *de calumpnia*, to propose, and the first term to produce; Margaret will be called.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee Elien' diocesis partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, parte appellante per dictum procuratorem suum comparente, parte vero appellata nullo modo, ideo ipsam partem appellatam reputamus contumacem et in pena contumacie huiusmodi habitemus pro contestacione datusque est dies in proximo ad iurandum de calumpnis et ad ponendum et primo producendum et decrevimus dictam Margaretam fore vocandam ad idem in proximo. [fol. 49v]

[3 Jul 76 (33.8)] Bargon. Since Margaret has not been cited, next to swear *de calumpnia*, to propose, and the first term to produce. Margaret will be called.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, parte appellante ut prius comparente, parte vero appellata nullo modo nec citata, ideo citetur ad proximum ad idem ut prius. [fol. 50r]

[3 Jul 76 (33.22)] Bargon. Margaret was cited before the official for 12 July to see John's proof.

Parties personally. She consents to omit the article of appeal and to proceed in the principal case of marriage for the sake of speed. The process held before the archdeacon's official will be requested in writing; next to see its transmission.

Proxy. Margaret appoints Peter Caprik her proctor *apud acta*.

Bargon – procuratorium] Margareta Smyth' de Westlee citata coram nobis .. officiali predicto ad diem sabbati proximo post festum translacionis Sancti Thome martyris ad videndum probacionem partis adverse in causa appellacionis coram nobis mota inter dictos Johannem partem appellantem ex parte una et Margaretam partem appellatam ex altera, partibus personaliter comparentibus, dicta Margareta consentit expresse quod procedatur in causa principali omissio articulo appellacionis eo quod dicta causa principali est causa matrimonialis et acceleracionem desiderat. Unde decrevimus fore scribendum pro transmissione processus in causa principali coram .. officiali domini archidiaconi habiti, datus est dies in proximo partibus predictis ad videndum transmissionem eiusdem processus. Et dicta Margareta constituit apud acta Petrum Caprik', clericum, procuratorem suum in omnibus causis et negociis cum potestate agendi, defendendi, excipiendi etc., provocandi, appellandi, apostolos petendi et recipiendi etc., substituendi, substitutos revocandi etc., cum caucione de rato. [fol. 51r]

[24 Jul 76 (34.6)] Bargon. John by John Wiltshire, proctor *apud acta*; Margaret by Peter Caprik, proctor *apud acta*. Since the process has not been sent, it is ordered sent by the next session.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, parte appellante per Johannem Wiltesshir', procuratorem suum, parte vero appellata per Petrum Caprik', clericum, procuratorem suum, apud acta constitutos, nullo processu adhuc transmissio, ideo transmittatur ad proximum consistorium. [fol. 52r]

[25 Sep 76 (35.6)] Bargon. The process from the archdeacon's official is exhibited and published. Next to speak against it.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, partibus ut prius comparentibus, exhibito processo habito coram officiali domini archidiaconi Elien' sub sigillo dicti domini officialis clauso, quo per nos publicato, decretaque eiusdem copia partibus predictis, datur dies in proximo ad dicendum contra dictum processum. [fol. 54v]

[16 Oct 76 (36.4)] Bargon. Since the parties have not received a copy of the process, with their consent next to speak against it.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westle partem appellantem ex parte una et Margaretam Smyth' de eadem partem appel-

latam ex altera, partibus ut prius comparentibus, quia partes nondum habent copias, ideo datur dies in proximo ad idem de consensu parcium. [fol. 55Av]

[13 Nov 76 (37.4)] Bargon. Exceptions to annul the process of the principal case are proposed. Next to speak against the process.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, partibus ut prius comparentibus, propositis quibusdam excepcionibus nullitatis contra processum in causa principali coram officiali domini archidiaconi Elien', datur dies in proximo ad faciendum super eisdem. [fol. 56Bv]

[4 Dec 76 (38.4)] Bargon. The exceptions are admitted. Next to prove them.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, partibus ut prius comparentibus, admissis dictis excepcionibus eatenus quatenus, datur dies in proximo ad probandum quatenus in facto consistunt. [fol. 58v]

[8 Jan 77 (39.4)] Bargon. No other proofs are given. Next to offer final proof.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, partibus ut prius comparentibus, nullis aliis probacionibus ministratis, datur dies in proximo ad peremptorie probandum. [fol. 60v]

[5 Feb 77 (40.4)] Bargon. No other proofs are given. Next to conclude the case.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, partibus ut prius comparentibus, nullis aliis probacionibus ministratis, datur dies in proximo ad concludendum et concludi videndum et audiendum in dicta causa. [fol. 63r]

[26 Feb 77 (41.4)] Bargon. With the parties' consent, the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, partibus ut prius comparentibus, quarum consensu facta conclusione in dicta causa, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 64v]

[19 Mar 77 (42.4)] Bargon. Next to hear the definitive sentence.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee partem appellantem ex parte una et Margaretam Smyth' de eadem partem ap-

pellatam ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 66r]

[10 Apr 77 (43.4)] Bargon. As 42.4.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee Elien' diocesis partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem quod prius videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 68r]

[30 Apr 77 (44.4)] Bargon. 8 May 1377 is assigned to hear the definitive sentence.

8 May before John Newton, commissary of the official. The parties agree to 13 May for the same.

Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because the court has found that the commissary of the archdeacon's official failed to observe due process and that the sentence was not given by the official, but by an improper judge, the sentence is annulled. Since the marriage contract between John and Margaret has been proved by their confessions and no impediments are known to exist, they are judged husband and wife.

John appeals *ab iniqua* and requests *apostoli*.

Bargon] In causa appellacionis mota inter Johannem Bargon de Westlee Elien' diocesis partem appellantem ex parte una et Margaretam Smyth' de eadem partem appellatam ex altera, partibus per dictos procuratores suos comparentibus, datur dies veneris in crastino ascencionis Domini ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam.

Quibus diebus et loco partibus predictis ut prius coram nobis Johanne de Neuton', clerico domini .. officialis Elien' commissario, comparentibus, de quarum consensu datur dies mercurii proximo futurus videlicet tercia idus maii loco quo supra ad idem.

Quibus die et loco partibus predictis coram nobis .. commissario predicto ut prius comparentibus, rimato per nos et investigato toto processu tam^a in causa principali coram .. officiali domini archidiaconi Elien' habito nobis transmisso quam in consistorio Elien' habito habitaque deliberacione sufficienti super eisdem de concilio iuris peritorum nobis assidencium Christi nomine primitus invocato ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos Johannes de Neuton', commissarius predictus, invenimus commissarium pretensum officialis domini ar-

^a tam] *interlined*.

chidiaconi Elien' in dicta causa propter defectum ordinis non servati indebite processisse ac sententiam diffinitivam a non suo iudice latam extitisse, ideo dictam sententiam diffinitivam per dictum pretensum commissarium inter partes predictas latam propter defectum ordinis iudiciarii non servati revocamus et annullamus. Sed quia invenimus contractum matrimonialem inter dictos Johannem et Margaretam initum per eorum confessiones iudicialiter emissas clare fuisse probatum nec aliquod obstare impedimentum, ipsum Johannem eidem Margarete in virum legitimum, ipsamque Margaretam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis. A qua sententia tanquam ab iniqua procurator dicti Johannis appellavit et apostolos peciit sibi dari. [fol. 69v]

92. SADLER/LISTER

[16 May 76 (31.17)] Sadler. Alice Sadler, residing with Walter Smyth of St Andrew of Cambridge, was cited before Thomas Gloucester, commissary of official. She is to explain why, during the publication of banns of John son of Thomas Lister of Cambridge and Margaret stepdaughter of Robert Ballard, she opposed the banns by reclamation.

30 May 1376. John and Alice appear personally at St Michael's. She proposes orally that they contracted marriage in present words of mutual consent, or in future words followed by intercourse. John contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Alice produces two witnesses: Thomas Lister of Cambridge and Marion his wife, who are admitted and sworn. The witnesses are examined; the final production is renounced. The testimony is published and the case is concluded with the parties' consent. The court proceeds to the definitive sentence.

Sentence. Because Alice has not proved her intention, John is dismissed from her suit and absolved, the matter being left to their consciences.¹

Sadelere] Alicia Sadeler' commorans cum Waltero Smyth' de parochia Sancti Andree Cantebr' citata coram nobis Thoma de Gloucestr', clerico reve-rendi viri domini .. officialis Elien' commissario, super eo quod dicta Alicia in edicione bannarum inter Johannem filium Thome Lystere de Cantebr' et Margaretam filiastram Roberti Ballard' se opposuit dicta banna reclamando, causam sue reclamacionis in forma iuris propositura, predictis Johanne et Alicia coram nobis personaliter comparentibus die veneris proximo post festum Sancti Augustini anno Domini supradicto in ecclesia Sancti Michaelis Cantebr', dicta Alicia proposuit oretenus quod prefatus Johannes et ipsa matrimonium adinvicem per verba de presente mutuum consensum eorudem exprimencia seu sponsalia per verba de futuro carnali copula subsecuta contraxerunt. Lite per dictum Johannem negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda productisque incontinenti per dictam [fol. 47r] Aliciam duobus testibus videlicet Thoma Lystere de Cantebr'

¹ For the phrase *eorum conscienciis relinquentes*, see Introduction.

et Mariona uxore sua, quibus admissis et in forma iuris iuratis et examinatis renunciatoque ulteriori produccioni de consensu parcium publicatis attestacionibus factaque per nos conclusione in dicta causa de consensu parcium nobiscum concludencium ad pronunciacionem in dicta causa procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos commissarius predictus invenimus predictam Aliciam intencionem suam minus sufficienter et probasse et in^a probacione eiusdem penitus defecisse, ipsum Johannem ab impetitione dicte Alicia dimittimus et absolvimus sentencialiter et diffinitive in hiis, eorum conscienciis relinquentes. [fol. 47v]

[16 May 76 (31.18)] Lister. John son of Thomas Lister of Cambridge and Margaret step-daughter of Robert Ballard of Cambridge were cited for above day and place concerning a clandestine contract of marriage.

They appear personally. Sworn *de veritate dicenda* and questioned, they admit that they contracted in present words of mutual consent with witnesses and the requisite publication of banns, which revealed no impediment.

Sentence. Their marriage is pronounced legitimate. They are judged husband and wife and ordered to solemnize the marriage before the church at an appropriate time and place, Alice Sadler's reclamation notwithstanding.

Lystere – sentencia] Johannes filius Thome Lystere de Cantebr' et Margareta filiastra Roberti Ballard' de eadem citati coram nobis .. commissario supradicto ad diem et locum supradictos super contractu matrimoniali inter eosdem ut dicitur clamdestine inito, dictis Johanne et Margareta coram nobis personaliter comparentibus et de veritate dicenda iuratis ac de contractu predicto requisitis, dicti Johannes et Margareta fatebantur se matrimonium adinvicem contraxisse per verba de presenti mutuuum consensum eorundem exprimencia, non tamen clamdestine set publice testibus adhibitis, premissa debita bannorum edicione, unde ipsorum confessiones sequentes, nec invenientes quicquam quod debeat dictum matrimonium impedire pro matrimonio legitimo inter eosdem pronunciamus et declaramus ipsumque Johannem eidem Margarete in virum legitimum ipsamque Margaretam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicamus decernentes matrimonium inter eosdem fore in facie ecclesie solempnizandum pro loco et tempore opportunis reclamacione predicta prefate Alicie Sadelere' non obstante. [fol. 47v]

^a in] *interlined*.

93. LANGTON

[16 May 76 (31.19)] Langton. Mr William de Rookhawe, archdeacon's official, was cited

before the commissary for 15 May 1376 at the instance of Thomas de Langton, chaplain of Emneth, in an appeal from a citation to a brief and final term concerning uncertain articles, and other grievances.

Neither appears. The case is pending until the appellant prosecutes.

Langeton' – pendet] Magister Willelmus de Rookhawe, officialis domini .. archidiaconi Elien', citatus coram nobis .. commissario predicto ad diem iovis proximo post festum Sanctorum Nerrei et Achillei ad instanciam domini Thome de Langeton' de Enemeth capellani in causa appellacionis per eundem ut asseritur interiecte ad audienciam domini .. officialis Elien' super eo quod dictus magister Willelmus officialis ipsum dominum Thomam ad terminum nimis brevem et peremptorium ac super incertis articulis coram eo fecerat ad iudicium evocari ac super aliis gravaminibus in ea parte suggestis, neutra parte comparente, pendeat causa quousque pars appellans prosequatur. [fol. 47v]

94. CHANDLER (1)

[16 May 76 (31.20)] Chandler. Mr William de Rookhawe, archdeacon's official, was cited before the commissary for 16 May 1376 at the instance of Agnes, former servant of Richard Masterman of Bernwell, now residing with Roger Chandler of Cambridge, in an appeal from a citation to a brief and final term concerning uncertain articles, and other grievances as contained in the rescript requested by the official.

Neither appears. The case is pending until the appellant proceeds.

Chaundeler – pendet] Magister Willelmus de Rookhawe, officialis domini archidiaconi Elien', citatus coram nobis .. commissario predicto ad diem veneris proximo post festum Sanctorum Nerrei et Achillei ad instanciam Agnetis nuper servientis Ricardi Maisterman de Bernewell' nunc vero cum Rogero Chaundelere de Cantebr' commorantis in causa appellacionis per eandem ut asseritur interiecte ad audienciam domini .. officialis Elien' super eo quod dictus magister Willelmus officialis ipsam Agnetem ad terminum nimis brevem et peremptorium ac super incertis articulis coram eo fecerat ad iudicium evocari ac super aliis gravaminibus in ea parte suggestis prout in rescripto a dicto domino .. officiali Elien' impetrato continetur, neutra parte comparente, pendeat dicta causa quousque pars appellans prosequatur. [fol. 47v]

95. WALPOLE

[16 May 76 (31.21)] Walpole. Thomas de Walpole, parish chaplain of St John in Milne Street, Cambridge, had been called by the official because his salary was excessive, according to the provincial constitutions of Simon Islip, former archbishop of Canterbury.¹ His correction was committed to Mr Thomas Gloucester, commissary of official.

¹ See Citations to Canon Law, *Effrenata*.

Although legally cited, summoned, and long expected, Thomas was absent. He was found contumacious and excommunicated, which was publicly announced. Then Thomas appealed to the court of Canterbury, falsely claiming that the official had called him to a brief and final term concerning uncertain articles, and that he had been found contumacious (even though he had appeared with difficulty) and had been excommunicated unjustly. He requested an inhibition so that Scrope would not do anything prejudicial to him while the appeal was pending, and had Scrope cited to the provincial court.

After the appeal had continued for some time with frequent and inappropriate disruption on the part of the chaplain, Simon Sudbury, archbishop of Canterbury and papal legate, ordered Thomas to return to the consistory, to renounce his appeal, and to submit to correction so that labour and costs would be spared Thomas, who had claimed to be a pauper.

31 May 1376 in St Michael's. Thomas personally appears before the official in the presence of Mr's William de Gotham, professor of theology and chancellor of Cambridge; Thomas de Sudbury, inceptor of law; John Newton; William de Wolstanton; Robert de Weston, scholar; William vicar of St Edward, Cambridge; William de Ely, priest; William Fishwick; John Grantham; John Hadlee, public notary; John Norton and John Poynton, clerics. He renounces the appeal and declares that he will not proceed with the case, requesting Scrope's pardon for his frivolous appeal. The official dismisses the offense *sub gestura sua*. Thomas is charged *ex officio* for receiving an excessive salary. Thomas denies that he should be the chaplain of St John and purges himself.

Walpol] Cum nos Ricardus le Scrop', canonicus Ebor' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, quemdam dominum Thomam de Walpol, capellanum parochialem ut dicitur ecclesie Sancti Johannis in le Milnestrete Cantebr' Elien' diocesis, super excessiva percepcione salarii sui, iuxta formam et effectum constitutionis provincialis per bone memorie dominum Simonem de Islep', nuper Cantuarien' archiepiscopum, in ea parte edite, ad certos diem et locum congruos et competentes fecerimus coram nobis ad iudicium evocari. Ad corrigendum igitur et puniendum dictum dominum Thomam super huiusmodi percepcione excessiva salarii iuxta formam dicte constitutionis discreto viro magistro Thome de Gloucestr' commisimus potestatem cum qualicet canonica coercione. Idem quoque magister Thomas commissarius noster prefatum dominum Thomam legitime citatum, preconizatum, diucius expectatum nullo modo comparentem reputavit prout erat merito contumacem et pro sua huiusmodi contumacia, ipsum excommunicavit, nosque subsequenter ipsum sic excommunicatum fecerimus publice nunciari. Predictus tamen dominus Thomas suggerens curie Cantuar' falso et medaciter quod nos ipsum ad terminum nimis brevem et peremptorium ac super incertis articulis fecimus coram nobis ad iudicium evocari, quodque nos ipsum dominum Thomam licet cum difficultate comparentem pronunciamus contumacem et pro huiusmodi contumacia ipsum excommunicavimus minus iuste propter que ad dictam curiam se asseruit appellasse et quamdam inhibitionem a dicta curia impetravit nobisque inhiberi optinuit ne pendente in dicta curia huiusmodi appellacionis causa, quiquam ea occasione in ipsius

preiudicium attemptaremus seu faceremus aliquammodo attemptari nosque ad dictos diem et locum in dicta curia citari fecit et procuravit. Verum cum dicta causa appellacionis in eadem curia fuisset introducta et in ea aliquamdiu verteretur, venerabilis in Christo pater et dominus dominus Simon Dei gracia Cantuarien' archiepiscopus tocius Angl' primas et apostolice sedis legatus ad frequentem et importunum clamorem dicti capellani pro dicta lite inter nos amicabiliter cedendus ut ipsius capellani parceretur laboribus et expensis eo quod pauperem se suggessit, interposuit partes [fol. 47v] suas eidemque iniunxit et mandavit ut ad nos accederet et dicte appellacioni expresse renunciaret nostrisque correccioni et punicioni ac reformacioni se submitteret cum effectum.

Subsequenter vero die sabbati in vigilia Pentecostes videlicet ultima die mensis maii anno Domini millesimo trecentesimo septuagesimo sexto in ecclesia Sancti Michaelis Cantebr' in presencia venerabilium virorum magistrorum Willelmi de Gootham, sacre pagine professoris cancellarii Cantebr', Thome de Sudbur', in legibus inceptoris, Johannis de Neuton' et Willelmi de Wolstanton', Roberto de Weston', scolarium, Willelmi vicarii ecclesie Sancti Edwardi Cantebr', Willelmi de Ely, presbyteri, Willelmi Fysshwyk', Johannis Grantham, Johannis Hadele, notarii publici, Johannis Norton' et Johannis Poynton', clericorum. Dictus dominus Thomas ad nos personaliter accedens et dicte appellacioni expresse renunciavit et protestabatur se nolle dictam appellacionem prosequi in futurum et nostram benevolenciam postulavit et veniam petiit de eo quod nos pretextu dicte frivole appellacionis fatigavit nosque eidem Thome rancorem nostram dimisimus sub gestura sua. Obiectoque sibi ex officio nostro quod ipse capellanus parochialis dicte ecclesie Sancti Johannis existens salarium nimis excessivum percipit contra tenorem constitutionis supradicte, dictus dominus Thomas se fore capellanum parochialem expresse negavit et super eodem coram nobis canonice se purgavit ipsumque purgatum reputamus. [fol. 48r]

[16 Oct 76 (36.27)] Walpole. Thomas de Walpole of Norwich diocese, chaplain, had taken an appeal between himself and Richard Scrope, official of Ely, to the court of Canterbury because of a brief and final term of citation and other grievances caused by the official. The provincial court remitted the appeal to Scrope's examination because Thomas had not proved the appeal; Thomas was condemned to pay to Scrope 5s sterling for costs.

A letter of execution given at London on 7 Oct. 1376 was sent by the official of the court of Canterbury to the dean of Cambridge and Mr Robert Foxton, public notary of Ely diocese. It remits the appeal to Scrope and condemns Thomas to pay costs. It also annuls the inhibition given at London on 20 March 1376, delivered by Robert Walton and William Broughton chaplains of Norwich and Ely. The dean and notary, acting separately or jointly, are to compel Thomas to pay Scrope within a month of the warning and to certify their actions with letters patent, bearing an authentic seal.

Walpol – remissio – condemnacio expensis – executio] Cum in causa ap-

pellacionis directe ad curiam Cantuar' interiecte occasione citacionis ad terminum brevem et peremptorium aliorumque gravaminum ut suggerebatur iniuriorum que in dicta curia vertebatur inter dominum Thomam de Walpol, capellenum Nor'cen diocesis, partem appellantem ex parte una et nos Ricardum le Scrop', officialem Elien', partem appellatam ex altera, venerabilis vir dominus .. officialis curie Cantuar' debite procedens, dictum dominum Thomam partem appellantem eo quod appellacionem suam prefate curie in hac parte suggestam prout debuit non probavit ad nostram examen a quo extitit appellatum remisit per decretum ipsamque partem appellantem in quinque solidos sterling' nomine expensarum in hac parte factarum per nos et moderate taxatorum et iuratorum nobis solvendarum condempnavit suasque litteras executorias exinde factas direxit sub hac forma:

.. Officialis curie Cantuar' discretis viris .. decano Cantrbr' ac magistro Roberto Foxton, notario publico Elien' diocesis, salutem in auctore salutatis. Cum nos in causa appellacionis directa ad dictam curie ut suggerebatur interiecte occasione citacionis ad terminum nimis brevem et peremptorium aliorumque gravaminum ut suggerebatur iniuriosarum que in dicta curia vertebatur inter dominum .. Thomam de Walpol, Nor'cen' diocesis, partem appellantem ex parte una et venerabilem magistrum Ricardum le Scrop', domini .. Elien' episcopi officialem, partem appellatam ex altera legitime procedentes, dictam partem appellantem eo quod appellacionem suam prefate curie in hac parte suggestam prout debuit non probavit ad examen dicti magistri Ricardi officialis iudicis a quo ut suggerebatur in hac parte extitit appellatum remiserimus per decretum ipsamque partem appellantem in quinque solidos sterling' nomine expensarum in hac parte factarum taxatarum moderate et iuratarum parte dicti magistri Ricardi officialis solvendarum condempnaverimus iusticia suadente. Vobis coniunctim [fol. 56Av] et utrique vestrum divisim dicte curie auctoritate tenore presencium intimamus et per vos prefate magistro Ricardo officiali ac ceteris omnibus quorum interest in hac parte intimari volumus et mandamus quod inhibicione quacumque sub data London' tercio decimo kalendas aprilis anno Domini millesimo trecentesimo septuagesimo quinto a prefata curia in hac parte impetrato et discretis viris dominis Roberto Walton' et Willelmo Broghton', cappellanis Norwicen' et Elien' diocesum, directa non obstante poterit dictus magister Ricardus officialis libere facere et exequi quod est suum, moneatis insuper et efficaciter inducatis monerive et induci peremptorie faciatis prefatum dominum Thomam Walpol quod infra unius mensis spacium a tempore monicionis vestre huiusmodi continue minorandum de dicta pecunie summa parti dicti magistri Ricardi officiali satisfaciat ut tenetur, quod si monicionibus vestris non paruerit cum effectum ipsum ad hoc faciendum per censures ecclesiasticas canonice compellatis,

ad que omnia et singula ut premittitur facienda vobis coniunctim et utrique vestrum divisim vices nostras committimus cum cuiuslibet cohercionis canonice potestate. De diebus vero receptionis presencium ac monicionis vestre huiusmodi in hac parte faciende modoque et forma eiusdem necnon quid feceritis in premissis nos aut alium dicte curie presidentem cum per partem dicti magistri Ricardi officialis super hoc contigerit vos requiri certificetis per vestras seu certificet alterum vestrum qui presens mandatum receperit exequendum per suas litteras patentes harum seriem continentes sigillo autentico consignatas. Data London' nonas octobris anno Domini millesimo trecentesimo septuagesimo sexto. [fol. 55Br]

96. DRAPER/DURRANT

[16 May 76 (31.22)] Durrant. John Draper of Cambridge, tailor, was cited for 6 June 1376 at the instance of Agnes Durrant of Orwell in a marriage case.

Parties appear personally. before John Newton, commissary of official. Agnes proposes orally that they contracted marriage in present words of mutual consent. Their marriage has been recognized before the community and acknowledged by public fame in Cambridge, Orwell, and the vicinity. She asks that they be judged husband and wife and that the case proceed summarily according to the new constitutions.¹ John contests the suit negatively; the parties swear *de calumpnia* and *de veritate dicenda*. Agnes produces one witness: John Wiseman of Orwell, who is admitted and sworn. Next to propose and the second term to produce.

Durant'] Johannes Draper de Cantebr', *tailor*, citatus coram nobis .. commissario Elien' ad diem veneris proximo post festum Pentecostes anno Domini supra dicto ad instanciam Agnetis Durant de Orewell' in causa matrimoniali, partibus coram nobis Johanne de Neuton', clerico domini .. officialis Elien' commissario in hac parte specialiter deputato, personaliter comparentibus, dicta Agnes proposuit oretenus quod dictus Johannes et ipsa matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia contraxerunt quem quidem contractum uterque eorum in alterius et aliorum fidedignorum presencia ex certa sciencia fatebatur et recognoscit, super quibus contractu et recognicione fama publica dicitur laborare in villa Cantebr' et de Orewell' ac locis aliis convicinis. Quare peciit dicta Agnes dictum Johannem sibi in virum legitimum ipsamque Agnetem prefato Johanni in uxorem legitimam sentencialiter et diffinitive adiudicari, probatis primitus in hac parte probandis, petitque dicta Agnes quod in dicta causa procedatur summarie et de plano sine strepitu et figura iudicii iuxta novellos constituciones. Lite per dictum Johannem negative contestata iuratis partibus hinc et inde de calumpnia et de veritate dicenda, productoque per dictam Agnetem partem actricem uno teste videlicet Johanne Wysman de Orewell', quo admisso et in forma iuris iurato, datur dies in proximo ad ponendum et secundo producen-

¹ See Citations to Canon Law, *Dispendiosam; Saepe contingit*.

dum. [fol. 48r]

[16 May 76 (31.23)] Cakebread. John Draper of Cambridge, tailor, was cited for 6 June 1376 at the instance of Alice Cakebread of Barley, London diocese, in a marriage case. Parties appeared personally before John Newton, commissary of official. Alice proposes orally that they contracted marriage in present words of mutual consent, or in future words followed by intercourse. Their marriage has been recognized before the community and acknowledged by public fame in Cambridge and the vicinity. She asks that they be judged husband and wife and that the case proceed summarily according to the new constitutions.² John contests the suit affirmatively; parties swear *de calumpnia*, *de veritate dicenda*, *de collusionione*, and *de malicia*. Next to propose and the first term to produce. The court interdicts them from contracting or solemnizing marriage while the case is pending.

Cakebred'] Johannes Draper de Cantebr', *taillor*, citatus coram nobis .. commissario Elien' ad diem veneris proximo post festum Pentecostes anno Domini supradicto ad instanciam Alicia Cakebred de Berle London' diocesis commorantis in Cantebr' in causa matrimoniali, partibus predictis coram nobis Johanne de Neuton', clerico domini .. officialis Elien' commissario in hac parte specialiter deputato, personaliter comparentibus, dicta Alicia proposuit oretenus quod dictus Johannes et ipsa matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimentia seu saltem sponsalia per verba de futuro carnali copula subsequuta contraxerunt, quem quidem contractum verum vel presumptum uterque eorum in alterius et aliorum fidedignorum presencia ex certa sciencia fatebatur et recognoscit, super quibus contractu et recognitione fama publica dicitur laborare in villa Cantebr' et de Orewell' ac locis aliis convicinis. Quare petiit dicta Alicia probatis in hac parte probandis dictum Johannem sibi in virum legitimum ipsamque Aliciam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicari et petit dicta Alicia quod in dicta causa procedatur summarie et de plano sine strepitu et figura iudicii iuxta novellas constitutiones. Lite per dictum Johannem affirmative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusionione et de malicia, datur dies in proximo dicte Alicia ad ponendum et primo producendum et interdicimus eis sub pena excommunicationis ne interim contrahant lite pendente seu matrimonium solemnizent. [fol. 48r]

[13 Jun 76 (32.18)] Durrant. Agnes by Peter Caprik, proctor; John personally. She produces one witness: Lawrence Taylor of Cambridge, who is admitted and sworn. Next to publish the testimony.

Duraunt] In causa matrimoniali mota inter Agnetem Duraunt de Orewell' partem actricem ex parte una et Johannem Draper de Cant' *taillor* partem ream appellata ex altera, parte actrice per Petrum Caprik', clericum, procuratorem suum, comparente, parte rea personaliter, producto per partem actricem uno alio teste videlicet Laurencio Taillo' de Cantebr, quo admissio et in forma iuris iurato, datus est dies in proximo ad publicandum ac publicari videndum

² See Citations to Canon Law, *Dispendiosam*; *Saepe contingit*.

et audiendum attestaciones testium productorum. [fol. 49v]

[13 Jun 76 (32.19)] Cakebread. Alice produces two witnesses: John Toneld of Wilbraham and Juliana Helder of Cambridge, who are admitted and sworn. Next to propose and the second term to produce.

Cakebred'] In causa matrimoniali mota inter Aliciam Cakebred de Berlee London' diocesis partem actricem ex parte una et Johannem Draper de Cant' *taillor* partem ream ex altera, partibus personaliter comparentibus, productis per dictam Aliciam duobus testibus videlicet Johanne Toneld' de Wilburgham et Juliana Heldere de Cantebr', quibus admissis et in forma iuris iuratis, datur dies in proximo ad ponendum et secundo producendum. [fol. 50r]

[3 Jul 76 (33.16)] Durrant. The testimony is published; a copy is ordered for the parties. 12 July to speak against witnesses and testimony.

12 July. Agnes by proctor; John absent. Nothing is proposed by Agnes; the term ends as penalty to John for his contumacy. He will be called to hear the definitive sentence with adjournment of the following days.

Duraunt] In causa matrimoniali mota inter Agnetem Duraunt de Orewell' partem actricem ex parte una et Johannem Draper de Cant' *taillor* partem ream ex altera, partibus ut prius comparentibus, publicatis attestaciones, decreta copia partibus, datur dies sabbati proximo post festum translacionis Sancti Thome martyris ad dicendum contra testes et eorum dicta.

Quo die parte actrice ut prius parte rea nullo modo comparente, nichil dicto seu proposito per partem presentem, cedat terminus pro absente in pena contumacie sue, datur dies in proximo cum continuacione dierum sequencium parti presenti ad audiendum sentenciam et decrevimus absentem fore vocandum ad idem. [fol. 50v]

[3 Jul 76 (33.17)] Cakebread. Alice produces another witness: Simon Lawrence of Cambridge, tailor, who is admitted and sworn. He and other witnesses are examined; the testimony is published; a copy is ordered for the parties. 12 July to speak against witnesses and testimony.

12 July. Both are absent and found contumacious. As penalty the term ends. Both will be called to hear the definitive sentence with adjournment of the following days.

Cakebred'] In causa matrimoniali mota inter Aliciam Cakebred de Berlee London' diocesis partem actricem ex parte una et Johannem Draper de Cant' *taillor* partem ream ex altera, partibus ut prius comparentibus, productis per dictam Aliciam alio teste videlicet Simone Laurence de Cant' *taillor*, quo admisso in forma iuris ipsoque et aliis testibus examinatis eorumque attestacionibus publicatis, decreta copia partibus, datur dies sabbati proximo post festum translacionis Sancti Thome martyris proximo futurum loco quo supra ad dicendum contra testes et eorum dicta.

Quo die neutra parte comparente, ideo ipsas reputamus contumaces et in penam contumacie cedat terminus, datusque est dies in proximo cum conti-

nuacione et prorogacione dierum sequencium parti presenti ad audiendum sentenciam in dicta causa diffinitivam et decrevimus dictas partes fore vocandas ad idem. [fol. 50v]

[24 Jul 76 (34.1)] Durrant/Cakebread. In the marriage case between Agnes Durrant, plaintiff, and John Draper, defendant, and between Alice Cakebread, co-plaintiff (*competitrix*), and John Draper, defendant, Agnes appears by proctor; John personally; Alice absent. Mr Richard de Carlton, BCL, is commissioned to give the definitive sentence on 26 July; Alice will be called for that day.

26 July. Agnes by proctor; John personally; although cited and assigned to appear on all court days through the sentence, Alice is absent. She is found contumacious. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Agnes has proved her intention, the marriage between John and Alice and its solemnization is annulled and they are separated. John and Agnes are judged husband and wife.

John appeals from the sentence *ab iniqua*.

Duraunt/Cakebred'] In causa matrimoniali mota inter Agnetem Duraunt de Orewell' partem actricem ex parte una et Johannem Draper de Cant', *taillor*, partem ream ex altera, ac eciam inter Aliciam Cakebred de Berlee London' diocesis partem aliam actricem sive competricem ex parte una et prefatum Johannem Draper ex altera, predicta Agnete per dictum procuratorem suum, predicto vero Johanne personaliter comparentibus, dicta Alicia nullo modo, ideo datur dies sabbati proximo futurus ad idem partibus presentibus videlicet ad audiendum sentenciam in dicta causa diffinitivam et decrevimus dictam Aliciam fore vocandam ad dictum diem ad idem. Et committimus magistro Ricardo de Carlton', iuris civilis baculario, potestatem sentenciam diffinitivam in dicta causa ferendam.

Quo die adveniente partibus dictorum Agnetis et Johannis ut prius coram dicto commissario loco quo supra comparentibus, predicta Alicia citata ad dictos diem et locum et eciam habente diem ex prefixione nostra ad omnes actus in dicta causa eciam usques ad sentenciam inclusive nullo modo comparente, dictus commissarius ipsam reputavit contumacem et, in ipsius contumacia et cum partibus presentibus, habita diutina disputacione super dicto processu, ad sentenciam diffinitivam in dicta causa ferendam processit ipsamque in scriptis redactam tulit sub hac forma:

sentencia] In Dei nomine amen. Auditis et intellectis meritis cause matrimonialis que coram nobis vertitur inter Agnetem Duraunt de Orewell' partem actricem ex parte una et Johannem Draper de Cant' partem ream ex altera, ac eciam inter Aliciam Cakebred de Berlee London' diocesis aliam partem actricem sive competricem ex parte una et prefatum Johannem ex altera. Quia nos Ricardus de Carlton', domini .. officialis Elien' commissarius specialiter

deputatus, rimato per nos et investigato toto processu in dicta causa habito, premissis iuris ordine et in omnibus observato habitaque deliberacione diligenti super omnibus actis et inactitatis in dicta causa invenimus dictam Agnetem Duraunt intencionis sue ad plenum fundasse et probasse, ipsum matrimonium inter dictos Johannem et Aliciam initum, factum et habitum ac solempnizacionem eiusdem quatenus de facto processerunt cassamus, irritamus et annullamus, cassum, irritum et nullum ac non subsistere nec subsistere debere pronunciamus et declaramus eosque abinvince separamus et divorciamus, ipsamque Agnetem eidem Johanne in uxorem legitimam eundemque Johannem eidem Agneti in virum legitimum sentencialiter et diffinitive adiudicamus in hiis scriptis, a qua sententia tanquam ab iniqua dictus Johannes Draper appellavit. [fol. 51v]

[24 Jul 76 (34.20)] Draper/Cakebread. John Draper of Cambridge, tailor, and Alice Cakebread of Barley [London diocese] were called before the official for 3 July 1376 in St Michael's because they had solemnized marriage, followed by intercourse, while marriage suits between Agnes Durrant of Orwell and John and between Alice and John were pending in the consistory. They had done this despite the official's inhibition and the church's interdict, at an inopportune time and a place in London diocese, and without license from their curate. After some time, they returned and now are living together as if married. They were called to show why they should not be subject to major excommunication according to former archbishop John Stratford's provincial constitution *Humana concupiscencia*.³

They appear personally. Sworn *de veritate dicenda* and questioned, they admit that they went to Barley, and solemnized the marriage without license, although they knew about the pending cases and the inhibition and interdict. 21 July is assigned to hear pronouncement based on their confessions and to show why they should not be excommunicated. John Newton BCivL, advocate of consistory, is commissioned to proceed in the matter and to pronounce.

21 July before Newton. Nothing is proposed by John and Alice in their defence. The commissary precludes their right to propose a final time, pronounces them excommunicated according to their confessions, and orders the excommunication publicly announced. Witnesses: Thomas de Hartford, chaplain, and John Wiltshire, cleric, of Lincoln and Salisbury dioceses.

Subsequently in St Mary's and St Andrew's, Cambridge John and Alice are publicly pronounced excommunicates at mass. This is certified by the chaplains of the churches.

Draper/Cakebread] Cum nos Ricardus le Scrop', canonicus Ebor' venerabilis in Christo patris et domini domini Thomas Dei gracia episcopi Elien' officialis et commissarius in hac parte sufficienter deputatus, quosdam Johannem Draper de Cantebr', *taillor*, et Aliciam Cakebread de Berle commorans in Cant' fecimus coram nobis ad diem iovis proximo post festum apostolorum Petri et Pauli in ecclesia Sancti Michaelis Cant' ad iudicium evocari super eo videlicet quod ipsi Johannes et Alicia, lite inter quamdem Agnetem Durant de Orewell' ex parte una et prefatum Johannem ex altera ac eciam inter dictam Aliciam et prefatum Johannem in causa matrimoniali coram nobis in consi-

³ See Citations to Canon Law, *Humana*.

storio Elie' indecisa pendente, eciam contra inhibicionem nostram expressam et interdictum ecclesie scientes de dictis litis dependencia et interdicto, nulla premissa debita bannorum edicione nec horis nec temporibus opportunis, curati sui licencia non optenta, ad locum remotum extra diocesis Elie' ad diocesis London' ubi premissorum non habebatur noticia se transtulerunt et ibidem ut sub matrimonii velamine possent carnis copulam perniciosam et illicitam liberius adimplere, matrimonium inter ipsos de facto dumtaxat solemnizari procurarunt et fecerunt. Et subsequenter ibidem per aliquod tempus commorantes et postmodum ad propria redeuntes et adinvicem ut coniuges habitantes remanserunt hucusque et adhuc remanent illicite copulati sententiam maioris excommunicationis a constitutione provinciali Cantuar' per bone memorie dominum Johannem de Stratford nuper Cantuar' archiepiscopum in ea parte edita latam que incipit *Humana concupiscencia* dampnaliter incurrando, causam iustam et rationabilem si quam habeant quare in dictam sententiam nominaliter et in spiritualite incidisse non debeant pronunciari, proponituri et ostensuri, predictis Johanne et Alicia coram nobis personaliter comparentibus et de veritate dicenda iuratis ac super premissis et eorum singulis requisitis, fatebantur quod lite ut premittitur pendente coram nobis in causis predictis ad villam de Berlee London' diocesis se transtulerunt et ibidem matrimonium inter eosdem in facie ecclesie de Berlee solemnizari procurarunt et fecerunt scientes de dicte litis dependencia ac de inhibicione nostra et interdicto ecclesie precedentibus, fatebantur eciam quod nullam habuerunt ad hoc curati sui licenciam, unde eisdem Johanni et Alicia diem lune proximo post festum Sancte Magarete virginis proximo futurum loco quo supra ad audiendum pronunciacionem super confessatis et ad proponendum et ostendendum causam iustam et rationabilem si quam habeant quare in dictam sententiam nominaliter et in spiritualite incidisse non debeant pronunciari prefiximus et assignavimus coram nobis vel alio dicti venerabilis patris vel nostro in hac parte commissario. Et committimus magistro Johanni de Neweton', clerico iuris civilis baculario consistorii Elie' advocato, ad procedendum in dicto negotio statuendum et pronunciacionem cum suis incidentibus, dependentibus et connexis specialiter potestatem.

pronunciacio] Quibus die et loco predictis Johanne et Alicia coram nobis Johanne de Neweton', commissario predicto in hac parte specialiter deputato, personaliter comparentibus, nichil dicto seu proposito per eosdem seu eorum aliquem quare in dictam sententiam nominaliter incidisse non debeant pronunciari, ideo precludimus eis viam quicquam ulterius proponendi ipsosque Johannem et Aliciam et eorum quemlibet in sententiam maioris excommunicationis predictam a dicta constitutione latam iuxta confessiones suas coram dicto domino .. officiali et commissario per eos iudicialiter emissas nominatim et in spiritualite incidisse et excommunicatos esse occasione premissa

de consilio iuris peritorum nobis assidencium pronunciamus et declaramus decernentes ipsos pro sic excommunicatis fore publice nunciandos locis et temporibus opportunis. Presentibus in dicta pronunciacione et declaracione domino Thoma de Hertford', capellano, et Johanne de Wiltesshire, clerico, Lincoln' et Sar' diocesis testibus vocatis et rogatis.

denunciacio] Subsequenter vero dicti Johannes et Alicia pro sic excommunicatis in ecclesiis Sancte Marie Cant' et Sancti Andree de eadem fecimus publice nunciari intra missarum solempnia cum maior affuit in eis populi multitudo prout per certificatoria capellanorum dictarum ecclesiarum parochialium nobis constat. [fol. 53r]

[10 Apr 77 (43.31)] Draper. John Draper of Cambridge, tailor, residing at Barley [London], appears personally before the official and asserts that he appealed from the sentence given by Mr Richard de Carlton, commissary of the official. After the commissary had ruled in favour of marriage between himself and Agnes Durrant of Orwell, he appealed *ab iniqua* and proceeded with the case within the legitimate term. He requests admission to proceed with the appeal. Next for John to proceed.

Draper] Johannes Draper de Cantebr', *tailor* commorans in Berle, comparens personaliter coram nobis asseruit se a quadam sententia diffinitiva per magistrum Ricardum de Carlton', commissarium nostrum in hac parte specialiter deputatum, latam pro matrimonio videlicet inter Agnetem Duraunt de Orewell' partem actricem ex parte una et ipsum Johannem reum ex altera, tanquam ab iniqua et iniuste lata ad audienciam nostram appellasse et se infra tempus legitimum ad prosequendum dictam appellacionem notorie existere, ad prosecucionem cause appellacionis predictae petiit se admitti, unde eidem Johanni proximum consistorium ad prosequendum causam appellacionis sue ad ipsius petitionem prefigimus et assignamus. [fol. 69r]

[30 Apr 77 (44.25)] Draper. In the appeal between John Draper and Alice Cakebread of Barley, London diocese, and Agnes Durrant of Orwell, the parties appear by proctors. No libel is brought. Next to propose the libel of appeal in writing.

Draper] In causa appellacionis mota inter Johannem Drap' et Aliciam Cakebred de Berle London' diocesis partem appellantem ex parte una et Agnetem Duraunt de Orewell' Elien' diocesis partem appellatam ex altera, partibus per procuratores suos comparentibus, nullo libello adhuc oblato per partem appellantem, ideo datur dies in proximo ad idem, videlicet ad proponendum in scriptis libellum appellatorium. [fol. 71v]

[29 May 77 (45.21)] Draper. No libel is given; no progress is made in the case. John and Alice will be pronounced excommunicates as before.

Draper] In causa appellacionis mota inter Johannem Drap' et Aliciam Cakebred de Berle partem appellantem ex parte una et Agnetem Durant de Orewell' partem appellatam, partibus ut prius comparentibus, nullo dato libello nec prosecucione facta in dicta causa, ideo denunciatur excommuni-

cati sicut prius. [fol. 73r]

[5 Apr 80 (87.34)] Draper/Durant. John Draper and Agnes Durant of Orwell were cited to propose why they should not be compelled to obey the judgment given in the consistory, favouring their marriage.

John appears personally; Agnes by John Wiltshire, proctor. She is called to respond personally.

Draper/Durant] Johannes Draper et Agnetem Durant de Orewell' citati proposituri causam quare non debeant compelli parere rei iudicate in quadam causa matrimoniali inter eos in consistorio Elien' mota, dictus Johannes comparuit personaliter, dicta vero Agnetem per Johannem Wiltesshir', procuratorem suum, decrevimus ipsam fore vocandam ad personaliter respondendum super premissis in proximo. [fol. 136v]

[26 Apr 80 (88.27)] Draper/Durant. John appears personally; Agnes has not been cited. She will be called by all means because she is hiding.

Drap'/Dura't] Predicto Johanne personaliter comparente, Agnete Dura't nullo modo nec citata, ideo citetur viis et modis ad proximum quia latitat. [fol. 137r]

[25 May 80 (89.27)] Draper/Durant. John by John Wiltshire, proctor; Agnes personally. Agnes proposes that before she contracted with John, she and Henry Walter of Orwell had agreed that they would contract marriage; she and Henry married after her contract with John had been initiated and after the definitive sentence had been given. The execution of the sentence is ordered, the proposition notwithstanding.

Drap'/Dura't] Predicto Johanne per Johannem Wiltesshir', procuratorem suum, comparente, predicta Agnete personaliter, dicta Agnes proponit quod Henricus Walt' de Orewell' et ipsa ante omnem contractum inter ipsam et Johannem initum fuerant concordes de matrimonio inter eos contrahendo et post contractum inter ipsos Johannem et Agnetem initum eciam post sententiam diffinitivam in ea parte latam et non ante, predicti Henricus et Agnes matrimonium adinvicem contraxerunt. Unde decrevimus quod dicta sententia demandetur execucioni, dicta propositione non obstante. [fol. 138r]

[14 Jun 80 (90.26), 23 Jul 80 (92.25), 25 Oct 80 (94.20)] Draper/Durant. The execution of the sentence is ordered.

Drap'] Fiat execucio sentencie diffinitive. [fols. 140v, 142v, 144v]

97. BOWET¹

[13 Jun 76 (32.17)] Bowet. Richard Stokesley of Westley Waterless was cited at the instance of Mr Henry Bowet, advocate of consistory, in a salary case.

Henry appears by John Wiltshire, proctor; Richard is absent, found contumacious, and suspended.

¹ See *Stokesley*, n. 1.

Bowet] Ricardus Stokeslee de Westlee citatus ad instanciam magistri Henrici Bowet, consistorii nostri advocati, in causa salarii comparentis per Johannem Wyltesshire, clericum, procuratorem suum, non comparet, ideo ipsum reputamus contumacem et pro huiusmodi contumacia, ipsum Ricardum ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 49v]

[3 Jul 76 (33.20)] Bowet. Richard Stokesley of Westlee was suspended, denounced, and again cited for 9 July 1376 at the instance of Henry.

Henry by proctor; Richard is absent, found contumacious, and excommunicated.

Bowet] Ricardus Stokeslee de Westlee suspensus ab ingressu ecclesie ad instanciam magistri Henrici Bowet, consistorii nostri advocati, in causa salarii, denunciatus iteratoque citatus ad diem mercurii proximo post festum translationis Sancti Thome martyris eidem magistro Henrico in dicta causa respondens, parte actrice ut prius comparente, parte rea nullo modo, ideo ipsum Ricardum reputamus contumacem et pro sua contumacia ipsum, excommunicamus in hiis scriptis. [fol. 51r]

98. LINGWOOD/HOWE

The defendant here, whose surname seems to be derived from Lingwood, Norfolk, is probably the plaintiff (described as a carpenter rather than a wright, but the two could be synonymous) in the defamation case (*Lingwood (1)*) that appears in the next session. While it is tempting to think that the defamation was the accusation that gave rise to this case, it seemed better, absent any clear indication, to keep the cases separate. Whether John Lingwood is also the male defendant in *Lingwood (2)* is more problematical. He is there given no addition. The identity of the two is clearly possible.

[13 Jun 76 (32.20)] Lingwood/Howe. Matilda Howe of Wisbech, taverner of Alice Terrington of Cambridge, and John Lingwood, wright of Cambridge, were cited before the commissary concerning a contract of marriage, followed by intercourse, known by public fame.

They appear personally in St Michael's on 27 June 1376. Both sworn *de veritate dicenda* and questioned, Matilda admits that John promised to marry her; afterwards they had intercourse. Confessing to the intercourse (for which they underwent canonical correction before the court), John denies any promise to marry.

Sentence. Because Matilda claims to have no witnesses to prove her intention, John is absolved and dismissed from her suit. The matter is left to their consciences.¹

Lyngewode/Howe – sententia] Matildis Howe de Wysebech', tabernaria Alicie Tiryngton' de Cantebr', et Johannes Lyngwode *wrighte* de eadem citati coram nobis .. commissario Elien' super contractu matrimoniali inter eos inito carnali copula subsequuta prout fama publica referente ad nos pervenit. Dicti Johannes et Matildis comparentes personaliter coram nobis in ecclesia Sancti Michaelis Cantebr' die veneris proximo post festum nativitatis Sancti Johannis Baptiste anno Domini supradicto et iurati de veritate dicenda

¹ For the phrase *eorum conscienciis penitus relinquentes*, see Introduction.

ac super contractu matrimoniali et carnali copula huiusmodi requisiti, dicta Matildis fatebatur quod dictus Johannes ipsam promisit ducere in uxorem et postmodum eam carnaliter cognovit. Prefatus vero Johannes carnalem copulam cum eam expresse fatebatur super quo canonicam coram nobis subierunt correccionem, omnem tamen contractum matrimonialem sive promissionem de ducendo eam in uxorem expresse negavit. Sed quia dicta Matildis assuerit iurata quod non habuit testes ad probandam intencionem suam, ideo ipsum Johannem ab impeticione predictae Matildis sentencialiter et diffinitive absolvimus et dimittimus per decretum, eorum conscienciis penitus relinquendo. [fol. 50r]

99. SARE

[3 Jul 76 (33.18)] Sare] Margery Baldock of St Botolph's, Cambridge,¹ was cited at the instance of John Sare of Cambridge and Joan his wife in an appeal from the definitive sentence brought by archdeacon's official in Margery's favour [ms. reads Joan here but Margery at 38.5], as certified by John Wiltshire.

Both parties are absent. According to the custom of the court, the appellant will be called to prosecute the case under penalty of final remission.

Sare] Margeria Baldok de parochia Sancti Botulph' Cant' citata coram nobis ad diem et locum supradictos ad instanciam Johannis Sare de Cant' et Johanne uxoris sue in causa appellacionis a sententia diffinitiva per .. officialem domini .. archidiaconi Elien' pro ipsa Johanna et contra prefatos Johannem et Johannam in causa diffinitiva lata ut suggeritur interiecte prout per certificatorium Johannis Wiltesshire, clerici, nobis factum constat manifeste, parte appellante nullo modo comparente, parte vero appellata nullo modo, ideo iuxta dicte curie consuetudinem, decrevimus partem appellantem vocandam fore ad proximum prosecuturam causam sub pena finalis remissionis. [fol. 50v]

[24 Jul 76 (34.7)] Sare. John and Joan absent; Margery personally. Since the absent have not been cited as ordered and Margery has not pursued the citation, they will be cited to next to prosecute appeal.

Sare] In causa appellacionis mota inter Johannem Sare de Cantebr' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, parte appellante nullo modo comparente, parte vero appellata personaliter, et quia pars appellans non fuit citata iuxta decretum aliter per nos interpositum nec pars appellata curavit prosequi citationem pro ea, ideo citetur ad proximum ad idem. [fol. 52r]

¹ The appellee here is almost certainly the same woman who is the appellant in *Baldock*. She is represented in both cases by John Wiltesshire, whom she appoints in 40.29. The cases, so far as we can see from the record, are not otherwise related. Whether she is also one of the defendants in *Henny* is more problematical.

[25 Sep 76 (35.7)] Sare. Since John and Joan have not been cited as ordered, they will be called to proceed with the appeal under penalty of final remission.

Sare] In causa appellacionis mota inter Johannem Sare de Cantebr' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, parte appellante nullo modo comparente nec citata, parte appellata personaliter, et quia pars appellans non fuit citata iuxta decretum alias interpositum, ideo citetur ad proximum ad idem, videlicet ad proseguendum causam suam sub pena finalis remissionis. [fol. 54v]

[16 Oct 76 (36.5)] Sare. John and Joan by Peter Caprik, proctor by letter; Margery personally. A libel of appeal is given in writing. Margery contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to prove.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, parte appellante per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, parte appellata^a personaliter, oblato libello appellatorio in scriptis, lite per dictam partem appellatam negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad probandum. [fol. 55Av]

[13 Nov 76 (37.5)] Sare. John and Joan produce two witnesses: John Wiltshire and William Killerwick, who are admitted and sworn. Next to offer final proof.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, partibus ut prius comparentibus, productis duobus testibus per partem appellantem videlicet Johanne Wiltesshir' et Willemo Killerwik', quibus admissis et in forma iuris iuratis, datur dies in proximo ad peremptorie probandum. [fol. 56Bv]

[4 Dec 76 (38.5)] Sare. John and Joan produce two witnesses: John vicar of Holy Sepulchre, Cambridge, and Mr Hugh Candlesby, archdeacon's registrar, who are admitted and sworn. They propose positions: that a sentence had been given by the archdeacon's official, in the defamation case between Margery, original plaintiff, and John and Joan, original defendants; and that they had appealed immediately *ab iniqua* from that sentence. In response to the positions Margery says that a definitive sentence was given by the official in her favour, but she does not know whether there was an appeal. Next to publish the testimony.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, partibus ut prius comparentibus, productis duobus testibus per partem appellantem videlicet domino Johanne vicario ecclesie Sancti Sepulchri Cantebr' et magistro Hugone de Candelesby, clerico domini .. archidiaconi Elien' registrario, quibus admissis et in forma iuris iuratis, propositis per partem appellantem quibusdam posicionibus videlicet

^a appellata] rea.

an fuit sententia tum in quadam causa diffamacionis coram officiali domini archidiaconi Elien' mota inter ipsam Margeriam partem originaliter actricem ex parte una et prefatos Johannem et Johanna partem originaliter ream ex altera per eundem .. officialem et a dicta sententia tanquam ab iniqua pro partem dictorum Johannis et Johanne ad audienciam nostram incontinenti appellatum, dicta Margeria respondendo dictis posicionibus fatetur quod in dicta causa sententia fuit lata diffinitive per dominum .. officialem domini archidiaconi pro ipsa Margeria et contra prefatos Johannem et Johanne sed an fuit appellatum ab ea, dicit quod nescit, unde datur dies in proximo ad publicandum et publicari videndum et audiendum attestaciones testium productorum. [fol. 58v]

[8 Jan 77 (39.5)] Sare. To prove their suit, John and Joan exhibit the substitution by which authority Peter Caprik, substituted for Richard Pitts, original proctor, allegedly appealed. Because all witnesses have not yet been examined, next to publish the testimony.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, partibus ut prius comparentibus, exhibita per partem dictorum Johannis et Johanne substitutione per quam Petrus Caprik', substitutus Ricardi Pyttes procuratoris originalis ut dicitur, appellavit in subsidium probacionis intencionis sue et quia omnis testes in hac parte producti nondum sunt examinati, ideo datur dies in proximo ad idem quod prius videlicet ad publicandum et publicari videndum attestaciones testium productorum. [fol. 60v]

[5 Feb 77 (40.5)] Sare. John and Joan exhibit a copy of the proxy for the original proctor in the principal case, which was taken from the register of the archdeacon and bore the sign of the registrar. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Sare] In causa appellacionis mota inter Johannem Sare de Cantebr' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de Cant' partem appellatam ex altera, partibus ut prius comparentibus, exhibita per partem appellantem copia procuratorii sui originalis per quod procurator suus [se] occupavit^b in causa principali extracta a registro domini .. archidiaconi et signo registrarii signata, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 63r-v]

[26 Feb 77 (41.5)] Sare. Nothing is proposed against the witnesses and testimony; with the parties' consent, Gloucester rules in favour of the appeal and the court's jurisdiction. The process of the principal case, before the archdeacon's official, will be requested in writing. Next to see its transmission and publication.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johan-

^b se occupavit] *for the suggested emendation compare French s'occuper.*

nam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de Cant' partem appellatam ex altera, partibus ut prius comparentibus, nichil dicto seu proposito contra testes seu eorum dicta per alterutram partem parcium predictarum, ideo pronunciamus pro voce appellacionis et pro iurisdiccione nostra de consensu parcium, unde decrevimus fore scribendum pro transmissione processus in causa principali coram officiali domini archidiaconi Elien' habito, datus est dies in proximo ad videndum transmissionem et publicacionem eiusdem. [fol. 64v]

[19 Mar 77 (42.5)] Sare. Since the process has not yet been sent, it is ordered transmitted by the next session, when it will be published.

Sare] In causa appellacionis mota inter Johannem Sare de Cantebr' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, partibus ut prius comparentibus, quia processus non est transmissus, ideo transmittatur ad proximum et publicetur. [fol. 66r]

[10 Apr 77 (43.5)] Sare. John and Joan by proctor; Margery by William de Bridge, substituted for John Wiltshire, original proctor. Since the process has not been sent, it is ordered transmitted by the next session when it will be published.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, parte appellante ut prius comparente, parte appellata per Willelmum de Brugges, substitutum Johannis Wiltesshir' procuratoris originalis. Et quia processus nondum est transmissus, ideo transmittatur ad proximum daturque dies in proximo partibus ad videndum transmissionem et publicacionem eiusdem. [fol. 68r]

[30 Apr 77 (44.5)] Sare. As 43.5.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, partibus ut prius comparentibus, nullo processo adhuc transmissio, datur dies in proximo ad idem. [fol. 70r]

[29 May 77 (45.4)] Sare. Parties by proctors. No process has been received. Expected next to publish.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, partibus per procuratores suos comparentibus, nullo processo adhuc transmissio, ideo transmittatur ad proximum. [fol. 72v]

[18 Jun 77 (46.4)] Sare. No process has been sent. It is expected by the next session.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johan-

nam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, partibus ut prius comparentibus, nullo processo transmissio, ideo transmittatur ad proximum. [fol. 74v]

[9 Jul 77 (47.4)] Sare. As 46.4.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' de eadem partem appellatam ex altera, partibus ut prius comparentibus, quia processus nondum est transmissus, ideo transmittatur ad proximum. [fol. 76r]

[30 Jul 77 (48.4)] Sare. Since no process has been sent, it is expected by 5 Oct.

5 Oct. John and Joan by proctor; Margery is absent and found contumacious. As penalty to Margery, the process is exhibited and published; a copy is ordered for the parties. Next to speak against it.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam, partem appellantem ex parte una, et Margeriam de Baldok' de eadem, partem appellatam ex altera, partibus ut prius comparentibus, nullo processo adhuc transmissio, ideo transmittatur ad diem lune proximo futurum.

Quo die adveniente, parte appellante ut prius comparente, parte appellata nullo modo, ideo ipsam reputamus contumacem. Exhibito per partem appellantem processu in causa principali coram .. officiali domini .. archidiaconi Elien' et per nos in pena contumacie partis appellate publicato decretaque copia partibus, datur dies in proximo ad dicendum contra processum. [fol. 78r]

[1 Oct 77 (49.4)] Sare. With the parties' consent, next to speak against the process.

Sare] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad dicendum contra processum. [fol. 79v]

[22 Oct 77 (50.4)] Sare. Nothing is said against the process. Next to propose everything concerning the matter.

Sare] Partibus ut prius comparentibus, nullo dicto contra dictum processum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 80v]

[12 Nov 77 (51.4)] Sare. Nothing is proposed. Because the advocate is absent, next to propose everything concerning the matter.

Sare] Partibus ut prius comparentibus, nullo dicto seu proposito, datur dies in proximo ad idem propter absenciam advocati. [fol. 81v]

[3 Dec 77 (52.4)] Sare. As 51.4.

Sare] Partibus ut prius comparentibus, nullo dicto seu proposito, datur dies in proximo ad idem propter absenciam advocati. [fol. 82r]

[22 Dec 77 (53.4)] Sare. Margery proposes orally against the transmitted process and is ordered to propose in writing. Next to propose and to act on the proposition.

Sare] Partibus ut prius comparentibus, propositum per partem ream oretenus contra processum transmissum decreturque quod proponatur in scriptis, datur dies in proximo ad proponendum in scriptis et ad faciendum super propositis. [fol. 84v]

[14 Jan 78 (54.4)] Sare. With the parties' consent, next to propose and to act on the proposition.

Sare] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod prius. [fol. 86v]

[4 Feb 78 (55.4)] Sare. As 54.4.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem appellantem ex parte una et Margeriam de Baldok' de eadem partem appellatam ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem. [fol. 87v]

[25 Feb 78 (56.4)] Sare. With the parties' consent, the case is concluded. Next to hear the definitive sentence.

Sare] Partibus ut prius comparentibus, de quarum consensu concluso in dicta causa, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 89v]

[18 Mar 78 (57.4)] Sare. As 56.4.

Sare] Ad idem. [fol. 90v]

[8 Apr 78 (58.4)] Sare. Next to hear the definitive sentence, which is committed to Mr John de Epperston, advocate of the consistory.

Sare] Ad idem et committimus magistro Johanni de Epperston', dicti consistorii advocato, ad proferendum sentenciam in dicta causa diffinitivam. [fol. 91v]

[29 Apr 78 (59.4), 13 May 78 (60.4), 8 Jul 78 (62.4), 29 Jul 78 (63.4), 1 Oct 78 (64.4),] Sare. For the same.

Sare] Ad idem. [fols. 92v, 93v, 94r, 96r, 98r]

[21 Oct 78 (65.4)] Sare. As 59.4.

Sare] In causa appellacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem appellantem ex parte una et Margeriam Baldok' partem appellatam ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 99r]

[10 Nov 78 (66.4)] Sare. As 59.4.

Sare] Ad idem videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 102v]

[2 Dec 78 (67.4), 23 Dec 78 (68.4), 3 Feb 79 (70.4), 25 Feb 79 (71.4), 17 Mar 79 (72.4), 21

Apr 79 (73.4), 23 May 79 (74.4), 10 Jun 79 (75.4), 30 Jun 79 (76.4), 21 Jul 79 (77.4), 22 Sep 79 (78.5), 13 Oct 79 (79.4), 3 Nov 79 (80.4), 24 Nov 79 (81.4), 9 Dec 79 (82.4), 12 Jan 80 (83.4), 3 Feb 80 (84.4)] Sare. As 59.4.

Sare] Ad idem. [fols. 104r, 106r, 107v, 109v, 111r, 113v, 115r, 116v, 117v, 118v, 120r, 121r, 122v, 123v, 125r, 126r, 127v]

[23 Feb 80 (85.4)] Sare. As 59.4.

Sare] In causa diffamacionis mota inter Johannem Sare de Cant' et Johannam uxorem suam partem actricem ex parte una et Margeriam Baldok' de eadem partem ream ex altera, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 129v]

[15 Mar 80 (86.4), 5 Apr 80 (87.3), 26 Apr 80 (88.3), 25 May 80 (89.3), 14 Jun 80 (90.3), 23 Jul 80 (92.3), 4 Oct 80 (93.3), 25 Oct 80 (94.3)] Sare. As 59.4.

Sare] Ad idem. [fols. 133v, 136r, 137r, 138r, 141v, 144r, 144v, 51r]

100. HORN

[3 Jul 76 (33.19)] Horn. John Tivetshall, dean of Wisbech and commissary general of arch-deacon, was cited in an appeal by Robert Horn, chaplain of Tydd St Giles. The dean had cited Robert, although he has no jurisdiction over him. Contrary to the provisions of the general council,¹ John had found him contumacious and had suspended him, although Robert had not been legally cited, warned, confessed, or contumacious. The dean had sent injurious letters to the parish chaplain of Tydd and Thomas Brigg, chaplain, ordering Robert's suspension and public denouncement, and had caused other grievances contained in Robert's suggestion.

Neither appears. The case is pending until Robert proceeds.

Horn – pendet] Dominus Johannes Tyvetteshale, decanus de Wysebech' .. officialis domini .. archidiaconi Elien' commissarium se pretendens generalem, citatus ad diem et locum supradictos ad instanciam domini Roberti Horn de Tyd, cappellani, in causa appellacionis per eundem ut asseritur ad nostram audienciam interiecte super eo quod idem decanus commissarius pretensus ipsum dominum Robertum, in quem nullam habuit iurisdiccione[m] non legitime citatum, non monitum, non convictum, nec confessum, absentem non per contumaciam contra formam concilii generalis pronunciavit cum non fuerat contumacem^a et pro huiusmodi ficta contumacia, ipsum suspendebat et per suas certi tenoris litteras iniurias capellano parochiali de Tyd et domino Thome Brigge, cappellano, directas sic per eum suspensum mandavit et fecit publice nunciari ac super aliis gravaminibus eidem domino Roberto per dictum .. decanum ut suggeritur illatis et factis, de quibus in suggestione per dictum dominum Robertum impetrata fit mencio, neutra parte comparente, pendeat quousque pars appellans prosequatur. [fol. 51r]

^a contumacem] sic.

¹ See Citations to Canon Law, *Sacro*.

101. KIRTLING/BERNARD

The procedural posture of this action is unclear. Foxton calls it a ‘business of complaint’ (*negocium querele*). The substance, however, is clear enough. The bishop of Norwich had ordered that all the goods of Robert de Wynepol, late rector of Kirtling (Cambs, but in Norwich diocese), be given to Mr John Bernard, the now-rector, to repair defects in the chancel, books, and ornaments of the church left by his predecessor at his death. Mr John petitions the official to order the master of the hospital of St John the Evangelist, Cambridge,¹ to turn over to him the goods of Robert that he has in his possession, apparently because Robert had died at the house. Scrope orders the goods sequestered. The proctor of the master appears, solely for the purpose, he says, of appealing from any further injuries (*gravamina*) done his client. A written libel is ordered but never produced, and the case goes pending when neither party appears. It was probably settled, leaving unresolved an interesting question of priorities: Should the hospital be compensated for its care for the deceased or the chancel and furnishings of his church repaired when there is not enough left to do both?

[3 Jul 76 (33.23)] Kirtling/Bernard. Mr John Bernard, rector of Kirtling, Norwich diocese, petitioned Richard Scrope about defects of the chancel, books, and ornaments of the church and of the rectory left in need of repair by his late predecessor, Robert de Wimpole, who should have been responsible for the repairs. By authority of the bishop of Norwich, ordinary of the place, the defects had been investigated and their repair had been estimated at 20 pounds sterling. All of Robert’s goods had been ordered given to John for the cost of the repairs. The investigation, estimation, assignment, and adjudication had become *res iudicata*, with no appeal pending.

According to John’s petition, only part of the sum had been paid to him because many of the goods were not in the diocese but were held in some illegal way by the master of St John the Evangelist, Cambridge, where Robert had died. Since the payment to John had been legally ordered and John feared being defrauded, he personally sought Scrope to provide remedy. The official ordered the late rector’s goods in the possession of the master of St John’s sequestered and held safe until the rest of the sum owed to John was paid. The master of St John’s was called peremptorily for 14 July 1376 in St Michael’s before the official to show why he should not be compelled to pay the sum still owed to John.

John appears personally; the master by Richard Pitts, proctor by letter which bears the seal of the dean of Camps, given 9 June. The master declares that he appears only in order to add to the grievances from which he has already appealed. John proposes an oral petition *sub certa forma*. Next to receive it in writing.

Kyrtelynge/Bernerd’] Peticio magistri Johannis Bernard’, rectoris ecclesie parochialis de Kirtelynge Norwicen’ diocesis, nobis Ricardo le Scrop’ canonico Ebor’ venerabilis patris domini .. episcopi Elien’ officiali et commissario exhibita continebat quod dominus Robertus de Wynepol, nuper rector eiusdem ecclesie ipsius magistri Johannis in dicta ecclesia ultimus predecessor, quamplures notabiles defectus tam in cancello, libris et aliis ornamentis ipsius ecclesie quam in domibus rectorie eiusdem dimisit necgligenter in-

¹ The hospital of St John the Evangelist in Cambridge, the institution that became St John’s College in the early sixteenth century, followed the Augustinian rule. Knowles and Hadcock, p. 349. That there was a master in this period and that it had cared for a sick priest (?scholar) suggests that the hospital had at least partially recovered from its near extinction during the Black Death. *Ibid.*

correctos, quorum reparacio ad ipsum defunctum dum vixit pertinebat, qui quidem defectus per inquisitionem auctoritate venerabilis patris domini .. episcopi Norwicen' eiusdem loci ordinarii in ea parte rite et legitime captam ad viginti librarum sterlingarum, vocatis ad hoc qui fuerint evocandi, estimantur et eidem magistro Johanni ad usum predictum adiudicantur, quodque bona dicti defuncti omnia et singula ad quorumcumque manus devenerunt saltem usque ad integram solucionem dictarum viginti librarum pro dictis defectibus reparandis auctoritate dicti patris fuerant eidem magistro Johanni iudicialiter assignata, que quidem inquisicio, defectuum estimacio ac dictarum viginti librarum assignacio et adiudicacio, nulla appellacione suspense, in rem transierant iudicatam.

Verum quia sicut ipsius magistri Johannis rectoris peticio subiungebat soluta sibi aliqua parte dicte summe de bonis dicti defuncti in diocesi Norwicen' existentibus, plura bona ad dictum defunctum spectancia ad satisfaciendum de residuo in dicta diocesi ut dicitur non existunt sed per magistrum domus Sancti Johannis evangeliste in Cantebr' Elien' diocesis, ubi dictus dominus Robertus rector diem suum clausit extremum, usque ad non modicam summam in custodia seu alio colore illicito detinentur, quo pretextu idem magister Johannes predicta solutione sibi ut premittitur adiudicata que omnibus aliis creditis et legatis est de sui natura non inmerito preferenda fuerat et est hucusque nequiter defraudatus. Cum itaque dictus magister Johannes timeat sibi verisimiliter ut asserit per dictorum bonorum alienacionem, occultacionem et consumpcionem ulterius defraudari, prefatus magister Johannes Bernard' rector ad nos competenter accedens nobisque premissa seriatim exponens, petiit sibi per nos de remedio opportuno celeriter provideri. Nolentes ergo sicuti nec debemus eidem magistro Johanni in sua deesse iusticia sed iusticie complementum plenius exhibere, predicta bona omnia et singula ad dictum dominum Robertum dum vixit spectancia et pertinencia et in manibus seu possessione dicti magistri existencia ex causa premissa decrevimus sequestranda et sub sequestro custodienda quousque eidem magistro Johanni de residuo summe sibi adiudicate ut prefertur per eum in eventum legitime^a declarando integre fuerit satisfactum.

Prefatum insuper magistrum domus Sancti Johannis ad diem lune proximo post festum translacionis Sancti Benedicti in ecclesia Sancti Michaelis Cantebr' coram nobis fecimus ad iudicium evocari causam rationabilem si quam habeat quare ad solucionem summe sibi adhuc debite de dictis viginti librarum tunc per dictum magistrum Johannem exprimendis de bonis dicti defuncti per censuras ecclesiasticas compelli non debeat pro termino preemptorio propositurum et ostensurum.

^a legitime] *interlined*.

Quibus die et loco predicto magistro Johanne rectore coram nobis personaliter comparente, parte vero dicti magistri per Ricardum Pyttes, clericum, procuratorem suum litteratorie constitutum sub sigillo decani de Caumpes de data Cant' nonas iunii anno .. septuagesimo sexto, comparente cum protestacione quod non comparet nisi dumtaxat [fol 51r] ad effectum cumulandi gravamina sibi inferenda si que fuerint ut ab eis poterit appellare, protestato^b eciam quod prius appellavit a gravaminibus illatis), proposita per partem actricem petitione oretenus super dicta mandata sub certa forma, datur dies in proximo parti actrici ad dandum libellum in scriptis et parti ree ad recipiendum. [fol. 51v]

[24 Jul 76 (34.14)] Kirtling/Bernard. The proctor of the master of Saint John's declares again that he appears only to add to his grievances. No libel or article is given in writing. Expected next with hope of peace.

Kyrtelynge/Bernerd'] In negocio querele moto inter magistrum Johannem Bernard', rectorem ecclesie parochialis de Kyrtelynge Norwicen' diocesis, partem querelantem ex parte una et magistrum domus Sancti Johannis evangeliste Cantebr' partem querelatam ex altera, partibus ut prius comparentibus, facta protestacione per dictum procuratorem qua prius, nullo libello seu articulo adhuc in scriptis oblato sed expectatur dictum negocium usque proximum consistorium ad idem sub spe pacis. [fol. 52v]

[25 Sep 76 (35.12)] Kirtling/Bernard. Neither appears. The case is pending until John proceeds.

Kyrtelynge/Bernerd'] In negocio querele moto inter magistrum Johannem Bernard', rectorem ecclesie de Kyrtelynge Norwicen', partem querelantem ex parte una et magistrum domus Sancti Johannis Cantebr' partem querelatam ex altera, neutra parte comparente, ideo pendeat dicta causa quousque prosequantur.^c [fol. 54v]

^b protestato] protestat'. ^c prosequantur] sic.

102. WILTSHIRE¹

[3 Jul 76 (33.24)] Wiltshire. Alice Bradbury and Marion her daughter were cited before the commissary of Ely for 19 July 1376 at the instance of John Wiltshire in a defamation case.

Parties appear personally. An oral libel is given and requested written. Next to receive it in writing.

Wiltesshire] Alicia Bradbury et Mariona filia sua citate^a coram nobis .. commissario Elien' ad diem sabbati proximo post festum translacionis Sancti

^a citate] citati.

¹ The plaintiff in this case may be the proctor of the court of Ely of the same name, an identification perhaps made more plausible by the fact that he is not otherwise identified here.

Switthini ad instanciam Johannis Wiltesshire in causa diffamacionis, partibus personaliter comparentibus, libellato oretenus, petitur in scriptis in proximo ad recipiendum. [fol. 51v]

103. LINGWOOD (1)¹

[3 Jul 76 (33.25)] Lingwood. John Jocelyn of Cambridge, butcher, was cited before the commissary at the instance of John Lingwood of Cambridge, carpenter, in a defamation case.

Lingwood appears personally; Jocelyn is absent, suspended, and called.

Lyngwode] Johannes Gosselyn de Cant' citatus ad dictos diem et locum coram nobis .. commissario predicto ad instanciam Johannis Lyngwode de eadem in causa diffamacionis personaliter comparentis non comparet, ideo ipsum Johannem suspendimus et vocetur. [fol. 51v]

[24 Jul 76 (34.15)] Lingwood. Lingwood by John Wiltshire, proctor *apud acta*; Jocelyn personally. Jocelyn is absolved from the suspension; Lingwood protests about the costs and gives an oral libel, which is requested written. 26 July to receive it in writing; next session to respond to it.

Lyngwode] In causa diffamacionis mota inter Johannem Lyngwode de Cantebr', carpentarium, partem actricem ex parte una et Johannem Gosselyn de eadem, bocherum,^a partem ream ex altera, parte actrice per Johannem Wiltesshire, clericum, procuratorem suum apud acta constitutum, parte rea personaliter [comparentibus], absoluta dicta parte rea a dicta sententia suspensionis in forma iuris premissa protestacione per partem adversam de expensis, libellato per partem actricem oretenus petitoque in scriptis, datur dies sabbati proximo futurus ad recipiendum in scriptis et in proximo ad respondendum eidem. [fol. 52v]

[25 Sep 76 (35.13)] Lingwood. Lingwood by proctor; Jocelyn absent. Both expected next to respond to the libel with hope of peace.

Lyngwode] In causa diffamacionis mota inter Johannem Lyngwode de Cant', partem actricem ex parte una, et Johannem Gosselyn de eadem, bocherum, partem ream ex altera, parte actrice ut prius comparente, parte rea nullo modo, ideo expectamus absentem cum presente usque proximum ad idem quod prius sub spe pacis. [fol. 54v]

[16 Oct 76 (36.10)] Lingwood. Peace has been restored; Jocelyn is to be called *ex officio*.

Lyngwode – pax] In causa diffamacionis mota inter Johannem Lyngwode de Cantebr' partem actricem ex parte una et Johannem Gosselyn de eadem, bocherum, partem ream ex altera, pax est, ideo vocetur pars rea ex officio. [fol. 55Av]

^a bocherum] Boch'.

¹ See the introduction to *Lingwood/Howe*.

104. DIX

[24 Jul 76 (34.16)] Dix. Matilda Pape of March was cited at the instance of John Dix of March in a defamation case.

John appears personally; Matilda is absent, found contumacious, and suspended.

Dix – suspensio] Matildis Pappe de March' citata ad instanciam Johannis Dix de eadem in causa diffamacionis personaliter comparentis non comparet, ideo ipsam pronunciamus contumacem et in penam contumacie ipsam suspendimus ab ingressu ecclesie in hiis scriptis. [fol. 52v]

105. BAYSER

[24 Jul 76 (34.17)] Bayser. Margery wife of Simon Shuman of Cambridge was cited for 23 July 1376 in St Michael's before Thomas Gloucester, commissary general of official, at the instance of Matilda wife of Henry Bayser of Cambridge in a defamation case.

Matilda appears by Peter Caprik, proctor *apud acta*; Margery personally. An oral libel is given and requested written. Next to receive it in writing.

Bayser] Margeria uxor Simonis Schuman de Cantebr' citata ad diem mercurii proximo post festum Sancte Marie Magdalene in ecclesia Sancti Michaelis Cant' coram nobis Thoma de Gloucestr', domini officialis Elien' commissario generali, ad instanciam Matildis uxoris Henrici Bayser de eadem in causa diffamacionis, parte actrice per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, comparente, parte vero rea personaliter, libellato oretenus per partem actricem, petitoque per partem ream in scriptis, datur dies in proximo ad recipiendum. [fol. 52v]

[25 Sep 76 (35.15)] Bayser. Case expected until next to receive written libel with hope of peace.

Bayser] In causa diffamacionis mota inter Matildem uxorem Henrici Bayser de Cant' partem actricem ex parte una et Margeriam uxorem Simonis Sch'man partem ream ex altera, expectamus dictam causam usque proximum ad idem sub spe pacis. [fol. 55Ar]

[16 Oct 76 (36.12)] Bayser. Matilda by proctor; Margery by John Wiltshire, proctor *apud acta*. Matilda does not bring a libel; Margery is dismissed with a protest of costs.

Bayser – dimissio] In causa diffamacionis mota inter Matildem uxorem Henrici Bayser de Cantebr' partem actricem ex parte una et Margeriam uxorem Simonis Sch'man de eadem partem ream ex altera, parte actrice per Petrum Caprik', clericum, procuratorem suum, parte vero rea per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, nullo libello dato per partem actricem, ideo ipsam partem ream in hac parte dimittimus cum protestacione expensarum. [fol. 55Av]

106. ANGLESEY/BURTON/PEACOCK

[24 Jul 76 (34.23)] Anglesey/Burton. On 29 Aug. 1376, following the death of Geoffrey de Burton, chaplain residing at Anglesey Priory, Thomas Gloucester, bishop's commissary, sequestered Geoffrey's goods so they would not be alienated. He announced the sequestration in effect until Geoffrey's testament, if he had made one, was proved and the administration committed before the bishop, Gloucester, or another commissary. Walter Mitelwey and Thomas Gerard of Bottisham parish, executors named in Geoffrey's testament, were called for 20 Sept., in St Michael's before Gloucester, to show and prove the testament, to show the inventory, and to receive the administration if they wished.

Probate of testament. 20 Sept. before Gloucester the executors personally exhibit and prove the testament and inventory. Commissary approves the testament and commits to them the administration of goods within the city and diocese of Ely. The executors swear to administer faithfully and to return an account to the bishop, Gloucester, or another commissary of the bishop.

Anglesseye Burton'] Cum dominus Galfridus de Burton', capellanus, commorans in prioratu de Anglessey Elien' diocesis infra dictum prioratum diem suum clausit extremum, nos Thomas de Gloucestre, clericus, venerabilis in Christo patris et domini domini Thome Dei gracia Elien' episcopi commissarius, attendentes dictum prioratum cum omnibus et singulis canonicis fratribus, conversis, corrodiariis, familiariis, perhendinantibus, et inhabitantibus^a ibidem et aliis inibi decedentibus dicto venerabili patri suisque commissariis et ministris solum et insolidum ac immediante subesse et ipsius iurisdictioni subiacere, ne ipsius defuncti bona indebite distraherentur, consumerentur et alienentur, omnia bona et catalla ipsius defuncti infra civitatem et diocesim Elien' existencia in quorumcumque manibus fuerint inventa, quarto kalendas septembris anno Domini millesimo trecentesimo septuagesimo sexto sequestravimus et sequestrata denunciavimus quousque testamentum dicti defuncti, si quod condidit, coram dicto venerabili patre nobis aut alio ipsius commissario fuerit probatum et approbatum et bonorum suorum administracio in forma iuris commissa. Et subsequenter Walterum Mitelwey et Thomam Gerard' de parochia de Bodekesham, executores testamenti dicti defuncti in eodem testamento ut audivimus nominatos, ad diem sabbati proximum ante festum Sancti Mathei apostoli et evangeliste anno Domini supradicto in ecclesia Sancti Michaelis Cantabr' testamentum et inventarium bonorum dicti defuncti coram nobis exhibituros et probaturos et administracionem bonorum eiusdem si voluerint recepturos fecimus coram nobis ad iudicium evocari.

probacio testamenti] Quibus die et loco predicti Walterus et Thomas executores prefati coram nobis personaliter comparentes, testamentum et inventarium bonorum dicti defuncti exhibuerunt dictaque testamentum et inventarium coram nobis probarunt, unde nos pro testamento pronunciato ipsoque

^a canonicis fratribus, conversis, corrodiariis, familiariis, perhendinantibus, et inhabitantibus] *the punctuation is Foxton's.*

publicato ipsum testamentum approbavimus et administracionem omnium bonorum dicti defuncti in civitate et diocesis Elien' existencium eisdem executoribus de fideliter administrando et fidelem compotum dicto venerabili patri nobis seu alii ipsius patris commissariis reddendo in forma iuris iuratis duximus committendam. [fol. 53v]

[22 Oct 77 (50.22)] Anglesey/Burton probate. Walter Mitelwey and Thomas Gerard of Bottisham, executors of the testament of Geoffrey de Burton, chaplain, who died within Anglesey Priory, appear personally before the commissary of Ely. They exhibit the testament, the inventory of goods, and the account of their administration, which was committed to them by the commissary at the time of the testament's probate. After the final account has been heard, they are dismissed from the duty of administration.

Anglesseye/Burton' – acquietancia] Anno domini supradicto, comparuerunt personaliter coram nobis .. commissario Elien' Walterus Mitelwey de Bodekesham et Thomas Gerard' de eadem, executores testamenti domini Galfridi de Burton', capellani infra prioratum de Anglesseye decedentis, testamentum et inventarium bonorum dicti defuncti ac compotum super administracione sua facta in bonis eiusdem exhibuerunt et super dicta administracione nobis computaverunt prout onus administracionis et compoti in probacione dicti testamenti a nobis receperunt. Et quia invenimus per ipsorum compotum in bonis dicti defuncti ipsos fideliter administrasse administracionemque suam plenarie complevisse, ipsos ab onere administracionis huiusmodi et ab ulteriori compoto nobis inde reddendo, salvo iure cuiuscumque, reddimus absolutos per presentes et fiat acquietancia. [fol. 81r]

[2 May 81 (102.30)] Burton. Walter Mitelway and Thomas Gerard of Bottisham, executors of Geoffrey Burton of Anglesey, chaplain, were cited at the instance of Agnes Peacock in a testamentary case.

Parties appear personally. Walter and Thomas admit that Geoffrey left to Agnes 40s and that they still owe 20s to her. They swear to pay the sum to Agnes before the next feast of Pentecost, by order of the court.

Burton'] Walterus Mitelway et Thomas Gerard' de Bodekesham, executores testamenti domini Galfridi Burton' de Angleseye capellani, ad instanciam Agnetis Pecok' in causa testamentaria, partibus personaliter comparentibus, dicti Walterus et Thomas fatentur quod defunctus legavit dicte Agneti^a quadraginta solidos de quibus debentur sibi adhuc viginti solidos, unde iurati sunt solvere dictos viginti solidos prefate Agneti citra festum Pentecostes proximo futurum in quibus viginti solidos ipsos executores condempnamus. [fol. 150r]

[24 May 81 (103.26)] Burton. John ?Herny¹ of Bottisham, Agnes Lister of Bottisham, and

^a Agneti] *followed by* viginti solidos *crossed out*..

¹ The name occurs only once in the register surname Herny does exist, though it is rare, and is spelled *hny* with a cross on the ascender as does, more commonly, the surname Hern of the *h*. The temptation to think that this is a (with various spellings). mistake for Henry or Henny is strong, but the

John Scot of Bottisham were cited at the instance of the executors of Geoffrey Burton of Anglesey, chaplain, in a testamentary case.

Parties appear personally. With the parties' consent, expected next with hope of peace.

Burton'] Johannes H'ny^b de Bodekesham, Agnes Lystere de eadem et Johannes Scot de eadem citati coram nobis ad diem et locum supradictos ad instanciam executorum testamenti domini Galfridi Burton' de Anglesseye, capellani, in causa testamentaria, partibus personaliter comparentibus, de quarum consensu expectamus dictam causam usque proximum sub spe pacis. [fol. 151v]

[10 Oct 81 (106.25)] Burton. Neither appears.

Burton'] Neutra pars comparuit. [fol. 153r]

[10 Oct 81 (106.29)] Peacock. Walter Mitelway of Bottisham was cited at the promotion of Agnes Peacock of Bottisham.

Agnes appears by proctor; Walter is absent and suspended.

Pecok' – suspensio] Walterus Mitelwey de Bodekesham, citatus ad promotionem Agnetis Pecok' de eadem per procuratorem suum comparentis, non comparet, ideo suspendimus. [fol. 153v]

^b H'ny] *see n. 1.*

107. HILDERSHAM

[24 Jul 76 (34.24)] Hildersham. John Sollars, rector of Hildersham, was called because he had failed to appear at the synod celebrated on 9 June 1376 by Richard Scrope.

He appears personally before Scrope on 15 Sept. 1376. He claims that he was detained by illness and unable to attend personally. He swears that he sent someone to excuse his absence; he is dismissed.

Hildresham – punicio absencie in synodo] Die lune proximo post festum exaltacionis Sancte Crucis anno Domini millesimo trecentesimo septuagesimo sexto dominus Johannes Solers, rector ecclesie parochialis de Hildresham Elien' diocesis, coram nobis .. commissario predicto personaliter comparens ac impetitus de eo quod non comparuit in ultima synodo nostra per nos ultimo^a celebrata allegavit quod detentus fuit infirmitate quominus personaliter venire potuit quodque misit suum excusatorem ad allegandum dictum impedimentum et excusandum suam absenciam super quibus facta fide, dimittitur. [fol. 53v]

^a ultimo] *ulti'o* – *ulterio* is also a possible reading, but that would not make sense; "our last synod lastly celebrated by us" is redundant but seems to be what it says.

108. CONINGTON

The case begins with routine warning to John Cook that he is to serve as chaplain of Conington for a year in the absence of the rector, who we later learn is one Stephen whose non-residence has been excused. Ten months later we have a formal office action promoted by the rector against one John Riche to compel him to serve as chaplain of Conington. What happened to John Cook we cannot tell. The later action may have been brought in anticipation of the end of Cook's year of service, or Cook may have been needed at Knapwell. In the event, John Riche alleges an excuse for not serving and then fails to appear when he is called to propose it more formally. A marginal note tells us that he was suspended from entry to the church.

[24 Jul 76 (34.25)] Conington monition. John Cook, residing in Knapwell, is not engaged in the cure of souls. [See *Knapwell*.] He appears personally before the official on 22 Sept. 1376 in St Michael's and is warned peremptorily, under penalty of constitutions of the holy fathers,¹ to serve as chaplain of Conington for a year beginning 29 Sept. in place of the rector, absent by license of the bishop. John promises to serve.

Conyton' monicio] In Dei nomine amen. Nos .. commissarius Elien' supradictus dominum Johannem Cook', commorantem in Knapwell' Elien' diocesis, cure animarum nullatenus intendentem coram nobis personaliter comparentem die lune proximo post festum Sancti Mathei apostoli et evangeliste anno Domini supradicto in ecclesia parochiali Sancti Michaelis Cantebr' iuxta citacionem sibi in ea parte factam, monemus primo, secundo et tercio ac peremptorie quod ad ecclesiam parochialem de Conyton' dicte diocesis, cuius rector absens est ex causa legitima et de licencia domini .. episcopi Elien', capellano parochiali deficiente ad festum Sancti Michaelis proximo futurum accedat animo et intencione eidem ecclesie et parochianis eiusdem in officio et ministerio capellani parochialis deserviat ibidemque in dicto officio permaneat usque ad festum Sancti Michaelis anno completo salvo sibi salario competenti sub penis et censuris in constitutionibus sanctorum patrum in ea parte editis [et] promulgatis ad quod eciam fideliter faciendum dictus dominus Johannes firmiter repromisit. [fol. 53v]

[9 Jul 77 (47.35)] Conington. John Rich of Oakington, chaplain, was cited before the commissary of Ely for 15 July 1377 in St Michael's at the promotion of Stephen rector of Conington. John is expected to show why, according to provincial constitutions,¹ he should not be compelled to serve the rector, absent by necessity and with the bishop's approval, the church, and its parishioners since the chapel lacks a minister and he is suitable and has been asked to do so.

Rector appears by proctor; John personally. John admits that he does not intend to accept the curacy because he is committed to the celebration of anniversary masses at Oakington and the curacy is inconvenient for the next year. 31 July, a final term, is assigned to propose his reason and to hear the pronouncement.

Conyton'] Dominus Johannes Riche de Hokyton', capellanus cure animarum non intendens, citatus coram nobis .. commissario Elien' ad diem mercurii proximo post festum translacionis Sancti Benedicti abbatis in ecclesia Sancti Michaelis Cant' ad instantiam rectoris ecclesie de Conyton' Elien' diocesis

¹ See Citations to Canon Law, *Effrenata*.

causam rationabilem si quam habeat quare ad deservendum rectori ecclesie de Conyton' predicto, absenti ex causa necessaria et ab .. episcopo approbata, et ecclesie ac parochianis eiusdem capellano parochiali destitute in officio et ministerio capellani parochialis cum sit ydoneus et debite requisitus compelli non debeat secundum formam constitutionum provincialium in ea parte editarum propositurus et ostensurus. Comparente dicto rectore per procuratorem suum, dictus dominus Johannes comparet personaliter, fatetur quod non intendit cure animarum sed dicit quod est anniversarius in Hokyton' et quod adhuc non convenit pro anno futuro ad aliquam curam animarum suscipiendam. Unde habet diem veneris proximo post festum Sancti Jacobi apostoli proximo futurum loco quo supra pro termino peremptorio causam predictam propositurus et ostensurus, alioquin ad audiendum pronunciacionem nostram super premissis. [fol. 77v]

[30 Jul 77 (48.23)] Conington. John is absent, found contumacious, and suspended from entering church on 31 July, the day assigned to hear the pronouncement. [Suspension indicated in margin.]

Conyton' – suspensio] In negocio monicionis ad curam presbyterii^a parochialis ex officio nostro ad promocionem domini Stephani rectoris ecclesie de Conyton' mota contra dominum Johannem Riche de Hokyton', presbyterum anniversarium, predictum Johannem habentem istum diem veneris proximo post festum Sancti Jacobi loco quo supra ex prefixione nostre ad audiendum pronunciacionem nostram super confessatis per eum coram nobis iudicialiter non comparentem, reputamus contumacem et pro sua huiusmodi contumacia [ipsum ab ingressu ecclesie suspendimus in hiis scriptis]. [fol. 79r]

^a presbyterii] ps'b followed by two minims with a macron over them – the usage is unusual in this sense, but seems to be what is intended.

109. GAMLINGAY

[24 Jul 76 (34.32)] Gamlingay. William Chelestre of Gamlingay was cited before the official for 24 July 1376 at the instance of Thomas Oliver, rector of half of Gamlingay, and Robert vicar of half of Gamlingay in a case of tithes.

Thomas appears by Peter Caprik, proctor; Robert personally; although summoned and long expected, William is absent. He is found contumacious and suspended from entering church.

Gamelgeye – suspensio] Willelmus Chelestre de Gamelgeye Elien' diocesis citatus coram nobis .. officiali Elien' ad diem iovis proximo post festum Sancte Marie Magdalene ad instanciam dominorum Thome Olyv', rectoris medietatis ecclesie de Gamelg' dicte diocesis, et Roberti vicarii medietatis dicte ecclesie in causa decimarum, predicto rectore per Petrum Caprik', clericum, procuratorem suum, predicto vicario personaliter comparentibus, dictus

Willelmus nullo modo comparuit, ideo ipsum citatum, preconizatum, diucius expectatum, nullo modo comparentem reputamus contumacem et pro sua contumacia ipsum ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 54r]

[13 Nov 76 (37.19)] Gamlingay. William Chelestre of Gamlingay, suspended at another time at the instance of Thomas Oliver and Robert Lethe, was denounced and cited again to respond.

Thomas and Robert appear by proctor; although cited and summoned, William is absent. He is found contumacious and excommunicated.

Gamelyngey'] Willelmus Chelestre de Gamelyngeye Elien' diocesis alias suspensus ab ingressu ecclesie ad instanciam dominorum Thome Olyv', rectoris unius medietatis, et Roberti Leche, vicarii alterius medietatis ecclesie de Gamelyng', in causa decimarum, denunciatus iteratoque [fol. 57r] citatus predictis rectori et vicario in causa predicta responsurus, partibus rectoris et vicarii per procuratorem suum comparentibus, predicto Willelmo nullo modo, ideo ipsum Willelmum citatum, preconizatum, nullo modo comparentem reputamus contumacem ipsumque pro sua huiusmodi contumacia excommunicamus in hiis scriptis. [fol. 57v]

110. LICHFIELD (1)¹

[24 Jul 76 (34.33)] Lichfield. John Leighton of St Andrew's Histon was cited before the official for 2 Aug. 1376 at the instance of John Lichfield of Cambridge in a breach of faith and perjury case.

Lichfield appears personally; although summoned and long expected, Leighton is absent. He is found contumacious and suspended from entering church.

Lychefeld' – suspensio] Johannes Leyghton' de parochia Sancti Andree de Histon' Elien' diocesis citatus coram nobis .. officiali Elien' ad diem sabbati proximo post festum Sancti Petri ad vincula ad instanciam Johannis Lychefeld' de Cantebr' in causa fidei lesionis et periurii, dicto Johanne Lychefeld' parte actrice personaliter comparente, predicto Johanne Leyghton' parte rea nullo modo, ideo ipsum Johannem Leyghton' citatum, preconizatum, diucius expectatum nullo modo comparentem reputamus contumacem et pro sua contumacia ipsum ab ingresse ecclesie suspendimus in hiis scriptis. [fol. 54r]

¹ The plaintiff in this case may be the plaintiff in *Lichfield* (2), and his wife is possibly the plaintiff in *Lichfield* (3). The cases do not, however, seem to be otherwise related, other than raising the possibility that we are dealing with a quite litigious family.

111. HONYTER

[24 Jul 76 (34.34)] Honyter. Simon Foulman of March was cited before the official for 30 July 1376 at the instance of Adam Honyter of March in a breach of faith and perjury case.

Neither appears. The case is pending a new citation.

Honyter] Simon Foulman de March' Elien' diocesis citatus coram nobis .. officiali Elien' ad diem mercurii proximo post festum Sancti Jacobi apostoli ad instanciam Ade Honyter de eadem in causa fidei lesionis et periurii, neutra pars comparuit, ideo pendeat sub nova citacione. [fol. 54r]

112. *TRENET*¹

[25 Sep 76 (35.14)] Tretet. John Little of Chesterton was cited before Thomas Gloucester, commissary, at the instance of Thomas Tretet of Cambridge in a breach of faith and perjury case.

Parties appear by proctors. An oral libel is given and requested written. Next to receive it in writing.

Tretet] Johannes Lytel de Chestreton' citatus [est] coram nobis .. commissario supradicto ad instanciam Thome Tretet de Cantebr' in causa fideilesionis et periurii. Partibus per procuratores suos comparentibus, libellato oretenus petitoque in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 55Ar]

[16 Oct 76 (36.11)] Tretet. Peace has been restored; John is to be called *ex officio*.

Tretet – pax] In causa fideilesionis seu periurii mota inter Thomam Tretet de Cantebr' partem actricem ex parte una et Johannem Litel de Chestreton' partem ream ex altera, pax est, ideo vocetur pars rea ex officio. [fol. 55Av]

¹ The defendant in this case and John Little See *Little*, n. 1. in *Little* are almost certainly the same person.

113. *BOXWORTH*

[25 Sep 76 (35.17)] Boxworth. John Boxworth of Sutton and Christine Messenger of Sutton were cited before Thomas Gloucester, bishop's commissary, for 2 Oct. 1376 in Holy Trinity, Ely, concerning a contract of marriage.

They appear personally. Sworn *de veritate dicenda* and questioned, they admit that they agreed to contract marriage. In court they consent to have each other as husband and wife; Gloucester pronounces them married.

Bokesworth' – pronunciatio] Johannes Bokesworth' de Sutton' et Cristina Messag' de eadem citati coram nobis Thoma de Gloucestr' clerico, venerabilis patris domini episcopi Elien' commissario, ad diem iovis proximo post festum Sancti Michaelis archangeli videlicet ad secundum diem mensis octobris anno Domini supradicto in ecclesia Sancte Trinitatis in monasterio Elien' super contractu matrimoniali inter eos ut dicebatur inito, predictis Johanne et Cristina coram nobis personaliter comparentibus et de veritate dicenda iuratis ac super dicto contractu requisitis, fatebantur quod consencierunt de matri-

monio inter eos contrahendo et in iudicio coram nobis consenciunt expresse quod volunt se invicem habere in virum et uxorum, unde de eorum mutuo consensu et expresse coram nobis iudicialiter prestito pro matrimonio inter eos sentencialiter et diffinitive pronunciamus et declaramus ipsumque Johannem eidem Cristine in virum legitimum ac eandem Cristinam prefato Johanni in uxorem legitimam adiudicamus de eorum consensu expresse supradicto. [fol. 55Ar]

114. WOLRON

Three servants of Richard Leicester of Holy Trinity, Ely, are involved two different matrimonial cases (this one and *Leicester*) that appear in adjacent entries in the register. The cases are otherwise unrelated, however, and have quite different results. It seems likely that the investigation of one rumour by the court officers, the church wardens, or even Richard himself, led to the discovery of the other problem. See Donahue, *Law, Marriage, and Society*, T&C 507, and cross-references.

[25 Sep 76 (35.18)] Wolron. Thomas Wolron, parishioner of Holy Trinity, Ely, and Margaret servant of Richard Leicester of Ely were cited before Thomas Gloucester for 2 Oct. 1376 in Holy Trinity concerning a contract of marriage, followed by intercourse.

They appear personally. Sworn *de veritate dicenda* and questioned, they admit that they have had a sexual relationship together for two years without correction. With their consent, they contract marriage in common form, Thomas saying to Margaret, “I accept you as my wife if, from now on, I know you physically” and Margaret to Thomas, “I accept you as my husband if, from now on, you know me physically.”

Wolron’ – contractus in forma communi] Thomas Wolron’ de Ely de parochia Sancte Trinitatis et Margareta ancilla Ricardi Leycestr’ de eadem citati coram nobis commissario supradicto ad diem et locum suprascriptos super contractu matrimoniali inter eos ut dicebatur inito et carnali copula subsequuta, predictis Thoma et Margareta coram nobis personaliter comparentibus ac de veritate dicenda iuratis ac super dicto contractu requisitis fatebantur quod cognoverunt se invicem carnaliter et continuarunt huiusmodi peccatum per biennium, de quo asserunt se numquam fuisse correctos, unde de eorum expresse consensu contraxerunt inter se matrimonium iudicialiter coram nobis in forma communi videlicet prefatus Thomas dixit eidem Margarete ista verba, “Hic accipio te in uxorem meam si exnunc cognoscam te carnaliter,” et predicta Margareta eidem Thome statim respondit, “Hic accipio te in virum meum si exnunc cognoscas me carnaliter.” [fol. 55Ar]

115. LEICESTER

See the introduction to *Wolron*.

[25 Sep 76 (35.19)] Leicester. Robert servant of Richard Leicester, parishioner of Holy Trinity,

Ely, and Mariota servant of Richard were cited before said commissary for said day and place concerning a contract of marriage, followed by intercourse.

They appear personally. Sworn *de veritate dicenda* and questioned, they admit that they promised to become husband and wife; afterwards they had intercourse often. With their consent, they are pronounced married; they swear to solemnize the marriage before the church within the next six weeks.

Leycestre – pronunciatio] Robertus famulus Ricardi Leycestre de Ely de parochia Sancte Trinitatis et Mariota serviens dicti Ricardi citati coram nobis commissario supradicto ad diem et locum suprascriptos super contractu matrimoniali inter eos ut dicebatur inito et carnali copula subsequuta, predictis Roberto et Mariota coram nobis personaliter comparentibus ac de veritate dicenda iuratis ac super huiusmodi contractu et carnali copula requisitis, fatebantur quod promiserunt se mutuo se invicem habituros in virum et uxorem et quod postmodum inter eos carnalis copula sepius intervenit, unde de eorum consensu expresso pro matrimonio inter eos pronunciamus et declaramus, ipsumque Robertum eidem Mariote in virum legitimum ac ipsam Mariotam prefato Roberto in uxorem legitimam sentencialiter et diffinitive adiudicamus. Et iurati sunt procurare matrimonium solempnizari inter eos in facie ecclesie infra sex septimanas proximo tunc sequentes. [fol. 55Ar]

116. THORNEY/WHITTLESEY (1)

The relations between abbot and convent of Thorney, appropriators of St Mary's Whittlesey, and the church are the subject of a number of actions recorded in the register. We have gathered them under two headings. This one involves an appeal by the abbey from an order by the archdeacon's official to restore tithes to the vicar and, fourteen months after the first action was apparently settled, an instance case brought by the vicar against the abbey, concerning the same tithes (with a parallel *ex officio* action against parishioners for withholding them). The second group (*Thorney/Whittlesey (2)*) finds the vicar siding with the abbey in a number of actions brought against parishioners of the church involving a range of issues. Those actions were settled relatively quickly.

[25 Sep 76 (35.20)] Thorney. Robert de Elsworth, perpetual vicar of St Mary's, Whittlesey, was cited before official or his commissary for 25 Sept. 1376 in St Michael's at the instance of the abbot and convent of Thorney, holding the use of Whittlesey, and Nicholas de Fletton, monk of Thorney Abbey, in an appeal from Mr William Rookhawe, archdeacon's official. The official, who has no jurisdiction over Nicholas, ordered him to restore to Robert, within a brief and final term assigned without explanation, tithes of flax unpaid by Nicholas. Among other grievances, Nicholas claims that he was found contumacious although he had not been cited, convicted, or confessed.

Abbot and convent by Richard Pitts, proctor by letter; Robert by Peter Caprik, proctor *apud acta*. A libel of appeal is given in writing. Next to respond to it. Robert's proctor requests copies of the certification, proxy, and other exhibits; decreed.

Thorneye] Dominus Robertus vicarius ecclesie Sancte Marie de Wytlesseye Elien' diocesis citatus coram nobis .. officiali Elien' vel nostro commissario

ad diem iouis proximo post festum Sancti Mathei apostoli et evangeliste in ecclesia Sancti Michaelis Cantebr' ad instanciam .. abbatis et conventus de Thorneye Elien' diocesis, dictam ecclesiam parochialem de Wytlesseye in proprios usus optinencium, et fratris Nicholai de Fletton' eiusdem monasterii monachi regularis et professi, in quadam causa appellacionis ad audientiam nostram ut dicitur interiecte, eo videlicet quod magister Willelmus Rokhawe, officialis domini archidiaconi Elien' se pretendens, in ipsum fratrem Nicholaum nullam omnino habens iurisdiccione[m], ipsum fratrem Nicholaum non citatum, non convictum, nec confessum, absentem non per contumaciam monuit et moneri mandavit et fecit ut ipse decimas lini ad dictam ecclesiam et religiosos predictos ipsius ecclesie nomine ut asserunt spectantes et per ipsum fratrem Nicholaum perceptas et habitas ut suggeritur dicto domino Roberto vicario infra terminum nimis brevem et peremptorium, nulla termini abbreviacionis seu peremptorie prefixionis causa assignata vel subsistente, restitueret ac super aliis gravaminibus in ea parte suggestis per dictum .. officialem pretensum domini archidiaconi illatis et factis ad ipsius domini Roberti vicarii procuracionem et instanciam, predictis abbate et conventu per Ricardum Pyttes, clericum, procuratorem suum litteratorie, predicto Roberto vicario per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, comparentibus, oblato libello appellatorio per procuratorem dictorum .. abbatis et conventus in scriptis et per partem dicti vicarii optento, datur dies in proximo ad respondendum eidem. Et procurator dicti vicarii peciit^a copias certicatorii et procuratorii et aliorum exhibitorum, quas eidem decrevimus faciendas. [fol. 55Ar]

[16 Oct 76 (36.14)] Thorney. Appellants by brother Thomas de Brampton, Richard Pitts, *et al.*, by letter; Robert by proctor. Robert proposes dilatory exceptions against the libel. Next to propose everything and to act on the proposed, if it is clear.

Thorneye] In causa appellacionis mota inter .. abbatem et conventum de Thorneye ecclesiam parochialem Sancte Marie de Wytlesseye Elien' diocesis in proprios usus suos optinentes ac eciam fratrem Nicholaum de Fletton' dicti monasterii conmonachum et confratrem partem appellantem ex parte una et dominum Robertum de Ellesworth' vicarium ecclesie Sancte Marie de Wytlesseye predictae partem appellatam ex altera, parte appellante per fratrem Thomam de Brampton, dicti monasterii conmonachum, dictorum .. abbatis et conventus procuratorem una cum Ricardo Pyttes et aliis litteratorie constitutum, parte vero appellata ut prius comparentibus, propositis per partem appellantam quibusdam excepcionibus dilatoriis contra libellum, datur dies in proximo ad proponendum omnes et si liqueat ad faciendum super propositis. [fol. 56Ar]

^a peciit] *sic* – the return to the perfect tense at this point suggests that this sentence is an afterthought.

[13 Nov 76 (37.10)] Thorney. Robert proposes dilatory exceptions against the libel. Next to act on the proposed.

Thorneye] In causa appellacionis mota inter .. abbatem et conventum de Thorneye Elien' diocesis ecclesiam parochialem Sancte Marie de Wytlesseye dicte diocesis in proprios usus optinentes ac eciam fratrem Nicholaum de Fletton' dicti monasterii confratrem partem appellantem ex parte una et dominum Robertum de Ellesworth' vicarium dicte ecclesie partem appellata ex altera, propositis per partem appellatam quibusdam excepcionibus aliis dilatoriis contra libellum, datur dies in proximo ad faciendum super propositis. [fol. 56Bv]

[4 Dec 76 (38.6)] Thorney. An addition is made to the libel: "against said Robert perpetual vicar of the parish church of St Mary of Whittlesey." Parties agree to omit the article of appeal. The libel of the principal case will be proposed and received next.

Thorneye] In causa appellacionis mota inter .. abbatem et conventum de Thorneye Elien' diocesis ecclesiam parochialem Beate Marie de Wytlesseye dicte diocesis in proprios usus optinentes ac eciam fratrem Nicholaum de Fletton' dicti monasterii confratrem partem appellantem ex parte una et dominum Robertum de Ellesworth' vicarium dicte ecclesie partem appellatam ex altera, facta adieccione sive declaracione ad dictum libellum sub hiis verbis "contra dominum Robertum perpetuum vicarium ecclesie parochialis Beate Marie de Wytlesseye," partibus ut prius comparentibus, omisso articulo appellacionis de consensu expresso parcium predictarum, datus est dies in proximo parti dictorum .. abbatis et conventus ac fratris Nicholai de Fletton' ad proponendum libellum in causa principali et parti alteri ad recipiendum. [fol. 58v]

[8 Jan 77 (39.6)] Thorney. Next to offer the libel of the principal case in writing with hope of peace.

Thorneye] In causa appellacionis mota inter .. abbatem et conventum de Thorneye Elien' diocesis ecclesiam parochialem Sancte Marie de Wytlesseye dicte diocesis in proprios usus optinentes ac eciam fratrem Nicholaum de Fletton' dicti monasterii confratrem partem appellantem ex parte una et dominum Robertum de Ellesworth' vicarium dicte ecclesie partem appellatam ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad libellandum in scriptis in causa principali sub spe pacis. [fol. 60v]

[5 Feb 77 (40.6)] Thorney. With the parties' consent, next to give the libel of the principal case in writing with the hope of peace.

Thorneye] In causa appellacionis mota inter .. abbatem et conventum de Thorneye Elien' diocesis ecclesiam parochialem Sancte Marie de Wytlesseye dicte diocesis in proprios usus optinentes ac fratrem Nicholaum de Flet-

ton' dicti monasterii confratrem partem appellan-tem ex parte una et dominum Robertum de Ellesworth' vicarium dicte ecclesie partem appellatam ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo dictis abbati et conventui ac fratri Nicholao ad idem, videlicet ad dandum libellum in scriptis in causa principali sub spe pacis. [fol. 63v]

[26 Feb 77 (41.6)] Thorney. The abbot, convent, and Nicholas absent; Robert by proctor. With parties' consent, next to give the libel of principal case in writing with hope of peace.

Thorneye] In causa appellacionis mota inter .. abbatem et conventum de Thorneye Elien' diocesis ecclesiam parochialem Beate Marie de Wytlesseye dicte diocesis in proprios usus optinentes ac eciam fratrem Nicholaum de Fletton' dicti monasterii confratrem partem appellan-tem ex parte una et dominum Robertum de Ellesworth' vicarium eiusdem ecclesie partem appellatam ex altera, parte appellante nullo modo comparente, parte appellata ut prius, expectamus absentem cum presente usque proximum ad idem, videlicet ad dandum [fol. 64v] libellum in scriptis, petita copia per dictum vicarium omnium actorum iudicialium in hac parte habitorem et decreto. [fol. 65r]

[19 Mar 77 (42.6)] Thorney. As 41.6.

Thorneye] In causa appellacionis mota inter .. abbatem et conventum de Thorneye Elien' diocesis ecclesiam parochialem de Wytlesseye Marie dicte diocesis in proprios usus optinentes ac eciam fratrem Nicholaum de Fletton' dicti monasterii confratrem partem appellan-tem ex parte una et dominum Robertum de Ellesworth' vicarium eiusdem ecclesie partem appellatam ex altera, partibus ut prius comparentibus, de quarum consensu [datur dies] in proximo ad idem sub spe pacis. [fol. 66r]

[10 Apr 77 (43.6)] Thorney. As 41.6.

Thorneye] In causa appellacionis mota inter .. abbatem et conventum de Thorneye Elien' diocesis ecclesiam parochialem Sancte Marie de Wytlesseye dicte diocesis in proprios usus optinentes ac eciam fratrem Nicholaum de Fletton' dicti monasterii confratrem partem appellan-tem ex parte una et dominum Robertum de Ellesworth' vicarium eiusdem ecclesie partem appellatam ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem sub spe pacis. [fol. 68r]

[30 Apr 77 (44.6)] Thorney. As 41.6.

Thorneye] Partibus ut prius comparentibus, datur dies in proximo ad idem quod prius. [fol. 70r]

[29 May 77 (45.5)] Thorney. The case is pending as before.

Thorneye] Partibus ut prius comparentibus, pendeat ad proximum ad idem quod prius. [fol. 72v]

[29 Jul 78 (63.26)] Whittlesey. The abbot of Thorney was cited for said day and place at the instance of Robert de Elsworth, vicar of St Mary of Whittlesey, in a case of tithes.

Robert appears by Robert Foxton, proctor by letter; the abbot by Mr Thomas de Harondon, proctor by letter. An oral libel is given and requested written. The abbot also wants copies of the proxies, citation, certification, and all judicial acts.

Wyttlesseye] Abbas de Thorneye citatus ad diem et locum supradictos ad instanciam domini Roberti de Ellesworth' vicarii ecclesie Sancte Marie de Wyttlesseye Elien' diocesis in causa decimarum, parte actrice per Robertum de Foxton', clericum, procuratorem suum litteratorie, predicto domino .. abbate per magistrum Thomam de Harondon' procuratorem suum eciam litteratorie constitutum, comparentibus, libellato per partem actricem oretenus petitoque per partem ream in scriptis, datur dies in proximo ad recipiendum in scriptis, petitis hincinde copiis procuratoriorum et per partem ream copiis citacionis et certificatorii et omnium actorum iudicialium in hac parte habitorum et decreto. [fol. 96v]

[29 Jul 78 (63.27)] Whittlesey. John Beste of Whittlesey and Thomas Chapman of Whittlesey were cited before the commissary for 30 July 1378 to show why they should not be pronounced excommunicated, according to John Stratford's provincial constitution *Erroris dampnalis*.¹ Laymen and subjects of the bishop, they have withheld (*arestarunt*) tithes of flax due by custom and law to the vicarage of St Mary of Whittlesey, and they have inhibited the offering and collecting of these tithes. The vicar has promised to propose and show this to the court.

They appear by Mr Thomas de Harondon, proctor by letter. He requests the article in writing and a copy of the citation, the certification, and all judicial acts.

Wyttlesseye] Johannes Beste de Wyttlesseye Elien' diocesis et Thomas Chapman de eadem citati coram nobis .. commissario predicto ad diem veneris proximo post festum Sancti Jacobi apostoli loco quo supra causam rationabilem si quam habeant quare in sentenciam maioris excommunicacionis, in constitucione provinciali per bone memorie dominum Johannem de Stratford' nuper Cant' archiepiscopum edita latam que incipit *Erroris dampnalis*, nominaliter et in specie incidisse non debeant pronunciari, pro eo et ex eo quod dicti Johannes et Thomas mere laici, domini episcopi Elien' et nostri in hac parte notorie subditi et subiecti, postquam et ubi dicta constitucio ipsos artabat et artat in presenti, decimas lini ad porcionem vicarie ecclesie Sancte Marie de Wyttlesseye pertinentes^b de consuetudine vel de iure manu laicali arestarunt et ne dicto vicario cui ut premittitur debentur^c solverentur districtius inhibuerunt ac circa ipsarum decimarum prestacionem et colleccionem earumque abductionem impedimenta multimoda intulerunt et inferri fecerunt et procurarunt, in libertatem et iurium ecclesiasticorum violacionem et preiudium manifestum, suarum dispendium animarum, prout per partem dicti .. vicarii nobis extitit facta fides, proposituri et ostensuri comparent per ma-

^b pertinentes] pertinentis; *confusing the tithes with the flax*. ^c debentur] debetur.

¹ See Citations to Canon Law, *Erroris*.

gistrum Thomam de Harondon' procuratorem suum litteratorie constitutum, Petit articulum in scriptis sibi dari; datur dies in proximo ad recipiendum in scriptis, petita eciam copia citacionis, certificatorii et omnium actorum iudicialium in hac parte habitorum et decreto. [fol. 96v]

[1 Oct 78 (64.24)] Whittlesey. The case is adjourned until the next session when the written libel will be received.

Wyttlesseye] Partibus per dictos procuratores suos comparentibus, continuamus usque proximum ad idem, videlicet ad recipiendum libellum in scriptis. [fol. 98r]

[1 Oct 78 (64.25)] Whittlesey. The case is adjourned until the next session when the article will be received in writing.

Wyttlesseye] Predictis Johanne et Thoma ut prius comparentibus, continuamus usque proximum ad idem, videlicet ad recipiendum articulum in scriptis. [fol. 98r]

[21 Oct 78 (65.22)] Whittlesey. The written libel is received. Next to respond.

Wyttlesseye] In causa decimarum mota inter dominum Robertum vicarium ecclesie Sancte Marie de Wyttlesseye partem actricem ex parte una et .. abbatem de Thorneye partem ream ex altera, partibus ut prius comparentibus, oblato per partem actricem libello in scriptis et optento a parte rea, datur dies in proximo ad respondendum eidem. [fol. 99v]

[21 Oct 78 (65.23)] Whittlesey. The written article is received. Next to respond.

Wyttlesseye] In negocio correccionis ex officio nostro mota contra Johannem Beste de Wyttlesseye et Thomam Chapman de eadem Elien' diocesis, predictis Johanne et Thoma ut prius comparentibus, oblato eisdem quodam articulo in scriptis et per ipsos optento, datur dies in proximo eisdem Johanni et Thome ad respondendum eidem. [fol. 99v]

[10 Nov 78 (66.21)] Whittlesey. The abbot proposes dilatory exceptions. Next to propose everything.

Wyttlesseye] Partibus ut prius comparentibus, propositis per partem ream quibusdam excepcionibus dilatoriis, datur dies in proximo ad proponendum omnes. [fol. 102v]

[10 Nov 78 (66.22)] Whittlesey. John and Thomas propose dilatory exceptions. Next to propose all [dilatory exceptions].

Wyttlesseye] Partibus ut prius comparentibus, propositis per partem ream quibusdam excepcionibus dilatoriis, datur dies in proximo ad proponendum omnes. [fol. 102v]

[2 Dec 78 (67.21)] Whittlesey. The abbot proposes other dilatory exceptions. Next to act on them and if they do not obstruct, to join the issue.

Wyttlessey] Partibus ut prius comparentibus, propositis per partem ream quibusdam aliis excepcionibus dilatoriis, datur dies in proximo ad faciendum super eis et si proposita non obsistant ad contestandum litem. [fol. 105r]

[2 Dec 78 (67.22)] Whittlesey. John and Thomas propose other dilatory exceptions. Next to act on them and, if they do not obstruct, to join the issue.

Wyttlesseye] Partibus ut prius comparentibus, propositis quibusdam aliis excepcionibus dilatoriis, datur dies in proximo ad faciendum super eisdem et si proposita non obsistant ad contestandum litem. [fol. 105r]

[23 Dec 78 (68.18)] Whittlesey. With the parties' consent, next to act on the exceptions, and if they do not obstruct, to join the issue.

Wyttlessey] Partibus ut prius comparentibus, de quarum consensu datur dies ad idem in proximo, videlicet ad faciendum super excepcionibus propositis et si proposita non obsistant ad contestandum litem. [fol. 106r]

[23 Dec 78 (68.19)] Whittlesey. With the parties' consent, next to act on the exceptions, and if they do not obstruct, to join the issue.

Wyttlesseye] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad faciendum super excepcionibus propositis et si proposita non obsistant ad contestandum litem. [fol. 106r]

[3 Feb 79 (70.19)] Whittlesey. There is an argument about the exceptions. Mr Thomas Harondon, original proctor of the abbot and convent, substitutes *apud acta* Walter Sutton, as allowed by his original proxy. He contests the suit negatively in writing *sub certa forma*; a copy is ordered for Robert. Parties swear *de calumpnia* and *de veritate dicenda*. The oaths are taken for Robert by John Wiltshire, substitute of Robert Foxton, original proctor, and for the abbot by Sutton. Next to propose, to administer articles, and the first term to produce.

Wyttlessey] Partibus ut prius comparentibus, habita altercacione super excepcionibus, magister Thomas Harondon', procurator originalis dictorum abbatis et conventus, substituit apud acta Walterum de Sutton' iuxta omnem vim, formam et effectum procuratorii sui originalis liteque per dictum substitutum negative contestata sub certa forma in scriptis proposita et parti adverse tradita copia, iuratis partibus predictis, actrice videlicet in persona Johannis Wyltesshir', substituti Roberti de Foxton' procuratoris originalis, rea vero in^d persona dicti Walteri substituti, hincinde de ca-[fol. 107v]lumpnia et de veritate dicenda, datur dies in proximo ad ponendum, articulandum et primo producendum. [fol. 108r]

[3 Feb 79 (70.20)] Whittlesey. Next to act on the exceptions and, if they do not obstruct, to join the issue.

Wyttlesseye] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad faciendum super excepcionibus et si proposita non obsistant ad contestandum litem. [fol. 108r]

^d in] *interlined*.

[25 Feb 79 (71.17)] Whittlesey. With the parties' consent, next to propose, to administer articles, and the first term to produce.

Wyttlessey] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod prius. [fol. 109v]

[25 Feb 79 (71.18)] Whittlesey. Walter Sutton contests the suit negatively, proposing in writing a qualification to the contest. Next to act on the qualification and to swear *de calumpnia*

Wyttlesseye] Partibus ut prius comparentibus, lite per Walterum de Sutton', clericum substitutum magistri Thome de Harondon' procuratoris originalis, ad dictum articulum negative contestata cum quadam adieccione sive iustificatione iuxta contestacionem in scriptis proposita, datur dies in proximo ad faciendum super eadem adieccione, salva litis contestacione predicta et ad iurandum de calumpnia. [fol. 109v]

[17 Mar 79 (72.17)] Whittlesey. Robert proposes articles of proof and positions; he produces six witnesses: William Giddyng of Whittlesey, Ralph Emm, John Giddyng, Simon Johns, Walter Everard, and Stephen Buck of Whittlesey, who were admitted and sworn. The abbot reserves the right to speak against witnesses and testimony and requests a copy of the articles; decreed. Next the second term to produce.

Wyttlessey] Partibus ut prius comparentibus, propositis articulis probatoriis et posicionibus productisque per partem actricem sex testibus, videlicet Willelmo Giddyng de Wyttlesseye, Radulo Em, Johanne Giddyng', Simone Jons, Waltero Everard' et Stephano Buk' de eadem, quibus admissis et in forma iuris iuratis, datur dies in proximo ad secundo producendum, premissa protestacione per partem ream de dicendo contra testes et eorum dicta, petita per partem ream copia articulorum et decreto. [fol. 111v]

[17 Mar 79 (72.18)] Whittlesey. There is an argument about the qualification, which is admitted; parties swear *de calumpnia* Next to propose and the first term to produce proof of the article and qualification.

Wyttlesseye] Partibus ut prius comparentibus, habita disputacione super iustificatione, qua tandem admissa eatenus quatenus, iuratis de calumpnia, datur dies in proximo ad ponendum et primo producendum hincinde tam super principali articulo quam super iustificatione. [fol. 111v]

[21 Apr 79 (73.19)] Whittlesey. With the parties' consent, the case is pending with hope of peace.

Wyttlesseye] Partibus ut prius comparentibus, de quarum consensu pendet ad idem sub spe pacis. [fol. 114r]

[21 Apr 79 (73.20)] Whittlesey. With the parties' consent, the case is pending with hope of peace.

Wyttlesseye] Partibus ut prius comparentibus, de quarum consensu expresso pendet ad idem sub spe pacis. [fol. 114r]

[23 May 79 (74.20)] Whittlesey. As 73.19.

Wyttlesseye] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem sub spe pacis. [fol. 115v]

[23 May 79 (74.21)] Whittlesey. As 73.20.

Wyttlesseye] Partibus ut prius comparentibus, de quarum consensu expectamus usque proximum ad idem sub spe pacis. [fol. 115v]

[10 Jun 79 (75.18), 10 Jun 79 (75.19), 30 Jun 79 (76.19)] Whittlesey. As 73.19, 73.20, 73.19.

Wyttlesseye] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod prius sub spe pacis. [fol. 116v (*bis*), 117v]

[30 Jun 79 (76.20)] Whittlesey. As 73.20.

Wyttlesseye] Partibus ut prius comparentibus, de quarum consensu expectamus usque proximum ad idem quod prius sub spe pacis. [fol. 117v]

[21 Jul 79 (77.19)] Whittlesey. As 73.19.

Wyttlesseye] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem sub spe pacis. [fol. 118v]

[21 Jul 79 (77.20)] Whittlesey. As 73.20.

Wyttlesseye] Partibus ut prius comparentibus, de quarum consensu expectamus usque proximum sub spe pacis. [fol. 118v]

[22 Sep 79 (78.20), 22 Sep 79 (78.21)] Whittlesey. As 73.19, 73.20.

Wyttlesseye] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem sub spe pacis. [fol. 120v (*bis*)]

[13 Oct 79 (79.18), 13 Oct 79 (79.19), 3 Nov 79 (80.15), 3 Nov 79 (80.16), 24 Nov 79 (81.15), 24 Nov 79 (81.16)] Whittlesey. As 73.19, 73.20.

Wyttlesseye] Pendet sub spe pacis. [fols. 121v, 121v, 122v, 122v, 124r, 124r]

[9 Dec 79 (82.15), 9 Dec 79 (82.16), 12 Jan 80 (83.15), 12 Jan 80 (83.16)] Whittlesey. As 73.19, 73.20.

Wyttlesseye] Pendet ad idem sub spe pacis. [fols. 125r, 125r, 126v, 126v]

[3 Feb 80 (84.14)] Whittlesey. In the case concerning tithes of flax and of hemp growing in the fields of Whittlesey, both parties want to impose on themselves and their successors a new agreement about the profits and rights of Whittlesey church, in order to spare labour and expense and to avoid injury. They agree that the religious [of Thorney], present and future, will pay annually to the vicar, present and future, 20 pounds in cash as the portion of his vicarage. Payment will be made within the time periods specified in the chirograph made by the parties and confirmed by the bishop of Ely. The dispute ends.

Wyttlesseye] In causa subtraccionis decime lini et canabi crescentis in campis de Wyttlesseye que coram nobis vertitur inter dominum Robertum de Ellesworth' vicarium ecclesie Sancte Marie de Wyttlesseye partem actricem ex

parte una et abbatem et conventum de Thorneye dictam ecclesiam habentes in proprios usus partem ream ex altera, cum in dicta causa inter partes predictas in consistorio Elien' diucius fuisset litigatum, ad parcendum utriusque partis laboribus et expensis et iurgiorum incommoda evitanda placuit utrique parti predictae super omnibus et singulis fructibus, redditibus, proventibus et iuribus ex eadem ecclesia provenienti per viam nove compositionis partibus predictis, eorumque successoribus finem rationabilem imponere cunctis futuris temporibus inviolabiliter duraturis; tandem inter easdem partes ita convenit, quod dicti religiosi qui sunt et erunt pro tempore solvent dicto vicario qui nunc est et eius^e successoribus qui erunt pro tempore singulis annis viginti libras in pecunia numerata nomine porcionis vicarie eiusdem in dicta ecclesia ad certos terminos prout in quibusdam sirograffis^f inter eosdem confectis et per dominum episcopum Elien' loci eiusdem diocesanum confirmatis plenius continetur, aliaque facient, subibunt et observaberunt partes predictae ipsarumque successores inperpetuum prout in dictis sirograffis plenius est expressum sicque dicta causa inter dictas partes finaliter est sopita. [fol. 127v]

[3 Feb 80 (84.15)] Whittlesey. Peace has been restored.

Wyttlesseye – pax. In causa subtraccionis decimarum inter dominum Robertum vicarius ecclesie Sancte Marie de Wyttlesseye partem promoventem ex parte una et Johannem Beste et Thomam Chapman de eadem partem ream ex altera, pax est reformata inter partes. [fol. 128r]

^e eius] eorum. ^f sirograffis] *i.e.*, chirographis

117. WOLVERTON

[25 Sep 76 (35.21)] Wolverton. Emma wife of Richard Eustace of Littleport was cited before official for 25 Sept. 1376 at the instance of John Wolverton of Littleport in a defamation case.

John appears by Peter Caprik, proctor *apud acta*; Emma is absent, found contumacious, and suspended.

Wolverton'] Emma uxorem Ricardi Eustace de Lyttelport citata coram nobis .. officiali Elien' ad diem iovis proximo post festum Sancti Mathei loco quo supra ad instanciam Johannis Wolverton' de eadem in causa diffamacionis, parte actrice per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, comparente, parte vero rea nullo modo, ideo ipsam reputamus contumacem et in penam contumacie sue huiusmodi, ipsam suspendimus in hiis scriptis ab ingressu ecclesie. [fol. 55Av]

118. BRICE

[16 Oct 76 (36.15)] Brice. Alice wife of Robert Christmas of Cambridge was cited before official at the instance of John Brice of Cambridge in a defamation case.

Both appear personally. An oral libel is given and requested written. Next to receive it in writing.

Brice] Alicia uxor Roberti Cristemesse de Cantebr' citata coram nobis .. officiali supradicto ad instanciam Johannis Brice de eadem in causa diffamacionis, partibus personaliter comparentibus, libellato per partem actricem oretenus petitoque per partem adversam in scriptis, datur dies in proximo ad recipiendum libellum in scriptis. [fol. 56Ar]

[13 Nov 76 (37.11)] Brice. Peace has been restored; Alice will be called *ex officio*.

Brice – pax] In causa diffamacionis mota inter Johannem Brice de Cantebr' partem actricem ex parte una et Aliciam uxorem Roberti Cristemesse de eadem partem ream ex altera, pace inter eos reformata, vocetur pars rea ex officio. [fol. 56Bv]

119. GREEN (1)

[16 Oct 76 (36.18)] Atte Green. Robert Priest of Melbourn, residing with Sir Roger de Trumpington, was cited before Thomas Gloucester for 29 Oct. 1376 in St Michael's at the instance of Amy atte Green of Girton in a marriage case.

Parties appear personally. Amy orally proposes that they contracted marriage in present words of mutual consent, or in future words followed by intercourse. The contract has been recognized by them before the community and acknowledged by public fame. She asks that Robert be judged her husband. Robert contests the suit negatively; they swear *de calumpnia* and *de veritate dicenda*. Amy produces five witnesses: Robert Tomlin of Girton, John Taylor, William Goodman, Thomas his son, and John Bird of Girton, who are admitted and sworn. Robert reserves the right to speak against witnesses and testimony. After the witnesses have been examined, the testimony is put in writing and published with the parties' consent. The terms to speak against witnesses and testimony and to propose anything concerning the matter are renounced; with the parties' consent, the case is concluded. Next to hear the definitive sentence with adjournment if necessary.

Attegrene] Robertus Preest de Meldebourn' commorans cum domino Rogero de Trumpiton' citatus ad diem mercurii proximo post festum apostolorum Simonis et Jude anno Domini supradicto loco quo supra coram nobis Thoma de Glouc', domini .. officialis Elien' commissario, ad instanciam Amye Attegrene de Gritton' Elien' diocesis in causa matrimoniali, partibus personaliter comparentibus, dicta Amya proposuit oretenus contra prefatum Robertum coram nobis quod dictus Robertus et ipsa Amya matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia seu per verba de futuro carnali copula subsecuta legitime contraxerunt, quem qui-

dem contractum uterque eorum in alterius et aliorum fidedignorum presencia innovarunt, publicarunt, recitarunt, fatebantur et recognoverunt et super huiusmodi contractu, carnali copula, innovacione, publicacione, recitacione, confessione et recognicionem laboravit publica vox et fama; quare peccit dicta Amya ipsum Robertum sibi in virum adiudicari probatis in hac parte probandis, ulteriusque fieri quod est iuris. Lite per dictum Robertum ad eundem articulum negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda productisque incontinenti per dictam Amyam quinque testibus, videlicet Roberto Thomelyn de Gritton', Johanne Taillo', Willelmo Godeman et Thoma filio suo ac eciam Johanne Brid de eadem, quibus admissis et in forma iuris iuratis, protestato primitus per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt et non aliter, quibus tandem examinatis, eorum attestacionibus in scriptis redactis et de expresso consensu parcium publicatis renunciatisque hincinde terminis de quicquam dicendo contra testes seu eorum dicta, aliquid proponendo in facto seu iure consistens, facta eciam conclusione per nos in dicta causa de consensu parcium predictarum nobiscum concludencium, datur dies in proximo partibus predictis loco quo supra coram dicto domino .. officiali, nobis vel alio ipsius commissario ad audiendum sententiam in dicta causa diffinitivam cum continuacione et prorogacione dierum sequencium si oporteat. [fol. 56Ar]

[13 Nov 76 (37.12)] Atte Green. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Amy has not proved her intention, Robert is absolved and dismissed from her suit. The matter is left to their consciences.¹

Attegrene] In causa matrimoniali mota inter Amyam Attegrene de Grytton' Elien' diocesis partem actricem ex parte una et Robertum Preest de Meldebourne' famulum domini Rogeri de Trumpiton' partem ream ex altera, partibus personaliter comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iurisperitorum nobis assidencium Christi nomine primitus invocato ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Amyam intencionem suam minus sufficienter fundasse et probasse sed in probacione eiusdem penitus defecisse, ipsum Robertum ab impetitione et instancia eiusdem Amye absolvimus et dimittimus per decretum sentencialiter et diffinitive in hiis scriptis, eorum conscienciis relinquentes. [fol. 56Bv]

¹ For the phrase *eorum conscienciis relinquentes*, see Introduction.

120. CALDECOTE

[16 Oct 76 (36.23)] Caldecote. John vicar of Caldecote was cited before the commissary for contumacy because he had not appeared at the synod.

He appears personally. He claims that he was detained by the care of his parish and could not attend until after the third hour of the day, at the end of the synod. He swears that this is true and is dismissed.

Caldecote punicio absencie in synodo] Dominus Johannes vicarius ecclesie parochialis de Caldecote Elien' diocesis citatus coram nobis .. commissario Elien' super eo quod non comparuit in synodo nostra dictis die et loco per nos celebrata penitenciam contumacie sue^a recepturus, comparuit personaliter coram nobis et allegavit quod detentus fuit illo die^b circa curam suam in parochia sua quod venire non potuit usque post horam terciam eiusdem diei et quod statim finito ministerio suo ad dictam synodum accessit credens se satis tempestive venisse et in fine eiusdem synodi ibidem venit, unde facta fide super premissis dimittitur. [fol. 56Av]

^a contumacie sue] contumacia sua. ^b die] *interlined*.

121. CANDELESBY/WILBURTON

[16 Oct 76 (36.26)] Candlesby/Wilburton. Mr Hugh Candlesby, archdeacon's registrar, had been cited at another time to appear before Bishop Arundel because he had received the farm of Wilburton church without license of the bishop.

Hugh appeared personally before the bishop. He claimed that he had received and held the farm of the church and that this was legal because he was a cleric and nothing inhibited this. He claimed that the archdeacon, the rector of Wilburton, held a license for this from the bishop. Arundel assigned 23 Oct. in St Michael's before John Newton, bishop's commissary, for Hugh to propose a reason why he should not be punished according to provincial constitutions or, failing a proposal, to prove said license.

23 Oct. Hugh produces no proof of the license but alleges that it is lawful for him as a cleric to receive the farm without a license; they argue about this. 13 Nov. to prove the license or to hear the pronouncement.

Candelesby/Wilberton'] Magister Hugo de Candelesby, domini .. archidiaconi Elien' registrarius alias citatus coram venerabili in Christo patre et domino domino Thoma^a Dei gracia episcopo Elien' super eo quod percepit ad firmam ecclesiam parochialem de Wilberton' Elien' diocesis sine licencia sua, comparuit personaliter coram dicto venerabili patre. Fatebatur quod percepit et habuit ac percipit et habet dictam ecclesiam ad firmam. Dicit tamen et allegat quod hoc sibi licuit et licet de iure, eo quod clericus est cui non inhibetur de iure nec per constituciones. Allegavit insuper quod archidiaconus Elien' rector eiusdem ad hoc habuit licenciam a dicto venerabili patre. Unde predic-

^a Thoma] Thome.

tus venerabilis pater eidem Hugoni diem iouis proximo post festum Sancti Luce evangeliste proximo futurum in ecclesia Sancti Michaelis Cantebr' coram nobis Johanne de Neweton, clerico, dicti venerabilis patris in hac parte commissario speciali, ad proponendum causam rationabilem si quam habeat quare in pena constitutionis in ea parte edite pronunciari non debeat incidisse et si non proponat vel proposita non obsistant ad probandum predictam licenciam prefixit et assignavit.

Quibus die et loco predicto Hugone coram nobis .. commissario predicto personaliter comparente, nulla probacione ministrata super licencia dicti patris prestita sed allegato per eum ut prius quod clericus est et sibi licuit et licet de iure huiusmodi firmam recipere sine licencia super quo habita altercacione aliquali, unde datur dies iouis proximo post festum Sancti Martini proximo futurum loco quo supra ad probandum dictam licenciam, alioquin ad audientiam pronunciacionem super confessatis. [fol. 56Av]

[13 Nov 76 (37.13)] Candlesby/Wilburton. Hugh appears before Newton by William Killerwick, proctor *apud acta*. They argue again about the proposed. Next to act fully on the proposed.

Candlesby/Wilberton'] In negocio racione firme ecclesie parochialis de Wilberton' Elien' diocesis ex officio venerabilis patris domini .. episcopi Elien' supradicti mota contra magistrum Hugonem de Candlesby firmarium eiusdem, registrarium domini archidiaconi Elien', predicto magistro Hugone coram nobis Johanne de Neweton', clerico dicti venerabilis patris commissario in hac parte specialiter deputato, per Willelmum Killerwyk', procuratorem suum apud acta constitutum, comparente, habita altercacione aliquali super dictis propositis, datur dies in proximo ad plenius faciendum super eisdem. [fol. 56Bv]

[4 Dec 76 (38.12)] Candlesby/Wilburton. As 37.13.

Candlesby/Wilberton'] In negocio racione firme ecclesie parochialis de Wilberton' Elien' diocesis ex officio venerabilis patris domini .. episcopi Elien' mota contra magistrum Hugonem de Candlesby firmarium eiusdem, registrarium domini .. archidiaconi Elien', predicto magistro Hugone coram nobis Johanne de Neweton' clerico, dicti venerabilis patris commissario in hac parte specialiter deputato, ut prius comparente, habita altercacione super dictis propositis, datur dies in proximo ad plenius faciendum super eisdem. [fol. 58v]

[8 Jan 77 (39.16)] Candlesby/Wilburton. As 37.13.

Candlesby/Wilberton'] In negocio racione firme ecclesie de Wilberton' Elien' diocesis ex officio dicti venerabilis patris mota contra magistrum Hugonem de Candlesby firmarium eiusdem ecclesie, registrarium domini

.. archidiaconi Elien', predicto Hugone coram nobis Johanne de Neweton' commissario predicto ut prius comparente, habita aliquali altercacione super dictis propositis, datur dies in proximo ad plenius faciendum super eisdem. [fol. 61r]

[5 Feb 77 (40.20)] Candlesby/Wilburton. As 37.13.

Candelesby/Wilberton'] In negocio racione firme ecclesie de Wilberton' Elien' diocesis ex officio dicti venerabilis patris mota contra Hugonem de Candelesby, registrarium domini .. archidiaconi Elien', firmarium dicte ecclesie de Wilberton', predicto Hugone coram nobis .. commissario predicto ut prius comparente, habita aliquali disputatione super dictis propositis, datur dies in proximo ad plenius faciendum super eisdem. [fol. 64r]

[26 Feb 77 (41.21)] Candlesby/Wilburton. They argue about the proposed before John Newton. Next to hear the pronouncement.

Candelesby/Wilberton'] In negocio racione firme ecclesie de Wilberton' Elien' diocesis mota contra Hugonem de Candelesby, registrarium domini archidiaconi Elien', firmarium eiusdem ecclesie, predicto Hugone coram nobis Johanne de Neuton' clerico, venerabilis patris domini Thome Dei gracia episcopi Elien' commissario in hac parte specialiter deputato, ut prius comparente, habita pleniori disputatione super propositis, datur dies in proximo ad audiendum pronunciacionem nostram. [fol. 65v]

[19 Mar 77 (42.21)] Candlesby/Wilburton. Next to hear pronouncement.

Candelesby/Wilberton'] In negocio racione firme ecclesie de Wilberton' Elien' diocesis mota contra Hugonem de Candelesby firmarium eiusdem ecclesie, predicto Hugone coram nobis Johanne de Neuton' clerico, commissario predicto, ut prius comparente, datur dies in proximo ad idem, videlicet ad audiendum pronunciacionem. [fol. 66v]

[10 Apr 77 (43.20)] Candlesby/Wilburton. As 42.21.

Candelesby/Wilberton'] In negocio racione firme ecclesie de Wilberton' Elien' diocesis mota contra Hugonem de Candelesby firmarium eiusdem ecclesie, predicto Hugone coram nobis Johanne de Neuton' clerico, commissario predicto, ut prius comparente, datur dies in proximo ad idem, videlicet ad audiendum pronunciacionem. [fol. 68v]

[30 Apr 77 (44.21)] Candlesby/Wilburton. As 42.21.

Candelesby/Wilberton'] In negocio racione firme ecclesie de Wilberton' Elien' diocesis mota contra Hugonem de Candelesby firmarium eiusdem, predicto Hugone coram nobis Johanne de Neuton' clerico, commissario predicto, ut prius comparente, datur dies in proximo ad idem quod prius. [fol. 70v]

122. BOYTON

[16 Oct 76 (36.29)] Boyton. John Boyton, servant of John Fish of Ely, and Margaret Andre of Stretham were cited before Thomas Gloucester, commissary of official, for the above day and place concerning a contract of marriage, known by public fame.

3 Oct. 1376 they appear personally in Holy Trinity, Ely. Sworn *de veritate dicenda* and questioned, John admits that they contracted marriage in present words of mutual consent. The contract has been recognized by them before the community and acknowledged by public fame. Margaret denies the contract; they swear *de calumpnia* and *de veritate dicenda*. 3 Nov. for John to prove.

3 Nov. No witnesses or proofs are brought; John swears he has no proof. With the parties' consent, the court proceeds to the definitive sentence.

Sentence. Since John has not proved his intention, Margaret is absolved and dismissed from his suit. The matter is left to their consciences.¹

Boyton'] Johannes Boyton' famulus domini Johannis Fyssh de Ely et Margareta Andreu de Stretham citati coram nobis Thoma de Glouc' clerico, reverendi viri domini .. officialis Elien' commissario, ad diem et locum infrascriptos super contractu matrimoniali inter eosdem fama publica referente inito seu facto, uterque coram nobis .. commissario predicto in ecclesia parochialis Sancte Trinitatis civitatis Elien' tercio die mensis octobris anno Domini supradicto personaliter comparens et de veritate dicenda iuratus ac super dicto contractu requisitus, dictus Johannes fatebatur ac proposuit et allegavit quod ipse et prefata Margareta matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia quem quidem contractum uterque eorum in alterius et aliorum fidedignorum presencia fatebantur et recognoverunt^a et super quibus fama publica dinoscitur laborare. Dicta vero Margareta omnem contractum matrimoniale inter eosdem initum expresse negavit. Iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies lune proximo post festum Omnium Sanctorum proximo nunc futurum loco quo supra, dicte parti atrici ad probandum et dicte parti ree ad videndum probationem huiusmodi.

Quibus die et loco partibus predictis coram nobis .. commissario predicto personaliter comparentibus nullis testibus per dictam partem atricem productis nec probationibus ministratis sed dicta pars atrix asserit iurata se non posse producere alias probationes, unde de consensu parcium predictarum expresso ad sententiam diffinitivam sive pronunciacionem in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Johannem Boyton' partem ut premittitur atricem intencionem suam in hac parte deduc-

^a fatebantur et recognoverunt] *sic*.

¹ For the phrase *eorum conscienciis relinquendo*, see Introduction.

tam minus sufficienter fundasse et probasse, ymmo in probacione eiusdem penitus defecisse, ipsam Margaretam partem ream ab impetitione et instancia dicti Johannis absolvimus et dimittimus sentencialiter et diffinitive in hiis scriptis, eorum conscienciis relinquendo. [fol. 55Bv]

123. EVERARD

This case is well attested in the literature, and partial editions of it have appeared previously.¹ One can, however, learn more from a full edition. In the positions that the official puts to the parties on 17 December (entry 38.13), he asks Joan if she knew that John “might be” (*fore*) of servile condition. Her confession on the same occasion is, however, unambiguous: “at the time of the said contract, before and after, she knew him to be (*esse*) of servile condition.”² Whether suspecting that someone was of servile condition was enough to deprive one of the defence of error of condition is, perhaps, a close question. There is no doubt, however, that the knowledge to which she confessed is enough. The contrast between her previous statements (entry 36.30) and that between what the official asks her and what she confesses suggest that by the time she confessed under oath she knew that she had lost her case.³

[16 Oct 76 (36.30)] Everard. John Everard of Ely and Joan residing with Robert Bennet of Ely were cited before the official for 3 Nov. 1376 in Holy Trinity, Ely, concerning a contract of marriage, known by public fame.

They appear personally. Sworn *de veritate dicenda* and questioned, John admits that they contracted marriage in present words of mutual consent. The contract has been recognized by them before the community and acknowledged by public fame. He asks that they be judged husband and wife. When questioned, Joan admits that they contracted when John said, “Do you want me to be your husband?” and she replied, “Yes.” Afterwards they had the banns published before the church. 4 Nov. is assigned to show why they should not be judged married, according to their confessions.

4 Nov. before Thomas Gloucester, commissary of the official. Joan proposes that when she contracted with John, she did not know that he was a villein (*servus et natus*). Had she known this, she would not have contracted; knowing this now, she refuses to marry him. Acknowledging his status, John replicates that she knew his condition long before any contract. They swear *de calumpnia*, *de veritate dicenda*, and *de malicia*. Next in St Michael’s to prove their propositions.

Everard’] Johannes Everard’ de Ely et Johanna commorans cum Roberto Beneyt de eadem citati coram nobis .. officiali Elien’ ad diem lune proximo post festum Omnium Sanctorum in ecclesia Sancte Trinitatis civitatis Elien’ super contractu matrimoniali inter eosdem fama referente inito seu facto, uterque comparet personaliter coram nobis et de veritate dicenda iurati ac super dicto contractu requisiti, dictus Johannes fatebatur ac proposuit et allegavit quod ipse et prefata Johanna matrimonium adinvicem per verba de presenti mutu-

¹ Partial transcriptions: Helmholz, *Marriage Litigation*, 213–14; Donahue, *Law, Marriage, and Society*, T&C no. 419; discussions: Sheehan, “Formation,” 48–9; Helmholz, *Marriage Litigation*, 33 and n. 33; Do-

nahue, *Law, Marriage, and Society*, 241–3.

² We are grateful to Devon Coleman for pointing out the difference in the verbs to us.

³ Pace Donahue, *Law, Marriage, and Society*, at 242–3 and T&C no. 422.

um consensum eorundem exprimencia contraxerunt, quem quidem contractum utrique^a eorum in alterius et aliorum fidedignorum presencia fatebantur et recognoverunt et super quibus publica fama dinoscitur laborare; quare peccit dictus Johannes prefatam Johannam in uxorem legitimam, ipsumque Johannem eidem Johanne in virum legitimum sentencialiter et diffinitive adiudicari. Dicta vero Johanna super predicto contractu requisita fatebatur quod contraxerunt sub forma que sequitur et non alio modo. Johannes quesivit ab eadem sub ista forma, "Vis tu habere me in virum?" et ipsa respondit "Sic," et quod placuit sibi. Fatetur eciam dicta Johanna quod postea procurarunt banna edi in facie ecclesie, unde eisdem Johanni et Johanne diem crastinum loco quo supra ad proponendum causam rationabilem si quam habeat quare iuxta dictas confessiones adiudicari non debeat pro matrimonio inter eos prefigimus et assignamus.

Quibus die et loco partibus predictus coram nobis Thoma de Glouc' domini .. officialis Elien' commissario personaliter comparentibus, proponitur per dictam Johannam quod idem Johannes tempore dicti contractus, ante et post, fuit et adhuc est servus et nativus et servilis condicionis quodque suam ignorans condicionem sic ut prefertur cum eo contraxit alias non contractura.^b Allegat eciam quod a tempore quo de dicta condicione servili sibi constitit, statim penituit et contradixit ac dissenciit et in presenti penitet, contradicit et dissentit. Dictus insuper Johannes fatetur se servum et servilis condicionis sed dicit replicando quod dicta Johanna novit eum pro servo diu ante dictum contractum et post. Iuratis partibus hincinde de calumpnia et de veritate dicenda ac de malicia, datur dies in proximo consistorio in ecclesia Sancti Michaelis Cant' partibus predictis ad probandum hincinde proposita per eos. [fol. 55Bv]

[13 Nov 76 (37.14)] Everard. Parties by proctors. No witnesses are produced by either. Next the second term to produce.

Everard'] In causa matrimoniali mota inter Johannem Everard' de Ely partem actricem ex parte una et Johannam commorantem cum Roberto Benet de eadem, partibus coram nobis per procuratores suos comparentibus, nullis testibus pro dictos Johannem et Johannam seu eorum alterum productis, datur dies in proximo ad secundo producendum. [fol. 56Bv]

[4 Dec 76 (38.13)] Everard. Parties appear personally. before the official in Holy Trinity, Ely, on 17 Dec. 1376. No witnesses are produced. Scrope proposes to the parties for the consistory's information propositions: whether John was and is a villein, and whether Joan knew at the time of the contract John's status. Sworn *de veritate dicenda* and questioned, John admits that he was and is a villein; Joan admits that she had known this before the contract and that they contracted and published banns, his status notwithstanding. Since they propose nothing

^a utrique] *the abbreviated form is indistinguishable from uterque in the previous clause, but the plural verb requires this form.* ^b contractura] contracturus.

effectual against their marriage, Scrope concludes the case and assigns the third bell after lunch on this day to hear the definitive sentence.

Then asked whether they knew any reason why they should not be judged married according to their confessions, they propose nothing except that they have changed their minds and they no longer love each other as a result of Joan's resistance. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Since John has proved his intention and there is no impediment, they are judged husband and wife. The marriage is ordered solemnized at an appropriate time and place.

Everard'] In causa matrimoniali mota inter Johannem Everard' de Ely partematricem ex parte una et Johannam commorantem cum Roberto Beneyt de eadem partem ream ex altera, partibus coram nobis .. officiali predicto in ecclesia Sancte Trinitatis civitatis Elien' die mercurii proximo post festum Sancte Lucie virginis personaliter comparentibus, nullis testibus per dictas partes seu earum aliquam productis sed factis per nos pro informacione consciencie nostre eisdem partibus quibusdam posicionibus, [fol. 58v] videlicet dicto Johanni an tunc fuit et nunc est servus et natus ac servilis condicionis dicteque Johanne an tempore dicti contractus per eos confessi scivit ipsum Johannem fore servilis condicionis, iuratisque dictis Johanne et Johanna de veritate dicenda in hac parte ac super predictis posicionibus requisitis, dictus Johannes fatetur quod tunc fuit etiam nunc est servus et servilis condicionis dictaque Johanna fatetur quod tempore dicti contractus ante et post scivit ipsum esse servilis condicionis et quod non obstante dicta condicione sic ut premittitur adinvicem contraxerunt et banna matrimonialia in facie ecclesie inter eos publice edi fecerunt, factaque per nos conclusionem in dicta causa, eo quod dicte partes nichil effectuale proponunt quare pro matrimonio inter eos non debeat adiudicari, partibus predictis horam tercię pulsacionis post prandium huiusmodi diei mercurii loco quo supra ad audiendum sententiam in dicta causa diffinitivam prefigimus et assignamus.

Quibus hora et loco partibus coram nobis .. officiali predicto personaliter comparentibus et requisitis iterato an quidquam sciant finale^c proponere quare pro matrimonio non debeat adiudicari iuxta confessiones suas coram nobis iudicialiter emissas, dicunt se nescire quidquam proponere nisi dumtaxat quod iam mutarunt suam voluntatem quia credunt quod se invicem non diligunt propter resistenciam per dictam Johannem factam. Auditisque per nos et intellectis meritis cause matrimonialis supradicte, rimato et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super

^c finale] [for s]ona with *le* interlined. *Helmholz* (Marriage Litigation, 214) reads *rationabile*, which certainly makes sense and corresponds with *causam rationabilem* in entry 36.30, but does not seem to be what it says. Without much confidence we chose this as the least-change emendation.

eodem de consilio iurisperitorum nobis assidencium Christi nomine primitus invocato ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum Johannem intentionem suam in hac parte deductam bene et sufficienter fundasse et probasse nec aliquod canonicum obstare impedimentum, ipsum Johannem eidem Johanne in virum legitimum^d ipsamque Johannam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium fore inter eos in facie ecclesie solempnizandum pro loco et tempore opportunis. [fol. 59r]

^d legitimum] legittimum.

124. SUTTON (1)¹

[13 Nov 76 (37.17)] Sutton. John Cook of Wimpole, executor of the testament of Mr Thomas Griffin, late rector of Wimpole, was cited at the instance of William Sutton of Wimpole in a testamentary case.

William appears by Peter Caprik, proctor *apud acta*; John personally. An oral libel is given and requested written. Next to receive it in writing.

Sutton'] Johannes Cook' de Wynepol, executor testamenti magistri Thome Griffyn, nuper rectoris ecclesie parochialis de Wynepol Elien' diocesis, citatus [est] ad dictos diem et locum ad instanciam domini Willelmi Sutton' de Wynepol predicti in causa testamentaria. Parte actrice per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, parte vero rea personaliter, comparentibus, libellato oretenus petitoque per partem ream in scriptis, datur dies in proximo ad recipiendum libellum in scriptis. [fol. 57r]

[4 Dec 76 (38.15)] Sutton. Parties by proctors. The written libel is received. Next to respond.

Sutton'] In causa testamentaria mota inter dominum Willelmum Sutton' de Wynepol cappellanum partem actricem ex parte una et Johannem Cook' de eadem Wynepol executorem testamenti magistri Thome Griffyn, nuper rectoris ecclesie Wynepol defuncti, partem ream ex altera, partibus per procuratores suos comparentibus, oblato per partem actricem libello in scriptis et per partem ream optento, datur dies in proximo ad respondendum eidem. [fol. 59r]

[8 Jan 77 (39.18)] Sutton. No exceptions are proposed and no response is given. John will propose a dilatory exception to the libel. Next to propose everything.

Sutton'] In causa testamentaria mota inter dominum Willelmum Sutton' de Wynepol cappellanum partem actricem ex parte una et Johannem Cook' de ea-

¹ William is also the appellant in *Sutton (3)*, but so far as we can tell, the cases are unrelated.

dem executorem testamenti magistri Thome Griffyn, nuper rectoris ecclesie Wynepol defuncti, partem ream ex altera, partibus ut prius comparentibus, nullis excepcionibus propositis nec responsione habita ad dictum libellum – sed dicit pars rea se velle proponere excepcionem dilatoriam contra libellum – datur dies in proximo ad proponendum omnes [excepciones dilatorias]. [fol. 61v]

[5 Feb 77 (40.22)] Sutton. John's proctor contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties' proctors swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Sutton'] In causa testamentaria mota inter dominum Willelmum Sutton' de Wynepol capellanum partem actricem ex parte una et Johannem Cook' de eadem executorem testamenti magistri Thome Griffyn, nuper rectoris ecclesie Wynepol, partem ream ex altera, partibus ut prius comparentibus, lite negative contestata per procuratorem partis ree, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus in personis dictorum procuratorium hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 64r]

[26 Feb 77 (41.23)] Sutton. No positions or proofs are brought; the term ends. Next to propose and the second term to produce.

Sutton'] In causa testamentaria mota inter dominum Willelmum Sutton' de Wynepol capellanum partem actricem ex parte una et Johannem Cook' de eadem executorem testamenti magistri Thome Griffyn, rectoris ecclesie Wynepol, partem ream ex altera, partibus ut prius comparentibus, nullis posicionibus traditis nec probacionibus ministratis, ideo cedat terminus, datusque est dies in proximo ad ponendum et secundo producendum. [fol. 65v]

[19 Mar 77 (42.23)] Sutton. No witnesses or positions are brought. Next to propose and the third term to produce.

Sutton'] In causa testamentaria mota inter dominum Willelmum Sutton' de Wynepol capellanum partem actricem ex parte una et Johannem Cook' de eadem executorem testamenti magistri Thome Griffyn, rectoris ecclesie Wynepol, partem ream ex altera, partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 66v]

[10 Apr 77 (43.22)] Sutton. Peace has been restored.

Sutton'] In causa testamentaria mota inter dominum Willelmum Sutton' de Wynepol capellanum partem actricem ex parte una et Johannem Cook' de eadem executorem testamenti magistri Thome Griffyn, rectoris ecclesie Wynepol Elien' diocesis, partem ream ex altera, pax est inter partes. [fol. 68v]

125. BRINKLEY (1)

[13 Nov 76 (37.18)] Brinkley. Ellen Cobbet of Sawston was cited at the instance of John Brinkley of Sawston in an appeal from the definitive sentence and the imposition of unjust costs. The sentence of the archdeacon's official was given against John in a defamation case. John appealed *ab iniqua*

Parties appear personally. An oral libel is given and requested written. Next to receive it in writing.

Brinkele] Elena Cobat de Sauston' Elien' diocesis citata [est] ad dictos diem et locum ad instanciam Johannis Brinkele de Sauston' in quadam causa appellacionis a quadam sententia diffinitiva per .. officialem domini archidiaconi Elien' pro dicta Elena et contra eundem Johannem in causa diffamacionis lata ad audienciam nostram tanquam ab iniqua ut asseritur interiecte, necnon ab iniusta condempnacione expensarum per dictum .. officialem domini archidiaconi facta. Partibus coram nobis personaliter comparentibus, libellato oretenus per partem appellantem et petito in scriptis per partem appellatam, datur dies in proximo ad recipiendum in scriptis. [fol. 57r]

[4 Dec 76 (38.7)] Brinkley. John absent; Ellen by Peter Caprik, proctor *apud acta*. John will be called to prosecute the case under penalty of final remission.

Brinkelee] In causa appellacionis mota inter Johannem Brinkele de Sauston' Elien' diocesis partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, parte appellante nullo modo, parte appellata per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, comparentibus, decernimus partem appellantem fore vocandam ad proseguendum causam sub pena finali remissionis. [fol. 58v]

[8 Jan 77 (39.7)] Brinkley. Because it is not certain whether John was cited, he will be called to prosecute the case under penalty of final remission.

Brinkele] In causa appellacionis mota inter Johannem Brinkele de Sauston' partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, parte appellante nullo modo comparente, parte vero appellata per Petrum Caprik', clericum, procuratorem suum, comparente et quia non constat quod dicta pars appellans est citata iuxta decretum alias interpositum, videlicet ad proseguendum causam appellacionis sue sub pena finalis remissionis, ideo citetur ad proximum consistorium ad idem. [fol. 60v]

[5 Feb 77 (40.7)] Brinkley. John by John Wiltshire, proctor *apud acta*; Ellen by proctor. The libel of appeal is received in writing. Next to respond to it.

Brinkele] In causa appellacionis mota inter Johannem Brinkele de Sauston' Elien' diocesis partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, parte appellante per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, parte appellata ut prius,

comparentibus, oblato per partem appellantem quodam libello appellatorio in scriptis et a parte appellata optento, datur dies in proximo ad respondendum eidem. [fol. 63v]

[26 Feb 77 (41.7)] Brinkley. Ellen contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties swear *de calumpnia* and *de veritate dicenda*. Next to prove.

Brinkele] In causa appellacionis mota inter Johannem Brinkele de Sauston' Elien' diocesis partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, partibus ut prius comparentibus, lite per dictum procuratorem partis appellate negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratisque partibus hincinde in personis dictorum procuratorum de calumpnia et de veritate dicenda, datus est dies in proximo ad probandum. [fol. 65r]

[19 Mar 77 (42.7)] Brinkley. No proofs are brought. Next to prove precisely.

Brinkele] In causa appellacionis mota inter Johannem Brinkele de Sauston' Elien' diocesis partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, partibus ut prius comparentibus, nullis probacionibus ministratis, datur dies in proximo ad precise probandum. [fol. 66r]

[10 Apr 77 (43.7)] Brinkley. John by William de Bridge, substituted for John Wiltshire, original proctor; Ellen by proctor. No proofs are brought. With the parties' consent, next to offer final proof.

Brinkele] In causa appellacionis mota inter Johannem Brinkele de Sauston' Elien' diocesis partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, parte appellante per Willelmum de Brugges, substitutum Johannis Wiltesshir' procuratoris originalis, comparente, parte appellata ut prius, nullis probacionibus ministratis sed de consensu parcium predictarum, datur dies in proximo ad peremptorie probandum. [fol. 68r]

[30 Apr 77 (44.7)] Brinkley. Parties by said proctors. John produces two witnesses: Mr Hugh Candlesby and John Hostler, who are admitted and sworn. Next to publish the testimony.

Brinkele] In causa appellacionis mota inter Johannem Brinkele de Sauston' partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, partibus per dictos procuratores suos comparentibus, productis per dictam partem appellantem duobus testibus, videlicet magistro Hugone de Candlesby et Johanne Hostiler, quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 70r]

[29 May 77 (45.6)] Brinkley. Since the witnesses have not been examined and it is not John's responsibility that they have not been, next to publish.

Brinkele] In causa appellacionis mota inter Johannem Brinkele de Sauston'

partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, partibus ut prius comparentibus, quia testes non sunt examinati nec per partem [appellantem] stetit, ideo datur dies in proximo ad idem, videlicet ad publicandum. [fol. 72v]

[18 Jun 77 (46.5)] Brinkley. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Brinkele] In causa appellacionis mota inter Johannem Brinkele de Sauston' partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 74v]

[9 Jul 77 (47.5)] Brinkley. Nothing is said against witnesses and testimony. With the parties' consent, the court finds in favour of the appeal and its own jurisdiction; the process will be requested. Next to publish it.

Brinkele] In causa appellacionis mota inter Johannem Brinkele de Sauston' partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, partibus ut prius comparentibus, nullo dicto seu proposito contra testes seu eorum dicta, ideo de consensu expreso parcium predictarum pronunciamus pro voce appellacionis eiusque causa et causis et pro iurisdiccione nostra et decernimus fore scribendum pro transmissione processus. Datur dies in proximo ad videndum transmissionem et publicacionem eiusdem. [fol. 76r]

[30 Jul 77 (48.5)] Brinkley. John absent; Ellen by proctor. Since no process has been sent, it is expected by the next session when it will be published. John will be cited.

Brinkele] In causa appellacionis mota inter Johannem Brinkele de Sauston' [fol. 78r] partem appellantem ex parte una et Elenam Cobat de eadem partem appellatam ex altera, parte appellante nullo modo comparente, parte appellata ut prius, nullo processu adhuc transmissio, ideo transmittatur ad proximum, daturque dies in proximo partibus predictis ad videndum transmissionem et publicacionem eiusdem et citetur pars appellans ad idem. [fol. 78v]

[1 Oct 77 (49.5)] Brinkley. Since the process has not been sent, it is expected by the next session when it will be published.

Brinkele] Partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo transmittatur ad proximum et in proximo datur dies partibus predictis ad videndum transmissionem et publicacionem eiusdem processus. [fol. 79v]

[22 Oct 77 (50.5)] Brinkley. Since the process has not been sent, it is expected by the next session.

Brinkele] Partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo transmittatur ad proximum. [fol. 80v]

[12 Nov 77 (51.5)] Brinkley. As 50.5.

Brinkele] Partibus ut prius comparentibus, nullo processu adhuc transmissis, ideo transmittatur ad proximum. [fol. 81v]

[3 Dec 77 (52.5)] Brinkley. John is absent; Ellen has died. The case is discontinued.

Brinkele] Parte appellante ut prius comparente, parte appellata viam universe carnis ingressa et sic causa est discontinuata. [fol. 82r]

126. PATTISHALL/CANDLESBY

Totally apart from the fact that this case involves Hugh Candlesby, proctor of the court of Ely and registrar of the archdeacon,¹ it raises dating problems that cannot be fully resolved. The entries appear at the end of those for the session of 13 November 1376, but after a number of proxies that are dated after the day of the session. Hearings are set for 3 and 4 December and an excommunication is to be pronounced on 30 November. Hence, the initial hearings must have taken place before those dates. Entry 37.27 must have occurred after the initial hearing in entry 37.26, because it cites those who violated an order issued at that hearing. In the initial hearing in entry 37.26, Agnes claims that Hugh and Alice propose to have their, presumably final, banns proclaimed at an inappropriate time, 'at vespers on the last day of the feast' (*ad vespas ulti' diei festu'*). To get this to parse *festu'* has to be emended to *festi*, but there is little doubt that these are the words. There is, however, no feast celebrated between the middle and the end of November that runs over a number of days. There is, however, a run of feasts on 21, 22, and 23 Nov.: the Presentation of St Mary, St Cecilia, and St Clement, the last of which fell on Sunday, 23 Nov. in 1376. Hence, we suggest that *festu'* be amended to *festorum* and read *ad vespas ultimi diei festorum*, referring to the second vespers of St Clement.

[13 Nov 76 (37.26)] Pattishall. Agnes Pattishall, residing with Stephen Morris of Cambridge, was called by the official to explain the reason for her reclamation made during the publication of banns between Hugh Candlesby, registrar of archdeacon, and Alice widow of James le Eyre, fisherman of Cambridge.²

Agnes appears personally. She proposes orally that she and Hugh contracted marriage in present words of mutual consent, or in future words followed by intercourse. The contract has been recognized by them before the community and acknowledged by public fame. Her reclamation and contract notwithstanding, she fears that Hugh and Alice intend to publish the banns at an inappropriate time, namely vespers on the last day of the feasts [i.e. the second vespers of St. Clement, 23 Nov.],³ and to solemnize the marriage before the church. Agnes requests an interdict and inhibition against them, under penalty of major excommunication, so they cannot act prejudicially toward her; decreed. 3 Dec. is assigned for Agnes to propose the reason for her reclamation *in forma*; Hugh will be called.

3 Dec. Agnes and Hugh appear personally before Thomas Gloucester and John Newton, commissaries of official. Agnes orally petitions that Hugh be judged her husband by reason of their mutual contract; Hugh contests the suit negatively. They swear *de calumpnia* and *de*

¹ For a further account of his doings, including in this case, see Index of Persons and Places and the entries gathered under *Candlelesby* in the Subject Index of Donahue, *Law, Marriage, and Society*.

² Despite Foxton's capitalization (*Fyschere*) we can be reasonably confident that this is an addition not an extra surname. Elsewhere he is called James Eyr.

³ See the introduction to this case and n. a.

veritate dicenda. Next to propose and the first term to produce. Agnes claims she is not able to prove the contract; sworn *de malicia* and *de collusionione vitanda*, they repeat their statements.

Sentence. Because Agnes cannot prove her intention and Hugh completely denies it, he is absolved and dismissed from the suit. The matter is left to their consciences.⁴

Pateshull] In edicione bannorum inter Hugonem Candelesby clericum domini .. archidiaconi Elien' registrarium et Aliciam nuper uxorem Jacobi de Eyr *Fysshere* de Cantebr', quedam Agnes Pateshull' commorans cum Stephano Morice de Cantebr' se opposuit dicta banna reclamando, unde nos Ricardus le Scrop', canonicus Ebor' venerabilis patris domini .. episcopi Elien' officialis et commissarius, ipsam Agnetem propterea fecimus coram nobis ad iudicium evocari causam sue reclamacionis proposituram et ostensuram. Dicta Agnes comparens personaliter coram nobis proposuit oretenus quod dictus Hugo et ipsa Agnes matrimonium adinvicem per verba de presenti mutuum consensum eorum exprimencia seu per verba de futuro carnali copula subsecuta contraxerunt, quem quidem contractum uterque eorum in alterius et aliorum presencia fatebatur et recognovit et super eis laborat publica vox et fama. Proposuit insuper dicta Agnes quod post reclamacionem per eam factam dicti Hugo et Alicia banna inter eos edi et proponi hora et tempore insolitis, videlicet ad vespervas ultimas diei festorum,^a quodque matrimonium inter eos in facie ecclesie solempnizari facere intendunt, dicta reclamacione et huiusmodi contractus dependencia non obstantibus ut verisimiliter asseritur et timetur. Nosque cum instancia rogavit ut eis ne dictum matrimonium in facie ecclesie faciant seu permittant solempnizari aut alias contrahant seu quicquam aliud faciant quominus ipsius contractus processus suum effectum debitum sorciatur, sub pena excommunicacionis interdicere et inhibere dignaremur. Attendentes igitur ipsius petitionem fore iustam et consonam rationi, eisdem Hugoni et Alicie inhiberi et interdicti fecimus sub penam excommunicacionis maioris ne matrimonium inter se contrahant seu in facie ecclesie faciant seu permittant solempnizari aut quicquam aliud presumant in ipsius contractus preiudicium, quousque quidem super eo fieri debeat manifestis constiterit documentis et prefate Agneti diem mercurii proximo post festum Sancti Andree apostoli proximo futurum coram nobis vel nostris commissariis ad proponendum et ostendendum in forma dictam causam reclamacionis, videlicet dictum contractum, prefigimus et assignamus et decernimus dictum Hugonem fore vocandum ad dictum diem ad interessendum et respondendum eidem Agneti super dicto contractu et ulterius faciendum quod est iuris.

^a ad vespervas ultimi diei festorum] ad vespervas ulti' diei festu'. *For the emendation, see the introduction to this case. The feasts in question would be those of the Presentation of the BVM, St Cecilia, and St Clement. A more radical amendment would be ad vespervas ultimas diei festi, which would refer, once more, to the second vespers of St Clement.*

⁴ For the phrase *eorum conscienciis penitus relinquendo*, see Introduction.

Quo die adveniente predictis Agnete parte actrice et Hugone parte rea coram nobis Thoma de Glouc' et Johanne de Neweton' clericis domini .. officialis Elien' predicti commissariis in hac parte specialiter deputatis personaliter comparentibus, [fol. 57v] proposita petitione oretenus per dictam Agnetem qua peciit dictum Hugonem sibi in virum adiudicari pro eo quod ipse et prefata Agnes matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia seu per verba de futuro carnali copula subsecuta, quem quidem contractum una cum carnali copula subsecuta uterque eorum in alterius et aliorum presencia fatebatur et recognovit et super quibus laborat publica vox et fama. Lite per dictum Hugonem ad dictum articulum sive petitionem negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda datoque termino prefate Agneti ad ponendum et primo producendum, predicta Agnes asserit iurata de non posse probare dictum contractum, iuratisque partibus predictis de malicia et de collusionione vitanda, idem dicunt sicut prius.

sentencia] Et quia invenimus dictam Agnetem intencionem suam in hac parte deductam non posse probare ipsumque Hugonem predictam intencionem penitus diffiteri, de consilio iuris peritorum nobis assidencium, invocata primitus Spiritus Sancti gracia, ipsum Hugonem ab impetitione et instancia dicte Agnetis in hac parte sentencialiter et diffinitive absolvimus et dimittimus per decretum, eorum conscienciis penitus relinquendo. [fol. 58r]

[13 Nov 76 (37.27)] Candlesby. An inhibition and interdict notwithstanding, Hugh Candlesby, registrar of archdeacon, and Alice widow of James Eyre of Cambridge contracted and solemnized marriage at an inappropriate time and place, without publication of banns or license of the curate. This was done with a marriage suit pending undecided between Agnes Pattishall, plaintiff, and Hugh, defendant, and with knowledge of the impediments. Others, yet unnamed, were present and helped to carry out the solemnization. Hugh and Alice are called to show why they should not be excommunicated according to John Stratford's provincial constitution *Humana concupiscencia*.⁵ All others knowing or suspecting the impediments who were present at the marriage will be publicly pronounced excommunicated in St Mary's, St Peter's at the Castle, St Clement's, and Holy Sepulchre, Cambridge, on 30 Nov. 1376 during mass.

4 Dec. Appearing personally at Scrope's residence in Cambridge, Hugh admits that he contracted and solemnized marriage with Alice despite his knowledge of the interdict, inhibition, and pending case. He submits himself to Scrope's grace, requests absolution, and swears to uphold church mandates and complete any penance given to him. Scrope absolves Hugh and will order penance as he pleases. Witnesses: Mr's Henry Bowet, archdeacon's official; James de Cottenham; Robert de Bassingbourn; John Allain of Teversham *et al.*

Candelesby – citacio – denunciacio] In Dei nomine amen. Cum nos Ricardus le Scrop', canonicus Ebor' venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius sufficienter deputatus, Hugoni de Candelesby registrario domini archidiaconi Elien' et Ali-

⁵ See Citations to Canon Law, *Humana*.

cie nuper uxori Jacobi Eyr de Cantebr' *Fysshere* inhibuerimus et interdixerimus ac inhiberi et interdici fecerimus sub pena excommunicacionis maioris ac sub penis et censuris a canone et constitutionibus sanctorum patrum in ea parte editis lata, ne matrimonium inter eos solempnizari faciant, procurent vel permittant quousque causa matrimonialis inter Agnetem Pateshull' actricem ex parte una et prefatum Hugonem reum ex altera coram nobis pendens indecisa iudicialiter terminetur. Predicti tamen Hugo et Alicia lite inter eosdem Agnetem et Hugonem coram nobis indecisa pendente in causa matrimoniali predicta et post et contra interdictum ecclesie et inhibicionem nostram expressam ac eciam post reclamacionem per eandem Agnetem publice factam nulla premissa debita bannorum edicione nec horis nec temporibus opportunis, diocesani et curatorum ipsorum^b contrahencium licencia non optenta, in facie ecclesie matrimonium inter se contraxerunt et illud solempnizari procurarunt et fecerint scientes de dictis impedimentis, nonnulli insuper alii sue salutis immemores quorum personas et nomina adhuc ignoramus huiusmodi matrimonii prohibiti nedum intersuerunt, verum eciam illud fieri suis peruersis machinacionibus procurarunt et fecerunt sentenciam excommunicacionis maioris a constitutione provincialis bone memorie domini Johannis de Stretford' nuper Cant' archiepiscopi in ea parte edita latam que incipit *Humana concupiscencia* dampnaliter incurrando, unde prefatos Hugonem et Aliciam ad diem et locum cognitos et competentes vocandos fore decrevimus causam rationabilem si quam habeant quare in dictam sentenciam nominaliter incidisse non debeant pronunciari proposituros et ostensuros omnesque alios dicti matrimonii solempnizacioni interessentes de dictis impedimentis scientes seu verisimilem suspicionem habentes eorundem sic fuisse et esse excommunicatos occasione premissa in ecclesiis parochialibus Sancte Marie, Sanctorum Petri ad Castrum, Clementis et Sepulchri Cantebr' intra missarum solempnia die dominica in festo Sancti Andree apostoli mandavimus et fecimus^c publice nunciari.

absolucio] Subsequenter vero die iovis proximo post festum Sancti Andree apostoli prefatus Hugo coram nobis in aula hospicii habitacionis nostre Cantebr' personaliter comparens fatebatur se matrimonium cum dicta Alicia in facie ecclesie contraxisse illudque solempnizari procurasse et fecisse post et contra interdictum ecclesie et inhibicionem nostram expressam ac post reclamacionem predictam liteque coram nobis indecisa pendente inter dictos Agnetem et Hugonem sciens de dictis impedimentis, super quibus gracie nostre se submisit et beneficium absolucionis a dicta sententia per nos petiit sibi impendi. Unde ipsum Hugonem iuratum ad sancta Dei evangelia per ipsum corporaliter tacta quod stabit mandatis ecclesie et faciet penitentiam

^b ipsorum] curatorum *repeated*. ^c fecimus] *redundant* que *interlined*.

sibi iniungendam, ipsum duximus absolvendum, penitenciam sibi in ea parte iniungendam quousque nobis placuerit nobis specialiter reservantes. Presentibus tunc ibidem .. magistris Henrici Bowet, officiali domini archidiaconi Elien', Jacobo de Cotenham, Roberto de Bassingbourn', Johanne Aleyn de Teversham et aliis in multitudine copiosa. [fol. 58r]

[13 Nov 76 (37.28)] Clement/Candlesby. 4 Dec. 1376 William . . . chaplain of the chantry in St Clement's, Cambridge, appears personally before Scrope. He explains that by tacit consent he is responsible for the contract and solemnization of marriage between Hugh Candlesby and Alice widow of James Eyre, despite the interdict and pending suit. Although he neither advised the marriage nor was present at it, he has been troubled by his conscience for his consent. He requests absolution from any censure he may have incurred and swears to uphold church mandates. Scrope absolves him and orders a salutary penance.

Clementis/Candelesby – absolucio] Item die veneris proximo post festum Sancti Andree apostoli anno Domini supradicto comparens personaliter coram nobis Ricardo le Scrop', officiali et commissario supradicto, dominus Willelmus [blank] capellanus cantarie in ecclesia Sancti Clementis Cantebr' nobis exposuit oretenus quod ipse de contactu matrimoniali inter prefatos Hugonem et Aliciam et solempnizacione eiusdem post et contra interdictum ecclesie ac lite pendente prescivit nec huiusmodi solempnizacionem impedivit sed eidem tacite consenciit. Dicit tamen quod ad hoc non consuluit nec eidem interfuit sed pretextu consensus huiusmodi morsum consciencie paciens aliqualem, ipsum peciit absolvi a censuris si quas forte incurrebat per consensum huiusmodi, unde dominum Willelmum iuratum de stando mandatis ecclesie et taliter ulterius non delinquendo absolvimus et penitenciam sibi iniuximus salutarem. [fol. 58r]

[8 Jan 77 (39.40)] Grebby/Candlesby. John de Grebby, priest and commissary general of archdeacon's official, was called to court *ex officio* by the official to respond to charges which were brought to the court's attention by public fame and to show obedience. Although they are not his parishioners, he had solemnized marriage between Hugh Candlesby, registrar of archdeacon, and Alice widow of James Fisher of Cambridge. John had done this despite the marriage case which was pending as a result of a reclamation publicly proposed by Agnes Pattishall of Cambridge, during the reading of Hugh and Alice's banns. The solemnization had taken place without any publication of banns or license of their curates, at an inappropriate time, and contrary to church interdict and Scrope's inhibition.

John appears personally in Scrope's residence on 24 Jan. 1377. He swears obedience and submits himself to Scrope's grace, promising to perform penance. He is ordered to go to St Etheldreda's shrine by the middle of Lent, walking to Wichford through the village as far as the shrine, and to offer there 4*d*. He must go to the bishop for absolution from the excommunication resulting from the constitution *Humana concupiscentia*.⁶ Witnesses: Mr Henry Bowet, official of archdeacon; Hugh Candlesby, registrar of archdeacon; and John Wiltshire, cleric, of York, Lincoln, and Salisbury dioceses.

Grebby/Candel'] Cum nos Ricardus le Scrop', dicti venerabilis patris com-

⁶ See Citations to Canon Law, *Humana*.

missarius ad infrascripta sufficienter deputatus, dominum Johannem de Grebby presbyterum .. officialis domini .. archidiaconi Elien' commissarium generalem, ad certos diem et locum congruos et competentes fecerimus coram nobis ad iudicium evocari super eo quod ipse dominus Johannes matrimonio inter Hugonem de Candelesby dicti domini .. archidiaconi registrarium et Aliciam nuper uxorem Jacobi Fyssch'e de Cantebr' non suos parochianos post et contra reclamacionem in edicione bannorum inter dictos Hugonem et Aliciam factam per Agnetem Pateshull' commorantem in Cantebr' et publice propositam ac eciam lite pendente in foro ecclesiastico super contractu matrimoniali inter eosdem Hugonem et Agnetem ut pretendebatur inito nulla premissa debita bannorum edicione, nec hora nec tempore opportuno, nulla optenta licencia curatorum dictorum Hugonis et Alicie, eciam post et contra interdictum ecclesie et inhibicionem nostram expressam sciens de dictis impedimentis, nedum interfuit, verumeciam illud matrimonium de facto in facie ecclesie solemnizavit contra canonica instituta ac constitutiones sanctorum patrum in ea parte edita prout fama publica referente ad nostrum pervenit auditum, eidem ad meram anime sue correccionem dumtaxat ex officio dicti patris et nostro obiciendo responsurum et personaliter iuraturum, dictus dominus Johannes commissarius comparens personaliter coram nobis in aula hospicii habitacionis nostre Cant' die sabbati in vigile conversionis Sancti Pauli anno Domini supradicto indiccione quinta decima pontificatus domini Gregorii pape undecimo anno septimo, premissa sibi obiecta fatebatur et super eis correccioni et gracie nostre submisit et iuravit ad sancta Dei evangelia per ipsum corporaliter tacta quod de cetero taliter non delinquat [fol. 62v] quodque faciet penitenciam sibi ea occasione iniungendam iniungimus sibi quod accedat ad feretrum Sancte Etheldrede ob illam causam tamen et quod vadat pedes ab ista parte ville de Wychford' per totam villam et sic usque feretrum et offerat ibidem quatuor denarios et pro absolutione optinenda a sententia excommunicacionis in constitutione *Humana concupiscencia* in ipsum in ea parte lata ad dominum .. episcopum Elien' accedat et quod dictam peregrinacionem perficiat citra medium quadragesime. Presentibus tunc ibidem magistro Henrico Bowet, officiali domini archidiaconi Elien', Hugone de Candelesby, dicti domini archidiaconi registrario, et Johanne de Wiltesshir' clerico, Ebor', Lincoln' et Sar' diocesium testibus vocatis et rogatis. RF: Foxton. [fol. 63r]

127. CATT

[4 Dec 76 (38.16)] Catt. Isabel Cook of Chesterton was cited before the official at the instance of John Catt of Chesterton in a defamation case.

Parties appear personally. An oral libel is given and requested written. Next to receive it in

writing.

Cate] Isabella Cook' de Chestreton' citata coram nobis .. officiali Elien' ad diem et locum supradictos ad instanciam Johannis Cate de eadem in causa diffamacionis, partibus personaliter comparentibus, libellato per partem actricem oretenus petitoque in scriptis per partem ream, datur dies in proximo parti actrici ad libellandum in scriptis et parti ree ad recipiendum. [fol. 59r]

[8 Jan 77 (39.19)] Catt. Parties by proctors. Next Friday [9 Jan.] to receive libel.

Then the written libel is received. Next to respond.

Cate] In causa diffamacionis mota inter Johannem Cate de Chestreton' partem actricem ex parte una et Isabellam Cook' de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies veneris proximo futurus loco quo supra ad idem quod prius, videlicet ad libellandum in scriptis.

Quibus die et loco partibus ut prius comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo parti ree ad respondendum eidem. [fol. 61v]

[5 Feb 77 (40.23)] Catt. Peace has been restored; Isabel is to be called *ex officio*.

Cate – pax] In causa diffamacionis mota inter Johannem Cate de Chestreton' Elien' diocesis partem actricem ex parte una et Isabellam Cook' partem ream ex altera, pace inter partes reformata, citetur pars rea ex officio. [fol. 64r]

128. ALLAIN¹

[4 Dec 76 (38.18)] Allain. John Bowl of Teversham was cited before the official at the instance of John Allain of Teversham in a defamation case.

Parties appear personally. An oral libel is given and requested written. Next to receive it in writing.

Aleyn] Johannes Bole de Teversham citatus [est] ad dictos diem et locum coram .. officiali Elien' supradicto ad instanciam Johannis Aleyn de eadem in causa diffamacionis. Partibus personaliter comparentibus, libellato per partem actricem oretenus, petitoque in scriptis per partem adversam, datur dies in proximo parti actrici ad libellandum in scriptis et parti ree ad recipiendum. [fol. 59r]

[8 Jan 77 (39.21)] Allain. Bowl purged himself for the crime before the office and was absolved; peace has been restored.

Aleyn – pax] In causa diffamacionis coram nobis mota inter Johannem Aleyn de Teversham partem actricem ex parte una et Johannem Bole de eadem partem ream ex altera, pars rea absoluta est in forma iuris et pace inter partes

¹ The defendant in this case is probably the same as the defendant in *Teversham* (5).

reformata, purgavit se quo ad officium. [fol. 61v]

129. WORMEGAY

[4 Dec 76 (38.19)] Wormegay. Robert Bluntisham of Ely and Anna his wife were cited at the instance of William Wormegay of Ely in a defamation case.

Parties appear personally. An oral libel is given and requested written. Next to receive it in writing.

Wormengeye] Robertus Bluntesham de Ely et Anna uxor eius citati [sunt] ad instanciam Willelmi Wormengeye de Ely in causa diffamacionis. Partibus personaliter comparentibus, libellato per partem actricem oretenus, petitoque in scriptis per partem adversam, datur dies in proximo parti actrici ad libellandum in scriptis et parti ree ad recipiendum. [fol. 59r]

[8 Jan 77 (39.22)] Wormegay. Peace has been restored; Robert and Anna will be called *ex officio*.

Wormengeye – pax] In causa diffamacionis coram nobis mota inter Willelmum Wormengeye de Ely partem actricem ex parte una et Robertum Bluntesham et Annam uxorem eius de eadem partem ream ex altera, pax est inter partes, ideo vocetur pars rea ex officio. [fol. 61v]

130. TEVERSHAM (I)

[4 Dec 76 (38.20)] Teversham. John Muriel of Teversham was cited at the instance of Richard chaplain of Teversham in a defamation case.

Richard appears personally by John Wiltshire, proctor *apud acta*; John is absent, found contumacious, and suspended from entering church.

Teversham] Johannes Muriel de Teversham citatus ad instanciam domini Ricardi capellani parochialis de Teversham in causa diffamacionis, comparentis^a per Johannem de Wiltesshire, clericum, procuratorem suum apud acta constitutum, nullo modo comparet, ideo ipsum Johannem reputamus contumacem et in penam contumacie ipsum suspendimus ab ingressu ecclesie in hiis scriptis. [fol. 59r]

[8 Jan 77 (39.23)] Teversham. Peace has been restored. John purged himself before the office and was absolved from suspension.

Teversham – pax] In causa diffamacionis coram nobis mota inter dominum Ricardum capellanum parochialem de Teversham Elien' diocesis partem actricem ex parte una et Johannem Muriel de eadem alias suspensum ab ingressu ecclesie pro sua contumacia coram nobis in ea parte contracta partem ream ex altera, pace inter partes reformata et parte rea ab huiusmodi sententia in

^a comparentis] personaliter.

forma iuris absoluta, dicta pars rea purgavit se quo ad officium. [fol. 61v]

131. BARKER

[4 Dec 76 (38.21)] Barker. Peter Taylor of Kingston was cited before the official at the instance of Thomas Barker of Kingston in a defamation case.

Neither appears. They are expected next to respond, with hope of peace.

Barkere] Petrus Taillo' de Kyngeston' citatus [est] coram nobis ad instanciam Thome Barker' de eadem in causa diffamacionis. Neutra parte comparente, expectamus dictam causam usque proximum ad idem, videlicet ad respondendum in dicta causa sub spe pacis. [fol. 59v]

[8 Jan 77 (39.24)] Barker. Peace has been restored; Peter is to be called *ex officio*.

Barkere – pax] In causa diffamacionis coram nobis mota inter Thomam Barker' de Kyngeston' partem actricem ex parte una et Petrum Taillo' de eadem partem ream ex altera, pax est inter partes, ideo vocetur pars rea ex officio. [fol. 61v]

132. TILER

[4 Dec 76 (38.22)] Tiler. John Milner of Linton and Matilda his wife were cited at the instance of John Tiler of Castle Camps in a defamation case.

Tiler is absent; Milner and Matilda appear by Peter Caprik, proctor *apud acta*. At Milner's request, he is dismissed from the suit protesting his costs.

Tilere – dimissio] Johannes Milner' de Kynton' et Matildis uxor sua citati [sunt] ad dictos diem et locum ad instanciam Johannis Tilere de Caumpes Magna in causa diffamacionis. Parte actrice nullo modo comparente, parte rea per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, comparente et se dimitti petente, ipsam partem ream ab instancia dicte partis actricis in hac parte dimittimus cum protestacione expensarum. [fol. 59v]

133. BARTON (2)

[4 Dec 76 (38.23)] Barton. The prior and convent of Merton, having the use of Barton, were cited at the instance of William Brian, perpetual vicar of the church. They had withheld the annual pension of 5 marks, owed by virtue of an ordination of the vicarage made by Hugh Balsham, former bishop of Ely, at the time of the appropriation of the church.

Neither appears. They are expected next, with hope of peace.

Berton'] Prior et conventus de Merton' ecclesiam parochialem de Berton' Elien' diocesis in proprios usus optinentes citati [sunt] ad dictos diem et locum ad instanciam domini Willelmi Briam perpetui vicarii ecclesie parochia-

lis de Berton' in causa subtraccionis pensionis annue quinque marcarum per dictos .. priorem et conventum sibi debite virtute composicionis et ordinacionis vicarie eiusdem per bone memorie dominum Hugonem nuper episcopum Elien' in appropriacione ipsius ecclesie auctoritate sua ordinaria nuper facta. Neutra parte comparente, ideo expectamus dictam causam usque proximum sub spe pacis. [fol. 59v]

[8 Jan 77 (39.25)] Barton. William has paid the pension from the past year; peace has been restored.

Berton' – pax] In causa subtraccionis pensionis annue quinque marcarum coram nobis mota inter dominum Willelmum Brian perpetuum vicarium ecclesie parochialis de Berton' Elien' diocesis partem actricem ex parte una et priorem et conventum de Merton' dictam ecclesiam parochialem in proprios usus optinentes partem ream ex altera, satisfacto dicto vicario de dicta sua pensione illius anni prius a retro existentis, pax est. [fol. 61v]

134. MILL

[4 Dec 76 (38.24)] Mill. Anabel Cordell of Little Downham was cited before the official for 18 Dec. 1376 in Holy Trinity, Ely, at the instance of Robert Mill of Little Downham in a marriage case.

They appear personally. Robert proposes orally that Anabel should be judged his wife because they contracted marriage in present words of mutual consent, or in future words followed by intercourse. The contract has been recognized by them before the community and acknowledged by public fame. Anabel contests the suit negatively; they swear *de calumpnia* and *de veritate dicenda*. Robert produces five witnesses: William Scutt of Little Downham, Alice his wife, Stephen Holt, Robert Fox, and Simon Hart of Little Downham, who are admitted and sworn. The final production is renounced. After the witnesses have been examined, the testimony is put in writing and published. With the parties' consent, the case is concluded. 24 Dec. to hear the definitive sentence.

24 Dec. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Robert has not proved his intention, Anabel is absolved and dismissed from his suit. The matter is left to their consciences.¹

Mille] Anabila Cordel de Dounham citata [est] coram nobis .. officiali Elien' ad diem iovis proximo post festum Sancte Lucie virginis in ecclesia Sancte Trinitatis civitatis Elien' ad instanciam Roberti Mille de eadem in causa matrimoniali. Partibus personaliter comparentibus, proposita petitione per dictum Robertum oretenus qua peciit ipsam Anabilam sibi in uxorem adiudicari pro eo quod matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorundem exprimencia seu per verba de futuro carnali copula subsecuta, quem quidem contractum uterque eorum in alterius et

¹ For the phrase *eorum conscienciis relinquentes*, see Introduction.

aliorum fidedignorum presencia fatebantur et recognoverunt et super quibus laboravit publica vox et fama. Lite per dictam Anabilam negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda productisque per dictum Robertum quisque testibus, videlicet Willelmo Scut de Dounham, Alicia uxore sua, Stephano Holt, Ricardo Fox et Simone Hert de eadem, quibus admissis et in forma iuris iuratis renunciatoque ulteriori produccioni, ipsisque testibus examinatis et eorum attestacionibus in scriptis redactis et publicatis ac demum de consensu parcium in causa concluso, datur dies mercurii proximo post festum Sancti Thome apostoli proximo futurum loco quo supra partibus predictis ad audiendum sentenciam in dicta causa diffinitivam.

Quibus die et loco partibus predictis coram nobis .. officiali predicto personaliter comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, invocata Spiritus Sancti gracia, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum Robertum intencionem suam in hac parte deductam minus sufficienter fundasse et probasse, ideo ipsam Anabilam ab impeticione et instancia eiusdem Roberti sententialiter et diffinitive dimittimus et absolvimus per decretum, eorum conscienciis relinquentes.a [fol. 59v]

135. *STOW* (2)

[4 Dec 76 (38.28)] Stow. William Siger de Long Stanton, chaplain, was cited before Thomas Gloucester, commissary of official, at the instance of Thomas rector of Stow cum Quy, which presently has no chaplain. William is expected to show why he has not been serving the rector, the church and its parishioners as parish chaplain with cure of souls, receiving competent salary, as provided by the constitutions of Simon Islip, former archbishop of Canterbury.¹

Parties appear personally. When questioned about his delay and receipt of salary, he admits that he has stayed in Milton because he was hired to celebrate for the soul of a deceased person, for which he received 100s annual salary. He is warned to return the excess within 20 days, under penalty established in the constitution. William says he does not wish to serve as parish chaplain. A day [unspecified] is assigned to William to show why he will not serve.

Rector personally; William absent. At the rector's petition William is found contumacious and suspended from religious services; the suspension is ordered publicly announced and William will be cited again.

At the rector's petition William is found contumacious and a manifest offender; he is excommunicated, which will be publicly announced.

9 Dec. 1376 before Thomas Gloucester. William appears by Peter Caprik, proctor by letter. He requests absolution from the excommunication; the rector proposes an exception of manifest offence against the request. 10 Dec. for William to propose his petition in writing; 12

¹ See Citations to Canon Law, *Effrenata*.

Dec. for the rector to propose his exception in writing and William to give a copy of his proxy for the court's registry.²

Later on that day William appears personally before Gloucester and asserting humbly that he will desist from the offence, he requests absolution. When asked why he should not be compelled to serve the rector, he proposes nothing effectual. He is ordered to serve the rector and church with competent salary. He promises to begin before mass on the next Sunday (14 Dec.) and to continue until the next feast of St Michael. He is absolved.

Afterwards the court was informed that William had stayed with the rector for one week and then left, contrary to the rector's wish. He has refused to return and perform his ministry as sworn at his absolution, and so he is excommunicated. The excommunication will be publicly announced, he will be called for perjury.

Stowe] Dominus Willelmus Sgar de Stanton capellanus citatus [est] coram nobis Thoma de Glouc', domini .. officialis Elien' commissario in hac parte specialiter deputato, ad instanciam domini Thome rectoris de Stowe cum Quye, capellano parochiali ad presens destituto, responsurus quare ad deserviendum dicto rectori, ecclesie et parochianis suis in officio et ministerio capellani parochialis cum cure animarum non intendat iuxta formam constitutionis bone memorie domini S. de Islep' nuper Cant' archiepiscopi in ea parte facte salvo sibi salario competenti. Partibus coram nobis personaliter comparentibus, dictus dominus Willelmus requisitus super articulis moram suam et salarii sui perceptionem concernentibus fatetur quod moratur in Midelton et celebrat pro anima cuiusdem pro quo conducitur unum annale et percipit pro salario suo centum solidos. Unde monitus est restituere excessum infra viginti dies sub pena et forma in dicta constitutione limitata. Dictusque rector tunc presens requisivit eundem Willelmum oblato sibi salario competenti ut eidem deserviat ac ecclesie et parochianis suis in officio et ministerio capellani parochialis. Dictus Willelmus asseruit se nolle in huiusmodi officio deservire. Unde ex habundanti prefiximus eidem domino Willelmo certos diem et locum congruos et competentes ad proponendum causam rationalem si qua habeat quare ad deserviendum eidem rectori, ecclesie et parochianis suis iuxta formam dicte constitutionis [compelli non debeat].

Quibus die et loco predicto rectore personaliter comparente, predicto domino Willelmo nullo modo, ideo ipsum reputavimus contumacem ad petitionem dicti rectoris suam contumaciam accusantis et pro sua contumacia, ipsum suspendimus a divinis sicque suspensum mandavimus et fecimus publice nunciari iteroque citari ad alium diem congruum et competentem sicut prius.

Quo die parte rectoris personaliter, parte Willelmi nullo modo, ideo ipsum ad petitionem dicti rectoris suam contumaciam accusantis reputavimus contumacem et manifestum offensorem, et [fol. 60r] pro huiusmodi contumacia

² For this translation, see Introduction.

et offensa excommunicavimus et excommunicatum fecimus publice nunciari.

Subsequenter die martis proximo post festum conceptionis Beate Marie virginis anno domini supradicto, dictus Willelmus, comparens coram nobis .. commissario supradicto per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, peciit se absolvi a dicta sententia excommunicationis propositaque per partem dicti rectoris excepcione manifeste offense contra dictam petitionem. Unde datus est dies crastinus parti dicti domini Willelmi ad proponendum in scriptis suam petitionem et dies veneris proximo futurus parti dicti rectoris ad proponendam in scriptis dictam excepcionem et parti dicti presbyteri ad dimittendam penes registrum nostrum copiam procuratorii sui.

monicio] Postmodo vero dictis die et loco comparens coram nobis .. commissario predicto dictus dominus Willelmus in propria persona optulit se dicte offense manifeste humiliter parciturum et peciit beneficium absolucionis sibi impendi. Idemque dominus Willelmus tunc presens requisitus an quicquam sciat proponere quare non debeat compelli deservire dictis .. rectori, ecclesie et parochianis in officio supradicto nichil effectuale proposuit. Ideo ipsum monuimus ut ad dictos rectorem et ecclesiam accedat et eisdem et parochianis eiusdem in huiusmodi officio deserviat laudabiliter in dictis, salvo sibi salario competenti pro labore. Et iuravit dictus dominus Willelmus ad sancta Dei evangelia per ipsum corporaliter tacta quod die dominica proximo tunc futuro ante incepcionem divini officii accedat ad dictum rectorem et ecclesiam suam et ad deserviendum in officio et ministerio predictis exhibeat se paratum, huiusmodique officium et ministerium usque ad festum Sancti Michaelis proximo tunc futurum continuat et perficiat sine fraude, quibus sic gestis dictum dominum Willelmum a dictis sentenciis sub modo et forma premissis duximus absolvendum.

Verum cum postmodum nobis innotuit quod dictus dominus Willelmus post moram cum dicto rectore factam per unam ebdomadam dumtaxat ab eodem rectore et ecclesia sua et officio sibi commissio preter et contra voluntatem dicti rectoris temere recessit nec curat ad eum redire nec suum ministerium impendere ut iuravit et secundum formam absolucionis in ea parte facte, ideo ipsum dictum Willelmum condicioni ac modo et forme in huiusmodi absoluzione appositis non parentem sed parere recusantem temere et sine causa rationali et ea occasione in dictam sententiam excommunicationis reincidentem sicut prius excommunicatum mandavimus et fecimus publice nunciari et ad respondendum super periurio huiusmodi decrevimus ad iudicium evocari. [fol. 60v]

^a parciturum] pariturum.

[8 Jan 77 (39.44)] Stow. William Siger, chaplain previously warned to serve the rector of Stow and his church, has been excommunicated and denounced because he contemptuously refused to obey the mandate.

He appears personally before Scrope in St Michael's, Cambridge, on 24 Jan. 1377 and requests absolution. Again the rector objects because of the offence. William swears to go to the rector before 2 Feb. to serve as chaplain until 29 Sept., with competent salary. He is absolved on the condition that he fulfill his oath, unless the rector wishes otherwise.

Stowe] Dominus Willelmus Siger capellanus alias monitus deservire rectori ecclesie de Stowe in officio et ministerio capellani parochialis et quia monicioni nostre predictae non paruit sed parere contemptibiliter recusavit, excommunicatus et denunciatus comparuit personaliter coram nobis Ricardo le Scrop' officiali et commissario supradicto in ecclesia Sancti Michaelis Cantebr' die sabbati proximo post festum Sancte Agnetis virginis anno Domini supradicto. A dicta sententia excommunicationis petiit se absolvi, obiectoque per partem dicti .. rectoris de manifesta offensa sicut prius, tandem dictus dominus Willelmus iuravit ad sancta Dei evangelia per ipsum corporaliter tacta quod ad dictum rectorem et ecclesiam suam accedet citra festum purificationis Beate Marie virginis proximo futurum animo et intentione deserviendi sibi in officio et ministerio capellani parochialis et eidem deserviet in officio et ministerio huiusmodi continue usque ad festum Sancti Michaelis proximo nunc futurum salvo sibi salario competenti. Quo facto sub condicione si dicto iuramento paruerit nisi aliud de dicti rectoris processerit voluntate, ipsum a dicta sententia duximus absolvendum. [fol. 63r]

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VOLUME II: CASES BEGINNING IN 1377, 1378, 1379, 1380, 1381, 1382, BACK MATTER

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teacher of one of us and friend of both of us.

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CASES BEGINNING IN 1377

136. DAINES

[8 Jan 77 (39.8)] Daines. Isabel Souster of Swaffham was cited for said day and place at the instance of Ralph Daines of Swaffham in an appeal from the definitive sentence given in a marriage case. Ralph appealed after the archdeacon's official had ruled in favour of Isabel.

Ralph is absent; Isabel appears personally. Ralph will be called to prosecute the appeal under penalty of final remission.

Deynes] Isabella Seustere de Suafham citata [est] ad dictos diem et locum ad instanciam Radulphi Deynes de eadem in causa appellacionis ad audienciam nostram ut asseritur interiecte a quadam sententia diffinitiva per .. officialem domini .. archidiaconi Elien' pro dicta Isabella et contra prefatum Radulphum in causa matrimoniali lata tanquam ab iniqua in dicta causa appellacionis processura. Parte appellante, videlicet dicto Radulpho, nullo modo comparente, parte vero appellata, videlicet dicta Isabella, personaliter, ideo decernimus dictam partem appellantam fore vocandam ad proximum dictam causam appellacionis prosecuturam sub pena finalis remissionis. [fol. 61r]

[5 Feb 77 (40.8)] Daines. Ralph by John Wiltshire, proctor *apud acta*; Isabel personally. The written libel is received. Isabel contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to prove.

Deynes] In causa appellacionis mota inter Radulphum Deynes de Swaffham Elien' diocesis partem appellantem ex parte una et Isabellam Seuster' de eadem partem appellatam ex altera, parte appellante per Johannem Wiltesshire, clericum, procuratorem suum apud acta constitutum, parte appellata personaliter, comparentibus, oblato per partem appellantem quodam libello appellatorio in scriptis et a parte appellata optento liteque per dictam partem appellatam negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad probandum. [fol. 63v]

[26 Feb 77 (41.8)] Daines. Ralph by proctor; Isabel is absent and found contumacious. Ralph produces two witnesses: William Killerwick and William Bailey, apparitor of the deanery of Camps. They are admitted and sworn as penalty to Isabel for her contumacy. Next to offer final proof.

Deynes] In causa appellacionis mota inter Radulphum Deynes de Swaffham partem appellantem ex parte una et Isabellam Seuster' de eadem partem appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo, ideo ipsam reputamus contumacem. Productis per partem appellantem duobus testibus, videlicet Willelmo Killerwyk' et Willelmo Bailly apparitore decanatus de Caumpes, quibus in pena contumacie partis appellate admissis et in forma iuris iuratis, datur dies in proximo ad peremptorie probandum. [fol. 65r]

[19 Mar 77 (42.8)] Daines. Ralph by proctor; Isabel by John Hostler, substituted for Richard Pitts, original proctor. In response to the positions, Isabel swears that after the sentence had

been given by the archdeacon's official, Ralph appealed *ab iniqua*. Scrope pronounces in favour of the appeal and the court's jurisdiction; he orders the process transmitted. Next to publish it.

Deynes] In causa appellacionis mota inter Radulphum Deynes de Suafram partem appellan-tem ex parte una et Isabellam Seuster' de eadem partem ap-pellatam ex altera, parte appellante ut prius comparente, parte appellata per Johannem Hostiler, substitutum Ricardi Pyttes procuratoris originalis, dictus substitutus respondens posicionibus sibi factis fatetur quod officialis domi-ni archidiaconi Elien' in causa matrimoniali inter dictas partes sentenciam tulit diffinitivam pro matrimonio et quo statim ab eadem sententia tanquam ab iniqua fuit per partem dicti Radulphi appellatum ad audienciam nostram, unde pronunciamus pro voce appellacionis eiusque causa et causis ac pro iurisdiccione nostra et decrevimus fore scribendum pro transmissione pro-cessus, daturque dies in proximo ad videndum publicacionem eiusdem. [fol. 66r]

[10 Apr 77 (43.8)] Daines. Ralph by William de Bridge, substituted for original proctor; Isabel by Hostler. Since the process has not been sent, it is ordered transmitted by the next session when it will be published.

Deynes] In causa appellacionis mota inter Radulphum Deynes de Suafram Elien' diocesis partem appellan-tem ex parte una et Isabellam Seuster' de ea-dem partem appellatam ex altera, parte appellante per Willelmum de Brugges, substitutum domini Johannis Wiltesshir' procuratoris originalis, comparente, parte appellata ut prius, nullo processu adhuc transmissio, ideo transmittatur ad proximum; daturque dies in proximo partibus predictis ad videndum pu-blicacionem eiusdem. [fol. 68r]

[30 Apr 77 (44.8)] Daines. Ralph by original proctor; Isabel by Hostler. Since the process has not been sent, next to see its transmission.

Deynes] In causa appellacionis mota inter Radulphum Deynes de Suafram Elien' diocesis partem appellan-tem ex parte una et Isabellam Seuster' de ea-dem partem appellatam ex altera, parte appellante per Johannem Wiltesshir' procuratorem suum comparente, parte appellata ut prius, nullo processu adhuc transmissio, datur dies in proximo ad idem, videlicet ad videndum transmissionem eiusdem. [fol. 70r]

[29 May 77 (45.7)] Daines. As 44.8.

Deynes] In causa appellacionis mota inter Radulphum Deynes de Suafram partem appellan-tem ex parte una et Isabellam Seustere de eadem partem ap-pellatam ex altera, partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo transmittatur ad proximum ad idem. [fol. 72v]

[18 Jun 77 (46.6)] Daines. As 44.8.

Deynes] In causa appellacionis mota inter Radulphum Deynes de Suafram partem appellantem ex parte una et Isabellam Seuster' de eadem partem appellatam ex altera, partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo transmittatur ad proximum. [fol. 74v]

[9 Jul 77 (47.6)] Daines. As 44.8.

Deynes] In causa appellacionis mota inter Radulphum Deynes de Suafram partem appellantem ex parte una et Isabellam Seuster' de eadem partem appellatam ex altera, partibus ut prius comparentibus, nullo processu adhuc transmissio, datur dies in proximo ad idem. [fol. 76r]

[30 Jul 77 (48.6)] Daines. Ralph is absent; Isabel by proctor. Since no process has been sent, it is expected by the next session when it will be published. Ralph will be cited.

Deynes] In causa appellacionis mota inter Randulfum Deynes de Suafram, partem appellantem ex parte una et Isabellam Seuster' de eadem partem appellatam ex altera, parte appellante nullo modo comparente, parte appellata ut prius, nullo processu adhuc transmissio, ideo transmittatur ad proximum daturque dies in proximo partibus predictis ad videndum transmissionem et publicacionem eiusdem et citetur pars appellans ad idem. [fol. 78v]

[1 Oct 77 (49.6)] Daines. Since the process has not been sent, it is expected by the next session when it will be published.

Deynes] Parte appellante nullo modo comparente, parte appellata ut prius, nullo processu adhuc transmissio, ideo transmittatur ad proximum. [fol. 79v]

[22 Oct 77 (50.6)] Daines. Since the process has not been sent, it is expected by the next session.

Deynes] Partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo transmittatur ad proximum. [fol. 80v]

[12 Nov 77 (51.6)] Daines. As 50.6.

Deynes] Partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo transmittatur ad proximum. [fol. 81v]

[3 Dec 77 (52.6)] Daines. As 50.6.

Deynes] Partibus ut prius comparentibus, nullo processu ad hoc transmissio, ideo transmittatur ad proximum ad idem. [fol. 82r]

[22 Dec 77 (53.5)] Daines. The process of the principal case is exhibited and published; a copy is ordered for the parties. Next to speak against it.

Deynes] Partibus ut prius comparentibus, exhibito processu in causa principali coram .. officiali domini .. archidiaconi Elien' habito, quo per nos publicato et decreta copia partibus, datur dies in proximo ad dicendum contra processum. [fol. 84v]

[14 Jan 78 (54.5)] Daines. Nothing is said against the process. Next to propose everything

concerning the matter.

Deynes] Partibus ut prius comparentibus, nichil dicto seu proposito contra processum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 86v]

[4 Feb 78 (55.5)] Daines. Nothing is proposed. With the parties' consent, the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Deynes] In causa appellacionis mota inter Radulphum Deynes de Suafham partem appellantem ex parte una et Isabellam Seuster' de eadem partem appellatam ex altera, partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum sed de earum consensu in causa concluso, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 87v]

[25 Feb 78 (56.5)] Daines. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Finding that the archdeacon's official had proceeded lawfully and that neither party proposed or proved anything new in the principal case of marriage, the official confirms the definitive sentence, favouring Isabel. The execution of the sentence is ordered.

Ralph's proctor immediately appeals *apud acta ab iniqua*.

Deynes] Partibus ut prius comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium Christi nomine primitus invocato ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos .. officialis Elien' in quadam causa appellacionis ad audienciam nostram interiecte a quadam sententia diffinitiva per officialem domini archidiaconi Elien' in quadam causa matrimoniali que coram eo movebatur inter Isabellam Seuster' de Suafham Bulbek' partem actricem ex parte una et Radulphum Deynes de eadem partem ream ex altera pro dicta Isabella et contra eundem Radulphum lata legitime procedentes, invenimus dictum .. officialem domini .. archidiaconi rite et legitime processisse nec invenimus alterutram partem parcium predictarum coram nobis in causa appellacionis predictae alia proposuisse seu probasse quam in prima instancia proposita fuerant et probata, ideo ipsam sentenciam diffinitivam per dictum officialem domini archidiaconi Elien' ut premittitur latam auctoritate nostra ordinaria sentencialiter et diffinitive confirmamus in hiis scriptis decernentes dictam sentenciam diffinitivam fore demandandam execucioni pro loco et tempore opportunis.

appellacio] A qua quidem sententia tanquam ab iniqua Johannes Wiltesshir', clericus procurator dicti Radulphi, appellavit incontinenti post ipsius

prolacionem iudicialiter apud acta. [fol. 89v]

137. *BILNEY*¹

[8 Jan 77 (39.9)] Bilney. John de Grebby, chaplain, and commissary general of the archdeacon's official, was cited for said day and place at the instance of Walter Bilney of Cambridge in an appeal from a citation to a brief and final term, uncertain articles, and other grievances.

Walter appears by John Wiltshire, proctor *apud acta*; John personally. The libel of appeal is received in writing. Next to respond to it.

Bilneye] Dominus Johannes de Grebby, capellanus .. officialis domini .. archidiaconi Elien' commissarius pretensus generalis citatus [est] ad dictos diem et locum ad instanciam Walteri Bilneye de Cantebr' in causa appellacionis ad audienciam nostram ut asseritur interiecte a quadam iniuriosa citacione ad terminum nimis brevem et peremptorium ac super incertis articulis aliisque gravaminibus in ea parte suggestis. Parte appellante per Johannem Wiltesshire, clericum, procuratorem suum apud acta constitutum, parte appellata personaliter, comparentibus, oblato per partem appellantem in scriptis quodam libello appellatorio et a parte appellata optento, datur dies in proximo dicte parti appellanti ad respondendum eidem. [fol. 61r]

[5 Feb 77 (40.9)] Bilney. John contests the suit negatively, saying the claims are untrue and the petitions should not be granted. The parties' proctors swear *de calumpnia* and *de veritate dicenda*. Next to prove. John declares that he wants to add to the contest.

Bilneye] In causa appellacionis mota inter Walterum Bilneye de Cantebr' partem appellantem ex parte una et dominum Johannem de Grebby .. officialis domini .. archidiaconi Elien' commissarium se pretendentem partem appellatam ex altera, partibus ut prius comparentibus, lite per dictum procuratorem negative contestata dicendo narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere iuratisque partibus in personis dictorum procuratorum hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad probandum et pars appellata protestatur se velle adicere contestacioni. [fol. 63v]

[26 Feb 77 (41.9)] Bilney. Walter exhibits a public instrument and asks that John Hostler be compelled to appear to testify about grievances caused by John; decreed with faith given. Next for Walter to produce the compelled witness and to offer final proof.

Bilneye] In causa appellacionis mota inter Walterum Bilneye de Cantebr' partem appellantem ex parte una et dominum Johannem de Grebby officialis domini archidiaconi Elien' commissarium se pretendentem partem appellatam

¹ Walter Bilney, the appellant here, is probably the same man as the defendant/appellant in *Fulbourn/Bilney* and the appellant mentioned in *Gidding*, but there is no indication that the cases are related. For the appellee, see *Grebby*, n. 1.

ex altera, partibus ut prius comparentibus, exhibito per partem appellantem quodam instrumento publico super appellacione sua, petitaque compulsione super gravaminibus unius testis, videlicet Johannis Hostiler, qua decreta facta fide que requiritur, datur dies in proximo parti appellanti ad producendum compulsum et ulterius ad precise probandum. [fol. 65r]

[19 Mar 77 (42.9)] Bilney. John confesses the appeal (*pars appellata fatetur appellacione*). Walter produces one witness: John Hostler, who is admitted and sworn. John reserves the right to speak against witnesses and testimony. Walter requests the compulsion of Mr Hugh Candlesby and John Oakington, scholar, necessary witnesses; decreed with faith given. Next to produce the compelled.

Bilneye] In causa appellacionis mota inter Walterum Bilneye de Cantebr' partem appellantem ex parte una et dominum Johannem de Grebby officialis domini .. archidiaconi Elien' commissarium se pretendentem partem appellatam ex altera, partibus ut prius comparentibus, pars appellata fatetur appellacionem, productoque per partem appellantem uno [fol. 66r] teste videlicet Johanne Hostiler, quo admisso et in forma iuris iurato, protestato per partem adversam de dicendo in testes et eorum dicta, petita per partem appellantem compulsione alterius testis,^a videlicet magistri Hugonis Candelesby et Johannis Hokyton' scholaris, testium rogatorum et necessariorum, qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsos. [fol. 66v]

[10 Apr 77 (43.9)] Bilney. Walter by William de Bridge, substituted for John Wiltshire, original proctor; John personally. Since the compelled witnesses have not been cited, they will be produced next.

Bilneye] In causa appellacionis mota inter Walterum Bilneye de Cantebr' Elien' diocesis partem appellantem ex parte una et dominum Johannem de Grebby .. officialis domini .. archidiaconi Elien' commissarium se pretendentem partem appellatam ex altera, partibus ut prius comparentibus, appellante videlicet per Willelmum de Brugges, substitutum Johannis Wiltesshir' procuratoris originalis, parte appellata ut prius, testibus compellendis nondum citatis nec productis, datur dies in proximo ad idem, videlicet ad producendum compulsos. [fol. 68r]

[30 Apr 77 (44.9)] Bilney. Parties by said proctors. Walter produces Mr Hugh Candlesby, who is admitted and sworn. He requests that a *missio* be sent to the chancellor of Cambridge to cite John Oakington, scholar and necessary witness; decreed with faith given. Next to see the compelled admitted.

Bilneye] In causa appellacionis mota inter Walterum Bilneye de Cant' partem appellantem ex parte una et dominum Johannem Grebby commissarium officialis domini .. archidiaconi Elien' se pretendentem partem appellatam ex altera, partibus per procuratores suos predictos comparentibus, productoque

^a alterius testis] *sic*. We would expect aliorum (or perhaps alterorum) testium.

per partem appellantem magistro Hugone Candelesby teste compulso, quo admisso et in forma iuris iurato petitaque missione ad dominum .. cancellarium Cantebr' ad citandum Johannem Hokyton' scolarem testem in ea parte necessarium et decreto, facta fide que requiritur, datur dies in proximo ad videndum admissionem eiusdem. [fol. 70r]

[29 May 77 (45.8)] Bilney. Because the citation of John Oakington has not been certified, next to see his admission.

Bilneye] In causa appellacionis mota inter Walterum Bilneye de Cant' partem appellantem ex parte una et dominum Johannem Grebby commissarium .. officialis domini .. archidiaconi Elien' se pretendentem partem appellatam ex altera, partibus ut prius comparentibus et quia non est certificatum de citacione Johannis Hokyton' scholaris, ideo datur dies in proximo ad idem, videlicet ad videndum admissionem eiusdem. [fol. 72v]

[18 Jun 77 (46.7)] Bilney. The chancellor of Cambridge has certified that John Oakington, his student, has not been cited because he does not reside at the University but at Oakington. He will be cited there.

Bilneye] In causa appellacionis mota inter Walterum Bilneye de Cant' partem appellantem ex parte una et dominum Johannem Grebby commissarium .. officialis domini .. archidiaconi Elien' se pretendentem partem appellatam ex altera, partibus ut prius comparentibus, quia cancellarius Cant' certificat quod Johannes Hokyton' scholaris suus non est citatus nec moratur in universitate sed in Hokyton', ideo citetur apud Hokyton' ad proximum. [fol. 74v]

[9 Jul 77 (47.7)] Bilney. Walter by proctor; John absent. Because the compelled witness has not been cited, he will be cited for the next session when he will be produced.

Bilneye] In causa appellacionis mota inter Walterum Bilneye de Cant' partem appellantem ex parte una et dominum Johannem Grebby commissarium officialis domini archidiaconi Elien' se pretendentem partem appellatam ex altera, parte appellante per dictum procuratorem suum comparente, parte appellata nullo modo, quia testis compellendus non est citatus, ideo citetur ad proximum datusque est dies in proximo ad idem, videlicet ad videndum productionem eiusdem. [fol. 76r]

[30 Jul 77 (48.7)] Bilney. Neither appears. Next to produce the compelled.

Bilneye] In causa appellacionis mota inter Walterum Bilneye de Cant' partem appellantem ex parte una et dominum Johannem Grebby commissarium .. officialis domini archidiaconi Elien' se pretendentem partem appellatam ex altera, neutra parte comparente, ideo expectamus usque proximum ad idem. [fol. 78v]

[1 Oct 77 (49.7)] Bilney. The case is adjourned and pending until Walter proceeds.

Bilneye] Neutra pars comparet, ideo causa est discontinuata et pendeat quou-

sque pars appellans procuraverit eam resumi. [fol. 79v]

138. *CHESEMAN* (2)¹

[8 Jan 77 (39.10)] Cheseman. Mr Henry Bowet, archdeacon's official, was cited for said day and place at the instance of John Cheseman of Cambridge and Margaret Gayton of Cambridge in an appeal from a citation to a brief and final term, uncertain articles, and other grievances.

John and Margaret appear by John Wiltshire, proctor by letter; Henry personally. An oral libel is given and requested written. 12 Jan. to receive it in writing.

12 Jan. John by proctor; Henry by William Killerwick, proctor *apud acta*. The libel of appeal is received in writing. Next to respond to it.

Cheseman] Magister Henricus Bowet officialis domini .. archidiaconi Elien' citatus [est] ad dictos diem et locum ad instanciam Johannis Cheseman de Cantebr' et Margarete Geyton' de eadem in causa appellacionis ad audientiam nostram ut asseritur interiecte a quadam iniuriosa citacione ad terminum nimis brevem et peremptorium ac super incertis articulis aliisque gravaminibus in ea parte suggestis. Parte appellante per Johannem Wiltesshire, clericum, procuratorem suum litteratorie constitutum, parte appellata personaliter, comparentibus, libellato per partem appellantem oretenus petitoque in scriptis per partem appellatam, datur dies lune proximo nunc futurus loco quo supra ad dandum et recipiendum in scriptis dictum libellum appellatorium.

Quibus die et loco parte appellante ut prius, parte vero appellata per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, comparentibus, oblato per partem appellantem libello appellatorio in scriptis et a parte appellata optento, datur dies in proximo parti appellanti ad respondendum eidem. [fol. 61r]

[5 Feb 77 (40.10)] Cheseman. Henry contests the suit negatively, saying the claims are untrue and the petitions should not be granted. The parties' proctors swear *de calumpnia* and *de veritate dicenda*. Next to prove.

Cheseman] In causa appellacionis mota inter Johannem Cheseman de Cantebr' Elien' diocesis et Margaretam Geyton' de eadem partem appellantem ex parte una et magistrum Henricum Bowet officialem domini .. archidiaconi Elien' partem appellatam ex altera, partibus ut prius comparentibus, lite negative contestata per dictum procuratorem partis appellate dicendo narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus in personis dictorum procuratorium hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad probandum. [fol. 63v]

[26 Feb 77 (41.10)] Cheseman. John and Margaret exhibit a public instrument concerning

¹ See *Cheseman* (1), n. 1; *Gayton*, n. 1.

their appeal and produce William Killerwick as a witness, who is admitted and sworn. Next for the appellant to prove precisely.

Cheseman] In causa appellacionis mota inter Johannem Cheseman de Cantebr' Elien' diocesis et Margaretam Geyton' de eadem partem appellan-tem ex parte una et magistrum Henricum Bowet officialem domini .. archidiaconi Elien' partem appellatam ex altera, partibus ut prius comparentibus, exhibito per partem appellan-tem quodam instrumento publico super appellacione sua productoque per dictam partem appellan-tem unico teste videlicet Willelmo Killerwyk', quo admisso et in forma iuris iurato, datur dies in proximo dicte parti appellanti ad precise probandum. [fol. 65r]

[19 Mar 77 (42.10)] Cheseman. No other witnesses are produced, but the compulsion of Mr Hugh Candlesby is requested; decreed with faith given. John and Margaret produce John Hostler, who is admitted and sworn. Next to produce the compelled and for Henry to see the production.

Cheseman] In causa appellacionis mota inter Johannem Cheseman et Margaretam Geyton' de Cant' partem appellan-tem ex parte una et magistrum Henricum Bowet officialem domini archidiaconi Elien' partem appellatam ex altera, partibus ut prius comparentibus, nullis aliis testibus productis sed petita compulsione magistri Hugonis Candlesby, qua decreta facta fide que requiritur, productoque per dictam partem Johanne Hostler, quo admisso et in forma iuris iurato, datur dies in proximo ad producendum testem compellendum et parti appellate ad videndum produccionem. [fol. 66v]

[10 Apr 77 (43.10)] Cheseman. John and Margaret by William de Bridge, substituted for original proctor; Henry personally. Since the compelled witness has not been cited, he will be cited and produced next.

Cheseman] In causa appellacionis mota inter Johannem Cheseman et Margaretam Geyton'^a de Cantebr' Elien' diocesis partem appellan-tem ex parte una et magistrum Henricum Bowet officialem domini .. archidiaconi [fol. 68r] Elien' partem appellatam ex altera, parte appellante per Willelmum de Brugges, substitutum Johannis Wiltesshir' procuratoris sui originalis, comparente, parte appellata personaliter, teste compellendo nondum citato, ideo citetur ad proximum ad idem, videlicet ad producendum eundem et parti appellate ad videndum produccionem. [fol. 68v]

[30 Apr 77 (44.10)] Cheseman. Parties by original proctors. John and Margaret produce Mr Hugh Candlesby, who are admitted and sworn. Next to publish the testimony.

Cheseman] In causa appellacionis mota inter Johannem Cheseman de Cant' et Margaretam Geyton' de eadem partem appellan-tem ex parte una et magistrum Henricum Bowet officialem domini archidiaconi Elien' partem appellatam ex altera, partibus per dictos procuratores suos originales compa-

^a et Margaretam Geyton'] *interlined*.

rentibus, producto per dictam partem appellantem Hugone Candelesby, quo admissio et in forma iuris iurato, datur dies in proximo ad videndum publicationem attestacionis. [fol. 70r]

[29 May 77 (45.9)] Cheseman. Since the witness has not been examined, nor is that the appellant's fault, as he swears, next to publish the testimony.

Cheseman] In causa appellacionis mota inter Johannem Cheseman de Cant' et Margar' Geyton' de eadem partem appellantem ex parte una et magistrum Henricum Bowet officialem domini archidiaconi Elien' partem appellatam ex altera, partibus ut prius comparentibus et quia testes nondum sunt examinati nec per partem appellantem stetit de quo est facta fides, datur dies in proximo ad idem, videlicet ad publicandum et publicari videndum attestaciones. [fol. 72v]

[18 Jun 77 (46.8)] Cheseman. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Cheseman] In causa appellacionis mota inter Johannem Cheseman de Cant' et Margaretam Geyton' de eadem partem appellantem ex parte una et magistrum Henricum Bowet officialem domini .. archidiaconi Elien' partem appellatam ex altera, partibus ut prius comparentibus, publicatis attestacionibus decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 74v]

[9 Jul 77 (47.8)] Cheseman. John by proctor;² Henry is absent and found contumacious. John proposes nothing; as penalty to Henry, the term ends. Henry will be called; next to propose everything concerning the matter.

Cheseman] In causa appellacionis mota inter Johannem Cheseman de Cant' partem appellantem ex parte una et magistrum Henricum Bowet officialem domini .. archidiaconi Elien' partem appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo, nichil dicto seu proposito per partem appellantem, parteque appellata contumace reputata, ideo in pena contumacie sue cedat terminus datusque est dies in proximo ad proponendum omnia in facto consistencia et vocetur dicta pars appellata ad idem. [fol. 76r]

[30 Jul 77 (48.8)] Cheseman. Parties by proctors. Nothing is proposed. Next to conclude the case.

Cheseman] In causa appellacionis mota inter Johannem Cheseman de Cant', partem appellantem ex parte una et magistrum Henricum Bowet officialem domini archidiaconi Elien' partem appellatam ex altera, parte appellante per procuratorem suum comparente, parte vero appellata per procuratorem suum, nullo dicto seu proposito, datur dies in proximo ad concludendum et concludi videndum in causa predicta. [fol. 78v]

² At this point Margaret ceases to be mentioned.

[1 Oct 77 (49.8)] Cheseman. Neither appears. The case is adjourned and pending until either proceeds. [fol. 79v]

Cheseman] Neutra pars comparet, ideo causa est discontinuata et pendeat quousque alterutra pars prosequatur. [fol. 79v]

139. WILDMAN

[8 Jan 77 (39.11)] Wildman. John Clay of Shudy Camps was cited for said day and place at the instance of Ellen Wildman of Hildersham in an appeal from the definitive sentence given in a marriage case. She had appealed *ab iniqua* after the archdeacon's official had ruled in favour of John. John and other interested parties have been inhibited from doing anything prejudicial to the case while it is pending.

Ellen appears personally; John is absent. Since no certification has been received from the mandatory, the court is uncertain whether John was cited. He will be called to proceed in the case. The vicar of Shudy Camps, the mandatory, is cited to respond for contempt.

Wyldeman] Cum nos Johannem Cley de Schedecaumpes ad dictos diem et locum ad instanciam Elene Wyldeman de Hildresham mulieris in causa appellacionis ad audienciam nostram ut asseritur interiecte a quadam sententia diffinitiva per .. officialem domini .. archidiaconi Elien' pro dicto Johanne et contra prefatam Elenam in causa matrimoniali lata tanquam ab iniqua in dicta causa appellacionis processurum fecimus coram nobis seu saltem mandavimus ad iudicium evocari sibi et aliis quorum interest inhiberi, ne pendente in audiencia nostra huius appellacionis causa indecisa quicquam hac occasione attemptarent etc., parte appellante personaliter comparente, parte vero appellata nullo modo et quia non constat quod dicta pars appellata fuit citata ad istos diem et locum iuxta mandatum nostrum in ea parte directum eo quod mandatarius noster nondum certificavit, ideo decernimus ipsam fore vocandam ad proximum in dicta causa appellacionis processuram et procedi visuram dictumque mandatarium nostrum, videlicet .. vicarium ecclesie de Schedecaumpes, fore vocandum super contemptu et inobediencia nobis ex officio nostro responsurum. [fol. 61r]

[5 Feb 77 (40.11)] Wildman. Ellen by William Killerwick, proctor *apud acta*; although cited, John is absent. He is found contumacious. The libel of appeal is received in writing. John will be cited to respond to the libel, which will be attached to the citation.

Wyldeman] In causa appellacionis mota inter Elenam Wyldeman de Hildresham Elien' diocesis partem appellantem ex parte una et Johannem Cley de Schedecaumpes dicte diocesis partem appellatam ex altera, parte appellante per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, comparente, parte appellata citata in dicta causa appellacionis processura nullo modo comparente, ideo ipsam reputavimus contumacem, oblato per partem appellantem quodam libello appellatorio in scriptis, decer-

nimus dictam partem appellatam fore vocandam ad proximum eidem libello citacioni in ea parte faciende annectendo responsuram ulteriusque facturam quod est iustum. [fol. 63v]

[26 Feb 77 (41.11)] Wildeman. Ellen by proctor; John by John Wiltshire, proctor *apud acta*. John contests the suit negatively, saying the claims are untrue and the petitions should not be granted. The parties swear *de calumpnia* and *de veritate dicenda*. Next to prove.

Wyldeman] In causa appellacionis mota inter Elenam Wyldeman de Hildresham Elien' diocesis partem appellantem ex parte una et Johannem Cley de Schedecaumpes partem appellatam ex altera, parte appellante ut prius comparente, parte vero appellata per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, comparente, lite per dictum procuratorem partis appellate negative contestata, dicendo videlicet narrata proutarrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde de calumpnia et de veritate dicenda in personis dictorum procuratorum, datur dies in proximo ad probandum. [fol. 65r]

[19 Mar 77 (42.11)] Wildeman. Ellen produces two witnesses: Mr Henry Bowet, archdeacon's official, and Mr Thomas Gloucester, who are admitted and sworn. Next to offer final proof.

Wyldeman] In causa appellacionis mota inter Elenam Wyldeman de Hildresham partem appellantem ex parte una et Johannem Cley de Schedecamp' partem appellatam ex altera, partibus ut prius comparentibus, productis per partem appellantem duobus testibus, videlicet magistro Henrico Bowet officiali domini archidiaconi Elien' et magistro Thoma de Gloucestr', quibus admissis et in forma iuris iuratis, datur dies in proximo ad peremptorie probandum. [fol. 66v]

[10 Apr 77 (43.11)] Wildeman. Ellen by proctor; John by William de Bridge, substituted for original proctor. No other witnesses are produced, but Mr Hugh Candlesby and William Bailey of Cambridge are requested compelled; decreed with faith given. Next to produce compelled.

Wyldeman] In causa appellacionis mota inter Elenam Wyldeman de Hildresham Elien' diocesis partem appellantem ex parte una et Johannem Cley de Schedecaump' dicte diocesis partem appellatam ex altera, parte appellante ut prius comparente, parte appellata per dominum Willelmum, substitutum, nullis aliis testibus productis sed petita compulsione duorum testium, videlicet magistri Hugonis Candelesby et Willelmi Bailly de Cant', qua decreta facta fide que requiritur, datur dies in proximo parti appellanti ad producendum compulsos et parti appellate ad videndum produccionem. [fol. 68v]

[30 Apr 77 (44.11)] Wildeman. Parties by original proctors. Ellen produces Mr Hugh Candlesby and William Bailey, who are admitted and sworn. She proposes that after the archdeacon's official had ruled against her in the marriage case, she appealed. Sworn to respond truthfully, John's proctor confirms the positions. Next to publish the testimony.

Wyldeman] In causa appellacionis mota inter Elenam Wyldeman de Hildresham partem appellantem ex parte una et Johannem Cley de Schedecaump' partem appellatam ex altera, partibus per dictos procuratores suos originales comparentibus, productis per partem appellantem duobus testibus, videlicet magistro Hugone Candelesby et Willelmo Bailly, quibus admissis et in forma iuris iuratis factisque posicionibus per partem appellantem, procuratore partis appellate de fideliter respondendo ad eas iurato, videlicet quod in causa matrimoniali coram officiali domini archidiaconi Elien' inter dictas partes mota per eundem officialem contra dictam Elenam fuit sententia lata diffinitiva et per partem eiusdem Elene a dicta sententia [fuit] appellatum, dictus procurator partis appellate fatetur dictas posiciones; datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 70r]

[29 May 77 (45.10)] Wildeman. Since Ellen appealed immediately from the sentence of the official, the court finds in favour of the appeal and its jurisdiction. The process is ordered requested. Next to see its transmission and to publish it.

Wyldeman] In causa appellacionis mota inter Elenam Wyldeman de Hildresham partem appellantem ex parte una et Johannem Cley de Schedecaump' partem appellatam ex altera, partibus per dictos procuratores suos originales comparentibus, quia invenimus sententiam diffinitivam per .. officialem domini archidiaconi Elien' pro dicta Johanne et contra prefatam Elenam fuisse latam et incontinenti ab ea tanquam ab iniqua ad audienciam nostram per partem dicte Elene appellatum de consensu parcium predictarum pro voce appellacionis predictae eiusque causa et pro iurisdiccione nostra in hac parte pronunciamus et decernimus fore mittendum dicto .. officiali domini .. archidiaconi pro dicto processu; datur dies in proximo ad videndum transmissionem et publicacionem eiusdem. [fol. 73r]

[18 Jun 77 (46.9)] Wildeman. Since no process has been sent, it is expected by the next session.

Wyldeman] In causa appellacionis mota inter Elenam Wyldema' de Hildresham partem appellantem ex parte una et Johannem Cley de Schedecaump' partem appellatam ex altera, partibus ut prius comparentibus, nullo processu transmissio, ideo transmittatur ad proximum. [fol. 74v]

[9 Jul 77 (47.9)] Wildeman. No process has been sent. It is expected by the next session under penalty of final remission.

Wyldeman] In causa appellacionis mota inter Elenam Wyldema' de Hildresham partem appellantem ex parte una et Johannem Cley de Schedecaump' partem appellatam ex altera, partibus ut prius comparentibus, nullo processu adhuc transmissio, datur dies in proximo ad idem sub pena finalis remissionis. [fol. 76r]

[30 Jul 77 (48.9)] Wildeman. Ellen by proctor; John absent. Since no process has been sent, it

is expected by the next session when it will be published.

Wylde[m]an] In causa appellacionis mota inter Elenam Wildeman de Hildresham, partem appellantem ex parte una, et Johannem Cley de Shede-caump', partem appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo, nullo processu adhuc transmissio, ideo transmittatur ad proximum. Daturque dies in proximo partibus predictis ad videndum transmissionem et publicacionem eiusdem et citetur pars appellata ad idem. [fol. 78v]

[1 Oct 77 (49.9)] Wildeman. As 48.9.

Wylde[m]an] Partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo datur dies in proximo ad videndum transmissionem et publicacionem eiusdem. [fol. 79v]

[22 Oct 77 (50.7)] Wildeman. Since the process has not been sent, it is expected by the next session.

Wylde[m]an] Partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo transmittatur ad proximum. [fol. 80v]

[12 Nov 77 (51.7)] Wildeman. As 50.7.

Wylde[m]an] Partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo transmittatur ad proximum. [fol. 81v]

[3 Dec 77 (52.7)] Wildeman. The exhibited process is published; a copy is ordered for the parties. Next to speak against the process.

Wylde[m]an] Partibus ut prius comparentibus, exhibito processu, quo publicato, decreta copia partibus, datur dies in proximo ad dicendum contra processum. [fol. 82r]

[22 Dec 77 (53.6)] Wildeman. Nothing is proposed; the term ends. Next to conclude the case.

Wylde[m]an] Partibus ut prius comparentibus, nichil dicto seu proposito, ideo cedat terminus. Datur dies in proximo ad concludendum in dicta causa. [fol. 84v]

[14 Jan 78 (54.6)] Wildeman. With the parties' consent, the case is concluded. Next to hear the definitive sentence.

Wylde[m]an] Partibus ut prius comparentibus, de quarum consensu conclusione facta in causa predicta, datur dies in proximo ad audiendum sententiam. [fol. 86v]

[4 Feb 78 (55.6)] Wildeman. With the parties' consent, next to hear the definitive sentence.

Wylde[m]an] In causa appellacionis mota inter Elenam Wylde[m]an de Hildresham partem appellantem ex parte una et Johannem Cley de Schede-caump' partem appellatam ex altera, partibus ut prius comparentibus, de

quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 87v]

[25 Feb 78 (56.6)] Wildeman. Next to hear the definitive sentence.

Wylde[m]an] Parte appellante nullo modo comparente, parte appellata ut prius, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 89v]

[18 Mar 78 (57.5)] Wildeman. Ellen is to be called to hear the definitive sentence.

Wylde[m]an] Parte appellante nullo modo comparente, parte appellata ut prius, datur dies in proximo ad idem, videlicet ad audiendum sentenciam et vocetur pars appellans. [fol. 90v]

[8 Apr 78 (58.5)] Wildeman. Appellant will be called to hear the definitive sentence.

Wildeman] Parte appellante nullo modo comparente, parte appellata ut prius, datur dies in proximo ad idem, videlicet ad audiendum sentenciam et vocetur pars appellans ad idem. [fol. 91v]

[29 Apr 78 (59.5), 13 May 78 (60.5), 8 Jul 78 (62.5), 29 Jul 78 (63.5), 1 Oct 78 (64.5)] Wildeman. For the same.

Wildeman] Ad idem. [fols. 92v, 93v, 94r, 96r, 98r]

[21 Oct 78 (65.5)] Wildeman. As 59.5.

Wildema'] In causa appellacionis mota inter Elenam Wildeman de Hildresham partem appellantem ex parte una et Johannem Cley de ShedeCaunp' partem appellatam ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 99r]

[10 Nov 78 (66.5)] Wildeman. As 59.5.

Wildeman] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 102v]

[2 Dec 78 (67.5), 23 Dec 78 (68.5), 3 Feb 79 (70.5), 25 Feb 79 (71.5), 17 Mar 79 (72.5), 21 Apr 79 (73.5), 23 May 79 (74.5), 10 Jun 79 (75.5), 30 Jun 79 (76.5), 21 Jul 79 (77.5), 22 Sep 79 (78.6), 13 Oct 79 (79.5), 3 Nov 79 (80.5), 24 Nov 79 (81.5), 9 Dec 79 (82.5), 12 Jan 80 (83.5), 3 Feb 80 (84.5)] Wildeman. As 59.5.

Wildeman] Ad idem. [fols. 104r, 106r, 107v, 109v, 111r, 113v, 115r, 116v, 117v, 118v, 120r, 121r, 122v, 123v, 125r, 126r, 127v]

[23 Feb 80 (85.5)] Wildeman. As 59.5.

Wildeman] In causa matrimoniali mota inter Elenam Wildeman de Hildresham partem actricem ex parte una et Johannem Cley de Shede Caumpes partem ream ex altera, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 129v]

[15 Mar 80 (86.5), 5 Apr 80 (87.4), 26 Apr 80 (88.4), 25 May 80 (89.4), 14 Jun 80 (90.4), 23 Jul 80 (92.4), 4 Oct 80 (93.4), 25 Oct 80 (94.4)] Wildeman. As 59.5.

Wildeman] Ad idem. [fols. 133v, 136r, 137r, 138r, 140v, 141v, 144r, 144v]

140. COUPER (1)

This is an odd case. It first appears in the register as an appeal from a sentence of the archdeacon's official rendered in favour of John Carter against Alice daughter of Robert Couper of Sutton¹ in a defamation case. The record does not say who was plaintiff and who defendant in the archdeacon's court. Four sessions later, Robert Couper, who almost certainly was Alice's father, also appeals from a definitive sentence of the archdeacon's official. In the next session, Alice appeals again, this time from an allegedly excessive award of costs in a case involving John. All three cases proceed for three more sessions, when peace is announced in all of them. Six months later, the parties, quite unusually, are called back to court to renew their appeals or to abandon them. Alice never appears, but Robert eventually does. He abandons his appeal, and John is remitted to the jurisdiction of the archdeacon's official.

This certainly does not give us much to go on, but the facts that the first sentence is described as one in a defamation case and that Robert appears to be involved in a parallel action suggests that John was accused of having defamed Alice. That she complains about an excessive award of costs probably indicates that the definitive sentence absolved John of the defamation and that the archdeacon's official awarded him costs. (How he managed to do this after the definitive sentence had been appealed, the record does not say.) Why the case is renewed after the parties had settled is even more mysterious, but it is possible that the judgment of the archdeacon's official was not a total victory for John. He had been guilty of some defamation (just not as much as Alice and Robert had initially charged), and this was an offence for which he ought to do penance, even if the parties had settled. That could account for the renewal of the case.

[8 Jan 77 (39.26)] Couper. John Carter of Sutton was cited for said day and place at the instance of Alice daughter of Robert Couper of Sutton in an appeal from the definitive sentence given in a defamation case. After the archdeacon's official had ruled in favour of John, Alice appealed *ab iniqua*.

Alice is absent; John appears personally. She will be called to prosecute the case under pain of final remission.

Couper] Johannes Cartere de Sutton' Elien' diocesis citatus [est] ad dictos diem et locum ad instanciam Alicie . . .^a filie Roberti Coupere de eadem in causa appellacionis ad audienciam nostram ut asseritur interiecte a quadam sententia diffinitivam per .. officialem domini archidiaconi Elien' pro dicto Johanne et contra prefatam Aliciam in causa diffamacionis lata tanquam ab iniqua in dicta causa appellacionis processurus. Parte appellante nullo modo comparente, parte vero appellata personaliter, ideo decernimus partem appellantem fore vocandam ad proximum prosecuturam dictam causam sub pena finalis remissionis. [fol. 61v]

^a *Blank space in ms.*

¹ Alice and her father may also be defendants in *Waltesshef*, another defamation case.

[5 Feb 77 (40.12)] Couper. Alice was not cited. She will be called to prosecute the case under penalty of final remission. The vicar and the chaplain of Sutton will be cited for contempt because they have not certified the inhibition sent to them.

Coupere] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' Elien' diocesis partem appellantem ex parte una et Johannem Cartere de eadem partem appellatam ex altera, parte appellante nullo modo comparente, parte appellata personaliter. Et quia non constat quod fuit citata iuxta decretum nostrum alias interpositum, ideo decernimus dictam partem appellantem fore vocandam ad proximum ad idem, videlicet ad prosequendum dictam causam sub pena finalis dimissionis, et citentur vicarius de Sutton' et capellanus eiusdem super contemptu et inobediencia eo quod non certificaverunt de inhibitione in ea parte impetrata et sibi directa. [fol. 63v]

[26 Feb 77 (41.12)] Couper. Alice by William Killerwick, who claims to be her proctor; John is absent and found contumacious. An oral libel is given *sub certa forma*. John will be called to receive it in writing.

Coupere] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' Elien' diocesis partem appellantem ex parte una et Johannem Carter' de eadem partem appellatam ex altera, parte appellante per Willelmum Killerwyk', clericum, procuratorem suum se dicentem, comparente, parte appellata nullo modo, ideo ipsam reputamus contumacem. Libellato oretenus per dictam partem appellantem sub certa forma, datur dies in proximo ad libellandum in scriptis et decernimus partem appellatam fore vocandam ad proximum ad recipiendum dictum libellum in scriptis et ulterius faciendum in dicta causa quod est iuris. [fol. 65r]

[19 Mar 77 (42.12)] Couper. John was not cited. A written libel of appeal is given. John's citation will order him called to respond to it.

Coupere] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' partem appellantem ex parte una et Johannem Carter' de eadem partem appellatam ex altera, parte appellante ut prius comparente, parte vero appellata nullo modo nec citata, sed oblato per partem appellantem in scriptis quodam libello appellatorio, decernimus dictam partem appellatam fore citandam ad proximum ad respondendum dicto libello eidem transmittendo cum dicta citacione et libellando, datur dies in proximo parti appellanti ad interessendum responsioni et ulterius faciendum quod est iuris. [fol. 66v]

[10 Apr 77 (43.12)] Couper. Alice by proctor; John personally. John contests the suit negatively and wants to add to the contestation. Parties swear *de calumpnia* and *de veritate dicenda*. Next to add and prove.

Coupere] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' Elien' diocesis partem appellantem ex parte una et Johannem Carter' de eadem partem appellatam ex altera, parte appellante ut prius compa-

rente, parte appellata personaliter, lite per dictam partem appellatam negative contestata protestatoque per eandem quod vult adicere contestacioni, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad adiciendum et probandum. [fol. 68v]

[10 Apr 77 (43.32)] Couper. John Carter of Sutton was cited for said day and place at the instance of Robert Couper of Sutton in an appeal from a definitive sentence given by the archdeacon's official.

Neither appears. Robert is called to proceed with the case next, under penalty of final remission.

Coupere] Johannes Cartere de Sutton' citatus [est] coram nobis ad dictos diem et locum ad instanciam Roberti Coupere de eadem in causa appellacionis ad nos interiecte a quadam sententia diffinitiva per officialem domini archidiaconi Elien' lata. Neutra parte comparente, ideo decernimus partem appellantem fore vocandam ad proximum ad prosequendum causam appellacionis sue sub pena finalis dimissionis. [fol. 69r]

[30 Apr 77 (44.12)] Couper. Alice produces two witnesses: Hugh Candlesby and Robert Foxton, who are admitted and sworn. Next to publish the testimony.

Coupere] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' partem appellantem ex parte una et Johannem Cartere de eadem partem appellatam ex altera, partibus ut prius comparentibus, productis per partem appellantem duobus testibus videlicet Hugone de Candelesby et Roberto de Foxton', quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum et publicari videndum attestaciones dictorum testium. [fol. 70r]

[30 Apr 77 (44.39)] Couper. John Carter of Sutton was cited for 21 May 1377 at the instance of Alice daughter of Robert Couper of Sutton in an appeal from excess costs, which the archdeacon's official had condemned Alice to pay, and other grievances.

Alice is absent; John appears personally. She will be called to proceed, under penalty of final remission.

Coupere] Johannes Carter' de Sutton' citatus [est] ad diem iovis proximo post festum Sancti Dunstani loco quo supra ad instanciam Alicie filie Roberti Coupere de eadem in causa appellacionis ad nos interiecte a quadam condemnatione expensarum nimis excessive et immoderate per .. officialem domini .. archidiaconi Elien' ut asseritur facta aliisque gravaminibus in ea parte suggestis. Parte appellante nullo modo comparente, parte appellata personaliter, ideo decernimus partem appellantem fore vocandam ad proximum ad prosequendum causam appellacionis seu sub pena finalis remissionis. [fol. 72v]

[30 Apr 77 (44.40)] Couper. Since Robert has not been cited as ordered, he will be cited to proceed, under penalty of final remission.

Couper[e] In causa appellacionis mota inter Robertum Coupere de Sutton' partem appellan-tem ex parte una et Johannem Cartere de eadem partem ap-pellata ex altera, parte appellante nullo modo comparente, parte appellata ut prius et quia pars appellans non fuit citata iuxta decretum nostrum, ideo cite-tur ad proximum ad idem, videlicet ad proseguendum causam appellacionis sue sub pena finalis remissionis. [fol. 72v]

[29 May 77 (45.11)] Couper. Since the witnesses have not been examined, nor is that the pro- ducing party's fault, next to publish the testimony.

Couper[e] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' partem appellan-tem ex parte una et Johannem Cartere de eadem partem appellatam ex altera, partibus per dictos procuratores comparentibus, quia testes nondum sunt examinati nec per partem producentem stetit, datur dies in proximo ad idem. [fol. 73r]

[29 May 77 (45.12)] Couper. Robert was not cited as ordered. Because John did not insist on having a citation, Robert will be cited to proceed next.

Couper[e] In causa appellacionis mota inter Robertum Coupere de Sutton' partem appellan-tem ex parte una et Johannem Carter' de eadem partem ap-pellatam ex altera, parte appellante nullo modo comparente nec citata, parte appellata ut prius et quia pars appellata non instetit pro citacione habenda, ideo citetur ad proximum ad idem. [fol. 73r]

[29 May 77 (45.13)] Couper. Since Alice has not been cited, nor has John pursued a citation, she will be called to proceed next.

Couper[e] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' partem appellan-tem ex parte una et Johannem Carter' de eadem partem appellatam ex altera, parte appellante nullo modo comparente nec citata, nec pars appellata prosequeretur citacionem, parte appellata ut prius comparente, citetur ad proximum ad idem. [fol. 73r]

[18 Jun 77 (46.10)] Couper. Since the witnesses have not yet been examined, next to publish the testimony.

Couper[e] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' partem appellan-tem ex parte una et Johannem Carter' de eadem partem appellatam ex altera, partibus ut prius comparentibus, quia testes non sunt examinati, ideo datur dies in proximo ad idem quod prius. [fol. 74v]

[18 Jun 77 (46.13)] Couper. Robert was not cited. Robert will be cited to proceed under pen- alty of final remission (see 44.40).

Couper[e] In causa appellacionis mota inter Robertum Coupere de Sutton' partem appellan-tem ex parte una et Johannem Carter' de eadem partem ap-pellatam ex altera, parte appellante nullo modo comparente nec citata, parte appellata personaliter, ideo citetur pars appellans ad proximum ad idem sub

pena predicta. [fol. 74v]

[18 Jun 77 (46.14)] Couper. Alice is absent and has not been cited, John appears personally. She will be called to proceed under the aforementioned penalty [i.e., of final remission].

Couper] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' partem appellantem ex parte una et Johannem Carter' de eadem partem appellatam ex altera, parte appellante nullo modo comparente nec citata, parte appellata personaliter, ideo citetur pars appellans ad proximum ad idem sub pena predicta. [fol. 74v]

[9 Jul 77 (47.10)] Couper. Peace has been restored.

Couper – pax] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' partem appellantem ex parte una et Johannem Carter' de eadem partem appellatam ex altera, pax est inter partes reformata. [fol. 76r]

[9 Jul 77 (47.13)] Couper. Peace has been restored.

Couper – pax] In causa appellacionis mota inter Robertum Coupere de Sutton' Elien' diocesis partem appellantem ex parte una et Johannem Cartere de eadem partem appellatam ex altera, pax est inter dictas partes reformata. [fol. 76r]

[9 Jul 77 (47.14)] Couper. Peace has been restored.

Couper – pax] In causa appellacionis mota inter Aliciam filiam Roberti Coupere de Sutton' Elien' diocesis partem appellantem ex parte una et Johannem Cartere de eadem partem appellatam ex altera, pax est inter partes reformata. [fol. 76r]

[3 Feb 79 (70.36)] Couper. In the appeals between Robert Couper of Sutton, appellant, and John Carter, appellee, and also between Alice, Robert's daughter, appellant, and John, appellee, the appellants were called to prosecute the appeal according to past acts.

Robert appears personally; John personally; Alice is absent. Next to proceed.

Couper] Cum nos in causa appellacionis que in consistorio Elien' vertebatur inter Robertum Coupere de Sutton' partem appellantem ex parte una et Johannem Cartere de eadem partem appellatam ex altera ac etiam inter Aliciam filiam dicti Roberti partem similiter appellantem ex parte una et eundem Johannem Cartere partem appellatam ex altera, legitime procedentes predictas partes appellantes vocandas fore ad prosequendum causas appellacionis sue et iuxta formam retroactorum in eis habitorum procedendas et procedi videntas in eisdem decernimus ad diem et locum supradictos, predictis Roberto et Johanne personaliter comparentibus, predicta Alicia nullo modo, datur dies in proximo parti appellanti ad resumendum dictam causam in statu quo fuit dimissam et utrique parti ad procedendum et procedi videndum in eadem iuxta formam retroactorum in dicta causa habitorum. [fol. 108r]

[25 Feb 79 (71.32)] Couper. Since the appellant has not proceeded with the appeal, next to proceed under penalty of final remission.

Coupere] Parte Roberti Coupere et Johannis Carter' personaliter comparente, predicta Alicia nullo modo, quia pars appellans adhuc non prosequitur causam appellacionis sue, ideo datur dies in proximo ad idem, videlicet ad prosequendum sub pena finalis dimissionis. [fol. 110r]

[17 Mar 79 (72.32)] Couper. Robert personally; John personally. Since Robert does not want to proceed with the appeal, John is remitted for examination by the archdeacon's official, from whom the appeal came.

Coupere – remissio] Partibus Johannis et Roberti personaliter comparentibus, et quia dictus Robertus Coupere pars appellans causam appellacionis sue prosequi non curavit, ideo ipsam partem appellatam ad examen officialis domini archidiaconi Elien' iudicis a quo remittimus. [fol. 112r]

141. HADSTOCK

Linton lies on the Essex border about nine miles southeast of Cambridge; Hadstock is the next village to the south, in Essex, and hence in the diocese of London. The bishop of Ely was lord of the manor of Hadstock. The three actions that we gather below all involve tithes claimed by the rector of Hadstock from people most of whom are said to be resident in Linton. The first two cases proceed in parallel, one involving the farmer of Linton church and two parishioners, who may have held land which the rector of Hadstock claimed was in his parish, the other two mills, one of which is said to be the mill of the manor of Hadstock. That mill may have been located in Linton, or at least very close to it.¹ The issue with regard to the other mill is harder to discern. It is said to belong to one John Segyn of Hadstock farmed by John Milner. At least one of these two is resident in Linton, but Foxton never extends *commorare* in a way that would allow us to tell which. Probably it was Milner. Both of these cases would seem to have been settled relatively quickly. Two years later the rector is once more suing about the bishop's mill, against a miller who looks as if he might be the son of the previous one.² The miller alleges that he has made a payment according to a concord and acknowledges that he will owe two others. The case goes pending, apparently to see if he makes the payment. After Michaelmas, when another payment was owed, the rector cites him again. The miller never appears, but the fact that the case disappears from view suggests that it was settled.

[8 Jan 77 (39.27)] Hadstock. John Streit, residing at Linton and farmer (i.e., lessee) of Linton church, Michael Cook, and Thomas Hunnyng of Linton were cited for said day and place at the instance of Henry de Shanton, rector of Hadstock church, London diocese, in a case of tithes.

Henry appears personally; although cited and summoned, John, Michael, and Thomas are

¹ See Linton, South Cambridgeshire, Draft Report, 6 June 2003 (Cambridge County Council, The Historic Towns of Cambridgeshire An Extensive Urban Survey), p. 22 (online; last visited 29.vii.2010).

² It is possible that John Brown of entry 75.35 is the same person as Henry Brown of

entry 40.26, or a combination of John Milner and Henry Brown of the same entry. Entry 75.35 mentions a suspension that is not otherwise recorded unless it is that in entries 39.28 and 40.26. On balance, however, it seems more likely that John Brown is Henry's successor as miller of the bishop's mill.

absent. They are found contumacious and suspended from entering church. On the same day, after the rector left with a decree, they appear personally. The sentence is revoked. Next to respond. The rector will be advised of the day and place to proceed with the case, if he wishes.

Haddestok'] Johannes Streyth',^a commorans in Lynton' Elien' diocesis firmarius ecclesie parochialis de Lynton', Michael Cok' et Thomas Hunnyng' de eadem citati coram nobis ad dictos diem et locum ad instanciam domini Henrici de Shanketon', rectoris ecclesie parochialis de Haddestoke London' diocesis, in causa decimarum personaliter comparentis, nullo modo comparent. Ideo ipsos citatos preconizatos nullo modo comparentes reputamus contumaces et pro sua contumacia ipsos suspendimus ab ingressu ecclesie in hiis scriptis.

Postea eodem die dicto rectore parte actrice recesso cum decreto, dicti Johannes, Michaelis et Thomas comparent personaliter coram nobis adhuc pro tribunali sedente, dictam sententiam suspensionis revocamus et relaxamus et prefigimus eisdem diem in proximo consistorio ad respondendum dicto rectori in dicta causa decimarum quam contra eos movere intendit decernentes dictum rectorem fore premuniendum ad dictos diem et locum ad proseguendum causam suam si voluerit. [fol. 61v]

[8 Jan 77 (39.28)] Hadstock. Henry Brown, miller of the manor mill of Hadstock, and John Milner, residing at Linton,³ farmer of the mill of John Segyn of Hadstock, were cited for said day and place at the instance of Henry de Shangton, rector of Hadstock church, London diocese, in a case of tithes.

The rector appears personally; although cited and summoned, Brown and John are absent. They are found contumacious and suspended.

Haddestok' – suspensio] Henricus Bron' molendinarius molendini manerii de Haddestok' et Johannes Milnere, firmarius molendini Johannis Segyn de Haddestok' commorans^b in Lynton' Elien' diocesis citati coram nobis ad dictos diem et locum ad instanciam domini .. H[enrici] de Shanketon' rectoris ecclesie de Haddestoke London' diocesis in causa decimarum personaliter comparentis nullo modo comparent. Ideo ipsos citatos, preconizatos, nullo modo comparentes reputamus contumaces et pro sua contumacia ipsos suspendimus ab ingressu ecclesie in hiis scriptis. [fol. 61v]

[5 Feb 77 (40.25)] Hadstock. Henry absent; John, Michael, and Thomas by John Wiltshire, proctor *apud acta*. Both are expected next with hope of peace.

Haddestok'] In causa decimarum mota inter dominum Henricum de Shanketon' rectorem ecclesie de Haddestok' London' diocesis^c contra Johannem

^a Streyth] Streych is also a possible reading in all instances. ^b commorans] commor'. See n. 2 and the introduction to the case. ^c diocesis] followed by redundant mota.

³ It could be that Segyn was resident in jurisdictional purposes, where Milner resides. Linton, but that is not legally relevant. What See the introduction to the case. (The John is legally relevant is where the mill is, and, for Milner, defendant in *Tiler*, is 'of Linton'.)

Streth', commorantem in Lynton' firmarium ecclesie de Lynton' Elien' diocesis, Michaellem Cok' et Thomam Hunnyng' de eadem partem ream ex altera, parte actrice nullo modo comparente, parte rea per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, unde expectamus absentem cum presente usque proximum ad idem sub spe pacis. [fol. 64r]

[5 Feb 77 (40.26)] Hadstock. Because the execution [of suspension] was not carried out, it is ordered.

Haddestok'] In causa decimarum mota inter dominum Henricum de Schan-
keton', rectorem ecclesie de Haddestok' London' diocesis, partem actricem
ex parte una et Henricum Bron', molendinarium molendini manerii de Had-
destok', et Johannem Milnere, firmarium molendini Johannis Segyn de Had-
destok' commorantem in Lynton' Elien' diocesis, alias suspensos ab ingressu
ecclesie ad instanciam dicti rectoris in dicta causa partem ream ex altera, et
quia non est facta executio, fiat. [fol. 64r]

[26 Feb 77 (41.25)] Hadstock. Adjourned until next with hope of peace.

Haddestok'] In causa decimarum mota inter dominum Henricum de Schan-
keton', rectorem ecclesie de Haddestok' London' diocesis, partem actricem
ex parte una et Johannem Streth', commorantem in Lynton' firmarium ec-
clesie de Lynton' Elien' diocesis, Michaellem Cok' et Thomam Humnyng' de
eadem partem ream ex altera, continuamus dictam causam usque proximum
sub spe pacis. [fol. 65v]

[26 Feb 77 (41.26)] Hadstock. Because the execution of the suspension was not carried out, it is ordered.

Haddestok'] In causa decimarum mota inter dominum Henricum de Schan-
keton', rectorem ecclesie de Haddestok' London' diocesis partem actricem
ex parte una et Henricum Bron' molendinarium molendini manerii de Had-
destok' et Johannem Milner' firmarium molendini Johannis Segyn de Hadde-
stok' commorantem in Lynton' Elien' diocesis alias suspensum ab ingressu
ecclesie partem ream ex altera, quia non est facta executio suspensionis, ideo
fiat executio. [fol. 65v]

[10 Jun 79 (75.35)] Hadstock. John Brown of Linton, suspended from entering church, appears personally and is absolved; for his penalty, he is enjoined to circle the church as a penitent on three Sundays. The rector's proctor gives an oral libel concerning the withholding of tithes from profits of the bishop's mill, in John's custody. John alleges that he paid 3s on the feast of Pentecost to the rector for the tithes of the mill, for the land, and the part which the rector held from the bishop in Hadstock parish. He will pay in equal portions, 4s 4d on the Nativity of St John Baptist and St Michael's day. He asserts that they are in agreement. Case expected next for same.

Hadestok'] Johannes Bron' de Lynton' citatus [est] ad instanciam rectoris
ecclesie de Haddestok' in causa decimarum. Idem Johannes alias in dicta

causa suspensus ab ingressu ecclesie comparens^d personaliter absolutus est in forma iuris et pro contumacia iniunximus sibi penitenciam per tres dies dominicas circa ecclesiam more penitencie. Libellato sibi per procuratorem dicti rectoris^e oretenus super subtractionem decimarum proveniencium de molendino domini .. eposcopi Elien' in sua custodia existente, idem Johannes allegat quod solvit dicto rectori pro decimis dicti molendini ac terre et parti que tenet de domino .. episcopo Elien' in parochia de Hadestok' tres solidos in festo Pentecostes et debuit sibi quattuor solidos quattuor denarios solvendos ad festa nativitatibus Sancti Johannis Baptiste et Sancti Michaelis equis porcionibus et sic ut asserit sunt adinvicem concordati. Unde expectamus dictam causam usque proximum consistorium ad idem. [fol. 117r]

[30 Jun 79 (76.34)] Hadstock. The case is pending.

Haddestoke] Pendet ad idem. [fol. 118r]

[21 Jul 79 (77.34)] Hadstock. The case is pending.

Hadestoke] Pendet ut prius. [fol. 119r]

[22 Sep 79 (78.33)] Hadstock. As 77.34.

Haddestoke] Pendet ut prius. [fol. 120v]

[13 Oct 79 (79.31)] Hadstock. The rector by proctor; John is absent, suspended, and called.

Hadestoke] Johannes Bron' de Hadestoke *Milhere* citatus ad instanciam rectoris ecclesie de Haddestok' in causa decimarum, comparentis per procuratorem suum, non comparet, ideo suspendimus et vocetur. [fol. 121v]

[3 Nov 79 (80.26), 24 Nov 79 (81.26)] Hadstock. The execution of the suspension is ordered.

Hadestoke] Fiat executio. [fols. 122v, 124r]

^d comparens] compar^t. ^e rectoris] *interlined*.

142. DANNY/GIBB

[8 Jan 77 (39.29)] Danny/Gibb. Joan Gibb was cited before the commissary general of official for 15 Jan. 1377 in Holy Trinity, Ely, to propose why she had objected by reclamation during the publication of the banns of John Danny of March and Alice Lenton of March in the chapel at March.

Joan appears personally. She says she objected because she and John had contracted marriage in present words of mutual consent, or in future words followed by intercourse; she wants John judged her husband. Sworn *de veritate dicenda* and questioned, John, then present, denies having contracted with Joan.

Sentence. Because Joan has no witnesses to the contract, and so no proof, John is dismissed from the suit. The matter is left to their consciences.¹

¹ For the phrase *eorum conscienciis penitus relinquentes*, see Introduction.

Dany/Gibbe] In edicione bannorum inter Johannem Dany de March' Elien' diocesis et Aliciam Lenton de eadem in capella de March' publice facta quadam Johanna Gibbe de eadem se opposuit dicta banna reclamando et pro reclamacione huiusmodi citata coram nobis .. commissario generali domini .. officialis Elien' ad diem iovis proximo post festum Sancti Hillarii anno domini supradicto in ecclesia Sancte Trinitatis civitatis Elien', causam sue reclamacionis in forma iuris propositura et ostensura, comparuit coram nobis personaliter dictis die et loco. Et pro causa reclamacionis proposuit quod ipsi Johannes et Johanna matrimonium adinvicem per verba de presenti mutuum consensum eorum exprimencia seu per verba de futuro carnali copula subsecuta, unde peciit ipsum Johannem sibi in virum adiudicari. Dictus Johannes tunc presens et super [fol. 61v] dicto contractu requisitus prefato primitus iuramento de veritate dicenda, omnem contractum inter ipsum et prefatam Johannam initum fore expresse negavit. Et quia dicta Johanna dicit se non habere testes ad dictum contractum probandum nec aliunde posse probare quia non interfuerant testes tempore contractus, ideo ipsum Johannem ab impetitione eiusdem Johanne dimitimus et absolvimus in hiis scriptis, eorum conscienciis penitus relinquentes. [fol. 62r]

143. COCHE

Coche is the longest testamentary case in the register, and it gives some hints as to how probate proceeded in the diocese in this period. Unfortunately, it is only hints, because it is clear that the probate procedure that was followed here was quite unusual. For some reason it took place before a commissary of the bishop rather than before the official. We know that the bishop claimed probate of the testaments of certain clergy (though the official frequently seems to have handled them). Why he took on the probate of a lay woman, the deceased in this case, we cannot tell. Perhaps it was a very large estate. The case is discussed in the Introduction because of what it tells us about record-keeping. We suggest there that prior to the bringing of this case, the bishop, probably through a commissary, had proceeded against William Perkin, John Coche's coexecutor for maladministration of the estate. The inventory that he produced on that occasion differed from the one that he had produced when he got the testament probated, and he made some kind admission, perhaps about the difference between the two inventories.

[8 Jan 77 (39.42)] Coche. William Perkin of Pampisford, executor of the testament of Joan his late wife, was cited at the instance of John Coche of Whittlesford, coexecutor of Joan's testament.

On 30 Jan. 1377 before Thomas Gloucester, commissary of the official, in St Michael of Cambridge, John appears by John Wiltshire, proctor by letter; William by Peter Caprik, proctor *apud acta*. An oral libel is given and requested written. Next to receive it in writing.

Coche] Willelmus Perkyn de Pampesworth', executor testamenti Johanne uxoris sue defuncte, citatus^a [est] ad instanciam Johannis Coche de Wytlesford', coexecutoris testamenti dicte Johanne, in causa testamentaria. Parte

^a citatus] *interlined*.

actrice per Johannem Wiltesshire procuratorem suum litteratorie, parte rea per Petrum Caprik', clericum, procuratorem suum apud acta constitutum [comparentibus], coram nobis Thoma de Gloucestr' clerico domini .. officialis Elien' commissario generali, in ecclesia Sancti Michaelis Cantebr' die veneris proximo post festum conversionis Sancti Pauli anno domini millesimo trecentesimo septuagesimo sexto comparentibus, libellato per partem actricem oretenus sub certa forma petitoque in scriptis per partem adversam, datur dies in proximo ad libellandum in scriptis. [fol. 63r]

[5 Feb 77 (40.27)] Coche. The written libel is received. Next to respond.

Coche] In causa testamentaria mota inter Johannem Coche de Wytlesford' Elien' diocesis executorem testamenti Johanne nuper uxoris Willelmi Perkyn de Pampesworth' dicte diocesis partem actricem ex parte una et prefatum Willelmum Perkyn coexecutorem suum eiusdem testamenti partem ream ex altera, partibus per dictos procuratores suos comparentibus, oblato per partem actricem quodam libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 64r]

[26 Feb 77 (41.27)] Coche. William proposes dilatory exceptions against the libel. Next to propose all and to act on the proposed.

Coche] In causa testamentaria mota inter Johannem Coche de Wytlesford' Elien' diocesis executorem testamenti Johanne nuper uxoris Willelmi Perkyn de Pampesworth' nuper defuncte, partem actricem ex parte una et dictum Willelmum Perkyn coexecutorem suum eiusdem testamenti partem ream ex altera, partibus ut prius comparentibus, propositis per partem ream quibusdam excepcionibus dilatoriis contra libellum, datur dies in proximo ad proponendum omnes et faciendum super propositis. [fol. 65v]

[19 Mar 77 (42.25)] Coche. William contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties' proctors swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Coche] In causa testamentaria mota inter Johannem Coche de Wytlesford' Elien' diocesis executorem testamenti Johanne nuper uxoris Willelmi Perkyn de Pampesworth' nuper defuncte partem actricem ex parte una et dictum Willelmum Perkyn coexecutorem suum eiusdem testamenti partem ream ex altera, partibus ut prius comparentibus, lite per procuratorem partis ree negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratisque partibus in personis dictorum procuratorum hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 67r]

[10 Apr 77 (43.24)] Coche. John by William de Bridge, substituted for original proctor; William by proctor. No witnesses or positions are brought. Next to propose and the second term to produce.

Coch[e] In causa testamentaria mota inter Johannem Coche de Wyttlesford' Elien' diocesis executorem testamenti Johanne nuper uxoris Willelmi Perkyn de Pampesworth' dicte diocesis partem actricem ex parte una et dictum Willelmum Perkyn coexecutorem suum eiusdem testamenti partem ream ex altera, parte actrice per Willelmum Brugges, substitutum Johannis Wiltesshir' procuratoris originalis, comparente, parte rea ut prius, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad secundum producendum et ponendum. [fol. 69r]

[30 Apr 77 (44.23)] Coche. Parties by original proctor. John produces four witnesses: John vicar of Sawston; Roger Browning of Whittlesford; John Swan; and Robert Brown, who are admitted and sworn. William reserves the right to speak against witnesses and testimony. John asks that four witnesses be compelled: John Whitby of Sawston; John Boyland; Stephen Hoddesden; John Campion of Papworth. He also requests a *missio* for Agatha Chandler of Sawston, who is necessary for his proof; decreed with faith given. William's proctor requests a copy of the articles to be used to examine the witnesses; decreed. John wants the defendant cited to respond to the positions personally since he is *legalior persona* and knows the truth better. 8 May to hand over positions and articles and to produce compelled; William will be called to respond personally. John Coche, appearing personally, says he does not mean to revoke his proctor's power by his own appearance.

8 May. John hands over the positions and articles; William declares that he wishes to administer interrogatories.

Coch[e] In causa testamentaria mota inter Johannem Coche de Wyttlesford' Elien' diocesis, executorem testamenti Johanne nuper uxoris Willelmi Perkyn de Pampesworth' dicte diocesis, partem actricem ex parte una et dictum Willelmum Perkyn, coexecutorem suum eiusdem testamenti, partem ream ex altera, partibus per procuratores originales comparentibus, productis per partem actricem quatuor testibus, videlicet domino Johanne vicario ecclesie de Sauston', Rogero Brounyng de Wyttlesford, Johanne Swan et Roberto Brou' de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta, petitaque per dictam partem actricem compulsione quatuor testium, videlicet Johannis Whiteby de Sauston', Johannis Boylond', Stephani Hoddesdon' et Johannis Campion' de Pampesworth' ac missione ad Agatham Chaundeler de Sauston' mulierem, testes sibi necessarios, et decreto facta fide que requiritur, petitisque per partem ream articulis super quibus testes debent examinari et decreto, petito insuper per partem actricem quod pars rea citetur ad personaliter respondendum posicionibus in dicta causa faciendis cum legalior persona et melius noverit veritatem, datur dies veneris proximo post festum ascencionis Domini loco quo supra parti actrici ad tradendum posiciones et articulos. Et decernimus dictam partem ream fore vocandam ad proximum ad personaliter respondendum eisdem. Datusque est dies in proximo parti actrici ad producendum compulsos. Dictusque Johannes Coche personaliter

comparens protestatur quod non vult revocare potestatem procuratoris sui per suam comparicionem.

Quo die veneris adveniente partibus ut prius comparentibus, traditis per partem actricem posicionibus et articulis, pars rea protestatur se velle ministrare interrogatoria. [fol. 71v]

[29 May 77 (45.20)] Coche. John produces three compelled witnesses: John Boyland, Stephen Hoddesdon, and John Campion, who are admitted and sworn. Next the third term to produce. Although cited, John Whitby is absent and suspended. William ?appears personally as cited; William is expected to respond personally on the next day.¹

Coche] In causa testamentaria mota inter Johannem Coche de Wyttesford' executorem testamenti Johanne nuper uxoris Willelmi Perkyn de Pampesworth' partem actricem ex parte una et dictum Willelmum coexecutorem suum eiusdem testamenti partem ream ex altera, partibus ut prius comparentibus, productis per partem actricem tribus testibus compulsis, videlicet Johanne Boyland', Stephano Hoddesdon' et Johanne Campion',^b quibus admissis in forma iuris, datur dies in proximo ad tercio producendum. Johannes Whiteby testis compulsus citatus non comparet, ideo suspensus. Dictusque Willelmus Perkyn citatus iuxta decretum nostrum ad personaliter respondendum posicionibus [?non] comparet¹ et expectatur usque proximum ad idem et quod tunc compareat personaliter et respondeat eisdem quatenus tenetur de iure. [fol. 73r]

[18 Jun 77 (46.18)] Coche. Since the *missio* has not yet been sent, nor is that the party's fault, 30 June in Sawston church is assigned for John to produce Agatha. Mr John Newton is commissioned to admit and examine her. Next to publish the testimony.

Coche] In causa testamentaria mota inter Johannem Coche de Wyttesford', executorem testamenti Johanne nuper uxoris Willelmi Perkyn de Pampesworth', partem actricem ex parte una et dictum Willelmum, coexecutorem suum eiusdem testamenti, partem ream ex altera, partibus ut prius comparentibus, quia *missio* nondum fuit facta nec per partem stetit, datur dies martis proximo post festum apostolorum Petri et Pauli in ecclesia de Sauston' parti actrici ad producendum dictam Agatham quos diem et locum parti rea ad videndum produccionem et admissionem eiusdem prefigimus et assignamus et committimus magistro Johanni de Neuton' ad admittendum et examinandum eandem specialiter potestatem. Datur dies in proximo ad publicandum attestaciones. [fol. 75r]

[9 Jul 77 (47.17)] Coche. Since the *missio* has still not been sent, nor is that the party's fault, 23 July in Sawston church is assigned for John to produce Agatha. Mr John Newton is ordered

^b Campion'] followed by *redundant* testibus compulsis..

¹ If William replied to the positions personally on this day, Foxton did not record it. Entry 50.11 would suggest that he did not, and that, in turn, would suggest that William did not appear (i.e., that Foxton left out *non* before *comparet* in this entry).

to send the testimony, closed and unseen by the parties, in order to publish it next.

Coche] In causa testamentaria mota inter Johannem Coche de Wytlesford' executorem testamenti Johanne nuper uxoris Willelmi Perkyn de Pamp' partem actricem ex parte una et dictum Willelmum Perkyn coexecutorem suum eiusdem testamenti, partem ream ex altera, partibus ut prius comparentibus, quia missio adhuc non fuit facta nec per partem stetit, ideo fiat missio ad dictam Agatham die iouis proximo post [fol. 76r] festum Sancte Margarete virginis in ecclesia de Sauston' quos diem et locum parti actrici ad producendum eam et parti ree ad videndum produccionem huiusmodi si sibi videbitur expedire prefigimus et assignamus et committimus magistro Johanni de Neuton' ad admittendum et examinandum eandem specialiter potestatem mandans eidem quod attestaciones et dicta ipsius Agathe clausa et neutri parti ostensa nobis transmittat ad proximum, datur dies in proximo partibus predictis ad publicandum et publicari videndum attestaciones testium predictorum. [fol. 76v]

[30 Jul 77 (48.14)] Coche. Since no testimony has been sent, next to publish it.

Coche] In causa testamentaria mota inter Johannem Coche de Wytlesford' executorem testamenti Johanne nuper uxoris Willelmi Perkyn de Pampesworth' partem actricem ex parte una et dictum Willelmum, coexecutorem suum eiusdem testamenti partem ream ex altera, partibus ut prius comparentibus, nullis attestacionibus transmissis, datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 78v]

[1 Oct 77 (49.14)] Coche. Since the witnesses have not yet been examined, next to publish the testimony.

Coche] Partibus ut prius comparentibus, quia testes non sunt omnes examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 79v]

[22 Oct 77 (50.11)] Coche. John wants William to respond to the positions personally since he knows the truth best; decreed. In order to help prove his intention, John exhibits an inventory shown by William at another time and a confession given in court by William, both contained in a register of corrections of the bishop of Ely.² William is called to respond personally next.

Coche] Partibus ut prius comparentibus, petito per partem actricem quod pars rea personaliter respondeat posicionibus cum melior noverit veritatem et decreto, exhibitisque per parte actricem in subsidium probacionis intencionis sue registro correccionum domini episcopi Elien' pro uno inventario alias per ipsum Willelmum exhibito et quadam confessione per eundem iudicialiter emissa, decernimus eum fore vocandum ad proximum ad personaliter respondendum posicionibus. [fol. 80v]

[12 Nov 77 (51.11)] Coche. John by proctor; although cited to respond to the positions person-

² See Introduction.

ally, William is absent. He is found contumacious and suspended from entering church.

Coché] Parte actrice ut prius comparente, parte rea citata ad personaliter respondendum posicionibus non comparet. Ideo ipsam partem ream pronunciamus contumacem et in penam contumacie sue huiusmodi, ipsam ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 81v]

[3 Dec 77 (52.11)] Coché. Swearing to uphold church mandates, William is absolved from the suspension. John exhibits a copy of an inventory which was shown by William, at another time, before the bishop's commissary and a copy of the acts concerning William's oath to administer and show a true inventory.³ William responds to the positions personally. The testimony is published and exhibited; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Coché] Partibus ut prius comparentibus, dominus Willelmus personaliter comparens absolutus est a dicta sententia suspensionis, prestito iuramento de stando mandatis ecclesie, exhibitis per partem actricem copiis cuiusdem inventarii per ipsum Willelmum coram commissario domini episcopi Elien' aliter exhibiti et actorum dicti commissarii super iuramento eiusdem Willelmi de fideliter administrando et fidele inventarium exhibendo habitorum habitaque per dictum Willelmum responsione ad posiciones in propria persona sua publicatis attestacionibus et exhibitis decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 82v]

[22 Dec 77 (53.10)] Coché. Nothing is proposed; the term ends. Next to propose everything concerning the matter.

Coché] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, ideo cessit terminus datusque est dies in proximo partibus predictis ad proponendum omnia in facto seu iure consistencia. [fol. 84v]

[14 Jan 78 (54.12)] Coché. Exceptions are proposed against witnesses and testimony; they are admitted. Next to prove.

Coché] Partibus ut prius comparentibus, propositis per partem ream quibusdam excepcionibus contra testes et eorum dicta quibus admissis eatenus quatenus, datur dies in proximo ad probandum. [fol. 86v]

[4 Feb 78 (55.12)] Coché. No proofs are brought. Next to offer final proof. [The *acta* for 25 Feb 78 for this case (*Acta* 56, fol. 89v) are missing, and nothing further is found about it. It was probably compromised.]

Coché] In causa testamentaria mota inter Johannem Coché de Wittlesford', executorem testamenti Johanne nuper uxoris Willelmi Perkyn de Pampesworth', partem actricem ex parte una et dictum Willelmum, coexecutorem suum eiusdem testamenti, partem ream ex altera, partibus ut prius comparentibus, nullis probacionibus ministratis, datur dies in proximo ad peremptorie

³ See introduction to the case and Introduction.

et precise probandum. [fol. 87v]

144. GRIGG

[8 Jan 77 (39.43)] Grigg. Amy Grigg, wife of John Grigg, was cited *ex officio* before the commissary of Ely for 23 Jan. 1377. It has come to the court's attention by public fame that she has defamed her neighbours and therefore is subject to excommunication according to the Oxford constitution against defamers.¹

Amy appears personally. She denies the article. 30 Jan. is assigned to purge herself with three honourable people.

30 Jan. Amy is prepared to purge herself with three women compurgators. John Wiltshire, proctor acting for John Cheseman, objects to the purgation, which he wants impeded. He wishes to prove the matter so that she will be punished for defamation and so that she and her compurgators will not commit perjury. Next to propose his objection in writing.

Grigge] Amya Grigge, uxor Johannis Gregge de Cantebr', citata coram nobis .. commissario Elien' ad diem veneris proximo post festum Sancti Vincencii martyris anno domini supradicto super eo quod est diffamatrix vicinorum suorum et sic ipso facto excommunicata iuxta formam constitutionis Oxon' contra diffamatores edite prout fama publica referente ad nos pervenit, nobis ex officio nostro ad anime sue correccionem responsura comparuit personaliter coram nobis dicto .. commissario dicto die veneris. Dictum articulum sibi ex officio nostro obiectum expresse negavit et super eodem habet diem veneris proximo post festum conversionis Sancti Pauli proximo futurum ad purgandum se cum tercia manu honestarum personarum prefigimus et assignamus.

Quibus die et loco predicta Amya comparuit personaliter et purgatrices secum adduxerit asserens se paratam ad se purgandam super dicto articulo. Johannes Wiltesshir', clericus procurator et nomine procuratorio Johannis Cheseman, dicte purgacioni se obiecit asserens se velle ipsam purgacionem impedire et facti veritatem probare pro loco et tempore opportunis ut pro huiusmodi diffamacione canonice puniatur et ne dicta Amya et purgatrices sue degerarent,^a unde datus est dies in proximo ad proponendum in scriptis formam sue oppositionis. [fol. 63r]

[5 Feb 77 (40.28)] Grigg. John is absent and found contumacious: Amy by Peter Caprik, proctor *apud acta*. She is dismissed from his suit, her purgation to be received unhindered by John's reclamation.

Grigge – dimissio] In negocio correccionis ex officio nostro moto contra Amyam uxorem Johannis Grigge de Cantebr' Elien' diocesis ad promocionem Johannis Cheseman de eadem predicta Amya per Petrum Caprik', cleri-

^a degerarent] *for this spelling of deiero, see Latham, s.v.*

¹ See Citations to Canon Law, *Auctoritate*, and Helmholz, *Defamation*, p. xiv.

cum, procuratorem suum apud acta constitutum comparente, parte Johannis Cheseman nullo modo, ideo ipsum reputamus in hac parte contumacem et prefatam Amyam ab instancia sua dimittimus et decernimus purgacionem suam fore recipiendam, obieccione sive reclamacione eiusdem Johannis Cheseman non obstante. [fol. 64r]

145. GILBERT

Three actions involving John Gilbert chaplain of Bassingbourn are combined here. While they may not be legally related, they are certainly socially related. In the first William Breton of Bassingbourn appeals from the official of the archdeacon of Ely against John and one Warren White also of Bassingbourn. The action looks as if it was settled before it becomes clear who was suing whom and about what in the archdeacon's court. In the same session in which the appeal action ends, John Ing of Bassingbourn promotes an office action against Gilbert accusing him of having assaulted a cleric, promoting violence in the town, and – perhaps this was the key point – failing to pay 60s to three named residents of Bassingbourn, one of whom is the cleric whom Gilbert is accused of having assaulted. While this action is pending Robert vicar of Bassingbourn promotes another action against Gilbert, accusing him of having been present at the illegal solemnization of the marriage of Warren White and Agnes widow of Simon Fowler. Warren is almost certainly the same as the second appellee in the action brought by Breton.¹ Robert adds for good measure a charge that Gilbert has also engaged in secular business inappropriate to his order. Both office cases look as if they were settled, and it is probably significant that when the promotors abandon their cases, the court simply allows Gilbert to purge himself. Gilbert, however, clearly had many enemies in Bassingbourn.

We may have more doubt whether the whole matter can be reduced to a dispute between Gilbert and the vicar about the solemnization of marriages, as Donahue suggests.² The vicar himself was engaged at the same time in a nasty dispute with one of his parishioners who accused him of committing adultery with his wife (*Bassingbourn* [1]). While some of the charges against Gilbert look like make-weights, the entire record, when taken as a whole, suggests a complex of disputes. The one concerning Warren's marriage was probably only a part of it. What role the court played in calming the social situation in Bassingbourn the record does not say, but it is conceivable that it played such a role.

[5 Feb 77 (40.13)] Breton. John Gilbert chaplain of Bassingbourn, Ely diocese,³ and Warren White of Bassingbourn were cited for said day and place at the instance of William son of John Breton of Bassingbourn in an appeal from grievances caused by the archdeacon's official.

William appears by John Wiltshire, proctor *apud acta*; John and Warren by Richard Pitts, proctor *apud acta*. The libel of appeal is received in writing. Next to respond.

Breton'] Dominus Johannes Gilberd de Bassingbourn', capellanus Elien' dio-

¹ Further confirming the connection between Gilbert and Warren, in 39.34 Gilbert and Warren both appoint Richard Pitts their proctor. In the same session in which the action involving William Breton ends (entry 45.32), Gilbert appoints another proctor.

² Donahue, *Law, Marriage, and Society*, 285.

³ It is unclear why the style of this case consistently mentions "of Ely diocese," a phrase that later entries make clear is to be attached to Bassingbourn. The phrase is rarely included in entries in other cases where the parish is incontrovertibly within the diocese. Perhaps this is a clue as to what at least one of the issues is in this case.

cesis, et Warinus Whyte de eadem citati [sunt] ad diem et locum supradictos ad instanciam Willelmi filii Johannis Breton' de eadem in causa appellacionis ad audienciam nostram interiecte a quibusdam gravaminibus eidem Willelmo per .. officialem domini .. archidiaconi Elien' illatis in ea parte suggestis. Parte appellante per Johannem Wiltesshire, clericum, procuratorem suum, parte vero appellata per Ricardum Pyttes, clericum, procuratorem suum, apud acta constitutos [comparentibus,] oblato per partem appellantem quodam libello appellatorio in scriptis et a parte appellata optento, datur dies in proximo ad respondendum eidem. [fol. 63v]

[26 Feb 77 (41.13)] Breton. William by proctor; John and Warren are absent. Both are expected next to respond to the libel with hope of peace.

Breton'] In causa appellacionis mota inter Willelmum filium Johannis Breton' de Bassingbourn' Elien' diocesis partem appellantem ex parte una et dominum Johannem Gilbert' capellanum et Warinum Whyte de eadem partem ream appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo, ideo expectamus absentem cum presente usque proximum ad idem, videlicet ad respondendum libello sub spe pacis. [fol. 65r]

[19 Mar 77 (42.13)] Breton. As 41.13.

Breton'] In causa appellacionis mota inter Willelmum filium Johannis Breton' de Bassingb' Elien' diocesis partem appellantem ex parte una et dominum Johannem Gilbert' capellanum et Warinum White de eadem partem appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo, ideo expectamus absentem cum presente usque proximum ad idem, videlicet ad respondendum libello. [fol. 66v]

[10 Apr 77 (43.13)] Breton. Parties are expected to respond to the libel next.

Breton'] In causa appellacionis mota inter Willelmum filium Johannis Breton' de Bassingbourn' Elien' diocesis partem appellantem ex parte una et dominum Johannem Gilbert' capellanum et Warinum White de eadem partem appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo, ideo expectamus absentem cum presente usque proximum ad idem, videlicet ad respondendum libello. [fol. 68v]

[30 Apr 77 (44.13)] Breton. As 43.13.

Breton'] In causa appellacionis mota inter Willelmum filium Johannis Breton' de Bassingbourn' Elien' diocesis partem appellantem ex parte una et dominum Johannem Gilbert' capellanum et Warinum White de eadem partem appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo, ideo absentem cum presente expectando continuamus dictam causam usque proximum ad idem, videlicet ad respondendum libello. [fol. 70r]

[29 May 77 (45.14)] Breton. The case is pending. Parties expected next with hope of peace.

Breton'] In causa appellacionis mota inter Willelmum filium Johannis Breton' de Bassingbourn' partem appellantem ex parte una et dominum Johannem Gilbert de eadem capellanum et Warinum White de eadem partem appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo, ideo pendeat causa usque proximum expectando absentem cum presente sub spe pacis. [fol. 73r]

[29 May 77 (45.24)] Ing. John Gilbert of Bassingbourn, chaplain, was cited *ex officio* for his correction. He had assaulted John Pink, cleric, which made him subject to major excommunication according to the canon *Si quis suadente diabolo*.⁴ Despite the irregularity, Gilbert had performed divine services. He also had promised and been ordered to pay 60s, which he owed to John Pink, William Overton, and Geoffrey Gosson of Bassingbourn. After the term for payment had passed, John, giving no explanation, refused to pay and thus committed perjury. He has continuously caused arguments among his neighbours, incited and sustained brawls in the community, and disturbed the peace with his slander. His actions have contradicted and disgraced his clerical status and endangered his soul.

John appears personally. He receives a written article which he denies. John Ing of Bassingbourn, promoting the cause, was prepared to prove the article. Both sworn *de calumpnia* and *de veritate dicenda*, Ing brought two witnesses: Robert vicar of Bassingbourn and Robert Hampshire, priest, who are admitted and sworn. Next the second term to produce.

Ynge] Dominus Johannes Gilbert de Bassingbourn', capellanus, citatus coram nobis ad diem et locum supradictos ex officio mero dicti venerabilis patris et nostro ad meram anime sue correccionem super eo quod ipse in quemdam Johannem Pynk' de Bassingbourn', clericum, manus iniecit temere violentas in casu a iure non permissio sentenciam maioris excommunicacionis a canone *Si quis suadente diabolo* latam dampnaliter incurrando et demum huiusmodi sentenciam sic ligatus non absque nota irregularitatis scienter imminiscuit se divinis, quodque iuravit in verbo sacerdocii seu saltim fide sua media firmiter promisit quod solveret Johanni Pynk' de Bassingbourn', Willelmo Overton' et Galfrido Gosson' de eadem sexaginta solidos ad terminum iam effluxum, in quibus sibi tenebatur ex causa licita et honesta in quibus sibi solvendos extitit condemnatus, dictus tamen dominus Johannes sue salutis inmemor dicti iuramenti sui religione contempta dictos quadraginta solidos eisdem solvere seu de eis satisfacere nulla ductus neccesitate sed propria temeritate et absque causa rationabili quacumque recusavit et contradixit sepius et cum instancia de solvendo debite requisitus reatum periurii procul dubio incidendo. Item quod idem dominus Johannes inter vicinos suos ex solito discordiam seminavit ac rixas, contenciones et brigas communiter fovit et suscitavit ac eorum quietem et caritativam conversacionem suis serpentinis detraccionibus et obloquiis multipliciter inquietavit et perturbavit sicque fovere, suscitare, inquietare et perturbare non cessat sed de diebus in dies continuat et

⁴ See Citations to Canon Law, *Si quis*.

frequentat contra status sui decenciam et clericalis ordinis honestatem in anime sue periculum et aliorum exemplum pessimum pluriorum, dictus dominus Johannes comparens personaliter, oblato sibi articulo in scriptis in forma iuris concepto et per eum recepto, negavit dictum articulum in omni sui parte. Johannes Ynge de Bassingbourn tunc ad probandum dictum articulum in omni sui parte optulit se paratum dictum officium promovendo. Iuratisque dictis partibus de calumpnia et de veritate dicenda, productis per partem promoventem duobus testibus, videlicet dominis Roberto vicario ecclesie de Bassingbourn et Roberto Hamptesshire presbytero, quibus admissis et in forma iuris iuratis, datur dies in proximo ad secundo producendum. [fol. 73v]

[18 Jun 77 (46.21)] Ing. Ing personally; Gilbert by Walter Sutton, proctor *apud acta*. Ing produces four witnesses: William Pink of Bassingbourn, William Overton, William Taylor of Bassingbourn, and William Molt of Wendy, who are admitted and sworn. Gilbert reserves the right to speak against witnesses and testimony and requests the articles which will be used to examine the witnesses; decreed. Next to publish the testimony.

Ynge] In negocio correccionis ex officio nostro ad promocionem Johannis Ynge de Bassingbourn' moto contra dominum Johannem Gilberd de Bassingbourn' capellanum parte promovente personaliter, parte vero rea per Walterum de Sutton', clericum, procuratorem suum apud acta constitutum, comparentibus, productis per partem promoventem quatuor testibus, videlicet Willelmo Pynk' de Bassingbourn', Willelmo Overton', Willelmo Taillo' de eadem ac Willelmo Molt de Wendeye, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta, petitis insuper per partem ream articulis super quibus testes debent examinari, et decreto, datur dies in proximo partibus predictis ad publicandum et publicari videndum attestaciones testium predictorum. [fol. 75r]

[18 Jun 77 (46.28)] Bassingbourn. John Gilbert of Bassingbourn, chaplain, was cited *ex officio* before said commissary because he solemnized or facilitated the solemnization of a marriages that was forbidden because of known consanguinity, affinity, or other legal impediment, and that was made without the publication of banns at an inappropriate time and place, without license of the curate, and contrary to the John Stratford's provincial constitution *Humana concupiscencia*.⁵ Forgetting his salvation, John had been present in Bassingbourn church on 31 Jan. [1377] when Warren White of Bassingbourn and Agnes widow of Simon Fowler of Bassingbourn solemnized their marriage. The union was prohibited, clandestine, and contrary to a reclamation made by John de la Gore during the publication of Warren and Agnes's banns. A marriage case, in which la Gore claimed precontract, was pending undecided. The solemnization took place without the curate's license or the appropriate publication of banns. John had aided and advised the couple and so incurred major excommunication.

Endangering his soul further, this same John has been involved in business deals of malt and other merchandise, frequenting markets, selling goods, and carrying on worldly business contrary to his clerical status.

John appears personally. He receives a written article. Next to respond.

⁵ See Citations to Canon Law, *Humana*.

Bassingbourn'] Dominus Johannes Gilberd de Bassingbourn', capellanus, citatus coram nobis .. commissario predicato ex officio mero dicti venerabilis patris et nostro super eo quod cum omnes illi et singuli qui propter consanguinitatem vel affinitatem aut alia impedimenta legitima matrimonialiter adinvicem de iure nequeunt copulari sua scientes impedimenta quoque banis publice non editis nec horis nec temporibus opportunis ac curatorum contrahencium licencia non optenta, matrimonium contrahunt et illud inter se de facto solempnizari faciunt seu procurant quique matrimoniorum huiusmodi contractui seu solempnizationi scienter intersunt seu ea fieri faciunt et procurant fuerint et sint maioris excommunicationis sententia a constitutione concilii provincialis per bone memorie dominum Johannem de Stratford', nuper Cantuar' archiepiscopum. eiusque suffraganos rite edita, debite publicata et per totam provinciam Cant' et a subditis eiusdem admissa, lata que incipit Humana concupiscencia, ipso facto dampnaliter involuti, dictus tamen dominus Johannes sue salutis inmemor solempnizationi matrimonii clandestini et prohibiti inter Warinum White de Bassingbourn' et Agnetem nuper uxorem Simonis Fouler' de eadem post et contra reclamacionem in edicione bannorum inter eos publice factam per partem Johannis de la Gove racione precontractus matrimonialis inter eosdem Johannem et Agnetem ut pretenditur initi liteque super eodem precontractu indecisa pendente eciam curatorum dictorum Warini et Agnetis licencia non optenta nulla premissa debita bannorum edicione nec horis nec temporibus opportunis in ecclesia de Bassingbourn' Elien' diocesis infra provinciam Cant' quodam die mensis ianuarii ulterio preterito scienter interfuit, illudve fieri et de facto solempnizari quin verius prophanari, procuravit et fecit ac huiusmodi facto dampnato et prohibito suis perversis machinationibus prestitit scienter operam, concilium, auxilium et favorem, sententiam maioris excommunicationis predictam dampnaliter incurrando. Idem insuper dominus Johannes communis existit negociator brasii et aliorum mercimoniorum, mercata et alia loca venalia frequentans, mercimonia sua per ipsum prius empta vendicioni exponens, diversis negociis secularibus se inmiscuit et inmiscet contra status sui decenciam in anime sue periculum, ordinis clericalis opprobrium et contemptum et aliorum exemplum pessimum plurimorum. Dictus dominus Johannes comparens personaliter oblato sibi ex officio nostro quodam articulo in scriptis in forma concepto et per eum recepto et optento, datur dies in proximo ad respondendum eidem. [fol. 75v]

[9 Jul 77 (47.20)] Ing. Peace has been restored. Gilbert is to be called *ex officio*. Afterwards he appears personally, denies the articles, and purges himself.

Ynge – pax] In negocio correccionis ex officio nostro ad promocionem Johannis Ynge de Bassingbourn' moto contra dominum Johannem Gilberd de eadem, capellanus, pace inter partes reformata, ideo vocetur dictus dominus

Johannes ex officio mero. Postea vero comparuit personaliter, negat dictos articulos et purgavit se legitime super eisdem. [fol. 76v]

[9 Jul 77 (47.26)] Bassingbourn. In the correction case promoted by Robert vicar of Bassingbourn against John Gilbert, peace has been restored. John is called *ex officio* to respond.

Later he appears personally, denies the article, and purges himself.

Bassingbourn' – pax] In negocio correccionis ex officio nostro ad promociionem domini Roberti vicarii ecclesie de Bassingbourn' moto contra dominus Johannem Gilberd' de eadem capellanum, pace inter partes reformata, ideo vocetur dictus dominus Johannes ex officio mero responsurus.

Postea vero comparuit personaliter et omnia contenta in dicto articulo expresse negavit et super eisdem coram nobis canonice se purgavit. [fol. 77r]

146. BALDOCK

[5 Feb 77 (40.14)] Baldock. Mr Henry Bowet, archdeacon's official, was cited for said day and place at the instance of Margery Baldock of Cambridge in an appeal from grievances caused by him.

Margery appears by John Wiltshire, proctor *apud acta*; Henry by William Killerwick, proctor *apud acta*. The libel of appeal is received in writing. Next to respond.

Baldok'] Magister Henricus Bowet officialis domini .. archidiaconi Elien' citatus [est] ad diem et locum supradictos ad instanciam Margerie Baldok' de Cantebr' in causa appellacionis ad audienciam nostram interiecte a quibusdam gravaminibus eidem Margerie per dictum .. officialem illatis in ea parte suggestis. Parte appellante per Johannem Wiltesshire, clericum, procuratorem suum, parte vero appellata per Willelmum Killerwyk', clericum, procuratorem suum, apud acta constitutos [comparentibus], oblato per partem appellantem quodam libello appellatorio in scriptis et a parte appellata optento, datur dies in proximo ad respondendum eidem. [fol. 63v]

[26 Feb 77 (41.14)] Baldock. Henry contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Next to swear *de calumpnia* and to prove.

Baldok'] In causa appellacionis mota inter Margeriam Baldok' de Cantebr' partem appellantem ex parte una et magistrum Henricum Bowet, officialem domini .. archidiaconi Elien' se pretendentem, partem appellatam ex altera, partibus ut prius comparentibus, lite per procuratorem partis appellate negative contestata, dicendo videlicet narrata proutarrantur vera non esse et ideo petita prout petuntur fieri non debere, datus est dies in proximo dictis partibus ad iurandum de calumpnia hincinde parti appellanti ad probandum. [fol. 65r]

[19 Mar 77 (42.14)] Baldock. Parties swear *de calumpnia* and *de veritate dicenda*; no witnesses are produced. Next to offer final proof.

Baldok'] In causa appellacionis mota inter Margeriam Baldok' de Cant' partem appellantem ex parte una et magistrum Henricum Bowet, officialem domini .. archidiaconi Elien' se pretendentem, partem appellatam ex altera, partibus ut prius comparentibus, quibus iuratis hincinde de calumpnia et de veritate dicenda, nullis testibus productis, datur dies in proximo ad peremptorie probandum. [fol. 66v]

[10 Apr 77 (43.14)] Baldock. Parties personally. No witnesses are produced. Next to offer final proof.

Baldok'] In causa appellacionis mota inter Margeriam Baldok' de Cant' partem appellantem ex parte una et magistrum Henricum Bowet, officialem domini archidiaconi Elien' se pretendentem, partem appellatam ex altera, partibus personaliter comparentibus, nullis testibus productis, datur dies in proximo ad precise et peremptorie probandum. [fol. 68v]

[30 Apr 77 (44.14)] Baldock. Parties by proctors. Margery produces two witnesses: John vicar of St Botolph's, Cambridge, and Hugh Candlesby, who are admitted and sworn. She exhibits a public document concerning the appeal. Next to publish.

Baldok'] In causa appellacionis mota inter Margeriam Baldok' de Cantebr' partem appellantem ex parte una et magistrum Henricum Bowet, officialem domini archidiaconi Elien' se pretendentem, partem appellatam ex altera, partibus per procuratores suos comparentibus, productis per partem appellantem duobus testibus, videlicet domino Johanne vicario ecclesie Sancti Botulphi Cant' et Hugone de Candlesby, quibus admissis et in forma iuris iuratis, exhibitoque per eandem partem appellantem quodam instrumento publico super dicta appellacione sua, datur dies in proximo ad publicandum. [fol. 70r]

[29 May 77 (45.15)] Baldock. Parties by proctors. The witnesses have not been examined, nor is that the producing party's fault. Next to publish.

Baldok'] In causa appellacionis mota inter Margeriam Baldok' de Cant' partem appellantem ex parte una et magistrum Henricum Bowet, officialem domini archidiaconi Elien' se pretendentem, partem appellatam ex altera, partibus per procuratores suos comparentibus, quia testes nondum sunt examinati nec per partem producentem stetit, datur dies in proximo ad idem, videlicet ad publicandum et publicari videndum attestaciones. [fol. 73r]

[18 Jun 77 (46.11)] Baldock. Since the witnesses have not yet been examined, next to publish the testimony.

Baldok'] In causa appellacionis mota inter Margeriam Baldok' de Cant' partem appellantem ex parte una et magistrum Henricum Bowet, officialem domini .. archidiaconi Elien' se pretendentem, partem appellatam ex altera, partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum et publicari videndum

attestaciones. [fol. 74v]

[9 Jul 77 (47.11)] Baldock. As 46.11.

Baldok'] In causa appellacionis mota inter Margeriam Baldok' de Cant' partem appellantem ex parte una et magistrum Henricum Bowet, officialem domini archidiaconi Elien' se pretendentem, partem appellatam ex altera, partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum et publicari videndum attestaciones. [fol. 76r]

[30 Jul 77 (48.10)] Baldock. Since the witnesses have not yet been examined, next to publish the testimony. Examinations are ordered done in the meantime.

Baldok'] In causa appellacionis mota inter Margeriam Baldok' de Cant' partem appellantem ex parte una et magistrum Henricum Bowet, officialem domini archidiaconi Elien' se pretendentem, partem appellatam ex altera, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum et publicari videndum attestaciones, interim fiat examinacio. [fol. 78v]

[1 Oct 77 (49.10)] Baldock. Neither appears. The case is adjourned and pending until either proceeds. [fol. 79v]

Baldok'] Neutra pars comparet, ideo causa est discontinuata et pendeat quousque alterutra pars prosequatur. [fol. 79v]

147. NEAL

[5 Feb 77 (40.15)] Neal. Avis servant of Thomas Clopton of Clopton was cited for said day and place at the instance of John Neal of Clopton in an appeal from the definitive sentence given in a marriage case by the archdeacon's official, favouring Avis, original plaintiff.

John appears by John Wiltshire, proctor by letter; Avis personally. The libel of appeal is received in writing. Next to respond.

Niel] Hawysia serviens Thome Clopton' de Clopton' Elien' diocesis citata [est] ad dictos diem et locum ad instanciam Johannis Niel de Clopton' predicti^a in causa appellacionis ad audienciam nostram interiecte a quadam sententia diffinitiva per .. officialem domini .. archidiaconi Elien' pro dicta Hawysia et contra prefatum Johannem lata in quadam causa matrimoniali coram eo mota inter ipsam Hawysiam actricem ex parte una et prefatum Johannem reum ex altera, parte appellante per Johannem Wiltesshir', clericum, procuratorem suum litteratorie constitutum, parte appellata personaliter, oblato per partem appellantem quodam libello appellatorio in scriptis et a parte appellata optento, datur dies in proximo ad respondendum eidem. [fol. 63v]

^a predicti] *This is the first mention of John Neal in the book; predicti may be in the wrong place; the previous entry, 40.14, is also an appeal from the official of the archdeacon.*

[26 Feb 77 (41.15)] Neal. Avis contests the suit negatively by her proctor,¹ saying the claims are untrue and the petitions should not be granted. The parties' proctors swear *de calumpnia* and *de veritate dicenda*. Next to prove.

Niel] In causa appellacionis mota inter Johannem Niel de Clopton' Elien' diocesis partem appellantem ex parte una et Hawysiam servientem Thome Clopton' de eadem partem appellatam ex altera, partibus ut prius comparentibus, lite per procuratorem partis appellate negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere iuratisque partibus predictis in personis dictorum procuratorum hincinde de calumpnia et de veritate dicenda, datus est dies in proximo ad probandum. [fol. 65r]

[19 Mar 77 (42.15)] Neal. John claims that he appealed immediately after the sentence had been given; Scrope pronounces in favour of the appeal and the court's jurisdiction. The process is ordered transmitted. Next to see its transmission.

Niel] In causa appellacionis mota inter Johannem Niel de Clopton' Elien' diocesis partem appellantem ex parte una et Hawysiam servientem Thome Clopton' de eadem partem appellatam ex altera, partibus ut prius comparentibus, pars appellata fatetur sentenciam diffinitivam per .. officialem .. archidiaconi Elien' in dicta causa latam et quod ab ea fuit incontinenti appellatum ad audienciam nostram, unde de consensu parcium predictarum pronunciamus pro voce appellacionis et pro iurisdiccione nostra et decernimus fore scribendum pro transmissione processus, datur dies in proximo ad videndum transmissionem eiusdem. [fol. 66v]

[10 Apr 77 (43.15)] Neal. John by William de Bridge, substituted for original proctor; Avis appears as before. Since the process has not been sent, it is ordered transmitted by the next session when it will be published.

Niel] In causa appellacionis mota inter Johannem Niel de Clopton' Elien' diocesis partem appellantem ex parte una et Hawysiam servientem Thome Clopton' de eadem partem appellatam ex altera, parte appellante per Willelmum de Brugges, substitutum dicti Johannis Wiltesshir' procuratoris originalis, comparente, parte appellata ut prius, nullo processu adhuc transmissio, ideo transmittatur ad proximum, daturque dies in proximo ad videndum publicationem eiusdem. [fol. 68v]

[30 Apr 77 (44.15)] Neal. Parties by original proctors. The process sent from the archdeacon's

¹ This is the first mention of a proctor for Avis; previously she had appeared personally. On 5 February 1377, Avis daughter of William Wendy of Clopton personally appointed William Killerwick her proctor with the power to consent to proceed in the principal case, omitting the article of appeal. Entry 40.31. The coincidence of the dates and the fact that the

proxy makes specific mention of powers in an appeal case strongly suggest that the Avis of the proxy and the appellee here are the same person. On 7 October 1378, Avis, describing herself as former (*nuper*) servant of Thomas Clopton appointed Peter Caprik her proctor *apud acta* (64.28).

official is published; a copy is ordered for the parties. Next to speak against it.

Niel] In causa appellacionis mota inter Johannem Niel de Clopton' partem appellantem ex parte una et Hawysiam servientem Thome Clopton' de eadem partem appellatam ex altera, partibus per procuratores suos originales comparentibus, exhibito processu in causa principali coram officiali domini .. archidiaconi Elien' habito quo per nos publicato decretaque copia partibus, datur dies in proximo ad dicendum contra. [fol. 70r]

[29 May 77 (45.16)] Neal. John proposes in writing that the process and the definitive sentence should be nullified. Next for parties to act on the proposition.

Niel] In causa appellacionis mota inter Johannem Niel de Clopton' partem appellantem ex parte una et Hawysiam servientem Thome Clopton' de eadem partem appellatam ex altera, partibus ut prius comparentibus, proposita per partem appellantem quadam proposicione nullitatis processus et sentencie diffinitive in scriptis, datur dies in proximo partibus predictis ad faciendum super dicta proposicione. [fol. 73r]

[18 Jun 77 (46.12)] Neal. A dispute is held concerning the propositions, which are admitted. Next to prove.

Niel] In causa appellacionis mota inter Johannem Niel de Clopton' partem appellantem ex parte una et Hawysiam servientem Thome Clopton' de eadem partem appellatam ex altera, partibus ut prius comparentibus, habita disputatione super propositis, quibus tandem admissis eatenus quatenus, datur dies in proximo ad probandum. [fol. 74v]

[9 Jul 77 (47.12)] Neal. No proof is brought. John claims that the propositions are legal and he wants the acts and the process of the principal cause exhibited to assist his proof. He proposes exceptions, which are admitted. Next to prove the proposed.

Niel] In causa appellacionis mota inter Johannem Niel de Clopton' partem appellantem ex parte una et Hawysiam servientem Thome Clopton' de Clopton' partem appellatam ex altera, partibus ut prius comparentibus, nullis probationibus ministratis sed allegat pars appellans quod propositiones predictae consistunt in iure et ex inspeccione actorum et processus^b in prima instancia habitorem ad que se refert et pro iam exhibitis in subsidium probationis sue vult quod habeantur propositisque ex habundanti per dictam partem appellantem quibusdam aliis excepcionibus peremptoriis, quibus admissis, datur dies in proximo parti proponenti ad probandum et parti adverse ad videndum probationem. [fol. 76r]

[30 Jul 77 (48.11)] Neal. No proofs are administered. Next to prove precisely and peremptorily.

Niel] In causa appellacionis mota inter Johannem Niel de Clopton' partem

^b et processus] *interlined*.

appellanti ex parte una et Hawisiam servientem Thome Clopton' de Clopton' partem appellatam ex altera, partibus ut prius comparentibus, nullis probacionibus ministratis, ideo datur dies in proximo ad precise et peremptorie probandum parti, videlicet proponenti, et parti adverse ad videndum probacionem. [fol. 78v]

[1 Oct 77 (49.11)] Neal. No proofs are administered. With Avis's consent, the case is concluded. Next to hear the definitive sentence.

Niel] Partibus ut prius comparentibus, nullis probacionibus ministratis, ideo de consensu procuratoris dicte Hawysie nobiscum concludentis concludimus in causa daturque dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 79v]

[22 Oct 77 (50.8)] Neal. John wants the decree to conclude the case revoked because he has witnesses who have recently come to his attention and who are necessary to his case; the decree is revoked with faith given. He requests the compulsion of the seven witnesses: Richard vicar of Wendy, William Molt,² Peter Molt, John Outlaw of Wendy, John Bunch of Clopton, Alice Frere of Clopton, and John Bailey of Hungry Hatley; decreed with faith given. Next to produce the compelled.

Niel] Partibus ut prius comparentibus, videlicet per dictos procuratores suos, petito per partem appellanti quod revocetur decretum conclusionis in causa eo quod habet testes necessarios compellendos, de quibus iam noviter sibi constat, quo quidem decreto revocato, facta prius fide que requiritur, petitaque compulsionem septem testium sibi ut asserit necessariorum, videlicet domini Richardi vicarii ecclesie de Wendeye, Willelmi Molt, Petri Molt, Johannis Outlawe de Wendeye, Johannis Brunch de Clopton', Alicia Frer' de eadem et Johannis Bailly de Hungri Hattele, qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsos. [fol. 80v]

[12 Nov 77 (51.8)] Neal. John produces four compelled witnesses: Richard vicar of Wendy; Peter Molt of Wendy; John Outlaw; and John Bunch of Wendy, who are admitted and sworn. Avis reserves the right to speak against witnesses and testimony. William Molt and Alice Frere, are absent, suspended from entering church, and cited to next.

Niel] Partibus ut prius comparentibus, productis per partem appellanti quatuor testibus compulsis, videlicet domino Ricardo vicario ecclesie de Wendeye, Petro Molt de eadem, Johanne Outlawe et Johanne Bunch' de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt. Willelmus Molt et Alicia Frer' alii testes compulsi non comparent. Ideo suspendantur et citentur ad proximum ad idem quod prius. [fol. 81v]

[3 Dec 77 (52.8)] Neal. John produces two witnesses: William Molt of Wendy and Alice Frere of Clopton, who are admitted and sworn. Next to publish the testimony.

Niel] Partibus ut prius comparentibus, productis per partem appellanti duo-

² See *Bond*, n. 1.

bus testibus, videlicet Willelmo Molt de Wendeye et Alicia Frere de Clopton', quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 82v]

[22 Dec 77 (53.7)] Neal. Since the witnesses have not yet been examined, next to publish the testimony.

Niel] Partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem. [fol. 84v]

[14 Jan 78 (54.7)] Neal. John wants Avis to respond personally to the positions; decreed with faith given. She will be called to respond personally.

Niel] Partibus ut prius comparentibus, petito per partem appellantem quod pars appellata personaliter respondeat posicionibus, quo decreto facta fide que requiritur de iure, decernimus predictam partem appellatam fore vocandam ad proximum ad respondendum personaliter posicionibus. [fol. 86v]

[4 Feb 78 (55.7)] Neal. Because Avis was not cited to respond personally to the positions, she will be cited for next.

Niel] In causa appellacionis mota inter Johannem Niel de Clopton' partem appellantem ex parte una et Hawysiam servientem Thome Clopton' de eadem partem appellatam ex altera, partibus per dictos procuratores suos comparentibus, sed quia pars appellata non est citata ad personaliter respondendum posicionibus, ideo citetur ad proximum ad idem. [fol. 87v]

[25 Feb 78 (56.7)] Neal. Avis appears personally to respond. Sworn to respond truthfully, she gives her reply. Since the witnesses have not yet been examined, they are ordered examined by the next session when their testimony will be published.

Niel] Partibus ut prius comparentibus, dicta Hawisia citata ad personaliter respondendum posicionibus comparuit personaliter et iurata de fideliter respondendum eisdem habitaque per eandem responsione dictis posicionibus. Quia testes non sunt examinati, examinentur citra proximum daturque dies in proximo ad publicandum attestaciones. [fol. 89v]

[18 Mar 78 (57.6)] Neal. John by proctor; Avis absent. Since the witnesses have not yet been examined, next to publish the testimony.

Niel] Parte appellante ut prius comparente, parte appellata ut prius, quia testes nondum sunt examinati, datur dies in proximo ad idem, videlicet ad publicandum. [fol. 90v]

[8 Apr 78 (58.6)] Neal. Since the witnesses have not yet been examined, they are ordered examined by the next session when the testimony will be published.

Niel] Parte appellante ut prius comparente, parte appellata nullo modo, quia omnes testes nondum sunt examinati, ideo datur in proximo ad idem, videlicet ad publicandum et interim fiat examinacio. [fol. 91v]

[29 Apr 78 (59.6), 13 May 78 (60.6), 8 Jul 78 (62.6), 29 Jul 78 (63.6)] Neal. Since the wit-

nesses have not been examined, next to publish the testimony.

Niel] *Ad idem, quia testes nondum sunt examinati.* [fols. 92v, 93v, 94r, 96r]

[1 Oct 78 (64.6)] Neal. As 59.6.

Niel] *Ad idem.* [fol. 98r]

[21 Oct 78 (65.6)] Neal. The parties appeared as before.³ As 59.6.

Niel] *In causa appellacionis mota inter Johannem Niel de Clopton' partem appellan-tem ex parte una et Hawysiam servientem Thome Clopton' de eadem partem appellatam ex altera, partibus ut prius comparentibus, ad idem quia testes nondum sunt examinati.* [fol. 99r]

[10 Nov 78 (66.6)] Neal. Since the witnesses have not yet been examined, next to speak against them.⁴

Niel] *Ad idem quia testes nondum sunt examinati, videlicet ad dicendum contra testes et eorum dicta.* [fol. 102v]

[2 Dec 78 (67.6)] Neal. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Niel] *Partibus ut prius comparentibus, publicatis attestacionibus decreta copia partibus, datur dies in proximo ad dicendum contra testes etc.* [fol. 104r]

[23 Dec 78 (68.6)] Neal. Nothing is proposed. Next to propose everything concerning the matter.

Niel] *Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto consistencia.* [fol. 106r]

[3 Feb 79 (70.6)] Neal. John proposes exceptions to nullify the process and the definitive sentence given in the archdeacon's court. Next to act on them.

Niel] *Partibus ut prius comparentibus, propositis per partem Johannis Niel quibusdam excepcionibus nullitatis processus et sentencie diffinitive in curia domini archidiaconi habiti et late, datur dies in proximo ad faciendum super eisdem.* [fol. 107v]

[25 Feb 79 (71.6)] Neal. There was an argument about the exceptions. Next to act fully on these.

Niel] *Partibus ut prius comparentibus, habita altercacione super dictis excepcionibus,^o datur dies in proximo ad plenius faciendum super eisdem.* [fol. 109v]

[17 Mar 79 (72.6)] Neal. The exceptions are admitted. Next to prove.

Niel] *Partibus ut prius comparentibus, admissis excepcionibus predictis eate-^o excessibus.*

³ The fact that Avis changed her proctor at this point (see n. 1) is not reflected here.

⁴ Until now the register has read "next to publish the testimony."

nus quatenus de iure, datur dies in proximo ad probandum. [fol. 111r]

[21 Apr 79 (73.6)] Neal. Next to prove precisely.

Niel] Partibus ut prius comparentibus, datur dies in proximo ad precise probandum. [fol. 113v]

[23 May 79 (74.7)] Neal. John produces two witnesses: Geoffrey Feort of Clopton and William Dawe of Shingay, who are admitted and sworn. A *missio* is requested to admit and examine John Ripon of Clopton, who is unwell; decreed with faith given. Next to publish the testimony.

Niel] Partibus ut prius comparentibus, productis per partem proponentem duobus testibus, videlicet Galfrido Foort de Clopton' et Willelmo Dawe de Shenegeye, quibus admissis et in forma iuris iuratis, petita missione ad admittendum et examinandum Johannem Ripon' de Clopton' infirmitate detentum, qua decreta facta fide que requiritur, datur dies in proximo ad publicandum attestaciones. [fol. 115r]

[10 Jun 79 (75.7)] Neal. John Ripon is produced, admitted and sworn. Next to publish the testimony.

Niel] Partibus ut prius comparentibus, producto Johanne Ripon' predicto, quo admisso et in forma iuris iurato, datur dies in proximo ad publicandum. [fol. 116v]

[30 Jun 79 (76.7)] Neal. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Niel] Partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 117v]

[21 Jul 79 (77.7)] Neal. Nothing is proposed. Next to propose everything concerning the matter.

Niel] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 118v]

[22 Sep 79 (78.8)] Neal. Nothing is proposed by either. With the parties' consent, the case is concluded. Next to hear the definitive sentence.

Niel] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, sed de ipsarum parcium consensu expresso in dicta causa concluso, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 120r]

[13 Oct 79 (79.7), 3 Nov 79 (80.7), 24 Nov 79 (81.7), 9 Dec 79 (82.7), 12 Jan 80 (83.7), 3 Feb 80 (84.7)] Neal. Next to hear the definitive sentence.

Niel] Ad idem. [fols. 121r, 122v, 123v, 125r, 126r, 127v]

[23 Feb 80 (85.7)] Neal. With the parties' consent, next to hear the definitive sentence.

Niel] In causa matrimoniali mota inter Hawysiam servientem Johannis Clopton' de Clopton' partem originaliter actricem ex parte una et Johannem Niel de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 129v]

[15 Mar 80 (86.6), 5 Apr 80 (87.5), 26 Apr 80 (88.5), 25 May 80 (89.5), 14 Jun 80 (90.5), 23 Jul 80 (92.5), 4 Oct 80 (93.5), 25 Oct 80 (94.5)] Neal. For the same.

Niel] Ad idem. [fols. 133v, 136r, 137r, 138r, 140v, 141v, 144r, 144v]

[28 Feb 81 (99.2), 14 Mar 81 (100.1)] Neal. Next to hear the definitive sentence.

Niel] Ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fols. 147v, 148r]

[5 Apr 81 (101.1)] Neal. John will be called to respond personally to the positions, for the court's information.

Niel] Decernimus Johannem Niel fore vocandum ad personaliter respondendum posicionibus sibi faciendis pro informacione consciencie nostre. [fol. 148v]

[2 May 81 (102.1)] Neal. John personally responds to the positions. Next to hear the definitive sentence.

Niel] Habita responsione ad posiciones in propria persona sua, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 149v]

[24 May 81 (103.1)] Neal. Next to hear the definitive sentence.

Niel] Ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 150v]

[10 Oct 81 (106.1)] Neal. As 103.1.

Niel] Ad idem. [fol. 152v]

[30 Oct 81 (107.1)] Neal. For its own information, the court orders the witnesses and Mr Hugh Candlesby, who was registrar of the archdeacon at the time, reexamined. The new examination will be used in place of the confession given at Bassingbourn church, which is mentioned in the testimony.

Niel] Partibus ut prius comparentibus, decernimus testes fore repetendos et magistrum Hugonem Candlesby, tunc registrarium, pro confessione emissa in ecclesia de Bassingbourn', de qua in attestacionibus sit mencio pro informacione consciencie nostre. [fol. 154r]

[12 Nov 81 (108.1)] Neal. Parties by proctors. The witnesses are ordered repeated.

Niel] Partibus per procuratores suos comparentibus, repetantur testes ut prius. [fol. 155r]

[28 Nov 81 (109.1)] Neal. John personally; Avis by proctor. Sworn *de veritate dicenda* and questioned about the repeated articles, John claims that when he was before the archdeacon's

official in Bassingbourn church, the official asked him, as mentioned in the process, whether he had contracted with Avis or ever wanted to have her as his wife. He said no. Then he said to the official, "If she had behaved herself, I would have married her; but she has acted in such a way that I do not want to marry her." The witnesses produced by John were examined about the exception. Newly repeated and sworn, they say that they had been sought by John and they went to the session at Bassingbourn and were present the entire time that John was there. They accompanied him to court and left with him. Having heard all his responses, they never heard him say that he had contracted with her, but had heard him deny any contract with her.

Niel] Parte Johannis Niel personaliter comparente, parte Hawisie ut prius, predicto Johanne iurato de veritate dicenda super repeticione ac requisito super articulis repetitis, predictus Johannes respondendo dicit quod cum fuit coram .. officiali dicti archidiaconi Elien' in ecclesia de Bassingbourn, de quo supra in processu fit mencio, officialis quesivit ab isto Johanne an contraxit cum prefata Hawysia et dicit quod ipse respondit quod non et tunc officialis quesivit ab eo an umquam fuit in voluntate habendi eam in uxorem et quod ipse respondit quod non. Dicit eciam quod tunc dixit eidem .. officiali ista verba, "Si bene se gessisset, tunc habuissem voluntatem ducendi eam sed ita se gessit quod non habeo voluntatem ducendi eam." Testes vero, per dictum Johannem producti super excepcione et alias examinati, de novo repetiti et iurati dicunt quod rogati ex parte dicti Johannis accesserunt cum eo apud Bassingbourn ad sessiones dicti officialis domini archidiaconi et presentes fuerunt continue cum eo toto tempore quo dictus Johannes fuit ibidem et continue in iudicio et venerunt cum eo et recesserunt cum eodem et auscultabant ad omnia responsa dicti Johannis iudicialiter facta et non audiverunt ipsum Johannem fateri quod aliquo tempore contraxit cum ea seu consenciit habere eam in uxorem; audiverunt tamen quod negavit omnem contractum cum eadem. [fol. 158r]

[12 Dec 81 (110.1)] Neal. Next to hear the definitive sentence.

Niel] Partibus ut prius comparentibus, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 159r]

[16 Jan 82 (111.1)] Neal. 17 Jan. Parties by proctors. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. In John's appeal from the definitive sentence given by John Grebby, commissary of the archdeacon's official, in favour of his marriage to Avis, the court finds that the commissary proceeded incorrectly and gave an unjust sentence. The sentence is annulled; John is absolved and dismissed from the suit.

Niel] In causa appellacionis mota contra Johannem Niel de Clopton', partibus per procuratores suos comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, Christi nomine primitus invocato, de consilio iuris peritorum nobis assidencium ad sentenciam diffinitivam in hac parte ferendam processimus et

eam tulimus sub hac forma.

In Dei nomine amen. Quia nos .. officialis Elien' in quadam causa appellacionis ad audienciam nostram interposite a quadam sententia diffinitiva per dominum Johannem Grebby, commissarium .. officialis domini archidiaconi Elien' se pretendentem, in quadam causa matrimoniali que coram dicto .. officiali movebatur inter Hawisiam servientem Thome Clopton' de Clopton' partem actricem ex parte una et Johannem Niel de Clopton' predictum partem ream ex altera, pro dicta Hawysia et contra eundem Johannem per dictum pretensum commissarium lata legitime procedentes, invenimus dictum commissarium pretensum in dicta causa perperam processisse et iniquam tulisse sententiam, ideo ipsam sententiam diffinitivam per dictum commissarium pretensum ut premittitur latam per hanc nostram sententiam diffinitivam annullamus, cassamus, infirmamus et irritamus cassam, irritam seu nullam pronunciamus et declaramus ipsumque Johannem Niel ab impectitione dicte Hawisie absolvimus et dimittimus in hiis scriptis – Lata fuit die veneris predicto. [fol. 159v]

148. *FREEBORN*¹

[5 Feb 77 (40.37)] Freeborn. 21 Feb. 1377, in St Michael's before Mr Thomas Gloucester, official's commissary, John Freeborn of Fulbourn appears personally. He has been excommunicated and restricted from communion with the faithful because he refuses to marry Alice atte Pool of Fulbourn, although they were judged husband and wife by the official. He appealed to the provincial court, but because he delayed prosecution of the appeal for three years, the appeal was considered renounced. Since he has remained excommunicate for over 40 days, his capture has been requested of the royal majesty. 26 Feb. is assigned for John to give sufficient pledge to obey the judgment and to seek absolution. Witnesses Mr John Potton, rector of Hatley St George; Richard vicar of Westlee Waterless; William Killerwick and William Brigg, clerics, of Durham and Norwich dioceses. [NS]

Frebern' – renunciatio appellacionis] Die sabbati proximo post festum Sancte Juliane virginis, videlicet nono kalendas marcii anno domini supradicto comparens personaliter coram magistro Thoma de Glouc' clerico, domini .. officialis Elien' commissario generali, in ecclesia Sancti Michaelis Cantabr' Johannes Frebern' de Fulbourn' Elien' diocesis auctoritate dicti domini officialis excommunicatus, denunciatus cui eciam inhibita fuit communio fidelium et demum crescente ipsius contumacia pro cuius capcione decretum fuerat fore scribendum regie magestati cum dictam excommunicacionis sententiam per quadraginta dies et amplius sustinuit animo indurato pro eo et ex eo quod idem iussus et monitus legitime de ducendo in uxorem Aliciam

¹ John Freeborn is probably the same man who is sued by Hugh Candlesby in his capacity as registrar of the archdeacon in a salary case. *Candlesby* (1). If so, that suggests that the case had an otherwise unrecorded phase before the archdeacon.

Attepool de eadem cui in virum legitimum ipsaque eidem Johanni in uxorem legitimam per dictum .. officialem Elien' fuerant sentencialiter et diffinitive adiudicati,^a et licet a dicta sententia diffinitivam per partem dicti Johannis fuerat ad curiam Cantuar' ut dicitur appellatum, ipsam tamen appellacionem in dicta curia effectualiter prosequi non curavit sed per triennium continuum et amplius a tempore prolacionis eiusdem sentencie ipsam prosequi distulit et omisit sicque dictam appellacionem si que fuerat interposita tacite renunciavit et eam habuit pro derelicta penitus et deserta;^b renunciavit expresse cuicumque appellacioni per eum seu eius nomine ad curiam Cantuar' interposite a dicta sententia diffinitiva ac omni processui in dicta curie vigore eiusdem appellacionis habite necnon omni iuri sibi ea occasione competente. Unde dictus commissarius predicto Johanne diem iouis proximo post festum Sancti Mathie apostoli proximo tunc sequentem in ecclesia Sancti Michaelis Cantebr' ad pendendum iuri et ad prestandum sufficientem caucionem quod rei parebit iudicate et ulterius ad subeundum beneficium absolucionis a dicta sententia si sufficienter caverit et iuri parverit prefixit et assignavit coram eo vel alio dicti domini .. officialis commissario quocumque. Acta die, mense,^c loco et anno predictis indiccione quinta decima pontificatus domini Gregorii pape undecimo anno septimo. Presentibus magistro Johanne de Potton', rectore ecclesie Sancti Georgii de Hattele, domino Ricardo vicario ecclesie de Westlee Elien', Willelmo Killerwyk' et Willelmo Brigg, clericis, Dunelm' et Norcen' diocesum testibus vocatis et rogatis. RF: Foxton. [fol. 64v]

[26 Feb 77 (41.28)] Freeborn. Before Mr John Potton, commissary of official, on 26 Feb. 1377, John Freeborn requests absolution from excommunication and says he is prepared to pledge to obey the judgment.

Later on the same day he admits that he owes 100s in alms to the bishop. He swears he will pay the sum if he does not marry Alice within three weeks after Easter. John renounces any appeals, exceptions, privileges, inhibitions, royal prohibitions, and any remedies of canon or civil law that could impede the payment of the 100s. He promises to marry Alice under penalty of major excommunication and the request for his capture to the king's majesty. He is assigned the next juridical day after the three weeks to show why, if he does not marry Alice, he should not be compelled to pay the 100s and punished for perjury, and the court should not request his capture. Having sworn to obey church mandates, John is absolved according to these conditions. Witnesses: Mr's Walter Sutton, public notary of Worcester diocese; William Killerwick, Peter Caprik, and John Wiltshire, proctors of the consistory, of Durham, Ely, and Salisbury dioceses; Simon chaplain of Foxton and William Brigg, cleric, of Ely and Norwich dioceses. [NS]

Frebern'] Johannes Frebern' de Fulbourn comparens personaliter coram magistro Johanne de Potton', domini .. officialis Elien' commissario in hac parte

^a adiudicati] *the syntax is loose here, because the clause that begins ipsaque is not governed by cui, but the meaning is clear enough.* ^b ;] *the punctus elevatus that Foxton places here makes clear that this is what happened when John appeared and that the previous main verbs are conceptually dependant on licet, though they are not gramatically.* ^c mense] *interlined.*

specialiter deputato, die et loco supradictis, videlicet quarto kalendas marcii anno domini supradicto in ecclesia Sancti Michaelis Cantebr', a sententia excommunicacionis maioris in eum lata pro offensis^d et contumacia suis huiusmodi peccati se absolvi et ad parendo rei iudicate super matrimonio inter eundem et Aliciam Attepool inito et per dictum officialem adiudicato, necnon ad cavendum sufficienter de parendo rei iudicate et parendo iuri optulit se paratum.

Et subsequenter dictis die et loco dictus Johannes Frebern' fatebatur se debitorem et se constituit soluturum elemosine^e domini .. episcopi Elien' centum solidos pura et spontanea voluntate ut asseruit et mihi^f videbatur. Et iuravit ad sancta Dei evangelia per ipsum corporaliter tacta quod dictos centum solidos elemosine dicti domini .. episcopi solvet indilate nisi ipsam Aliciam Attepool de Fulbourn' duxerit in facie ecclesie solempniter in uxorem infra tres septimanas festum Pasche tunc proximo futurum proximo et immediate sequentes cui per sententiam diffinitivam per .. officialem Elien' in virum legitimum ipsaque eidem in uxorem legitimam fuerant adiudicati.^g Et renunciavit tunc ibidem dictus Johannes quibuscumque appellacionibus, excepcionibus, privilegiis, inhibicionibus ac prohibicionibus regiis necnon quibuscumque remediis iuris canonici et civilis sibi competentibus et competituri per que solucio dictorum centum solidorum poterit impediri seu quolibet retardari. Et nichilominus dictus Johannes iuravit tunc ibidem pure et simpliciter ad sancta Dei evangelia per ipsum corporaliter tacta quod ipsam Aliciam ducet in uxorem in facie ecclesie infra dictas tres septimanas sub pena reincidendi in dictam sententiam excommunicacionis et in eundem statum in quo nunc est, videlicet quod scribatur regie magestati pro ipsius capcione. Et dictus .. commissarius proximum diem iuridicum post lapsum dictarum trium septimanarum in dicta ecclesia Sancti Michaelis Cantebr' si ipsam Aliciam infra dictum terminum non duxerit ut premittitur in uxorem prefixit et assignavit causam rationabilem, si quam habeat, quare ad solucionem dictorum centum solidorum canonice compelli et pro dicto periurio debite puniri ac pro ipsius capcione regie magestati scribi non debeat, pro termino preciso et preemptorio, propositurum et ostensurum et quatenus ius patitur probaturum. Quo facto dictus Johannes iuratus ulterius de stando mandatis ecclesie absolutus est a dicta sententia sub condicione et forma superius annotata et non alio modo. Facta et acta sunt hec sub anno, die, loco et mense predictis indiccione quinta decima pontificatus domini Gregorii pape undecimo anno septimo. Presentibus magistris Waltero de Sutton' notario publico Wigorn' diocesis,

^d offensis] offensa. ^e elemosine] *sic, suggesting that the abbreviated form elemosine, which appears later, should be so extended, rather than to the more usual elemosinarie.* ^f m'] *an unusual use of the first person singular; the entry, however, is written in the third person, and the reference is probably to Foxton, who signs it.* ^g adiudicati] *see n.a., above.*

Willelmo Killerwyk', Petro Caprik' et Johanne Wiltesshir', clericis consistorii Elien' procuratoribus, Dunelm', Elien' et Sarum diocesum ac domino Simone capellano de Foxton' et Willelmo Brigges clerico, Elien' et Nor'cen' diocesum, testibus ad premissa vocatis et rogatis. RF: Foxton. [fol. 65v]

149. COMBERTON (1)

[26 Feb 77 (41.16)] Comberton. Robert Maxey of Cambridge, scholars' manciple, was cited at the instance of Amy Comberton of Cambridge in an appeal from a brief and final citation, uncertain articles, suspension, and other grievances caused by Mr Robert de Weston, commissary of the chancellor of Cambridge University. Weston had proceeded at the instigation of Maxey.

Amy is absent; Robert appears personally. Amy will be called to proceed with the appeal under penalty of final dismissal.

Cumberton'] Robertus Makeseye de Cantebr', mancipium scholarum, citatus [est] coram nobis ad dictos diem et locum ad instanciam Amye Cumberton' de Cantebr' in causa appellacionis ad audienciam nostram interiecte a citatione iniusta, ad terminum nimis brevem et peremptorium ac super incertis articulis ac suspensione ab ingressu ecclesie aliisque gravaminibus in hac parte suggestis per magistrum Robertum de Weston' dominum .. cancellarium universitatis Cant' commissarium pretensum sibi latis ad procuracionem et instanciam dicti Roberti subdolas et iniustas prout ipsius Amye peticio continebat processurus. Parte appellante nullo modo comparente, parte vero appellata personaliter, ideo decernimus partem appellantem fore vocandam ad proximum ad prosequendum appellacionem suam huiusmodi sub pena finalis dimissionis. [fol. 65r]

[19 Mar 77 (42.16)] Comberton. Neither appears. The case is discontinued.

Cumberton'] In causa appellacionis mota inter Amyam Cumberton' de Cant' partem appellantem ex parte una et Robertum Makeseye de eadem partem appellatam ex altera, neutra parte comparente, ideo discontinuata dicta causa. [fol. 66v]

150. FOXTON (1)

[26 Feb 77 (41.29)] Foxton. William Smyth of Foxton, John Smyth, William Poulter, Hugh Plowright, Thomas Hockley, Peter Law, Thomas servant of William Poulter, and William King of Foxton were cited *ex officio* before the bishop's commissary in St Michael's on 7 March 1377. They violently dragged a man from Foxton church, where he had fled seeking ecclesiastical sanctuary, and they put him in stocks and irons so he could be imprisoned. They are subject to major excommunication for this act.

They appear personally. Sworn *de veritate dicenda*, they admit that they dragged the man against his will, put him in stocks, and committed him to prison. They are pronounced excommunicates; Thomas vicar of Foxton is ordered to denounce them at mass in Foxton church on

Sundays and feast days. Each swears to restore the prisoner to the church's protection without delay.

Subsequently, after the excommunications had been announced and the liberty of the church had been restored with the return of the prisoner, as certified by the vicar, each of the accused was sent by the commissary to the bishop for absolution and penance. The bishop ordered them to circle Foxton church on a Sunday, [stripped to their shirts]¹ and carrying candles, which they should offer at the offertory. They were also ordered to go on foot to the shrine of St Etheldreda in Ely church and each offer 1*d*. They returned to the commissary absolved, and the vicar of Foxton and the sacristan and feretrar² of Ely certified that the penance had been humbly completed.³

Foxton' – pronunciatio – denunciatio] Willelmus Smyth' de Foxton', Johannes Smyth', Willelmus Pulter, Hugo Plowrighte, Thomas Hokkele, Petrus Lawe, Thomas famulus Willelmi Pult' et Willelmus Kyng' de eadem citati [sunt] coram nobis .. commissario domini .. episcopi Elien' in ecclesia Sancti Michaelis Cant' ad diem sabbati, videlicet septimum diem mensis marcii anno domini supradicto ex officio dicti venerabilis patris et nostro super eo quod ipsi quemdam extraneum ad ecclesiam parochialem de Foxton' Elien' diocesis pro immunitate ecclesie fugientem a dicta ecclesia et cimiterio eiusdem violenter extraxerunt et in compedibus et vinculis fereis posuerunt carcerali custodie mancipandum sententiam excommunicationis a constitutionibus sanctorum patrum in ea parte editis latam dampnabiliter incurrendo. Dicti Willelmus, Johannes, Willelmus, Hugo, Thomas, Petrus, Thomas et Willelmus coram nobis dictis die et loco personaliter comparentes et de veritate dicenda super premissis iurati, fatebantur quod eundem sic ad predictam ecclesiam pro immunitate confugientem preter et contra voluntatem suam violenter extraxerunt et in compedibus posuerunt et carcerali custodie manciparunt. Unde ipsos in sententiam maioris excommunicationis in dictis constitutionibus latam nominatim et in specie incidisse et excommunicatos esse occasione premissa sententialiter et diffinitive pronunciamus in hiis et ad denunciandum ipsos excommunicatos in dicta ecclesia de Foxton' diebus dominicis et festivis intra missarum solempnia domino Thome vicario ecclesie de Foxton' damus in mandatis ipsosque sacrilegos omnes et singulos iurare fecimus quod dictum sic extractum et incarceratum ecclesie de Foxton' et ipsius immunitati sine more diffugio restituant.

penitencia – absolutio] Et subsequenter facta denunciacione dicte excommunicationis et restitutione dicte incarcerati libertati ecclesie de quibus dictus .. vicarius nos certificavit, ipsos sacrilegos omnes et singulos ad domi-

¹ The Latin does not say 'to their shirts', but since other instances of the phrase say *usque ad camisium* (e.g., entry 63.31, n. a), it probably should be implied.

² 'Custodian of a shrine'. OED. It is unclear from the Latin whether they were the

same officer or two different officers.

³ We probably should imagine that the absolution was conditional upon completion of the penance and that the purpose of the return to the commissary was to ensure that it was.

num .. episcopum Elien' pro absolutione ab eo optinendos et penitentiam recipiendos destinavimus. Et iniuncta per dictum dominum episcopum eis penitencia, videlicet quod circueant ecclesiam parochialem de Foxton' coram processione uno die dominico depositis vestibis suis tenentes cereos in manibus suis usque ad offertorium et tunc eos offerent et quod vadant pedes^a ad feretrum Sancte Etheldrede in ecclesia Elien' et offerent ibidem singuli, videlicet singulos denarios, ipsos ad nos remiserat^b absolutos quam penitentiam humiliter peregerunt prout per certificarum tam .. vicarii ecclesie de Foxton' quam .. sacriste et feretrarii Elien' nobis factum satis constat. [fol. 66r]

^a pedes] *sic*. ^b remiserat] *the tense is odd; for the meaning of the phrase, see n. 3.*

151. VINER

[19 Mar 77 (42.26)] Viner. Robert Cook of Cambridge, servant of William Glover¹ of St Mary's, was cited at the instance of Joan Viner of Cambridge, servant of Peter Glover of Holy Trinity, in a marriage case.

Parties appear personally. Joan orally petitions that Robert be judged her husband because they contracted marriage in present words, or were betrothed in future words followed by intercourse. In response to the article Robert admits that he said to Joan, "By my faith I will take you as my wife" and intercourse followed. Joan agreed to the contract. Robert claims by exception that Joan had contracted with a man living in Coventry prior to their agreement; Joan denies the precontract. Both swore *de calumpnia, de veritate dicenda, and de malicia*. Next to prove the precontract.

Vyneo'] Robertus Cook' de Cantebr' famulus Willelmi Glover' de parochia Sancte Marie citatus [est] ad dictos diem et locum ad instanciam Johanne Vyneo' servientis Petri Glover' de parochia Sancte Trinitatis Cantebr' in causa matrimoniali. Partibus personaliter comparentibus, proposita petitione per dictam Johannam oretenus qua peciit ipsum sibi in virum adiudicari pro eo quod ipsi matrimonium adinvicem per verba de presenti seu sponsalia per verba de futuro carnali copula subsecuta legitime contraxerunt. Dictus Robertus respondendo dicto articulo fatebatur quod dixit eidem Johanne ista verba, "Hic fides mea; ducam te in uxorem," et ipsam postmodo carnaliter cognovit et quod ipsa eidem contractui expresse consenciit. Dictus tamen Robertus excipiendo proposuit quod dicta Johanna cum quodam commorante in Coventr' adhuc superstitie precontraxit. Prefata vero Johanna dictum precontractum expresse negavit iuratisque dictis Roberto et Johanne de calumpnia et de veritate dicenda ac de malicia, datur dies in proximo dicto Roberto ad probandum dictum precontractum et prefate Johanne ad videndum

¹ In all the subsequent entries, this man they probably were not sharply separated. The is called William Purser. The trades are related, and in a town the size of Cambridge, shift, however, does indicate that these surnames probably also tell us the man's trade.

probacionem eiusdem. [fol. 67r]

[10 Apr 77 (43.25)] Venyor. Joan absent; Robert personally. Joan will be called to proceed with the case next; Robert to prove the precontract.

Vyneo'] In causa matrimoniali mota inter Johannam Vyneo' servientem Petri Glover' de Cantebr' partem actricem ex parte una et Robertum Cook, famulum Willelmi Purser' de eadem partem ream ex altera, parte actrice nullo modo comparente, parte rea^a personaliter, ideo vocetur pars actrix ad prosequendum causam suam, videlicet ad videndum probacionem precontractus et dicto Roberto datur dies in proximo ad probandum. [fol. 69r]

[30 Apr 77 (44.24)] Venyor. The parties are absent. Both have left the diocese.

Vyneo'] In causa matrimoniali mota inter Johannam Vyneo' servientem Petri Glovere de Cant' partem actricem ex parte una et Robertum Cook' famulum Willelmi Purser' de eadem partem ream ex altera, neutra pars comparet sed utraque pars recessit de diocesi. [fol. 71v]

^a parte rea] *repeated*.

152. FULBOURN/BILNEY¹

[19 Mar 77 (42.27)] Fulbourn – assignment of guardian *ad litem*. Said day and place, William the minor son of John Fulbourn of Cambridge, skinner, deceased, personally proposes through Mr James de Cottenham, advocate of the consistory, that his father, while he was dying, had made a legal testament in which he appointed Agnes (John's wife and William's mother), Hugh atte Barnes, leech, and Walter Bilney his executors and in which he left 10 marks to his son. Following John's death, the testament was approved by a competent judge and the administration was committed to the executors. While there had been sufficient funds to pay creditors and known legatees, the executors refused to pay William, although he had requested payment *cum instancia*. Because William wants to bring them to court for nonpayment, he requests that a guardian be appointed to prevent the alienation of his goods. By ordinary authority, the court assigns John Curtis to act for William in and out of court. John swears to act faithfully on his ward's behalf, to keep his goods safe, and to give an accurate account.

Fulbourn' – dacio tutoris ad litem] Memorandum quod dictis die et loco comparens personaliter coram nobis in iudicio Willelmus filius Johannis Fulbourn' de Cantebr' *skynner* defuncti, minor annis, proposuit per magistrum Jacobem de Cotenham consistorii nostri advocatum quod Johannes Fulbourn' pater suus tendens ad mortem testamentum suum legitime condidit cuius quidem testamenti Agnetem ipsius Johannis uxorem et prefati Willelmi matrem ac eciam Hugonem atte Bernes *leche* et Walterum Bilneye executores deputavit in quo quidem testamento eidem Willelmo decem marcas de bonis eiusdem testatoris legavit et eciam assignavit. Fueratque post mortem eiusdem Johannis testamentum suum coram iudice in ea parte competente probatum, approbatum et insinuatum ac bonorum dicti defuncti administra-

¹ See *Bilney*, n. 1.

cio prefatis executoribus commissa et per eosdem admissa, bonaque sufficiencia ipsius defuncti ad satisfaciendum quibuscumque creditoribus et legatariis notorie pervenerunt; dicti tamen executores dictas decem marcas eidem legatas solvere contradicunt sepius et cum instancia de satisfaciendo debite requisiti quare dictus Willelmus intendit ut asserit dictos executores ratione non solutionis dictarum decem marcarum coram nobis in iudicio convenire. Unde ex parte ipsius Willelmi fuit a nobis cum instancia petitem et humiliter supplicatum quatinus eidem Willelmo minori ad dictam litem tutorem seu curatorem deputare et assignare nostra auctoritate ordinaria dignaremur. Nos itaque ipsius petitioni utpote rationabili annuentes, eidem Willelmo pupillo Johannem Curteys virum providum et discretum in tutorem et curatorem ad litem deputamus et assignamus nostra auctoritate ordinaria supradicta eidemque Johanni Curteys ut in causa dicti Willelmi pupilli agere in iudicio et extra et pro eo experiri valeat^a dumtamen bona dicti pupilli non alienet, nostram auctoritatem ordinariam interponimus et decretum.^b Et dictus Johannes curator iuravit ad sancta Dei evangelia per ipsum corporaliter tacta quod negocia dicti pupilli fideliter geret ipsiusque res et bona salva custodiet et inde fideliter computabit pro loco et tempore opportunis. [fol. 67r]

[29 May 77 (45.28)] Fulbourn. Walter Bilney of Cambridge, Hugh Leach, and Agnes widow of John Fulbourn of Cambridge, skinner, John's executors, were cited to a peremptory term at the instance of John's son William, a minor. They are to show why they should not be condemned to pay to William 10 marks, left to him in his father's will.

Walter and Hugh appear by Peter Caprik, proctor *apud acta*; Agnes personally; William by John Curtis, his legal guardian. The executors request a copy of the citation and certification; decreed. John's testament is exhibited before Gloucester in the presence of the executors; it contains a legacy of 10 marks for William. 4 June to propose why they should not pay.

4 June. Walter and Hugh orally propose that none of John's goods have come into their hands. Next to prove.

Fulbourn'] Walterus Bilneye de Cantebr', Hugo Leche et Agnes nuper uxor Johannis Fulbourn de Cant' *skynnere*, executores testamenti dicti Johannis, citati [sunt] ad dictos diem et locum ad instanciam Willelmi filii dicti Johannis in minori etate adhuc constituti causam rationabilem si quam habeant quare in decem marcis in testamento dicti Johannis eidem Willelmo legatis solvendis eidem condempnari non debeant pro termino preciso et peremptorio proposituri et ostensuri. Predictis Waltero et Hugone executoribus^c per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, dicta Agnes tercia executrice personaliter, predicto Willelmo pupillo per Johannem Curteys curatorem suum ad litem per nos datum, comparentibus, petita

^a valeat] *interlined*. ^b decretum] *sic; perhaps shorthand for et sic decretum est, a variation on the more usual impersonal ablative absolute decreto found frequently. The shift of tenses is, however, startling, and the temptation to emend to et sic decernimus is strong.* ^c Predictis Waltero et Hugone executoribus] Predicti Walterus et Hugo executores.

per partem dictorum executorum copia citacionis et certificatorii et decreto, exhibito coram nobis iudicialiter testamento dicti defuncti in presencia dictorum executorum in quo de dictis decem marcis eidem Willelmo legatis plenius continetur, datur dies iovis proximo futurus loco quo supra ad proponendum causam sicut prius.

Quibus die et loco partibus ut prius comparentibus, proposito per partem dictorum Walteri et Hugonis executorum oretenus quod nulla bona dicti defuncti ad eorum manus devenerunt. Unde datur dies in proximo partibus predictis ad probandum. [fol. 74r]

[18 Jun 77 (46.25)] Fulbourn. Since Mr James de Cottenham, William's advocate, is absent, the parties agree to offer proof next.

Fulbourn'] In causa testamentaria mota inter Willelmum filium Johannis Fulbourn' de Cantebr' partem actricem ex parte una et Walterum Bilneye, Hugonem Leche et Agnetem nuper uxorem dicti Johannis, executores testamenti dicti Johannis, partem ream ex altera, partibus ut prius comparentibus, de quarum consensu expectamus dictam causam usque proximum ad idem propter absenciam magistri Jacobi de Cotenham, advocati pupilli, partis actricis. [fol. 75r]

[9 Jul 77 (47.23)] Fulbourn. No witnesses are produced; the term ends. Next the second term to produce.

Fulbourn'] In causa testamentaria mota inter Willelmum filium Johannis Fulbourn' de Cant', *skynnere*, pupillum partem actricem ex parte una et Walterum Bilneye, Hugonem Leche et Agnetem nuper uxorem dicti Johannis, executores testamenti eiusdem Johannis, partem ream ex altera, partibus ut prius comparentibus, nullo testibus productis, ideo cedat terminus, datur dies in proximo ad secundo probandum. [fol. 76v]

[30 Jul 77 (48.17)] Fulbourn. William by proctor; executors absent. Expected next for the second term to produce.

Fulbourn']. In causa testamentaria mota inter Willelmum filium Johannis Fulbourn' de Cant' *skynnere*, pupillum, partem actricem ex parte una et Walterum Bilneye de eadem, Hugonem Leche, et Agnetem nuper uxorem Johannis Fulbourn' predicti, executores testamenti eiusdem Johannis, partem ream ex altera, parte actrice ut prius comparente, parte rea nullo modo, ideo expectamus absentem cum presente usque proximum ad idem. [fol. 78v]

[1 Oct 77 (49.17), 22 Oct 77 (50.14), 12 Nov 77 (51.14), 3 Dec 77 (52.14), 22 Dec 77 (53.13), 14 Jan 78 (54.14)] Fulbourn. The case is pending with hope of peace.

Fulbourn'. Pendet sub spe pacis. [fols. 79v, 80v, 81v, 82v, 85r, 86v]

[4 Feb 78 (55.14)] Fulbourn. With the parties' consent, next to produce with hope of peace.

Fulbourn'] In causa testamentaria mota inter Willelmum filium Johannis Ful-

bourn' de Cantebr' *skynnere*, pupillum partem actricem ex parte una et Walterum Bilneye de eadem, Hugonem Leche et Agnetem nuper uxorem dicti Johannis, executores testamenti eiusdem Johannis, partem ream ex altera, partibus ut prius comparentibus, de quarum consensu expectamus dictam causam usque proximum ad idem sub spe pacis. [fol. 88r]

[18 Mar 78 (57.11)] Fulbourn. [The *acta* for 25 Feb 78 (*Acta* 56, fol. 89v) are missing. In them the executors probably made the proposition referred to below that they received no goods of the testator.] William by curator; Walter by proctor; Hugh and Agnes personally. The executors bring no proof that they have not received any goods of the deceased. Next to hear the pronouncement.

Fulbourn'] Parte actrice per Johannem Curteys curatorem suum ad litem per nos datum, predicto Waltero Bilneye per procuratorem suum, Hugone et Agnete executoribus personaliter comparentibus, nullis probacionibus per dictos executores ministratis super materia alias per eos proposita, videlicet quod nulla bona dicti defuncti ad eorum manus devenerunt, ideo datur dies in proximo ad audiendum pronunciacionem nostram. [fol. 91r]

[8 Apr 78 (58.11)] Fulbourn. With the parties' consent, 10 April to hear the pronouncement or definitive sentence. Mr William Laas, cleric and advocate of the consistory, is commissioned to give the definitive sentence. The parties ask that the sentence be given. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because John Curtis and William have proved William's intention and the executors have proposed nothing effectual, the executors are ordered to pay the legacy (10 marks) to William and his curator and to pay William's costs, their estimation reserved to the court.

Walter's proctor protests concerning an appeal.²

Fulbourn'] In causa testamentaria que in consistorio Elien' vertitur et diucius vertebatur inter Willelmum filium Johannis Fulbourn' de Cantebr' *skynnere* defuncti, pupillum, partem actricem ex parte una et Walterum Bilneye de Cantebr', Hugone Leche de eadem et Agnetem nuper uxorem dicti Johannis Fulbourn', executores testamenti dicti Johannis, partem ream ex altera, partibus ut prius comparentibus, de quarum consensu expectamus dictam causam usque ad diem sabbati proximo futurum loco quo supra ad idem, videlicet pronunciacionem sive sentenciam diffinitivam audituros.⁴ Et committimus magistro Willelmo Laas clerico, consistorii nostri advocato, ad ferendum sentenciam diffinitivam in dicta causa specialiter potestatem.

Quibus die et loco partibus predictis coram nobis .. commissario predicto ut prius comparentibus et sentenciam ferri petentibus rimato per nos et inve-

⁴ audituros] auditor'; *our extension would have it modify the names of the parties given earlier; alternatively, emend to the more usual gerundive, audiendas.*

² This is the only time that this phrase of the appeal other than this. By the next entry occurs in the register. The next entry makes it has happened. clear that he did appeal, but there is no record

stigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, invocata Spiritus Sancti gracia, de consilio iuris peritorum nobis assidencium ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus probatum liquide Johannem Curteys, curatorem datum ad litem, nomine pupilli ac eciam ipsum pupillum videlicet Willelmum filium Johannis Fulbourn' intencionem suam in causa cuiusdem legati decem marcarum predicto Willelmo relictarum plene fundasse et probasse nec aliquid effectuale propositum per dictos executores et probatum, ideo ipsos executores scilicet Walterum Bilneye, Agnetem relictam dicti defuncti et Hugonem Leche in predictis decem marcis eidem pupillo et dicto curatori ad litem solvendis condempnamus in hiis scriptis ipsosque in expensis propter hec in lite legitime factis dicto pupillo condempnantes taxatione nobis reservata.

Et Johannes Wiltesschir' clericus procurator dicti Walteri tunc ibidem existens protestabatur de appellando.^e [fol. 91v]

[29 Jul 78 (63.25)] Bilney. John Curtis of Cambridge, skinner, court-appointed curator of William son of John Fulbourn of Cambridge, skinner, was cited at the instance of Walter Bilney of Cambridge. Walter had appealed from the definitive sentence brought by Mr William Laas, commissary of the official, in a testamentary case between William, original plaintiff, and Walter, Hugh Leach, and Agnes widow of John Fulbourn, executors of Fulbourn's testament, original defendants.

Walter is absent; John appears personally. John seeks costs.

Bilneye] Johannes Curteys de Cantebr' *skynnere* curator Willelmi filii Johannis Fulbourn' de Cant' *skynnere*, pupilli, datus ad litem citatus [est] ad diem et locum supradictos ad instanciam Walteri Bilneye de Cantebr' in causa appellacionis a quadam sententia per magistrum Willelmum Laas, domini .. officialis Elien', in causa testamentaria que coram eo vertebatur inter dictum Willelmum pupillum partem pretensam originaliter actricem ex parte una et dictum Walterum, Hugonem Leche et Agnetem nuper uxorem dicti Johannis Fulbourn', executores testamenti eiusdem Johannis, partem pretensam originaliter ream ex altera, commissarium pretensum specialem, diffinitive lata tanquam ab iniqua ad audienciam domini .. episcopi Elien' ut asseritur interiecte. Parte appellante nullo modo comparente, parte appellata personaliter comparente, et petit expensas. [fol. 96v]

[1 Oct 78 (64.23)] Bilney. Walter is ordered called to the next session to proceed under penalty of final remission.

Bilneye] Parte appellante nullo modo comparente, parte appellata ut prius, decernimus partem appellantem fore vocandam ad proximum ad proseguendum causam appellacionis sue sub pena finalis remissionis. [fol. 98r]

^e protestabatur de appellando] *see n. 2.*

[21 Oct 78 (65.10)] Bilney. As 64.23.

Bilneye] In causa appellacionis mota inter Walterum Bilneye de Cant' partem appellantem ex parte una et Johannem Curteys, curatorem Willelmi filii Johannis Fulbourn' *skynner*e defuncti, pupilli, ad litem datum, partem appellatam ex altera, parte appellante nullo modo comparente, parte appellata ut prius, decernimus partem appellantem vocandam fore ad prosequendum causam appellacionis sue sub pena finalis remissionis. [fol. 99r]

[10 Nov 78 (66.9)] Bilney. Since Walter has not been cited, he will be cited to proceed next.

Bilneye] Quia pars appellans nondum est citata, ideo citetur ad proximum ad idem. [fol. 102v]

[2 Dec 78 (67.9)] Bilney. Since Walter has not been cited, he will be cited to proceed next under penalty of final remission.

Bilneye] Quia pars appellans nondum est citata, ideo citetur ad proximum ad idem, videlicet ad prosequendum causam appellacionis sue predicte sub pena finalis dimissionis. [fol. 104r]

[23 Dec 78 (68.9)] Bilney. As 67.9.

Bilneye] Quia pars appellans nondum est citata, ideo citetur ad proximum ad idem, videlicet ad prosequendum causam appellacionis sub pena finalis dimissionis. [fol. 106r]

[3 Feb 79 (70.10)] Bilney. Neither appears.

Bilneye] Neutra pars comparuit. [fol. 107v]

153. SUTTON (2)

[19 Mar 77 (42.28)] Sutton. Ed[war]d vicar of Sutton was cited for correction because he did not execute and certify a mandate received by him.

He personally submits himself to the court's grace. Next to hear pronouncement.

Sutton' – contemptus] Dominus Ed[ward]us vicarius ecclesie de Sutton' Elien' diocesis citatus [est] super contemptu et inobediencia eo quod mandatum nostrum ad exequendum et certificandum directum et sibi traditum et per eum receptum exequi non curavit. Dictus vicarius comparens personaliter coram nobis, submitit se in et pro premissis gracie nostre, unde eidem vicario diem in proximo consistorio ad audiendum pronunciacionem nostram prefigimus et assignamus. [fol. 67r]

[10 Apr 77 (43.30)] Sutton. This day was assigned to hear pronouncement concerning the contempt; the vicar of Sutton will be called for same.

Sutton'] Vicarius de Sutton' habens diem ad audiendum pronunciacionem super contemptu coram nobis confessato [nondum est citatus], ideo vocetur

ad idem. [fol. 69r]

154. HUBERT

[19 Mar 77 (42.29)] Hubert. Amy wife of John Lomb of Stow cum Quy was cited at the instance of John Hubert of Stow cum Quy in a defamation case.

John appears personally; Amy by Walter Sutton, proctor *apud acta*. A written libel is received. Next to respond.

Huberd] Amya uxor Johannis Lomb de Quye citata [est] ad instanciam Johannis Huberd de eadem in causa diffamacionis. Parte actrice personaliter comparente, parte rea per Walterum de Sutton', clericum, procuratorem suum apud acta constitutum, oblato libello in scriptis et a parte rea optento, datus est dies in proximo ad respondendum eidem. [fol. 67r]

[10 Apr 77 (43.26)] Hubert. John absent; Amy by proctor. She is dismissed from John's suit.

Hubert – dismissio] In causa diffamacionis mota inter Johannem Hubert de Quye partem actricem ex parte una et Amyam uxorem Johannis Lomb de eadem partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, ideo ipsam partem ream ab instancia dicte partis actricis in hac parte dimittimus. [fol. 69r]

155. TEVERSHAM (2)

[19 Mar 77 (42.30)] Teversham. Nicholas Baldwin of Teversham was cited for said day and place at the instance of Mr William de Bridge, rector of Teversham church, in a case of mortuary owed to the church and rector from the death of Nicholas' wife, Alice.

William appears personally; Nicholas is absent, found contumacious, and suspended from entering church. The execution is ordered.

Teversham] Nicholaus Baldewyne de Teversham citatus [est] ad dictos diem et locum ad instanciam magistri Willelmi de Brugge rectoris ecclesie de Teversham, in causa mortuarii ratione Alicie uxoris sue defuncte eidem ecclesie et rectori eiusdem ipsius ecclesie nomine debiti. Parte actrice personaliter comparente, parte vero rea nullo modo, ideo ipsam reputamus contumacem et in penam contumacie, ipsum suspendimus ab ingressu ecclesie in hiis scriptis et decernimus execucionem fore faciendam. [fol. 67r]

[10 Apr 77 (43.27)] Teversham. Peace has been restored. The rector was commissioned to absolve Nicholas from the suspension, which the rector certified to the court. Nicholas will be called *ex officio*.

Teversham – pax] In causa mortuarii mota inter magistrum Willelmum Brugge rectorem ecclesie de Teversham partem actricem ex parte una et Nicholaum Baldewyne de eadem alias suspensum ab ingressu ecclesie, pace inter

partes reformata, committimus dicto rectori ad absolvendum eundem Nicholaum qui ipsum absolvit prout nos certificavit, ideo vocetur pars rea ex officio. [fol. 69r]

156. *JOHNS*

[19 Mar 77 (42.31)] Johns. Roger Good of Whittlesey was cited at the instance of John Johns of Whittlesey in a defamation case.

Neither appears. Case is pending until there is a new citation.

Jons] Rogerus Gode de Wyttlesseye citatus [est] ad instanciam Johannis Jons de eadem in causa diffamacionis. Neutra parte comparente, pendeat dicta causa sub nova citacione. [fol. 67r]

157. *REED (2)*

[19 Mar 77 (42.32)] Reed. John Strike of Chesterton was cited at the instance of Walter Reed, chaplain of Girton and executor of the testament of Alexander atte Halle of Howe, priest, in a testamentary case.

Parties appear personally. John admits that he owed to the late Alexander ten marks, which was to be paid at two marks per year on the feast of the Purification and the feast of St John Baptist for the next five years. He says he failed to pay at the last term. He promises to pay two marks on 24 June and 2 Feb., and two marks each year following until the debt is paid.

Rede] Johannes Stryk' de Chestreton' citatus [est] coram nobis ad instanciam domini Walteri Rede de Girton' capellani, executoris testamenti domini Alexandri atte Hall' de Howes presbyteri defuncti, in causa testamentaria. Partibus personaliter comparentibus, dictus Johannes comparuit personaliter, fatebatur se teneri dicto defuncto in decem marcis solvendis dicto defuncto vel executoribus suis infra quinque annos proximo sequentes, quolibet anno duas marcas ad festa Purificacionis et nativitatis Sancti Johannis Baptiste per equales porciones et quod non solvit pro termino Purificacionis ultimo preterito. Unde dictus fide media firmiter promisit solvere ad festum nativitatis Sancti Johannis proximo futurum pro termino Purificacionis et illo termino duas marcas et quolibet anno sequenti duas marcas usque ad finalem solutionem dictarum decem marcarum. [fol. 67r]

[9 Jul 77 (47.31)] Reed. John Strik of Chesterton was cited for 10 July in said place at the instance of Walter Reed of Caldecote, chaplain, in a breach of faith and perjury case and a testamentary case, involving the testament of Alexander atte Halle of Howe, deceased.

Walter appears by John Wiltshire, proctor; John personally. Walter's oral libel claims that John owes to Alexander ten marks to be paid in equal portions, two marks per year, on the Purification of the Virgin and the Nativity of St John the Baptist, for five years. John has neglected the first year's payments, although he promised to pay. Walter wants John punished for perjury and condemned to pay. John admits that he owes the money to the estate and to Walter;

he asks to be condemned for this. John Newton, commissary of the official, at the request of Walter and John, condemns and warns John peremptorily to pay Walter the ten marks (two marks on All Saints Day next, and two marks each of the next four years on the Purification and Nativity of St John), under penalty of major excommunication and ‘by a sentence of commandment’ (*per sentenciam precepti*)¹ if he fails to make payment.

Rede – confessio] Johannes Strik’ de Chestreton’ citatus [est] ad diem veneris proximo post festum translacionis Sancti Thome martyris loco quo supra ad instanciam domini Walteri Rede de Caldecote capellani in causa fidei lesionis et periurii ac testamentaria occasione testamenti domini Alexandri atte Halle de Hewes presbyteri defuncti. Parte actrice per Johannem Wiltesshir’, clericum, procuratorem suum comparente, parte rea personaliter, libellato per partem actricem oretenus sub certa forma, videlicet quod tenetur dicto defuncto in decem marcis solvendis sibi per quinque annos, quolibet videlicet anno duas marcas ad festa Purificacionis et nativitatis Sancti Johannis per equales porciones et solucionem primi [fol. 77r] anni pretermisit, licet ad dictam summam solvendam alias iuravit, quare peciit dicta pars actrix ipsum Johannem periurum pronunciari et canonice puniri pro periurio huiusmodi et in dicta summa sibi condempnari, dictus vero Johannes fatetur se teneri dicto defuncto eidemque domino Waltero executori nomine suo in dictis decem marcis et se peciit in eisdem condempnari.

condempnacio – monicio] Unde ad ipsorum domini Walteri executoris et Johannis debitoris instantem petitionem et de eorum expresso consensu, nos Johannes de Neuton’, domini .. officialis Elien’ commissarius, ipsum Johannem in dicta pecunie summa eidem domino Waltero solvenda condempnavimus et monuimus sub hac forma.

sentencia] In Dei nomine amen. Nos Johannes de Neuton’ clericus, domini .. officialis Elien’ commissarius, te Johannem Strik’ de Chestreton, Elien’ diocesis, fatentem te teneri domino Waltero Rede presbytero, executori testamenti domini Alexandri atte Halle, presbyteri defuncti, in decem marcis et te petentem eidem solvendum in dicta summa per nos effectualiter condempnari, monemus primo, secundo et tercio ac peremptorie quod solvas eidem domino Waltero decem marcas infra quinque annos, duas videlicet marcas ad festum Omnium Sanctorum proximo futurum et quolibet anno quatuor annorum proximo sequencium duas marcas, terminus limitatis, videlicet ad festa Purificacionis et nativitatis Sancti Johannis baptiste, in quam quidem pecunie summam te Johannem sub pena excommunicationis maioris et per sentenciam precepti¹ condempnamus, quam penam in personam tuam si in dicta solutione defeceris in parte vel in toto, dolo, mora et culpa tuis prece-

¹ The phrase is somewhat unusual, but it is found, in similar circumstances in Bishop Grandisson’s register in an entry dated in 1331. *Reg. Grandisson*, 2:612. It probably means something like the modern ‘mandatory injunction’.

dentibus, lapso dicte monicionis vestre termino sub forma exnunc ut extunc et extunc ut exnunc ferimus in hiis scriptis. [fol. 77v]

[12 Nov 77 (51.23)] Reed. In the testamentary case between Walter Reed and John Strike, the commissary of the official had condemned John to pay to Walter 26s 8d, based on John's confession, and had warned him peremptorily to pay within a term, now past, under pain of major excommunication. Because John has refused to pay without explanation, Scrope called John for 21 Nov. 1377 in St Michael's to show why he should not be excommunicated and denounced.

21 Nov. John is absent, although cited, summoned, and long expected. Scrope's commissary precludes to him the right to propose, pronounces him excommunicated, and orders the excommunication announced.

Rede] Cum commissarius noster in quadam causa testamentaria que coram eo vertebatur inter dominum Walterum Rede capellanum, executorem testamenti domini Alexandri Attehalle presbyteri, partem actricem ex parte una et Johannem Stryk' de Chestreton' partem ream ex altera, legitime procedens predictum Johannem in sex et viginti solidis octo denariis eidem executori solvendis per eum coram eodem .. commissario iudicialiter confessatis ad sui^a instantem petitionem condempnaverit ipsumque monuerit quod dictam pecuniam solvisset ad terminum iam effluxum primo, secundo et tercio ac peremptorie sub pena excommunicacionis maioris, quam in ipsum Johannem si monicionibus huiusmodi non pareret, in scriptis fulminavit, idem tamen Johannes lapso dicte monicionis sue termino dictam pecuniam solvere seu de ea satisfacere non curavit sed temere et absque causa rationabili recusavit, sententiam maioris excommunicacionis predictam ipso facto dampnaliter incurrendo. Nos igitur .. officialis Elien' predictum Johannem ad diem sabbati proximo post festum Sancti Edwardi regis in ecclesia Sancti Michaelis Cant' fecimus coram nobis vel nostro commissario ad iudicium evocari causam rationabilem, si quam habeat, quare sic ut premittitur excommunicatus non debeat nominatim et in specie denunciari, propositurum et ostensurum et quatenus ius pateretur legitime probaturum.

Quibus die et loco predictus Johannes nullo modo comparuit, ideo dictus commissarius noster eundem Johannem sic ut premittitur citatum, preconizatum diucius expectatum nullo modo comparentem reputavit contumacem et in penam contumacie sue precludebat sibi viam quicquam ulterius in hac parte proponendum ipsumque in dictam sententiam excommunicacionis nominatim et in specie incidisse ac contemptorem et offensorem manifestum fuisse et esse pronunciavit per decretum et decrevit ipsum fore denunciandum excommunicatum. [fol. 82r]

[8 Jul 78 (62.26)] Reed. John Strike of Chesterton was cited before the commissary for 9 July 1378 at the instance of Walter Reed, chaplain and executor of the testament of Alexander atte

^a sui] *sic*.

Halle, in a testamentary case. John is expected to show why he should not be excommunicated since he refuses to obey the court's mandate.

Walter appears by proctor; John is absent, found contumacious, and suspended from entering church.

Rede – suspensio] Johannes Stryk' de Chestreton' citatus [est] coram nobis .. commissario predicto ad diem veneris proximo post festum translacionis Sancti Thome martiris ad instanciam domini Walteri Rede, capellani executoris testamenti domini Alexi Attehall' defuncti, in causa testamentaria causam videlicet rationabilem, si quam habeat, quare nominatim et in specie excommunicatus non debeat denunciari eo quod iussis et monicionibus nostris legitimis sibi canonice factis eciam sub pena excommunicacionis maioris in ipsum si huiusmodi monicionibus non pareret, canonica monicione premissa ipso facto lata, quibus hucusque non paruit sed parere contemptibiliter recusavit prout nobis est sufficienter facta fides pro termino preciso et peremptorio propositurum et ostensurum. Parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam partem ream reputamus contumacem et pro sua contumacia suspendimus ipsum ab ingressu ecclesie in hiis scriptis. [fol. 95v]

[29 Jul 78 (63.20)] Reed. The execution is ordered.

Rede] Fiat executio. [fol. 96r]

[1 Oct 78 (64.18)] Reed. As 63.20.

Rede] Fiat executio ut prius. [fol. 98r]

[1 Oct 78 (64.30)] Reed. John Strike, suspended at the instance of Walter Reed, is absent, found contumacious, and excommunicated.

Rede] Johannes Strik' de Chestreton' alias suspensus ab ingressu ecclesie pro sua contumacia coram nobis contracta ad instanciam domini Walteri Rede, capellani, executoris testamenti domini Alexandri Atte Hall' de Howes capellani, in causa testamentaria non comparet, ideo ipsum reputamus contumacem et pro sua contumacia huiusmodi ipsum excommunicamus in hiis scriptis. [fol. 98v]

[21 Oct 78 (65.20), 10 Nov 78 (66.19), 2 Dec 78 (67.19), 23 Dec 78 (68.16), 3 Feb 79 (70.17), 25 Feb 79 (71.15), 17 Mar 79 (72.15), 21 Apr 79 (73.17), 23 May 79 (74.18), 10 Jun 79 (75.16), 30 Jun 79 (76.17), 21 Jul 79 (77.17), 22 Sep 79 (78.19), 13 Oct 79 (79.17), 3 Nov 79 (80.14), 24 Nov 79 (81.14), 9 Dec 79 (82.14), 12 Jan 80 (83.14)] Reed. As 63.20.

Rede] Fiat executio ut prius. [fols. 99v, 102v, 105r, 106r, 107v, 109v, 111v, 114r, 115v, 116v, 117v, 118v, 120v, 121v, 122v, 124r, 125r, 126v]

[3 Feb 80 (84.13)] Reed. John Strik has been excommunicated, denounced, and barred from communion for more than forty days. His sentence should be increased, and so he is called to propose why his capture should not be requested from the king's majesty.

Rede] In causa testamentaria mota inter dominum Walterum Rede de Grytton' capellanum, executorem testamenti domini Alexi' Attehall' cappellani, partem actricem ex parte una et Johannem Stryk' de Chestreton' alias excommunicatum et denunciatum, et inhibita communione, partem ream ex altera, aggravetur sententia et decernimus ipsum fore vocandum ad proponendum causam quare non debeat scribi regie magestati pro sua capcione eo quod in dicta excommunicatione stetit per quadraginta dies et amplius. [fol. 127v]

[23 Feb 80 (85.12)] Reed. Walter by proctor; John personally. John proposes that he is poor and unable to pay. Tomorrow for him to propose *in forma*.

Then Walter by proctor; John absent. John does not propose, [and so he is called to propose why his why his capture should not be requested from the king's majesty].

Rede] In causa testamentaria mota primarie inter dominum Walterum Rede de Grytton' capellanum, executorem testamenti domini Alexi' Attehall' cappellani, partem actricem ex parte una et Johannem Stryk' de Chestreton' alias excommunicatum et denunciatum, et inhibita communione, partem ream ex altera, parte actrice ut prius comparente, parte rea personaliter, pars rea allegat et proponit quod est inops et paupertate gravatus, adeo quod non potuit solvisse nec adhuc potest summam predictam [solvere], unde datur dies crastinus ad proponendum in forma.

Quo die parte actrice ut prius, parte rea nullo modo, nec proponit in forma: ideo [ipse citetur propositurus causam rationabilem, si quam habeat, quare pro ipsius capcione scribi non debeat regie magestati.]^b [fol. 130r]

[23 Feb 80 (85.63)] Reed. John Strike of Chesterton, who was pronounced excommunicate over forty days ago at the instance of Walter Reed, executor of Alexander atte Halle, was cited for 24 Feb. 1380 to propose why his capture should not be requested from the king's majesty.

John appears personally. He proposes nothing effectual; his capture will be requested.

Rede] Johannes Stryk' de Chestreton' alias excommunicatus ad instanciam domini Walteri Rede capellani, executoris testamenti domini Alexandri Attehall' de Howes in causa testamentaria et denunciatus et in excommunicatione persistens per quadraginta dies et amplius, citatus [est] ad diem veneris proximo post festum Sancti Petri in cathedra propositurus causam rationabilem, si quam habeat, quare pro ipsius capcione scribi non debeat regie magestati.^d Comparet personaliter; nichil effectuale proponit, ideo decernimus fore scribendum regie magestati pro ipsius capcione. [fol. 132v]

[15 Mar 80 (86.11), 15 Mar 80 (86.38), 5 Apr 80 (87.8), 26 Apr 80 (88.8), 25 May 80 (89.8), 14 Jun 80 (90.8)] Reed. Let his capture be requested from the king's majesty.

Rede] Scribatur regie magestati. [fols. 134r, 135v, 136r, 137r, 138r, 140v]

^b ipse citetur propositurus causam rationabilem, si quam habeat, quare pro ipsius capcione scribi non debeat regie magestati] *supplied from next entry.* ^d magestati] *a blank space that has been crossed out or voided follows.*

[23 Jul 80 (92.8)] Reed. As 86.11.

Rede] Scribatur regie magestati ut prius. [fol. 142r]

[4 Oct 80 (93.7)] Reed. As 86.11.

Rede] Scribatur regie magestati. [fol. 144r]

[25 Oct 80 (94.7)] Reed. As 86.11.

Rede] Ad idem. [fol. 144v]

158. ABINGTON (2)

[19 Mar 77 (42.33)] Abington. Amy wife of John Gerant of Little Abington was cited at the instance of John de Binbrook, vicar of Little Abington, in a case of tithes.

Parties appear personally. A written libel is received. Next to respond.

Abyngton'] Amya uxor Johannis Gerounde de Abyngton' Parva citata [est] ad instanciam domini Johannis de Bynbrok' vicarii eiusdem in causa decimarum. Partibus personaliter comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 67v]

[10 Apr 77 (43.28)] Abington. Peace has been restored. Amy will be called *ex officio*.

Abyngton' – pax] In causa decimarum mota inter dominum Johannem de Bynbrok' vicarium ecclesie de Abyngton' Parva Elien' diocesis partem actricem ex parte una et Amyam uxorem Johannis Gerounde de eadem partem ream ex altera, pax est, ideo vocetur pars rea ex officio. [fol. 69r]

159. ELY (2)

[19 Mar 77 (42.34)] Ely. John Fisher of Ely was cited at the instance of the sacristan of Ely, rector of both churches of the city of Ely, in a case of tithes.

Sacristan appears by proctor; John is absent and suspended.

Elien'] Johannes Fysscher' de Ely citatus ad instanciam sacriste Elien', rectoris utriusque ecclesie civitatis Elien' in causa decimarum comparentis per procuratorem suum non comparet, ideo ipsum Johannem suspendimus ab ingressu ecclesie. [fol. 67v]

160. HERVEY

[19 Mar 77 (42.35)] Hervey – probate of testament. 17 March 1377 John Quayle, vicar of Ickleton, and Geoffrey Dolle of Ickleton, priest, executors of the testament of Agnes Hervey, who died within the priory of Ickleton, where the inhabitants and visitors are subject to the bishop, appear before Scrope in St Michael's, Cambridge. The administration is committed to

the executors after they exhibited the testament and inventory of goods and the testament is approved and published.

Hervy – probacio testamenti] Die martis proximo post festum Sancti Gregorii pape anno domini millesimo trecentesimo septuagesimo sexto comparentes coram nobis Ricardo le Scrop' officiali Elien' ac commissario domini episcopi Elien' in ecclesia Sancti Michaelis Cantebr' dominus Johannes Quaille vicarius ecclesie parochialis de Ikelyngton' et Galfridus Dolle de eadem presbyter, executores testamenti Agnetis Hervy mulieris, infra prioratum de Ikelyngton' locum utique dicto venerabili patri cum suis inhabitantibus et perhendingantibus, regularibus et scholaribus, immediate subiectum, decedentis, testamentum et inventarium bonorum dicte Agnetis exhibuerunt et coram nobis probarunt quo quidem testamento coram nobis probato, approbato, publicato et insinuato, administracionem omnium bonorum dictam defunctam contigencium in diocesis Elien' existencium eisdem dominis Johanni et Galfrido, executoribus in dicto testamento nominatis, commisimus in forma iuris. [fol. 67v]

[22 Dec 77 (53.33)] Account of the Hervey executors. 11 Jan. 1378 John Quayle, vicar of Ickleton, and Geoffrey Dolle of Ickleton, chaplain, executors of the testament of Agnes Hervey, who died in the priory of Ickleton, appear before Scrope in the conventual church of the priory. Since the testament and inventory were exhibited by them at another time and the testament was approved by the official, they now offer an account of the administration. The official finds that the administration has been completed. The executors are dismissed from the duty of administration.

Hervy – compotus – acquietancie] Memorandum quod tercio idus ianuarii anno domini supradicto comparentes personaliter coram nobis Ricardo le Scrop', officiali Elien' ac commissario domini .. episcopi Elien', in ecclesia conventuali monialium de Ikelyngton' Elien' diocesis pro tribunali sedentibus domini Johannes Quaille vicarius ecclesie de Ikelyngton' et Galfridus Dolle de eadem capellanus, executores testamenti Agnetis Hervy decedentis infra prioratum de Ikelington' exhibuerunt coram nobis testamentum dicte Agnetis alias coram nobis probatum et per nos appropriatum et insinuatum ac inventarium bonorum eiusdem necnon compotum super et de administracione facta in bonis eiusdem, et nobiscum computarunt. Et quia per ipsorum compotum invenimus eos bene et fideliter administrasse administracionemque suam plenarie complevisse, ipsos ab onere administracionis huiusmodi et ab ulteriori compoto nobis inde reddendo salvo iure cuiuscumque reddimus absolutos. [fol. 86r]

161. PERRY (1)

[19 Mar 77 (42.36)] Perry. Christine wife of Thomas Dende of Duxford was cited at the in-

stance of Andrew Perry of Teversham¹ in a breach of faith and perjury case.

Andrew appears by proctor; Christine personally. An oral libel claims that Christine promised to pay to Andrew 7s 5d silver within a term which has lapsed. Christine has not made a payment, but she admits that she owes the money. At her request and with Andrew's consent, the court orders her to pay the sum [?in equal amounts] before Pentecost and the feast of St Michael, under penalty of excommunication. Christine promises to pay.

Pirie – condempnacio] Cristina uxor Thome Dende de Dokesworth' citata [est] ad instanciam Andree Pirie de Teversham in causa fideilesionis seu periurii. Parte actrice per procuratorem suum, parte rea personaliter, comparentibus, libellato per partem actricem oretenus sub certa forma, videlicet quod dicta Cristina teneri eidem Andree in septem solidis quinque denariis argenti, quos eidem iuravit solvere ad terminum iam elapsus et non solvit. Dicta Cristina fatetur quod tenetur sibi in septem solidis quinque denariis,^a unde ad ipsius Cristine petitionem et consensu suo expresso, ipsam in dicta pecunia confessata eidem Andree solvenda citra festa Pentecostes et Sancti Michaelis proximo futura vel citra^b per sentenciam precepti^c et sub pena excommunicationis condempnamus, ad quam solucionem bene et fideliter tactis sacrosanctis dicta Cristina corporale prestitit iuramentum. [fol. 67v]

^a quinque denariis'] *interlined*. ^b vel citra] *interlined*. ^c per sentenciam precepti] *see Reed (2), n. 1*.

¹ Andrew Perry is also the plaintiff in the cases do not seem to be related. *Perry (2)*, another breach of faith case, but

162. BURWELL (1)¹

[19 Mar 77 (42.37)] Burwell. John Russel of Ely and Katherine Selvald, his wife, were cited before John Newton on 1 April 1377 in Holy Trinity, Ely, at the instance of Alice daughter of Robert Burwell in a case of marriage and divorce.

Parties appear personally. Alice orally petitions that John and Katherine be separated and their marriage annulled and that she and John be judged husband and wife. She and John had contracted marriage in words of mutual consent, followed by intercourse, prior to any contract or solemnization between John and Katherine. John admits that he contracted with Alice by saying, "I wish to have you as my wife," and intercourse followed. Katherine requests permission to prove her contract and solemnization with John so he and Alice cannot collude against her; she is admitted. Katherine, John, and Alice swear *de calumpnia*, *de veritate dicenda*, and *de collusionem et malicia*. A term is assigned for Alice and Katherine to prove.

Katherine produces two witnesses: Stephen Wiringe of Welney [Norfolk] and John Rudham of Ely, who are admitted and sworn. After they were examined, their testimony is put in writing and published. Alice produces no witnesses, saying she cannot prove the contract except by the confessions of the parties; she has no witnesses. With the parties' consent, the case is concluded; the court proceeds to the definitive sentence.

Sentence. Because the marriage between John and Katherine has been proved and Alice could not prove the contract, John and Katherine are absolved and dismissed from Alice's suit.

¹ For a discussion of this case, see Donahue, *Law, Marriage, and Society*, 265–6.

Borewelle] Johannes Russel de Ely et Katerina Selvald' quam ducit in uxorem, citati [sunt] coram nobis Johanne de Neuton' clerico, reverendi viri domini .. officialis Elie' commissario, ad diem mercurii proximo post festum Annunciacionis dominice anno domini millesimo trecentesimo septuagesimo septimo in ecclesia Sancte Trinitatis, civitatis Elie', ad instanciam Alicie filie Roberti Borewell' in causa matrimoniali et divorcii. Partibus personaliter comparentibus, proposita petitione oretenus qua petiit matrimonium inter ipsos Johannem et Katerinam de facto contractum et solempnizacionem eiusdem quatenus de facto processit divorciari, cassari, irritari et annullari^a ipsumque Johannem eidem Alicie in virum legitimum eandemque Aliciam prefato Johanni in uxorem legitimam sentencialiter et diffinitive adiudicari pro eo et ex eo quod ante omnem contractum matrimonialem et solempnizacionem eiusdem inter eosdem Johannem et Katerinam initum seu factum predicti Johannes et Alicia matrimonium verum seu presumptum per verba mutuum consensum eorundem exprimencia carnali copula subsecuta contraxerunt. Dictus vero Johannes fatetur quod ante omnem contractum matrimonialem inter ipsum et prefatam Katerinam initum seu factum contraxit cum dicta Alicia per ista verba, "Volo te habere in uxorem," et postmodo eam carnaliter cognovit. Predicta insuper Katerina ad probandum contractum matrimonialem et solempnizacionem eiusdem inter prefatum Johannem et ipsam initum petiit se admitti ne dicti Johannes et Alicia in sui et eorum matrimonii preiudicium adinvicem colludant, qua admissa, ipsisque Johanne, Alicia et Katerina iuratis hincinde de calumpnia et de veritate dicenda ac de collusionem et malicia datoque termino predictis Alicie et Katerine^b ad probandum intencionem suam.

Dicta Katerina produxit duos testes videlicet Stephanum Wiringe de Welnee et Johannem Rudham de Ely, quibus admissis et in forma iuris iuratis, et examinatis eorumque attestacionibus in scriptis redactis et publicatis nullisque testibus per dictam Aliciam productis sed dicit se non posse dictum precontractum aliunde quam per confessiones parcium probare quia non interfuerunt testes ut asserit factaque per nos conclusionem in dicta causa de consensu parcium predictarum ad pronunciacionem in ista causa ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus contractum matrimonialem inter prefatos Johannem et Katerinam initum et solempnizacionem eiusdem clare probatum ipamque Aliciam in probacione dicti precontractus pretensi penitus defecisse et in nullo probasse, ideo ipsos Johannem et Katerinam ab impetitione eiusdem Alicie sentencialiter et diffinitive dimittimus et absolvimus in hiis scriptis. [fol. 67v]

^a annullari] *sic*. ^b Katerine] Katerina.

[1 Oct 78 (64.32)] Burwell. John Russel of Ely and Katherine Selvale, his wife, were cited for said day and place by 'the aforesaid'¹ Alice daughter of Robert Stanton *al.* Burwell of Ely in a case of marriage and divorce.

Parties appear personally. Alice wants John and Katherine's marriage annulled and she and John judged husband and wife because, prior to any contract between John and Katherine, Alice and John had contracted marriage. The marriage has been recognized by them before the community. The petition, recorded with the acts, is explained to John and Katherine. John contests the suit affirmatively, saying the claims are true and the petitions should be granted. Katherine contests negatively, saying the opposite. Alice and Katherine swear *de calumpnia*; John swears *de collusione evitanda*. Next Alice to propose articles, and the first term to produce.

Borewell'] Johannes Russel de Ely et Katerina Selvale, quam de facto duxit in uxorem, citati [sunt] ad diem et locum supradictos ad instanciam Alicie filie Roberti Stanton' alias Borewell' de Ely predicte in causa matrimoniali et divorcii. Partibus personaliter comparentibus, dicta Alicia petivit matrimonium inter dictos Johannem et Katerinam contractum separari et divorciari pro eo et ex eo quod ante quemcumque contractum matrimonialem inter ipsos Johannem et Katerinam initum, factum seu habitum et ipsius solempnizacionem, prefati Johannes et Alicia matrimonium verum seu presumptum legitime precontraxerunt quem quidem precontractum uterque eorum, videlicet Johannes et Alicia, in alterius et aliorum fidedignorum presencia fatebatur et recognovit, publicavit, innovavit animo et intencione contrahendi ante quemcumque contractum matrimonialem inter predictos Johannem et Katerinam factum seu habitum et ipsius solempnizacionem et similiter petivit ipsum Johannem eidem Alicie in virum legitimum eandemque Alicia eidem Johanni in uxorem legitimam adjudicari. Ad quam quidem petitionem in acta redactam et eisdem Johanne et Katherine expositam. dictus Johannes litem contestabatur affirmative, dicendo videlicet narrata prout narrantur vera esse et ideo petita prout petuntur fieri debere. Iuratisque partibus, videlicet Alicia et Katerina, de calumpnia et ipso Johanne de collusione evitanda, datur dies in proximo parti dicte Alicie ad primo ponendum, articulandum et producendum et ipsis Johanni et Katherine ad videndum produccionem et ulterius ad faciendum et subeundum quod natura et qualitas cause exigunt et requirunt. [fol. 98v]

[21 Oct 78 (65.26)] Burwell. Alice produces two witnesses: Richard Pinel of Ely and Robert Reynold of Narford, Norwich diocese, who are admitted and sworn. Next to propose and the second term to produce.

Borewell'] In causa matrimoniali et divorcii mota inter Aliciam filiam Roberti Stanton', alias Borewell' de Ely, partem actricem ex parte una et Johannem Russel et Katerinam uxorem suam de Ely partem ream ex altera, partibus personaliter comparentibus, productis per partem actricem duobus testibus,

¹ It is quite remarkable that Foxton remembered this after almost a year and half.

videlicet Ricardo Pynel de Ely et Roberto Reynold' de Narford', Nor'cen' diocesis, quibus admissis et in forma iuris iuratis, datur dies in proximo ad ponendum et secundo producendum. [fol. 99v]

[10 Nov 78 (66.24)] Burwell. Alice produces two witnesses: John King of Ely and John Rudham of Ely, who are admitted and sworn; John and Katherine reserve the right to speak against witnesses and testimony. Next to propose and the third term to produce.

Borewell'] Partibus ut prius comparentibus, productis per partem actricem duobus testibus videlicet Johanne Kyng' de Ely et Johanne Rudham de Ely, quibus admissis et in forma iuris iuratis, protestato per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad ponendum et tercio producendum. [fol. 102v]

[2 Dec 78 (67.23)] Burwell. No other witnesses are produced. With the parties' consent, next to propose and the third term to produce, or if no one is produced, next to publish the testimony.

Borewell'] Partibus ut prius comparentibus, nullis aliis testibus productis sed de consensu parcium datur dies in proximo ad idem et si in proximo non producat ad publicandum. [fol. 105r]

[23 Dec 78 (68.21)] Burwell. Alice produces two witnesses: Clement Fisher and William Donat of Ely, who are admitted and sworn. John and Katherine reserve the right to speak against witnesses and testimony. Next to publish the testimony.

Borewell'] Partibus ut prius comparentibus, productis per partem actricem duobus testibus, videlicet Clemente Fysshchere et Willelmo Donet de Ely, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta, datur dies in proximo ad publicandum attestaciones. [fol. 106r]

[3 Feb 79 (70.22)] Burwell. Next to respond to the positions and to publish the testimony.

Borewell'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad respondendum posicionibus et publicandum et publicari videntum attestaciones. [fol. 108r]

[25 Feb 79 (71.20)] Burwell. John Wiltshire, Katherine's proctor, responds to the positions; the testimony is published. Alice reserves the right to request that John and Katherine respond personally to the denied positions. Next to speak against witnesses and testimony.

Borewell'] Partibus ut prius comparentibus, habita responsione ad dictas posiciones per partem dicte Katerine per Johannem Wiltesshir' procuratorem suum, publicatis attestacionibus salva potestate petendi quod dicti Johannes et Katerina personaliter respondeant posicionibus negatis, datur dies in proximo ad dicendum [fol. 109v] contra testes et eorum dicta. [fol. 110r]

[17 Mar 79 (72.20)] Burwell. Parties personally and by proctors. John and Katherine respond personally to the denied positions; nothing is proposed by either. Next to propose everything concerning the matter.

Borewell'] Partibus personaliter et per dictos procuratores suos comparentibus, habita responsione per dictos Johannem et Katerinam in personis suis propriis posicionibus negatis, nullo dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 111v]

[21 Apr 79 (73.22)] Burwell. Nothing is proposed; the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Borewell'] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed in dicta causa concluso, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 114r]

[23 May 79 (74.23)] Burwell. With the parties' consent, next to hear the definitive sentence.

Borewell'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 115v]

[10 Jun 79 (75.21), 30 Jun 79 (76.22)] Burwell. Next to hear the definitive sentence.

Borewell'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 116v, 117v]

[21 Jul 79 (77.22)] Burwell. With the parties' consent, next to hear the definitive sentence.

Borewell'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 118v]

[22 Sep 79 (78.23)] Burwell. As 77.22.

Borewell'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 120v]

[13 Oct 79 (79.21)] Burwell. Next to hear the definitive sentence.

Borewell'] Partibus ut prius comparentibus, in proximo ad idem. [fol. 121v]

[3 Nov 79 (80.19), 24 Nov 79 (81.19), 9 Dec 79 (82.19), 12 Jan 80 (83.19)] Burwell. As 79.21.

Borewell'] Ad idem videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 122v, 124r, 125r, 126v]

[3 Feb 80 (84.18)] Burwell. Next to hear the definitive sentence.

Borewell'] In causa matrimoniali et divorcii mota inter Aliciam Borewell' de Ely partem actricem appellantem ex parte una et Johannem Russel et Katerinam Selvald', quam de facto duxit in uxorem, partem ream ex altera, partibus ut prius comparentibus, in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 128r]

[23 Feb 80 (85.15)] Burwell. With the parties' consent, next to hear the definitive sentence.

Borewell'] In causa matrimoniali et divorcii mota primarie inter Aliciam Borewell' de Ely partem actricem ex parte una et Johannem Russel et Katerinam Selvald', quam de facto duxit in uxorem, partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 130r]

[15 Mar 80 (86.14)] Burwell. Before the official, Alice by Peter Caprik, substituted for Richard Ferriby, original proctor; John, expected at all acts, is absent and found contumacious; Katherine by proctor. As penalty to John and since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Alice has not proved her intention, John and Katherine are dismissed from her suit. Alice must pay John and Katherine's costs; their estimation is reserved to the court.

Alice's proctor appeals *apud acta ab iniqua* immediately.

Borewell'] In causa matrimoniali et divorcii mota primarie inter Aliciam Borewell' de Ely partem actricem ex parte una et Johannem Russel et Katerinam Selvald', quam de facto duxit in uxorem, partem ream ex altera, parte actrice per Petrum Caprik', clericum substitutum Ricardi Feriby procuratoris sui originalis, predicto Johanne, habente diem ex prefixione nostra ad omnes actus usque ad audiendum sententiam diffinitivam inclusive, nullo modo comparente, ideo ipsum Johannem reputavimus contumacem, predicta Katerina per procuratorem suum predictum comparente, auditis et intellectis meritis cause matrimonialis et divorcii [que] in consistorio Elien' non per viam appellacionis vel querele sed primarie et ordinarie iurisdiccioni coram nobis .. officiali Elien' vertitur inter partes supradictas, rimato per nos et investigato toto processu in [fol. 134r] dicta causa habito habitaque deliberacione sufficienti super eodem, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam in contumacia dicti Johannis^b procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam partem actricem intencionem suam in hac parte deductam minus sufficienter fundasse et probasse sed in probacione eiusdem penitus defecisse, ipsos Johannem et Katerinam ab impetitione dicte Alicie in hac parte per nostram sententiam diffinitivam dimittimus et absolvimus in hiis scriptis ipsamque Aliciam eisdem Johanni et Katherine in expensis legitimis per ipsos in hac parte factis et faciendis per eandem Aliciam eisdem Johanni et Katherine refundendis condemnantes taxatione earum nobis specialiter reservata.

appellacio] A qua sententiam tanquam ab iniqua Petrus Caprik' clericus,

^b in contumacia dicti Johannis] *interlined*.

substitutus Ricardi Feriby procuratoris originalis dicte Alicie, apud acta in-continenti appellavit viva voce. [fol. 134v]

163. BOWER

[19 Mar 77 (42.38)] Bowyer. Margaret servant of Alice Terrington of Cambridge was cited at the instance of John Sutton of Cambridge bowyer (*bowyer*) in a defamation case.

John appears by John Wiltshire, proctor *apud acta*; Margaret is absent. An oral libel is given and requested written. Next to receive it in writing.

Bowyer] Margareta ancilla Alicie Tirington' de Cantebr' citata [est] ad instanciam Johannis Sutton' de Cantebr' *bowyer*' in causa diffamacionis. Parte actrice per Johannem Wiltesschir', clericum, procuratorem suum apud acta constitutum, comparente, parte vero rea nullo [modo], libellato oretenus, petito in scriptis per partem ream, datur dies in proximo ad libellandum in scriptis. [fol. 67v]

[10 Apr 77 (43.29)] Bowyer. John by proctor; Margaret absent. She is suspended and called.

Bowyer – suspensio] In causa diffamacionis mota inter Johannem Sutton' de Cantebr' *bowyer*' partem actricem ex parte una et Margaretam ancillam^a Alicie Tirington' partem ream ex altera, parte actrice ut prius comparente, parte rea nullo modo, ideo ipsam partem ream suspendimus et vocetur.^b [fol. 69r]

^a uxorem. ^b s' et vo'] *for this extension see Introduction.*

164. HUNDREDER¹

[19 Mar 77 (42.39)] Hundreder. Roger servant of Roger Hundreder of Ely and Margaret Garthmaker of Ely were cited before the commissary of Ely for 7 April 1377 in Holy Trinity, Ely, concerning an alleged contract of marriage.

Parties appear personally. Sworn *de veritate dicenda* and questioned, Margaret admits that they contracted in present words, or in future words followed by intercourse. She asks that he be judged her husband. Roger denies the contract. Because Margaret says she cannot prove the contract, Roger is dismissed from her suit.

Hundreder – sententia] Rogerus famulus Rogeri Hundreder de Ely et Margareta Gerthmaker' de eadem citati [sunt] coram nobis .. commissario Elien' ad diem martis proximo post festum Sancti Ambrosii anno domini millesimo trecentesimo septuagesimo septimo in ecclesia Sancte Trinitatis, civitatis Elien', super contractu matrimoniali inter eosdem ut dicebatur inito. Partibus personaliter comparentibus, de veritate dicenda iuratis ac super dicto contractu requisitis, dicta Margareta asseruit quod ipse Rogerus et ipsa matrimonium

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, T&C no. 479.

adinvicem contraxerunt per verba de presenti seu de futuro carnali copula subsecuta. Unde peciit ipsum sibi in virum adiudicari. Dictus Rogerus negavit omnem contractum inter eos initum et quia dicta Margareta asserit se non posse probare dictum contractum, ideo ipsum Rogerum ab ipsius impetitione et instancia dimittimus in hac parte et absolvimus in hiis scriptis. [fol. 67v]

[19 Mar 77 (42.40)] Hundreder. Roger servant of Roger Hundreder of Ely and Katherine [. . .], residing in Haddenham, were cited before the commissary of Ely concerning an alleged contract of marriage.

Parties appear personally. Sworn *de veritate dicenda* and questioned, Katherine claims that they contracted in present words of mutual consent, or in future words followed by intercourse. She asks that they be judged husband and wife. Roger admits that he promised to marry her and she consented; intercourse followed.

Sentence. Based on Roger and Katherine's confessions, the court finds in favour of their marriage, judging them husband and wife and ordering solemnization before the church at an appropriate time and place.

Hundreder] Idem Rogerus et Katerina [. . .]^a commorans in Hadenham citati [sunt] coram nobis dicto .. commissario Elien' ad dictos diem et loco super contractu matrimoniali inter eosdem inito. Partibus coram nobis personaliter comparentibus, de veritate dicenda iuratis ac super dicto contractu requisitis, dicta Katerina proposuit et asseruit quod dictus Rogerus et ipsa matrimonium adinvicem [contraxerunt] per verba de presenti mutuum consensum eorumdem exprimencia seu per verba de futuro carnali copula subsecuta. Dictaque [Katerina] peciit probatis probandis dictum Rogerum sibi in virum ipsaque eidem Rogero in uxorem legitimam adiudicari. Dictus Rogerus fatabatur coram nobis iudicialiter tunc ibidem quod ipsam promisit ducere in uxorem ipsaque consenciit eum habere in virum et postmodo se invicem carnaliter cognoverunt.

sentencia] Unde ipsorum confessiones iudicialiter emissas sequentes, pronunciamus pro matrimonio inter eosdem ipsumque Rogerum eidem Katerine in virum legitimum ac ipsam Katerinam eidem Rogero in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium fore inter eos in facie ecclesie solemnizandum pro loco et tempore opportunis. [fol. 68r]

^a *Blank space in ms.*

165. ST. ANTHONY

[19 Mar 77 (42.41)] Saint Anthony. 7 April 1377 before Richard Scrope in Ely cathedral, Richard Martin, substitute or messenger of the master and brothers of the hospital of St Anthony,¹ appears personally. He asks to be admitted to explain the business of the hospital and

¹ The hospital for which alms were being sought is almost certainly that of St. (*cont'd*)

to seek alms for it in churches within Ely diocese. He has papal letters awarding indulgences to benefactors of the hospital. After the letters of indulgence and his substitution have been examined, the official admits him to collect alms until 25 Sept. 1377. Scrope orders letters patent made for him, addressed to all deans, rectors, vicars, and parish chaplains of the deaneries of Ely, Wisbech, Chesterton, and Barton, which permit his seeking alms.

Sancti Antonii – admissio questoris] Memorandum quod die martis proximo post festum Sancti Ambrosii anno domini millesimo trecentesimo septuagesimo septimo comparens personaliter coram nobis Ricardo le Scrop', canonico Ebor', officiali Elien' ac venerabilis patris domini Thome de gracia episcopi Elien' commissario, in ecclesia cathedrali Elien' ubi tunc eramus, Ricardus Martyn, substitutus sive nuncius magistri et fratrum hospitalis Sancti Antonii ad certa loca diocesis Eliensis deputatus, litteras apostolicas sub plumbo super indulgenciis benefactoribus dicti hospitalis a sede apostolica indultis in ea parte confectas ac substitutionem suam nobis exhibens, petiit ipsum per nos admitti ad exponendum negocia sua in ecclesiis et locis dicte diocesis sibi deputatis et ad colligendum elemosinas Christi fidelium eidem hospitali [eas] conferre volencium. Unde nos .. officialis et commissarius antedictus examinatis prius dictis litteris apostolicis et substitutione ac plenarie per nos discussis et sufficientis inventis, ipsum Ricardum ad exponendum dicta negocia et elemosinas conferre volencium colligendas et recipiendas admisimus usque ad festum Sancti Michaelis proximo tunc futurum et ad ipsum tamquam verum nuncium dicti hospitalis saltem in locis sibi deputatis et in dicta substitutione descriptis recipi,^a videlicet in decanatibus de Ely et Wysebech', Chestreton' et Berton' dicte diocesis, singulis .. decanis .. rectoribus .. vicariis et capellanis parochialium dictorum decanatum nostris litteris patentibus inde confectis dedimus in mandatis. [fol. 68r]

[25 Feb 78 (56.14)] Admission of alms-seekers of St Anthony. 27 Feb. 1378 William Bailey and John Abingdon,² alms-seekers and proctors of the hospital of St Anthony, Vienne, appear before Scrope. They exhibit their proxies and papal letters concerning matters of the hospital. They ask to be admitted to explain their business in churches within the diocese of Ely. Scrope examines their papers and admits them. The official has letters patent made for them which order the deans, rectors, and vicars of Ely to receive them during the coming year.

Questus Sancti Antonii] Memorandum quod tercio kalendas marcii anno domini supradicto comparentes coram nobis .. officiali Elien' Willelmus Bailly et Johannes Abyngdon', questores sive procuratores hospitalis Sancti Antonii, Vien' diocesis, exhibuerunt litteras apostolicas negotii dicti hospitalis et procuratoria sua et petiverunt se ad exponendum negocia dicti hospitalis in

^a deputatis et in dicta substitutione descriptis recipi] *interlined*.

(n. 1 cont'd) Anthony in London. It was, however, as entry 56.14 suggests but does not quite say, a dependent cell of Saint-Antoine-en-Viennois, a monastery of Augustinian hospitaliers in the diocese of Vienne. See Know-

les and Hadcock, p. 326, 373.

² The 'd' in John's name in the Latin suggests that it is derived from Abingdon, Berks, not the Abingtons in Cambs.

singulis ecclesiis civitatis et diocesis Elien' per nos admitti. Unde nos, officialis Elien', examinatis dictis litteris et procuratorio, ipsos ad dicta negocia exponenda admisimus et litteras nostras patentes ad recipiendum eos singulis .. decanis .. rectoribus et .. vicariis civitatis et diocesis Elien' directas fieri fecimus per unum annum dumtaxat duraturum. [fol. 90r]

166. FORDHAM¹

[10 Apr 77 (43.34)] Fordham. Robert de Bury, tailor, residing at Cambridge, and Leticia Littlebury of Fordham, taverner of Luke Lockyer of Cambridge, were cited before the commissary of Ely for 17 April 1377 in St Michael's concerning a contract of marriage.

Parties appear personally. Sworn *de veritate dicenda* and questioned, they admit that they promised to marry by saying, "I will have you as my husband." and "I will have you as my wife." Afterwards they had intercourse. Leticia asks that they be judged husband and wife based on their confessions. Next for Robert to propose a reason why the court should not pronounce in favour of marriage and for Leticia to hear the pronouncement.

Fordham] Robertus de Bury commorans in Cantebr' *taillor* et Leticia Littelbury^a de Fordham, tabernaria Luce Lokyere de Cantebr', citati [sunt] coram nobis commissario Elien' ad diem veneris proximo post festum Sanctorum Tiburcii et Valeriani in ecclesia Sancti Michaelis Cantebr' super contractu matrimoniali inter eosdem ut dicitur inito. Partibus personaliter comparentibus, et de veritate dicenda iuratis ac super dicto contractu requisitis fatentur quod promiserunt se invicem ducturos in virum et uxorem sub ista forma, "Ego volo habere te in virum" et "Ego volo habere te in uxorem." Fatebantur eciam quod postea se invicem carnaliter cognoverunt. Quare peciit dicta Leticia ipsum Robertum sibi in virum legitimum ipsamque Leticiam eidem Roberto in uxorem legitimam sentencialiter et diffinitive adiudicari iuxta confessiones suas huiusmodi coram nobis iudicialiter emissas. Unde eidem Roberto proximum consistorium ad proponendum causam rationabilem si quam habeat quare pro matrimonio inter eos iuxta petitionem dicte Leticie non debeat pronunciari dicteque Leticie ad videndum et audiendum pronunciacionem huiusmodi prefigimus et assignamus. [fol. 69r]

[30 Apr 77 (44.27)] Fordham. Leticia by John Wiltshire, proctor *apud acta*; Robert personally. Nothing is proposed which impedes the pronouncement; the court precludes the final term to propose.

Sentence. Because the marriage has been was proved by their confessions, they are judged husband and wife.

Robert appeals to the provincial court *ab iniqua*.

^a Littelbury] *interlined*.

¹ This case is discussed in Donahue, *Law, the name of owner of the tavern from Lucy Marriage, and Society*, T&C no. 507. Correct to Luke.

Fordham] In causa matrimoniali mota inter Leticiam Lyttelbury de Fordham, commorantem in Cant', partem actricem ex parte una et Robertum de Bury, *taillor*, commorantem in Cant', partem ream ex altera, parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, comparente, parte rea personaliter, nichil dicto seu proposito quod dictam pronunciacionem debeat impediri, ideo ipsis viam quicquam ulterius proponendi precludimus per decretum.

sentencia] Et quia invenimus contractum matrimonialem inter eos per ipsorum confessiones coram nobis iudicialiter emissas sufficienter probatum, ideo ipsum Robertum eidem Leticie in virum legitimum ipsamque Leticiam eidem Roberto^b in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis.

A qua sententia tanquem ab iniqua dictus Robertus appellavit ad curiam Cant'. [fol. 71v]

^b Roberto] Johanni.

167. CHESTERTON (2)

[10 Apr 77 (43.35)] Chesterton. Henry vicar of St Etheldreda of Histon, dean of Chesterton, was called by Thomas Gloucester, the commissary of Ely, for contempt. He had refused to execute the court's mandate to pronounce excommunicate everyone who had defamed Agnes daughter of Robert Reynold of Histon by accusing her of committing the crime of fornication with John son of John Alwyn of Histon.

24 April 1377. Henry appears personally in St Michael's. Sworn *de veritate dicenda* and questioned, he admits that he failed to execute the mandate, although he had received it. He submits to the court's grace and is ordered to give alms of 40s to the bishop for his contempt. Henry promises to execute all mandates of the bishop and his deputies, under penalty of 40s to be paid to the bishop. He swears obedience to the bishop, the official, and their commissaries and ministers.

Chestreton' – contemptus – pena] Cum nos Thomas de Gloucestr' clericus commissarius Elien' dominum Henricum vicarium ecclesie Sancte Etheldrede de Histon' decanum decanatus de Chestreton' Elien' diocesis super contemptu et inobediencia eo quod mandatum nostrum licitum et canonicum ad denunciandum, videlicet in genere, excommunicatos omnes et singulos qui Agnetem filiam Roberti Reynold' de Histon' falso nequiter et maliciose difamarunt super crimine fornicacionis cum Johanne filio Johannis Alwyne de eadem ut dicitur commisso sibi directum et traditum exequi non curavit, sed contemptibiliter recusavit, ad diem veneris proximo post festum Sancti Georgii fecerimus coram nobis ad iudicium evocari, idem dictus Henricus vicarius et decanus in ecclesia Sancti Michaelis Cantebr' comparens personaliter coram nobis, et [fol. 69r] de veritate dicenda iuratus ac super dicto contemptu

requisitus, fatebatur quod dictum mandatum nostrum sibi directum recepit et illud non fuit executus licet de exequendo debite interpellatus, unde super dicto contemptu gracie nostre se submisit. Quare dictum dominum Henricum vicarium et decanum in quadraginta solidis elemosine domini .. episcopi applicandis condempnamus pro dicto contemptu et iuravit dictus .. vicarius decanus quod mandata quecumque canonica dicti venerabilis patris sui que .. officialis ac quorumcumque commissariorum suorum de cetero diligenter et fideliter exequetur sub pena quadraginta solidorum elemosine domini .. episcopi applicandorum. Et insuper prefatus .. vicarius et decanus obedienciam canonicam dicto venerabili patri eiusque officiali ac commissario et ministris in licitis et canonicis mandatis prestitit et iuravit ad sancta Dei evangelia per ipsum corporaliter manutacta. [fol. 69v]

168. SUTTON (3)¹

[10 Apr 77 (43.37)] Sutton. Mr Henry Bowet, archdeacon's official, was cited at the instance of William Sutton of Wimpole, chaplain, in an appeal from an injurious citation to a brief and final term and other grievances.

William is absent; Henry appears by William Killerwick, proctor *apud acta*. William will be called to proceed with the case, under penalty of final remission.

Sutton'] Magister Henricus Bowet, officialis domini archidiaconi Elien', citatus [est] ad instanciam domini Willelmi de Sutton' de Wynepol capellani in causa appellacionis ad audienciam nostram interiecte a quadam citacione iniuriosa ad terminum nimis brevem et peremptorium aliisque gravaminibus in ea parte suggestis per dictum officialem pretensum eidem domino Willelmo ut suggeritur illatis. Parte appellante nullo modo comparente, parte appellata per Willelmum Killerwyk', clericum, procuratorem suum apud acta constitutum, ideo decernimus dictam partem appellantem fore vocandam causam appellacionis sue prosecuturam sub pena finalis dimissionis. [fol. 69v]

[30 Apr 77 (44.16)] Sutton. William absent; Henry personally. William will be called to proceed with the appeal under penalty of final remission.

Sutton'] Magister Henricus Bowet officialis domini archidiaconi Elien' citatus [est] ad dictos diem et locum prout idem officialis asseruit ad instanciam domini Willelmi Sutton' capellani in causa appellacionis ad audienciam nostram interiecte occasione citacionis ad terminum nimis brevem et peremptorium ac aliorum gravaminum in hac parte suggestorum. Parte appellante nullo modo comparente, parte vero appellata personaliter, ideo decrevimus dictam partem appellantem fore vocandam appellacionem suam prosecuturam sub pena finalis remissionis. [fol. 70r]

[29 May 77 (45.17)] Sutton. Since William has not been cited nor has Henry insisted that he

¹ See *Sutton (1)*, n. 1.

be cited,² William will be called to proceed next.

Sutton'] In causa appellacionis mota inter dominum Willelmum Sutton' de Wynepol capellanum partem appellantem ex parte una et magistrum Henricum Bowet officialem domini archidiaconi Elien' partem appellatam ex altera, parte appellante nullo modo comparente, parte appellata personaliter, et quia pars appellans non est citata iuxta decretum nec pars appellata instetit ut citaretur,² ideo citetur ad proximum ad idem. [fol. 73r]

[18 Jun 77 (46.15)] Sutton. As 45.17.

Sutton'] In causa appellacionis mota inter dominum Willelmum Sutton' de Wynepol capellanum partem appellantem ex parte una et magistrum Henricum Bowet officialem domini archidiaconi Elien' partem appellatam ex altera, parte appellante nullo modo comparente, parte appellata ut prius, et quia pars appellans non est citata iuxta decretum nec pars appellata instetit, ideo citetur ad proximum ad idem. [fol. 74v]

² *nec pars appellata instetit ut citaretur*. This is not the same phrase that we find quite frequently in the register, *nec per partem stetit*, which we have translated 'nor is it the party's fault', e.g., entries 45.6 and 82.24. In those cases the court's ministers have not done their job, and the consequences of their failure to do so will not be visited the party: another term will be granted to get the job done. Here,

the consequences, and hence the phrase, are different. The implication is that had Henry insisted (or objected, see Latham, s.v. *instantia*), he might have succeeded in having the case dismissed for non-prosecution. Behind both phrases there may be an oblique reference to fees. *Nec per partem stetit* may mean that any fee owing was paid, and *nec pars instetit* may mean that it was not.

169. TRUKKE (1)¹

[30 Apr 77 (44.26)] Trukke. Mr Henry Bowet, archdeacon's official, was cited at the instance of Richard Trukke of Cambridge in an appeal from grievances caused by the official.

Neither appears. The case is pending.

Trukke] Magister Henricus Bowet officialis domini archidiaconi Elien' citatus [est] ad diem et locum supradictos ad instanciam Ricardi Trukke de Cantebr' in causa appellacionis ad audienciam nostram interiecte a certis gravaminibus per ipsum .. officialem eidem ut pretenditur illatis in ea parte suggestis. Neutra pars comparuit, ideo pendeat causa. [fol. 71v]

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, T&C no. 476.

¹ The appellant in this case may be the ant executors in *Rampton*, but the cases do plaintiff in *Trukke* (2) and one of the defend- not seem to be otherwise related.

170. LANGDON¹

[30 Apr 77 (44.28)] Langdon. John Langdon of Cambridge and Margaret Clifford of Blisworth

[Northants], residing at Cambridge, were cited because of a contract of marriage, followed by intercourse.

They appear personally before said commissary. Sworn *de veritate dicenda* and questioned, John admits that he said, "If you are free of another man, I wish to have you as my wife." He claims that after Margaret indicated that there was no one, they had intercourse. Margaret admits that John said, "By my faith I wish to have you as my wife and no one but you, if you are free of others"; intercourse followed. John excepts that at the time of the contract, Margaret had already married Eli Ballard of Easton [i.e., Easton Neston] before the church in the archdeaconry of Northampton, Lincoln diocese, and that Eli was still living. Margaret confirms the exception saying that more than six years before the contract with John, she and Eli had married. John produces John Pichard, priest, who is admitted and sworn. When examined, he says that he knew Eli and Margaret; they were considered married in the village of Blisworth, Easton, and the vicinity. Sworn, John and Margaret say they contracted marriage at the feast of St Michael's one year ago at the latest.

Sentence. The commissary finds the contract of marriage between John and Margaret is void; John is dismissed from Margaret's suit.

Lungedon'] Johannes Lungedon' de Cantebr' et Margareta Clifford' de Bliseworth', commorans in Cant', citati [sunt] super contractu matrimoniali inter eosdem inito carnali copula subsecuta. Utraque comparuit personaliter coram nobis commissario predicto et iurati de veritate dicenda ac super predicto contractu requisiti, dictus Johannes fatetur quod dixit eidem ista verba, "Si sis libera ab omni alio viro volo te habere in uxorem" et dicit quod ipsa nichil respondit et eam postmodo carnaliter cognovit. Dicta vero Margareta fatetur quod dictus Johannes dixit eidem ista verba, "Hic fides mea volo ducere te in uxorem meam et numquam ducam aliam nisi te si sis libera ab aliis" et postea eam carnaliter cognovit. Dictus vero Johannes excipiendo proposuit^a quod tempore dicti contractus ante et post fuerat dicta Margareta nupta in facie ecclesie cuidem Elie Ballard' de Eston' in archidiaconatus Northampton', Lincoln' diocesis, adhuc superstiti. Dicta Margareta dictam exceptionem fatetur, quod sex annis elapsis et amplius diu ante contractum cum dicto Johanne initum fuerat matrimonium inter ipsos Eliam et Margaretam in facie ecclesie de Eston' predictum solempnizatum. Productoque ex habundanti per dictum Johannem uno teste videlicet domino Johanne Pichard' presbytero quo admissio et in forma iuris iurato et examinato, dicit quod novit dictos Eliam et Margaretam et fuerant habiti et reputati pro coniugibus et pro talibus se gesserunt et quod notorium et famosum in villa de Bliseworth' et Eston' et locis convicinis. Dictique Johannes et Margareta iurati dicunt quod matrimonium inter eos initum et contractum, initum fuerat ad festum Sancti Michaelis quod ultimo^b fuit ad unum annum.

sentencia] Unde dictum contractum matrimonialem inter eosdem Johannem et Margaretam initum invalidum et nullum ac non subsistere pronuncia-

^a proposuit] ?*rectius* proponit. ^b ultimo] *probably thought of adverbially; alternatively emend to ultimum.*

mus et declaramus ipsumque Johannem ab impetitione et instancia eiusdem Margarete sentencialiter et diffinitive absolvimus et dimittimus in hiis scriptis. [fol. 71v]

171. HENNY¹

[30 Apr 77 (44.35)] Henny. John Henny jnr of Cambridge and Margery Baldock were cited before Thomas Gloucester, bishop's commissary, for 15 May 1377 in St Michael's, concerning a contract of marriage, followed by intercourse.

They appear personally. Sworn *de veritate dicenda* and questioned, they deny that they contracted. They admit to the intercourse, which subjects them to canonical correction. They willingly contract marriage in common form. John promises to accept Margery as his wife if he knows her physically, and Margery swears to accept John as her husband if he knows her physically. Witnesses: Mr John Potton, BCnL and advocate; Peter Caprik, proctor of Ely consistory; and Ed[war]d chaplain of Castle Camps. [NS]

Heneye] Johannes Heneye de Cantebr' iunior et Margeria Baldok' citati [sunt] coram nobis Thoma de Gloucestr' clerico, venerabilis patris domini .. episcopi Elien' commissario, ad diem veneris proximo post festum Sanctorum Nerrei et Achillei in ecclesia Sancti Michaelis Cant' super contractu matrimoniali inter eosdem ut dicebatur inito et carnali copula subsecuta. Dicti Johannes et Margeria coram nobis dictis die et loco personaliter comparentes et de veritate dicenda iurati ac super premissis contractu et carnali copula requisiti, contractum matrimoniale inter eosdem initum expresse negarunt, carnalem tamen copulam inter eos commissam expresse fatebantur et canonicam inde coram nobis subierunt correccionem. Et incontinenti ibidem dicti Johannes et Margeria de eorum mera et spontanea voluntate coram nobis in iudicio pro tribunali sedente, matrimonium adinvicem contraxerunt sub condicione et forma infrascriptis.

contractus in forma communi] Dictus Johannes accipiens dictam Margeriam per manum dixit eidem, "Hic accipio te in uxorem meam si de cetero cognoscam te carnaliter." Dicta vero Margeria accipiens dictum Johannem per manum dixit eidem, "Hic accipio te in virum meum si de cetero cognoscas me carnaliter." Acta coram dicto .. commissario loco quo supra die veneris supradicto videlicet idus maii anno domini millesimo trecentesimo septuagesimo septimo indiccione quinta decima pontificatus domini Gregorii pape undecimo anno septimo. Presentibus magistro Johanne de Potton' baculario in decretis, avvocato, Petro Caprik' clerico, procuratore consistorii Elien', ac domino Ed[mund]o tunc capellano parochiali de Caumpes Magna, Elien' diocesis, testibus ad premissa vocatis specialiter et rogatis. RF: Foxton. [fol. 72r]

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, 288 and T&C no. 401.

172. WESTON/BRETtenham¹

[29 May 77 (45.22)] Weston. Agnes daughter of Nicholas atte Hull of Stretham was cited at the instance of John Weston of Sutton, leech, in a marriage case.

Parties appear personally. John petitions orally that they be judged husband and wife because they contracted marriage in present words of mutual consent. Agnes contests the suit negatively. Both swore *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce. Fearing that John will flee, the court assigns to him the terms of all acts through the definitive sentence.

Weston'] Agnes filia Nicholai Attehull' de Stretham citata [est] ad dictos diem et locum ad instanciam Johannis Weston' de Sutton' *leche* in causa matrimoniali. Partibus personaliter comparentibus, proposita petitione oretenus qua peciit dictam Agnetem sibi in uxorem ipsumque eidem Agneti in virum adjudicari pro eo quod matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia, lite per dictam Agnetem negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. Et quia de ipsius fuga verisimiliter timemus, prefigimus eidem Johanni terminos ad omnes actus consecutivos in dicta causa usque ad sentenciam inclusive. [fol. 73r]

[29 May 77 (45.23)] Brettenham. The same Agnes daughter of Nicholas atte Hull of Stretham was cited at the instance of John Brettenham of Stretham in a marriage case.

Parties appear personally. John petitions orally that they be judged husband and wife because they contracted marriage in present words of mutual consent, or in future words followed by intercourse. Agnes contests the suit affirmatively. Both swear *de calumpnia*, *de veritate dicenda*, and *de collusionem et malicia*. Next to propose and the first term to produce.

Brettenham] Agnes filia Nicholai Attehull' predicta citata [est] ad dictos diem et locum ad instanciam Johannis Brettenham de Sutton' in causa matrimoniali. Partibus personaliter comparentibus, proposita per dictum Johannem petitione oretenus qua peciit dictam Agnetem sibi in uxorem ipsumque eidem Agneti in virum adjudicari pro eo quod matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia seu per verba de futuro carnali copula subsecuta, lite per dictam Agnetem affirmative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusionem et malicia, datur dies in proximo consistorio partibus predictis ad ponendum et primo producendum. [fol. 73r]

[18 Jun 77 (46.19)] Weston. John absent; Agnes personally. Since John was cited to all acts, he is found contumacious. As his penalty, next to propose and the second term to produce.

Weston'] In causa matrimoniali mota inter Johannem Weston' de Sutton', *leche*, partem actricem ex parte una et Agnetem filiam Nicholai Attehull' de

¹ These cases are discussed in Donahue, on pp. 237–8 is almost certainly that this was *Law, Marriage, and Society*, 237–40 and a three-party case. T&C 414. The answer to the question posed

Stretham partem ream ex altera, parte actrice nullo modo comparente, parte rea personaliter, ideo ipsam partem actricem citatam ad omnes actus in dicta causa reputamus contumacem et in pena contumacie, datur dies in proximo ad ponendum et secundo producendum. [fol. 75r]

[18 Jun 77 (46.20)] Brettenham. John by John Wiltshire, proctor *apud acta*; Agnes personally. John produces two witnesses: John Frisby of Cottenham and Robert Hank of Stretham, who are admitted and sworn. Next to propose and the second term to produce.

Brettenham] In causa matrimoniali mota inter Johannem Brettenham de Stretham partem actricem ex parte una et Agnetem filiam Nicholai Attehull' de eadem partem ream ex altera, parte actrice per Johannem Wiltesshire, clericum, procuratorem suum apud acta constitutum, parte rea personaliter, comparentibus, productis per partem actricem duobus testibus, videlicet Johanne Friseby de Cottenham et Roberto Hank' de Stretham, quibus admissis et in forma iuris iuratis, datur dies in proximo ad ponendum et secundo producendum. [fol. 75r]

[9 Jul 77 (47.18)] Weston. Two witnesses are produced *ex officio* to remedy John's failure and as penalty for his contumacy: William Wright of Stretham and Katherine his wife, who are admitted, sworn, and examined. With Agnes' consent and as penalty for John's contumacy, the testimony is published since from the beginning John has claimed to have no more witnesses. The case is concluded. 18 July to hear the definitive sentence.

18 July. As penalty for John's contumacy, at Agnes' request, and since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because John has not proved his intention, Agnes is absolved and dismissed. The matter is left to their consciences.¹

Weston'] In causa matrimoniali mota inter Johannem Weston' de Sutton' *le-che* partem actricem ex parte una et Agnetem filiam Nicholai Attehull' de Stretham partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, sed productis per officium nostrum supplendo defectum^a et contumaciam ipsius partis actricis duobus testibus ut eruatur veritas, videlicet Willelmo Wrighte de Stretham et Katerina uxore sua per dictum Johannem Weston' nuper nominatis, quibus admissis et in forma iuris iuratis, examinatis et de consensu partis ree ac in pena contumacie partis actricis^b citate ut premittitur ad omnes actus non comparentis eorum attestacionibus publicatis, presertim cum dictus Johannes ab inicio asseruit se non habere plures testes factaque conclusione in causa predicta, datur dies sabbati proximo post festum translacionis Sancti Swithini proximo futurum loco quo supra ad audiendum sentenciam in dicta causa diffinitivam.

Quibus die et loco parte actrice nullo modo comparente, parte rea ut prius,

^a defectum] *reading unclear, but this is probably what is meant.* ^b actricis] *ree*

¹ For the phrase *eorum conscienciis relinquendo*, see Introduction.

ideo ipsam partem actricem citatam ad omnes actus et ad audiendum sententiam nullo modo comparentem reputamus contumacem et in penam contumacie sue et ad petitionem partis ree, nos Johannes de Neuton', domini .. officialis Elien' commissarius specialiter deputatus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos .. commissarius antedictus invenimus predictam partem actricem intencionem suam in nullo probasse sed in probacione eiusdem totaliter defecisse, ipsam Agnetem partem ream ab instancia eiusdem Johannis partis actricis sentencialiter et diffinitive absolvimus et dimittimus in hiis scriptis, eorum conscienciis relinquendo. [fol. 76v]

[9 Jul 77 (47.19)] Brettenham. No other witnesses are produced and the final production is renounced. The witnesses are examined, their testimony is published, and the case is concluded with the parties' consent. 18 July to hear the definitive sentence.

Since the entire process has been investigated and deliberation has been held with experienced counsel, John Newton, commissary of the official, proceeds to the definitive sentence.

Sentence. Because John has proved his intention, based on Agnes' confession, and no impediment has been proved, John and Agnes are judged husband and wife. The marriage is ordered solemnized at an appropriate time and place, if no other impediment exists.

Brettenham] In causa matrimoniali mota inter Johannem Brettenham de Strettham partem actricem ex parte una et Agnetem filiam Nicholai Attehull' de eadem partem ream ex altera, partibus ut prius comparentibus, nullis aliis testibus productis sed renunciato ulteriori produccioni examinatis testibus productis et eorum attestacionibus publicatis factaque per nos de consensu parcium nobiscum concludencium conclusionem in causa, datur dies sabbati proximo post festum translacionis Sancti Swithini proximo futurum loco quo supra ad audiendum sententiam in dicta causa diffinitivam.

Quibus die et loco partibus predictis coram nobis Johanne de Neuton', clerico, domini .. officialis Elien' commissario in hac parte specialiter deputato, ut prius comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos .. commissarius antedictus invenimus intencionem suam per confessionem partis ree iudicialiter emissam sufficienter probasse nec aliquod impedimentum invenimus probatum quod ob stare debeat, ideo ipsum Johannem Brettenham eidem Agnete in virum legitimum ipsamque Agnetem eidem Johanni in uxorem legitimam senten-

cialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimomium fore inter eos in facie ecclesie solempnizandum si nullum aliud subsit impedimentum pro loco et tempore opportunis. [fol. 76v]

173. WILLINGHAM (2)¹

[29 May 77 (45.25)] Willingham. Robert Sparhawk of Cambridge was cited at the instance of Agnes wife of John Willingham of Cambridge in a defamation case.

Parties appear personally. An oral libel is given and requested written. 1 June to receive it in writing.

1 June. The written libel is received. Next to respond.

Wyvelyng[ham] Robertus Sparhawk' de Cantebr' citatus [est] ad instanciam Agnetis uxoris Johannis Wyvelyng[ham] de eadem in causa diffamacionis. Partibus personaliter comparentibus libellato oretenus per partem actricem petitoque per partem ream in scriptis, datur dies lune proximo futurus ad^a recipiendum in scriptis.

Quo die adveniente partibus personaliter comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo parti ree ad respondendum eidem. [fol. 73v]

[18 Jun 77 (46.22)] Willingham. Agnes by Peter Caprik, proctor *apud acta*, Robert absent. Both expected next to respond with hope of peace.

Wyvelyng[ham] In causa diffamacionis mota inter Agnetem uxorem Johannis Wyvelyng[ham] de Cant' partem actricem ex parte una et Robertum Sparhawk' de eadem partem ream ex altera, parte actrice per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, comparente, parte rea nullo modo, ideo expectamus absentem cum presente usque proximum ad idem, videlicet ad respondendum libello sub spe pacis. [fol. 75r]

[9 Jul 77 (47.21)] Willingham. Agnes by proctor; Robert personally. Robert contests the suit, as contained in the libel, negatively. Next to swear *de calumpnia*, to propose, and the first term to produce.

Wyvelyng[ham] In causa diffamacionis mota inter Agnetem uxorem Johannis Wyvelyng[ham] de Cant' partem actricem ex parte una et Robertum Sparhawk' de eadem partem ream ex altera, parte actrice per dictum procuratorem suum comparente, parte rea personaliter, lite per dictam partem ream ad dictum libellum negative contestata, datur dies in proximo hincinde ad iurandum de calumpnia et ad ponendum et primo producendum. [fol. 76v]

^a ad] in.

¹ The relationship between these two defamation cases, brought by the same woman against two different defendants within a few weeks of each other, cannot be proven from the record that we have, but it seems likely that there is some connection.

[9 Jul 77 (47.28)] Willingham. Margaret wife of John Hogon of Cambridge was cited at the instance of Agnes wife of John Willingham of Cambridge in a defamation case.

Parties appear personally. A written libel is received. Next to respond.

Wyvelyngham] Margareta uxor Johannis Hogon' de Cantebr' citata [est] ad instanciam Agnetis uxoris Johannis Wyvelyngham de Cantebr' in causa dif-famacionis. Partibus personaliter comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum. [fol. 77r]

[30 Jul 77 (48.15)] Willingham. With the parties' consent, next to swear *de calumpnia*, to propose, and the first term to produce with hope of peace.

Wyvelyngham] In causa diffamacionis mota inter Agnetem uxorem Johannis Wyvelyngham de Cant' partem actricem ex parte una et Robertum Sparhauk' de eadem partem ream ex altera partibus ut prius comparentibus, de quorum consensu datur dies in proximo ad idem quod prius sub spe pacis, videlicet ad iurandum de calumpnia et ponendum et primo producendum. [fol. 78v]

[30 Jul 77 (48.21)] Willingham. With parties' consent, next to respond to the libel.

Wyvelyngham] In causa diffamacionis mota inter Agnetem uxorem Johannis Wyvelyngham de Cant' partem actricem ex parte una et Margaretam uxorem Johannis Hogon' de eadem, partem ream ex altera, partibus ut prius comparentibus, de quarum consensu expresso datur dies in proximo ad idem quod prius, videlicet ad respondendum libello. [fol. 78v]

[1 Oct 77 (49.15)] Willingham. No witnesses are produced. Next to propose and the second term to produce.

Wyvelyngham] Partibus ut prius comparentibus, nullis testibus productis, datur dies in proximo ad ponendum et secundo producendum. [fol. 79v]

[1 Oct 77 (49.21)] Willingham. As 48.21.

Wyvelyngham] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad respondendum libello. [fol. 79v]

[22 Oct 77 (50.12)] Willingham. Agnes produces five witnesses: Margaret Wight, Denise Norris, Alice Mason, Ellen Blaunche, and Matilda Grey, who are admitted and sworn. Next to publish the testimony.

Wyvelyngham] Partibus ut prius comparentibus, productis per partem actricem quinque testibus, videlicet Margareta Wight', Dionisia Noreys, Alicia Mason', Elena Blaunche' et Matilde Grey, quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum attestaciones. [fol. 80v]

[22 Oct 77 (50.16)] Willingham. Agnes personally; Margaret by Walter Sutton, proctor. Margaret contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Agnes produces three witnesses: Margaret Wight, Alice Mason, and Ellen Blaunche of Cambridge, who are admitted and sworn. Next to propose and the second term to produce.

Wyvelyngham] Parte actrice personaliter, parte vero rea per Walterum de Sutton', procuratorem suum, lite per dictum Walterum procuratorem negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, productisque per partem actricem tribus testibus, videlicet Margareta Wight', Alicia Mason', et Elena Blaunche de Cant', quibus admissis et in forma iuris iuratis, datur dies in proximo ad ponendum et secundo producendum. [fol. 80v]

[12 Nov 77 (51.12)] Willingham. Since the witnesses have not yet been examined, next to publish the testimony.

Wyvelyngham] Partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum. [fol. 81v]

[12 Nov 77 (51.16)] Willingham. No other witnesses or positions are brought. Next to propose and the third term to produce.

Wyvelyngham] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 81v]

[3 Dec 77 (52.12)] Willingham. As 51.12.

Wyvelyngham] Partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum. [fol. 82v]

[3 Dec 77 (52.16)] Willingham. With the parties' consent, next to propose and the third term to produce.

Wyvelyngham] Partibus ut prius comparentibus, de quarum consensu datur dies ad idem in proximo. [fol. 82v]

[22 Dec 77 (53.11)] Willingham. As 51.12.

Wyvelyngham] Partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum. [fol. 85r]

[22 Dec 77 (53.15)] Willingham. Since the witnesses have not yet been examined, next to publish the testimony.

Wyvelyngham] Partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum. [fol. 85r]

[14 Jan 78 (54.13)] Willingham. With the parties' consent, next to publish with hope of peace.

Wyvelyngham] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod prius sub spe pacis. [fol. 86v]

[14 Jan 78 (54.16)] Willingham. With the parties' consent, next to publish with hope of peace.

Wyvelyng[ham] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod prius sub spe pacis. [fol. 86v]

[4 Feb 78 (55.13)] Willingham. With the parties' consent, the case is pending with hope of peace.

Wyvelyng[ham] In causa diffamacionis mota inter Agnetem uxorem Johannis Wyvelyng[ham] de Cantebr' partem actricem ex parte una et Robertum [fol. 87v] Sp'hank' de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu pendet sub spe pacis. [fol. 88r]

[4 Feb 78 (55.15)] Willingham. Peace has been restored.

Wyvelyng[ham] – pax] In causa diffamacionis mota inter Agnetem uxorem Johannis Wyvelyng[ham] de Cant' partem actricem ex parte una et Margaretam uxorem Johannis Hogon' de eadem partem ream ex altera, pax est. [fol. 88r]

174. KYMWELL¹

The common law that would have been applied to the homicide that is conceded to have happened in this case and to Simon Kymwell's exception of self-defence was well explored by Thomas Green a number of years ago.² It is striking how closely Simon's exception tracks what he would have had to say before the royal justices (and what the jurors would have had to say if they accepted his defence of self-defence). This homicide was probably also the subject of secular criminal proceedings, but we have not searched for the records of them. In this case, Simon does not succeed in escaping from the major excommunication imposed by the canon *Si quis suadente diabolo*.³ It is hard to imagine that he was quite so innocent as he claims in his exception, but lacking the depositions and having only a formulaic sentence, we cannot tell to what extent his defence fails because it was legally insufficient.⁴

[29 May 77 (45.26)] Kymwell. Simon Kymwell of Caldecote, layman, was cited *ex officio* before Thomas Gloucester, commissary of the bishop, for his correction. Simon had assaulted Nicholas Kymwell, vicar of Caldecote and priest, who was well known as a cleric by his habit and tonsure. Because Simon had beaten Nicholas, killing him in his fury, he incurred major excommunication according to the canon *Si quis suadente diabolo*.

Simon appears personally. Sworn *de veritate dicenda* and questioned, he admits that knowing fully that Nicholas was a priest and cleric and having the intention of wounding Nicholas, he killed him. Simon proposes to justify the deed and to show that it was done in a case permitted by law. Nicholas had entered Simon's house at night, accusing and insulting him before others, and when Simon replied moderately, Nicholas jumped up in a rage and seized Simon by the arms and shoulders and held him. Simon shrank from the power and malice of Nicholas, who was preparing to strike him with all his force. Believing that unless he

¹ In *Bourn* (entry 45.30), the dean of Bourn is cited for contempt for failing to cite Simon Kymwell in this case.

² Green, "Societal Concepts," 669–94; *id.*, *Verdict According to Conscience*, 28–64.

³ See Citations to Canon Law, *Si quis*.

⁴ The canon *Si quis suadente* was subject to considerable commentary by the canonists as they sought to outline the principles of criminal liability. The classic study is Stephan Kuttner's *Kanonistische Schuldlehre*, references in index, s.v. *Sakrileg*.

killed the vicar the vicar would kill him, Simon pulled out a knife and fatally wounded Nicholas. Otherwise, he claims, he would not have escaped unharmed; he had not intended to kill Nicholas but to strike him lightly in order to escape. Simon produces three witnesses to prove his justification: Walter Kymwell of Caldecote, William Sampson of Boxworth, and William Whiteside of Swavesey, who are admitted and sworn. Next the second term to produce.

Kymwell'] Simon Kymwell' de Caldecote Elien' diocesis, mere laicus, citatus [est] coram nobis Thoma de Glouc' clerico, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissario ad infra-scripta specialiter deputato, ex officio mero dicti venerabilis patris et nostro ad meram anime sue correccionem super eo quod idem Simon in quemdam dominum Nicholaum Kymwell', vicarium ecclesie de Caldecote, clericum et presbyterum, in presbyteratus et clericatus possessione notorie existentem, habitum et tonsuram clericales deferentem et pro tali se gerentem et notorie habitum et reputatum, manus iniecit temere violentas in casu a iure non permissio, ipsum enormiter verberando atrociter vulnerando et tandem in ulteriorem furoris rabiem dilapsus, ipsum inhumaniter interfecit, sententiam maioris excommunicationis a canone *Si quis suadente diabolo* in ea parte latam dampnaliter incurrando. Dictus Simon comparens personaliter coram nobis ac de veritate dicenda iuratus et super premissis requisitus, fatebatur quod ipsum dominum Nicholaum vicarium et presbyterem patrem suum spirituales, in possessione, habitu^a et tonsura clericatus et presbyteratus notorie existentem et pro tali se gerentem et publice reputatum, sciens ipsum esse talem manus violentas iniecit^b ipsumque vulneravit quo pretextu moriebatur. Dictam tamen confessionem et factum suum huiusmodi iustificando proposuit quod hoc non fecit termere nec in casu a iure prohibito sed iuste et iure permittente et in casu quo sibi de iure licuit pro eo et ex eo quod dictus dominus Nicholaus vicarius in domum istius Simonis noctanter ingressus, ipsum Simonem verbis probrosis et contumeliosis publice et coram pluribus opprobriose increpavit, ipsumque multipliciter vilipensit. Et cum idem Simon huiusmodi verbis contumeliosis cum moderacione tantum verborum respondisset, dictus dominus Nicholaus vicarius in nimiam proterviam se extollens, vultu turbato et animo iracundo surgens de loco quo sedebat, ipsum Simonem arripuit per scapulas et brachia violenter et ipsum detinuit in humeris suis et ad percuciendum se totis viribus se paravit. Cumque dictus Simon ipsius domini Nicholai potenciam et maliciam merito perhorrescens non speravit se posse^c alio modo ipsius manus evasisse vivus^d credensque verisimiliter quod nisi ipsum vicarium interfecisset, idem vicarius interfecis-

^a in possessione, habitu] quite unusually Foxton put a virgula between possessione and habitu, perhaps to indicate that we are to take habitu et tonsura as ablatives of means; the phrase will parse whether we take it that way or take habitu et tonsura in series with possessione, all three governing clericatus et presbyteratus. ^b iniecit] the mark following this is either another virgula or a mistake. ^c non speravit se posse] speravit se non posse. ^d vivus] rectius vivum, probably attracted to the nominative by dictus Simon and credens.

set dictum Simonem, idem Simon extincto lumine quod erat in dicta domo et extracto cultello ipsum percussit de quo moriebatur et sic manus suas evasit illesus, alias ut credit non evasurus. Nec fuit intencionis sue, ut dicit, ipsum interficere sed leviter percutere ut evaderet manus suas vivus, ab omni temeritate se penitus abstinendo. Productisque per dictum Simonem ad probandum dictam iustificacionem tribus testibus, videlicet Waltero Kymwell' de Caldecote, Willelmo Sampson de Bokesworth' et Willelmo Whitside de Swaveseye, quibus admissis et in forma iuris iuratis, datur dies in proximo ad secundo producendum. [fol. 73v]

[18 Jun 77 (46.23)] Kymwell. Simon produces two witnesses: John Gellion of Caldecote and John King of Caldecote, who are admitted and sworn. Simon renounces the final production. Next to publish the testimony.

Kymwell'] In causa seu negocio violencie^e ex officio nostro mota contra Simonem Kymwell' de Caldecote, predicto Simone personaliter comparente, productisque per eum duobus testibus, videlicet Johanne Gelyn de Caldecote et Johanne Kyng' de eadem, quibus admissis et in forma iuris iuratis, renunciato per eundem ulteriori produccioni,^f datur dies in proximo ad publicandum et publicari videndum attestaciones testium predictorum. [fol. 75r]

[9 Jul 77 (47.22)] Kymwell. Since all witnesses have not been examined, next to publish the testimony. They are ordered examined in the meanwhile.

Kymwell'] In causa seu negocio violencie ex officio nostro mota contra Simonem Kymwell' de Caldecote, predicto Simone personaliter comparente, sed quia testes non sunt omnes examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum et interim examinentur. [fol. 76v]

[30 Jul 77 (48.16)] Kymwell. With Simon's consent, next to publish the testimony.

Kymwell'] In causa violencie ex officio nostro mota contra Simonem Kymwell' de Caldecote, predicto Simone personaliter comparente, expectamus de ipsius consensu dictam causam usque proximum ad idem, videlicet ad publicandum attestaciones. [fol. 78v]

[1 Oct 77 (49.16)] Kymwell. The testimony is published; a copy is ordered for Simon. The terms to speak against witnesses and testimony and to propose anything concerning the matter are renounced; the case is concluded. Next to hear the definitive sentence.

Kymwell'] Predicto Simone ut prius comparente, publicatis attestacionibus, decreta copia parti, renunciato^g terminis de dicendo in testes seu eorum dicta et de proponendo quicquam in facto seu iure consistens factaque conclusione in causa, datur dies in proximo ad audiendum sententiam diffinitivam. [fol.

^e violencie] *interlined*. ^f renunciato per eundem ulteriori produccioni] *the endings of the datives are spelled out, making it clear that Foxton thought of the participle as being impersonal and that renunciare took the dative; cf. Foxton/Snow entry 64.34 and passim.* ^g renunciato] *see n. f.*

79v]

[22 Oct 77 (50.13)] Kymwell. Next to hear the definitive sentence.

Kymwelle] Predicto Simone ut prius comparente, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 80v]

[12 Nov 77 (51.13)] Kymwell. As 50.13.

Kymwelle] Predicto Simone ut prius comparente, datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 81v]

[3 Dec 77 (52.13)] Kymwell. As 50.13.

Kymwelle] Predicto Simone ut prius comparente, datur dies in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 82v]

[22 Dec 77 (53.12)] Kymwell. Simon appears by Peter Caprik, proctor, before Thomas Gloucester, commissary general of official. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Based on Simon's confession, he is found to have assaulted Nicholas vicar of Caldecote, but not to have proved his justification. Simon is declared excommunicate, according to the canon *Si quis suadente diabolo*.⁵

Simon's proctor appeals *ab iniqua* and requests *apostoli*.

Kymwell'] In causa violencie mota ex officio nostro contra Simonem Kymwell' de Caldecote, predicto Simone per Petrum Caprik', clericum, procuratorem suum, comparente coram nobis Thoma de Gloucestre clerico, domini officialis Elien' commissario generali, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iurisperitorum nobis assidencium, Christi nomine primitus invocato, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum Simonem manus violentas in dominum Nicholaum vicarium ecclesie de Caldecote, presbyterum, iniecisce per ipsius confessionem coram nobis iudicialiter emissam nec invenimus ipsum iustificacionem suam in hac parte deductam probasse sed in probacione eiusdem penitus defecisse, ideo ipsum Simonem in sentenciam maioris excommunicacionis a canone illo *Si quis suadente diabolo* latam in hac parte sentencialiter et diffinitive pronunciamus et declaramus in hiis scriptis.

A qua sentencia tanquam ab iniqua dictus procurator nomine procuratorio appellavit et apostolos peciit. [fol. 85r]

⁵ See n. 3–4.

175. BURWELL (2)¹

[29 May 77 (45.27)] Burwell. John Burwell of Horseheath and Margaret Stisted of [West] Wickham were cited before the commissary concerning a contract of marriage, brought to the court's attention by public fame.

Parties appear personally. Sworn *de veritate dicenda* and questioned, John admits that he promised to marry Margaret conditionally by saying, "I wish to have you as my wife if my parents consent." Margaret replied, "I wish to have you as my husband." He says intercourse followed. Margaret claims they promised to marry unconditionally and then had intercourse. 1 June to hear pronouncement based on their confessions.

1 June. John admits that they contracted at different times. One time they contracted conditionally and before they had received his family's consent, he had intercourse with Margaret. Next to hear pronouncement.

Borewelle] Johannes Borewell' de Horseth' et Margareta Stistede de Wykham, Elien' diocesis, citati [sunt] coram nobis .. commissario Elien' super contractu matrimoniali inter eosdem inito prout fama publica referente ad nostram pervenit audienciam. Dicti Johannes et Margareta coram nobis personaliter comparentes et de veritate dicenda iurati ac super premissis requisiti, dictus Johannes fatetur quod promisit ipsam [fol. 73v] Margaretam ducere in uxorem sub ista condicione et forma, "Volo habere te in uxorem meam si parentes mei consenciant," fatetur eciam quod ipsa respondit, "Volo habere te in virum meum." Fatetur insuper quod ipsam postea carnaliter cognovit. Dicta vero Margareta fatetur quod dictus Johannes promisit ipsam ducere in uxorem et quod ipsa consenciat ipsum habere in virum simpliciter et sine condicione carnali copula subsecuta, unde habent diem lune proximo futurum loco quo supra ad audiendum pronunciacionem super confessatis.

Quibus die et loco partibus coram nobis personaliter comparentibus, dictus Johannes iterum fatebatur quod diversis vicibus sic ut promittitur adinvicem contraxerunt et dixit quod una vice sic contraxit et ante requisicionem consensus amicorum ipsam Margaretam carnaliter cognovit. Unde diem in proximo consistorio loco quo supra partibus predictis ad audiendum pronunciacionem super confessatis prefigimus et assignamus. [fol. 74r]

[18 Jun 77 (46.24)] Burwell. John absent; Margaret by Walter Sutton, proctor *apud acta*. Walter accuses John of contumacy and wants the sentence given in Margaret's favour, as penalty to John. He asks that John and Margaret be judged husband and wife, based on their confessions. Since John has been summoned and long expected, the court finds him contumacious and as penalty proceeds to the definitive sentence.

Sentence. Because a contract of marriage has been proved according to their confessions, John and Margaret are judged husband and wife. The marriage is ordered solemnized before the church at an appropriate time and place.

Borewell'] In causa seu negocio matrimoniali ex officio nostro mota contra

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, T&C no. 476.

Johannem Borewell' de Horseth' et Margaretam Stistede de Wykham, predicto Johanne nullo modo comparente, dicta vero Margareta per Walterum de Sutton', clericum, procuratorem suum apud acta constitutum comparente et sententiam pro se ferri petente in penam contumacie dicti Johannis non comparentis, cuius contumaciam accusavit, petendo videlicet ipsum Johannem eidem Margarete in virum legitimum ipsamque Margaretam eidem Johanni in uxorem legitimam iuxta eorum confessiones coram nobis iudicialiter emissas, unde dictum Johannem preconizatum diucius expectatum nullo modo comparentem reputamus contumacem et in penam contumacie sue huiusmodi ut eius absencia de presencia suppleatur ad prononciacionem sive sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos .. commissarius generalis reverendi viri domini .. officialis Elien' invenimus contractum matrimonialem inter dictos Johannem et Margaretam initum per eorum confessiones coram nobis iudicialiter emissas sufficienter probatum, ipsum Johannem eidem Margarete in virum legitimum, ipsam vero Margaretam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium fore inter eos in facie ecclesie solempnizandum pro loco et tempore opportunis. [fol. 75r]

176. *WHITESIDE*

The syntax of this entry is unusually sloppy, though the basic meaning is clear. It is possible that Foxton, or even the commissary, was quite upset at what Whiteside had done, though the penance enjoined is relatively mild. The fact that there is no case in the register involving a woman with the name of the one who was supposed to be denounced as suspended may mean that there was some truth to Whiteside's defence. His relationship to the woman is never explained.

[29 May 77 (45.29)] Whiteside. William Whiteside of Cottenham was cited for 5 June 1377 in Doddington church before the bishop or his commissary because he impeded the jurisdiction of the church when he violently seized a mandate from the chaplain of Cottenham and tore it up. The mandate ordered the chaplain publicly to pronounce Matilda Heryngmongere suspended from entering church because she had not appeared when cited *ex officio* for her correction and had been found contumacious and suspended.

William appears personally before Thomas Gloucester, bishop's commissary, and submits himself to correction. When questioned, he admits that he seized the mandate, but not from contempt or to impede ecclesiastical jurisdiction. William promises to do penance for the obstruction. He is ordered to circle the church before the procession, carrying a candle in the manner of a penitent.

Whitside] Cum nos Willelmum Whytside de Cotenham super eo quod cum quamdā Matildem Heryngmongere de Cotenham citatam super sibi obiciendis ex officio nostro meram anime sue correccionem concernentibus non comparentem, reputaverimus contumacem et pro sua contumacia ab ingressu

ecclesie suspenderimus ipsamque sic suspensam mandaverimus per .. capellanium parochialem de Cotenham publice nunciari, dictus Willelmus mandatum nostrum huiusmodi de manibus dicti capellani violenter surripuens, ipsum mandatum delaceravit et iurisdictionem nostram ac ipsius exercitium nequiter impedivit, [ut]^a ad diem veneris proximo post festum Sancte Petronille virginis in ecclesia parochiali de Dodyngton' coram venerabili patre domino .. episcopo Elien' eiusve commissario compareat [ipsum] fecerimus ad iudicium evocari; dictus Willelmus coram nobis Thoma de Glouc' clerico, dicti venerabilis patris commissario, postmodo comparens personaliter et nostris ordinacioni, correccioni et disposicioni in omnibus se submitit. Ac subsequenter super perturbacione et impedimento huiusmodi iurisdictionis requisitus, fatebatur quod dictum mandatum nostrum de manibus dicti capellani violenter surripuit et delaceravit, non tamen, ut dixit, in contemptum nec impedimentum iurisdictionis ecclesie sed credens quod per quemdam adversarium et emulum^b suum fuerat maliciose impetratum, ad resistendum sue malicie et non alias facturus hoc fecit. Unde dictus Willelmus iuravit ad sancta Dei evangelia per ipsum corporaliter tacta quod de cetero taliter non delinquet et pro huiusmodi impedimento penitentiam faciet iniungendam – iniunximus^c sibi quod circueat ecclesiam coram processione et deferat in manu sua unam candelam more penetencie. [fol. 74r]

^a ut] *alternatively, emend by leaving out* compareat. ^b emulum] *has an extra minim in mu.*

^c iniungendam – iniunximus] *the punctuation is Foxton's, a combination of a dramatic mark of suspension on iniungend', a punctus elevatus, and a virgula on top of that; the syntax falls apart, and he starts off all over again.*

177. STANFORD

The executors of Mr Roger de Stanford, late rector of Over, bring an action against John Bokelond of Over. Curiously, the executors are never named, nor are any proceedings recorded in the register concerning the probate of Mr Roger's testament or the administration of his estate or of his church. Witnesses are introduced, and the executors request and obtain compulsion of Mr John Potton, an advocate of the court who regularly served as a special commissary. The case is then halted by a royal prohibition. Approximately a year later, the executors bring another action against one Richard de Thurroke of Cambridge. This may be an attempt to bypass the prohibition by suing another man about the same matter (about which we are not informed), or it may be unrelated except that the same executors are suing.

[29 May 77 (45.37)] Stanford. John Buckland of Over was cited at the instance of the executors of Mr Roger de Stanford's testament in a testamentary case.

The executors appear personally; John by Peter Caprik and Walter Sutton, proctors by letter giving them the authority to act jointly or severally.¹ An oral libel is given and requested written. Next to receive it in writing.

Stanford'] Johannes Bokelond' de Overe citatus [est] ad instanciam executorum testamenti magistri Rogeri de Stanford' in causa testamentaria. Parte ac-

trice personaliter, parte rea per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, una cum Walteri de Sutton' cum illa clausa coniunctim et divisim ita quod non sit melior condicio occupantis, comparentibus, libellato per partem actricem oretenus petitoque per partem ream in scriptis, datur dies in proximo ad libellandum in scriptis et parti ree ad recipiendum dictum libellum. [fol. 74v]

[18 Jun 77 (46.26)] Stanford. Executors by John Wiltshire proctor; John by both proctors. A written libel is received and a copy handed over for the registry.² Next to respond.

Stanford'] In causa testamentaria mota inter .. executores testamenti magistri Rogeri de Stanford' partem actricem ex parte una et Johannem Bokelond' de Ov'e partem ream ex altera, parte actrice per Johannem Wiltesshir', clericum, procuratorem suum comparente, parte vero rea per Petrum Caprik' et Walterum de Sutton', procuratores suos litteratorie constitutos cum illa clausa coniunctim et divisim ita quod non sit melior condicio occupantis quorum uterque dicit se velle occupare, dictus Walterus asserit et fatetur quod libellum in dicta causa recepit in scriptis prout dies requirit. Dimissa ipsius copia penes registrum, datur dies in proximo ad respondendum eidem. [fol. 75r]

[9 Jul 77 (47.24)] Stanford. Executors by Wiltshire, proctor *apud acta*; John by Peter Caprik, proctor by letter. Because John's proctor was only just given the libel, next to respond.

Stanford'] In causa testamentaria mota inter .. executores testamenti magistri Rogeri de Stanford' nuper rectoris de Overe partem actricem ex parte una et Johannem Bokelond' de Over' partem ream ex altera, parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, comparente, parte rea per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, et quia dictus Petrus procurator nondum habuit libellum sed iam sibi traditur de novo, datur dies in proximo ad respondendum eidem. [fol. 76v]

[30 Jul 77 (48.18)] Stanford. Executors absent; John by proctor. Expected next for John to respond to the libel.

Stanford'] In causa testamentaria mota inter executores testamenti magistri

¹ It is unclear why this feature of the proxy is spelled out in the *acta* in this case and not in others where there is more than one proctor. Both Peter Caprik and Walter Sutton were regular proctors of the consistory, though Peter was the more senior (see entry 39.38). The phrase *ita quod non sit melior condicio occupantis* seems to mean that the joint and several feature of the proxy continues despite the fact that at one particular session only one proctor acts. It is spelled out even further in the next entry which adds *quorum uterque*

dicit se velle occupare, which may mean that the joint and several feature of the proxy continues even if one of the proctors says that he is taking over the entire case to the exclusion of the other. A somewhat less cryptic versions of this clause is found in the proxy recorded in entry 5.11: *coniunctim et divisim et quemlibet eorum insolidum ita quod non sit melior condicio occupantis sed quod unus eorum inciperit alius proseguire valeat et finire*.

² For this translation, see Introduction.

Rogeri de Stanford' partem actricem ex parte una et Johannem Bokeland' de Overe partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, ideo expectamus absentem cum presente ad proximum ad idem, videlicet ad respondendum libello. [fol. 78v]

[1 Oct 77 (49.18)] Stanford. John contests the suit negatively; the parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Stanford'] Partibus ut prius comparentibus, lite per dictum Petrum procuratorem partis ree negative contestata, iuratis partibus hincinde in personis dictorum procuratorum de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 79v]

[22 Oct 77 (50.15)] Stanford. The executors produce John de Stanton, chaplain of Over. Next to propose and the second term to produce.

Stanford'] Partibus ut prius comparentibus, producto per partem actricem uno teste, videlicet domino Johanne de Stanton' capellano de Over', quo admissio et in forma iuris iurato, datur dies in proximo ad ponendum et secundo producendum. [fol. 80v]

[12 Nov 77 (51.15)] Stanford. No other witnesses are produced. The compulsion of Mr John Potton is requested; decreed with faith given. Next to produce the compelled, to propose, and the third term to produce.

Stanford'] Partibus ut prius comparentibus, nullis aliis testibus productis, sed petita compulsio magistri Johannis de Potton', qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsus et ad ponendum et tercio producendum. [fol. 81v]

[3 Dec 77 (52.15)] Stanford. Thomas Hegh of Over is produced, admitted and sworn. Since John Potton has not been cited, he will be cited to the next session.

Stanford'] Partibus ut prius comparentibus, producto uno teste, videlicet Thoma Hegh' de Overe, quo admissio et in forma iuris iurato, et quia testis compellendus videlicet magister Johannes de Potton' non potuit hucusque citari, ideo citetur ad proximum. [fol. 82v]

[22 Dec 77 (53.14)] Stanford. Since Potton has not yet been cited, he will be cited to the next session.

Stanford'] Partibus ut prius comparentibus, quia testis compulsus nondum est citatus, ideo citetur ad proximum ad idem, videlicet ad producendum compulsus. [fol. 85r]

[14 Jan 78 (54.15)] Stanford. A royal prohibition was sent to court on John's behalf. The court orders the case suspended until it has a consultation.

Stanford'] Ex parte rea porrecta est nobis regia prohibicio, ideo decernimus fore supersuspendendum quousque consultationem poterimus optinere. [fol. 86v]

[2 Dec 78 (67.34)] Stanford. Richard de Thurrock of Cambridge was cited at the instance of the executors of Roger de Stratford's testament in a testamentary case.

The executors appear personally; Richard is absent, found contumacious, and suspended from entering church.

Stanford'] Ricardus de Thurrok' de Cantebr' citatus ad instanciam executorum testamenti magistri Rogeri de Stanford' in causa testamentaria personaliter comparencium non comparet, ideo ipsum reputamus contumacem et pro sua contumacia ipsum suspendimus ab ingressu ecclesie in hiis scriptis. [fol. 105v]

[23 Dec 78 (68.31)] Stanford. The execution of the suspension is ordered.

Stanford'] Fiat executio. [fol. 106v]

178. BASSINGBOURN (1)

The context of this case is discussed in introduction to *Gilbert*. These cases, an *ex officio* action promoted by William Adekyn of Basingbourn against the vicar of Basingbourn for alleged adultery with William's wife, and a parallel action for defamation brought by the vicar against William were eventually settled. The suggestion in the introduction to *Gilbert*, that the court may have played some role achieving the settlement seems particularly appropriate here.

[29 May 77 (45.38)] Basingbourn. William Adkin of Basingbourn was cited at the instance of Robert vicar of Basingbourn in a defamation case.

Robert appears personally; William is absent, found contumacious and suspended from entering church.

Basingbourn' – suspensio] Willelmus Adekyn de Basingbourn' citatus [est] ad dictos diem et locum ad instanciam domini Roberti vicarii ecclesie de Basingbourn' in causa diffamacionis. Parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam partem ream reputamus contumacem et in pena contumacie sue huiusmodi, ipsam ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 74v]

[18 Jun 77 (46.27)] Basingbourn. Parties personally. William excepts to his suspension because he was not cited, which he offers to prove. Next to prove.

Basingbourn'] In causa diffamacionis mota inter dominum Robertum vicarium ecclesie de Basingbourn' partem actricem ex parte una et Willelmum Adekyn [fol. 75r] de eadem, alias suspensum ab ingressu ecclesie, partem ream ex altera, partibus personaliter comparentibus, dicta pars rea contra dictam suspensionem excipiendo proposuit quod non fuerat citatus ad quod probaturum se optulit, unde datur dies in proximo ad probandum. [fol. 75v]

[18 Jun 77 (46.29)] Basingbourn [*ex officio*, William promotor]. Thomas Arundel, bishop of Ely, assigned to Robert vicar of Basingbourn 27 June 1377 in St Michael's to purge himself with six honorable clerics. He had abducted Alice wife of William Adkin of Basingbourn against William's will and committed adultery with her. The bishop commissioned Thomas

Gloucester to receive Robert's purgation and to admit any positions and their proofs which William has concerning the matter and against the purgation.

Robert appears personally. He produces his compurgators, offering himself prepared for purgation. William, present there, proposes against the purgation that the articles are true and can be proved; William swears *de malicia*. The court does not admit the vicar's purgation. Next William to prove.

Bassingbourn']^a Cum venerabilis in Christo pater et dominus dominus Thomas Dei gracia episcopus Elien' domino Roberto vicario ecclesie de Bassingbourn', Elien' diocesis, ad purgandum se canonice coram nobis .. commissario, super eo quod ipse Aliciam uxorem Willelmi Adekyn de eadem, parochianam suam, preter et contra voluntatem dicti Willelmi mariti sui detinuit, alienavit et abduxit ipsamque in adulterinis complexibus carnaliter cognovit, cum sexta manu honestarum personarum ecclesiasticarum diem sabbati proximo post festum nativitatis Sancti Johannis baptiste in ecclesia Sancti Michaelis Cantebr' prefixerit et assignaverit nobisque ad recipiendum dictam purgacionem ac eciam ad recipiendum et admittendum dicti Willelmi proposiciones et probaciones super ipsius facti veritate, si quas voluerit ministrare contra purgacionem huiusmodi commiserit vices suas, dictus vero Willelmus tunc presens proposuit contra dictam purgacionem quod dicti articuli sibi obiecti sunt veri et ad eos probandos peciit se admitti. Iurato dicto proponente de malicia, ipsius vicarius purgacionem non duximus admittendum, daturque dies in proximo parti proponeniti ad probandum et dicto vicario ad interessendum et videndum probacionem predictam. [fol. 75v]

[9 Jul 77 (47.25)] Bassingbourn. William produces one witness to prove he was not cited: Richard Truss of Whaddon, who is admitted and sworn. Next to propose and the second term to produce.

Bassingbourn'] In causa diffamacionis mota inter dominum Robertum vicarium ecclesie de Bassingbourn' partem actricem ex parte una et Willelmum Adekyn de eadem partem ex altera, partibus personaliter comparentibus, producto per partem dicti Willelmi ad probandum quod non fuit citatus unico teste videlicet Ricardo Trusse de Whaddon', quo admisso et in forma iuris iurato, datur dies in proximo ad ponendum et secundo producendum. [fol. 76v]

[9 Jul 77 (47.27)] Bassingbourn. William personally; Robert by Peter Caprik, proctor *apud acta*. William produces four witnesses to prove the article: John Cottel of Shepreth; Nicholas Fuller of Shepreth; Simon Fuller of Shepreth; and John Fuller of Caldecote, who are admitted and sworn. Robert reserves the right to speak against witnesses and testimony; the final production is renounced. Next to publish the testimony.

Bassingbourn'] In causa seu negocio purgacionis ex officio dicti venerabilis

^a Bassingbourn'] *the capital b in Bassingbourn' is in a style unlike other capital b's in the ms, including the one in the entry itself; it may be the work of another hand.*

patris et nostro mota contra dominum Robertum vicarium ecclesie de Bassingbourn' ad promocionem Willelmi Adekyn de eadem parte promovente personaliter comparente, predicto vicario per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, productisque per dictum Willelmum Adekyn ad probandum veritatem dicti articuli quatuor testibus, videlicet Johanne Cotele de Schepereth', Nicholao Fuller' de eadem, Simone Fuller' de eadem et Johanne Fullere de Caldecote, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra eos et eorum dicta quatenus contra se deponunt renunciatoque ulteriori produccioni, datur dies in proximo ad publicandum et publicari videndum attestaciones testium predictorum. [fol. 77r]

[30 Jul 77 (48.19)] Bassingbourn. With parties' consent, next to propose and the second term to produce.

Bassingbourn'] In causa diffamacionis mota inter dominum Robertum vicarium ecclesie de Bassingbourn' partem actricem ex parte una et Willelmum Adekyn de eadem partem ream ex altera, partibus ut prius comparentibus, de quorum consensu datur dies in proximo ad idem, videlicet ad ponendum et secundo producendum. [fol. 78v]

[30 Jul 77 (48.20)] Bassingbourn [William promotor]. With parties' consent, next to publish testimony.

Bassingbourn'] In causa seu negocio purgacionis ex officio nostro ad promocionem Willelmi Adekyn de eadem mota contra dominum Robertum vicarium ecclesie de Bassingbourn', partibus ut prius comparentibus, de quorum consensu datur dies in proximo ad idem quod prius videlicet ad videndum publicacionem testium predictorum. [fol. 78v]

[1 Oct 77 (49.19)] Bassingbourn. Neither appears. The case is adjourned and pending until either proceeds.

Bassingbourn'] In causa diffamacionis mota inter dominum Robertum vicarium ecclesie de Bassingbourn' partem actricem ex parte una et Willelmum Adekyn de eadem partem ream ex altera neutra parte comparente, ideo discontinuatur causa et pendeat quousque alterutra pars prosequatur. [fol. 79v]

[1 Oct 77 (49.20)] Bassingbourn. Neither appears. The case is adjourned and pending until either proceeds.

Bassingbourn'] In causa seu negocio purgacionis ex officio nostro ad promocionem Willelmi Adekyn mota contra dominum Robertum vicarium ecclesie de Bassingbourn', neutra parte comparente, ideo pendeat causa quousque [alterutra pars prosequatur]. [fol. 79v]

179. TEVERSHAM (3)

In all probability the principle is more important here to the rector than the amount recovered in the case. The wording of the confession and the judgment would suggest both that the fish were tithable only if sold and that the liability of the fishermen is joint and several only up to the amount of tithe, $1\frac{1}{2}d$ being exactly ten percent of $15d$.

[18 Jun 77 (46.31)] Teversham. William de Eye and William Wetyng of Teversham were cited at the instance of the rector of Teversham in a case of tithes owed for fish caught by them in the parish.

Parties appear personally. Sworn *de veritate dicenda* and questioned, they admit that they sometimes caught fish in the common river of the parish and sold a few, making an estimated $15d$ in the past year; they had not paid tithes. Each of them is condemned to pay to the rector $1\frac{1}{2}d$; they promise to pay the tithes.

Teversham] Willelmus de Eye et Willelmus Wetyng' de Teversham citati [sunt] ad instanciam rectoris ecclesie de Teversham in causa decimarum piscium per eos in dicta parochia perceptorum. Partibus personaliter comparantibus, dictis Willelmo et Willelmo de veritate dicenda iuratis ac super percepcione piscium requisitis, fatebantur quod quandoque^a capiunt pisces in dicta parochia in ripa communi et vendunt raro tamen et modicum ad estimacionem, ut credunt quilibet, quindecim denariorum per annum ultimo elapsum et quod inde non decimarunt. Unde ipsos et eorum quemlibet in uno denario et obolo nomine decime rectori eiusdem ecclesie solvendis condempnamus et iurati sunt de cetero fideliter decimare ut tenentur. [fol. 75v]

^a quandoque] qnq'; *this could be quinque, but numbers are almost never spelled out, and quandoque makes sense in the light of* raro tamen et modicum.

180. BASSINGBOURN (2)

The executors who quite frankly admit having bribed the archdeacon's official to give them an acquittance that they did not deserve seem to be ready to do the right thing. They clearly, however, do not trust each other. After some delay the rector-executor produces an inventory of those goods that he has. The widow-executrix never does, and the case simply disappears from view. The rector-executor did, however, leave a record that he had done his part.

[9 Jul 77 (47.29)] Bassingbourn. Mr William Bridge, rector of Teversham church, and Margaret widow of Robert Bassingbourn, executors of Robert's testament, were cited *ex officio* before Thomas Gloucester in St Michael's for 10 July because they appropriated Robert's belongings and failed to convert his goods for pious works benefiting Robert's soul. They are to exhibit the testament, inventory, and anything else pertaining to the testament and to offer a reason why they should not be suspended from entering church based on John Stratford's provincial constitution *Statutum*.¹

The executors appear personally. Sworn *de veritate dicenda* and questioned, they claim that Robert's testament was proved before the archdeacon's official and that they had an acquittance from him for the final administration and a full account. They have not made an inventory nor have they promised to make one; they have not completed the administration or

¹ See Citation to Canon Law, *Statutum*.

returned an account. They obtained the acquittance after giving the official some money. The rector exhibits the testament and the acquittance; a copy is left for the registry.² They say they are ready to execute Robert's will unless one of them impedes the other by secretly holding part of the goods. They swear to make an inventory and appraise the goods fully. With their consent, 2 Aug. 1377 is assigned to exhibit the inventory, to swear to administer faithfully, and to account for the administration. Since the acquittance is found false, it is not a hindrance. 30 July to hear pronouncement over their having administered without an inventory.

2 Aug. William personally; Margaret by Peter Caprik, proctor *apud acta*. With their consent, 3 Aug. to exhibit the inventory and swear.

3 Aug. William claims to have made an inventory but he did not bring it with him; Margaret's proctor alleges William did not make one. 8 Aug. to show the inventory and swear.

8 Aug. William by Walter Sutton, proctor; Margaret absent. William exhibits an inventory of the goods in his possession, which is left for the registry.² He will be ordered to swear personally; Margaret is expected to exhibit her inventory and swear.

Bassingbourn'] Magister Willelmus Brugge rector ecclesie de Teversham et Margareta nuper uxor Roberti Bassingbourn', executores testamenti dicti Roberti, citati [sunt] coram nobis Thoma de Glouc' clerico, venerabilis in Christo patris et domini domini Thome de gracia episcopi Elien' commissario, ad diem veneris proximo post festum translacionis Sancti Thome martyris, in ecclesia Sancti Michaelis Cant', super eo quod ipsi bona quamplura ad dictum defunctum spectancia et pertinencia usui proprio applicaverunt et appropriaverunt nec curaverunt ea in pios usus pro ipsius anima convertere, nobis ex officio dicti venerabilis patris et nostro responsuri ac testamentum et inventarium dicti defuncti ceteraque munimenta dictum testamentum concernencia exhibituri ac causam rationabilem si quam habeant quare in sententiam suspensionis ab ingressu ecclesie a constitutione provinciali bone memorie domini Johannis de Stratford' nuper Cant' archiepiscopi in ea parte edita latam, que incipit Statutum, occasione premissa nominaliter incidisse non debeant pronunciari proposituri et ostensuri. Predicti magister Willelmus rector et Margareta executores comparent personaliter coram nobis. De veritate dicenda iurati ac super premissa requisiti, dicunt quod testamentum dicti Roberti fuit probatum coram .. officiali domini .. archidiaconi Elien' et quod super eorum finali administracione et plenario compoto habuerunt a dicto .. officiali unam acquietanciam. Dicunt insuper quod inventarium non fecerunt nec facere iuraverunt nec administracionem adhuc compleverunt neque compotum reddiderunt, sed data eidem .. officiali de bonis defuncti pecunie gravi summa acquietanciam optinuerunt. Exhibitis per dictum rectorem dicto testamento et acquietancia, penes registrum nostrum copiam eorum dimiserunt. Et quia dicunt se paratos [esse] ad implendum voluntatem defuncti, nisi quatenus mutuo se impediunt, videlicet quilibet occultat et detinet bona defuncti ab alio, ideo iurati sunt ad sancta Dei evangelia per ipsos corporaliter tacta

² For this translation, see Introduction.

quod fidele et integrum inventarium facient fieri et fideliter appreciari bona citra festum Sancti Petri ad vincula proximo futurum. Datus est eis proximus dies post dictum festum loco quo supra de eorum consensu expresso ad exhibendum dictum inventarium coram nobis et ad iurandum de fideliter administrando et nobis fideliter computando super et de administracione huiusmodi. Dicta acquietancia .. officialis .. archidiaconi, quam surrepticiam et falsam ac ex causis manifeste falsis et iniuriosis notorie [datam] invenimus, non obstante, datur insuper eisdem dies iovis proximo post festum Sancti Jacobi apostoli proximo futurum loco quo supra ad audiendum pronounciacionem super eo quod non confecto inventario administraverunt.

Quo proximo die post festum [Sancti Petri] ad vincula loco quo supra adveniente, predictus rector executor personaliter comparente, predicta Margareta per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, comparente, de quorum consensu expectamus dictam causam usque diem lune proximo futurum ad idem, videlicet ad exhibendum inventarium et iurandum ut prius.

Quibus die et loco partibus ut prius comparentibus, dictus rector dixit quod confecit inventarium, non tamen detulit secum, dictus procurator asseruit quod non confecit. Ideo datur dies sabbati proximo futurum loco quo supra utrique ad exhibendum inventarium et ad iurandum ut prius.

Quibus die et loco dicto rectore per Walterum de Sutton', clericum, procuratorem suum, comparente, exhibitoque per eum quodam inventario de bonis dicti defuncti ad manus suas devenientibus, quo penes registrum nostrum dimisso, decernimus eum fore vocandum ad personaliter iurandum ut prius. Quo ad Margaretam, que nullo modo comparet, expectamus eam ad idem quod prius, videlicet ad exhibendum inventarium et iurandum ut prius. [fol. 77r]

181. BRINKLEY (2)

[9 Jul 77 (47.32)] Brinkley. Simon Gisne of Brinkley was cited to said day and place for charges brought against him *ex officio* at the promotion of John rector of Brinkley. Simon withheld tithes from the profits of his business and other personal tithes.

John appears by John Wiltshire, proctor; Simon personally. John brings an oral article, requests summary procedure, and wants Simon compelled to speak the truth. Simon, ordered to swear *de veritate dicenda*, refuses to swear; he is found contumacious and a manifest offender and excommunicated in writing. Witnesses: Mr John Newton and Thomas Wiltshire, clerics, of York and Salisbury dioceses.

Brinkele – monicio – sententia] Simon Gisne de Brinkele citatus [est] ad dictos diem et locum super [articulis] sibi obiciendis ex officio nostro ad promo-

cionem domini Johannis rectoris ecclesie de Brinkele occasione subtraccionis decimarum lucri negociacionis sue et aliarum decimarum personalium. Parte promovente per Johannem Wiltesshire, clericum, procuratorem suum comparente, parte dicti Simonis personaliter, articuloque per partem dicti rectoris contra eum oretenus et petito quod procedatur summarie et de plano etc. et quod compellatur dicere veritatem, unde ipsum Simonem^a iussum et monitum legitime de iurando^a dicere veritatem super articulis sibi obiectis et expressatis et hoc facere recusantem pronunciamus contumacem et offensorem manifestum et pro huiusmodi contumacia et offensis manifestis^b ipsum excommunicamus^c in scriptis. Presentibus magistro Johanne de Neuton^r et Thoma Wiltesshir^r, clericis Ebor^r et Sar^r diocesis, testibus ad premissa vocatis specialiter et rogatis. [fol. 77v]

^a iurando] *interlined*. ^b offensis manifestis] *offensa manifesta*. ^c excommunicamus] *excommunicavimus*.

182. CURTIS (1)¹

[9 Jul 77 (47.34)] Curtis. Alice Pooley of Sawston was cited for 15 July 1377 in St Michael's at the instance of Thomas Curtis senior of Sawston in a marriage case.

Thomas appears personally; Alice by Peter Caprik, proctor *apud acta*. Thomas proposes that they contracted in present words of mutual consent, or in future words followed by intercourse; he wants Alice judged his wife and asks to proceed summarily. Alice contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties swear *de calumpnia* and *de veritate dicenda*. Thomas produces one witness: William Bowl of Sawston, who is admitted and sworn. 18 July to propose and the second term to produce.

18 July. Thomas produces four witnesses: Stephen Cobbet of Sawston; Henry Milner; Ellen Cobbet; and Agatha Bowl of Sawston, who are admitted and sworn. Alice reserves the right to speak against witnesses and testimony. 23 July in Sawston church to propose and the third term to produce; Mr John Newton is commissioned to admit and examine witnesses and to transmit to the court the testimony, closed and unseen by the parties, for publication at the next session.

23 July. Before Newton, Thomas produces Isabel wife of John White of Sawston, who is admitted and sworn. Alice reserves the right to speak against her. Newton will examine each witness that has been admitted.

Curteys] Alicia Polay de Sauston^r citata [est] ad diem mercurii proximo post festum translacionis Sancti Benedicti abbatis in ecclesia Sancti Michaelis Cantebr^r ad instanciam Thome Curteys de Sauston^r senioris in causa matrimoniali. Parte actrice personaliter comparente, parte vero rea per Petrum Caprik^r, clericum, procuratorem suum apud acta constitutum, proposita petitione per dictam partem actricem quod contraxerunt adinvicem matrimonium per verba de presenti mutuum consensum eorundem exprimencia seu per verba de futuro carnali copula subsecuta, unde peciit ipsam Aliciam eidem

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, 238.

in uxorem legitimam ipsumque Thomam prefate Alicie in virum legitimum adjudicari, et petiit dictus Thomas quod in dicta causa procedatur summarie et de plano. Liteque per dictam Aliciam negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde in personis dictorum Petri procuratoris et Thome [actoris] originalis de calumpnia et de veritate dicenda productoque incontinenti per partem actricem uno teste, videlicet Willelmo Bole de Sauston', quo admissio et in forma iuris iurato, datur dies sabbati proximo futurus ad ponendum et secundo producendum loco quo supra.

Quibus die et loco partibus ut prius comparentibus, productis per partem actricem quatuor testibus, videlicet Stephano Cobat de Sauston', Henrico Milnere, Elena Cobat et Agatha Bole de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta, datur dies iovis proximo post festum Sancte Margarete proximo futurum in ecclesia de Sauston' ad ponendum et tercio producendum. Quos diem et locum parti actrici ad proponendum et tercio producendum et parti ree ad respondendum posicionibus et videndum produccionem huiusmodi prefigimus et assignamus. Et ad admittendum dictis die et loco testes producendos et eos examinandos discreto viro magistro Johanni de Neuton' committimus potestatem, mandans eidem quod attestaciones et dicta testium clausas et neutri parti ostensas nobis transmittat ad proximum. Datur dies in proximo ad publicandum attestaciones.

Quibus die et loco partibus coram nobis Johanne de Neuton', commissario in hac parte speciali, ut prius comparentibus, producta una teste, videlicet Isabella uxore Johannis White de Sauston', qua admissa et in forma iuris iurata, premissa protestacione per partem adversam qua supra, dictos testes omnes et singulos admissos examinavimus diligenter. [fol. 77v]

[30 Jul 77 (48.22)] Curtis. With parties' consent, next to publish the testimony.

Curteys] In causa matrimoniali mota inter Thomam Curteys de Sauston' partem actricem ex parte una et Aliciam Polay de eadem partem ream ex altera, parte actrice personaliter comparente, parte rea per Petrum Caprik', clericum, procuratorem suum, de quorum consensu expresso datur dies in proximo ad idem quod prius, videlicet ad videndum publicacionem attestacionum. [fol. 79r]

[1 Oct 77 (49.22)] Curtis. The testimony is published; a copy is ordered for the parties; the term to speak against witnesses and testimony is renounced. Next to propose everything concerning the matter.

Curteys] Partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, renunciatis hincinde terminis de dicendo contra testes seu eorum dicta, datur dies in proximo ad proponendum omnia in facto consistent-

cia. [fol. 79v]

[22 Oct 77 (50.17)] Curtis. Nothing is proposed; with the parties' consent, the case is concluded. Next to hear the definitive sentence.

Curteys] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum, sed de earum consensu expresso in causa concluso, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 80v]

[12 Nov 77 (51.17)] Curtis. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Thomas has proved his intention, Thomas and Alice are judged husband and wife and ordered to solemnize their marriage at an appropriate time and place.

Curteys] In causa matrimoniali in consistorio Elien' coram nobis mota inter Thomam Curteys de Sauston', partem actricem ex parte una, et Aliciam Polay de eadem, partem ream ex altera, partibus ut prius comparentibus, rimato per nos et investigato toto processu in dicta causa habito, habita deliberacione sufficienti super eodem, de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos officialis Elien' invenimus dictum Thomam intencionem suam ad plenum fundasse et probasse, ideo prefatam Aliciam eidem Thome in uxorem legitimam ipsumque Thomam eidem Alicie in virum legitimum sentencialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium inter eos fore in facie ecclesie solempnizandum pro loco et tempore oportunis. [fol. 81v]

183. GEOFFREY¹

[9 Jul 77 (47.36)] Geoffrey. John Myntemor of Trumpington, priest and Augustinian canon of Anglesey Priory, was cited for 24 July 1377 in St Michael's at the instance of Alice Geoffrey of Trumpington in a marriage case.

Alice appears personally; John by Peter Caprik, proctor *apud acta*. Alice orally petitions that John be degraded from holy orders, absolved of his oath of obedience to the priory's rule, and deprived of the habit and tonsure of priest and canon. She wants them judged husband and wife because they contracted marriage in present words of mutual consent, or in future words followed by intercourse, prior to John's admission into holy orders or any entrance, tacit or expressed, into the religious profession. The marriage has been recognized by them before the community and acknowledged in Trumpington and the vicinity by public fame. John contests the suit affirmatively. Parties are sworn *de calumpnia*, *de veritate dicenda*, and *de collusionem et malicia*. Alice produces one witness: William Killerwick of Trumpington, who is admitted and sworn. Next to propose and the second term to produce.

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, 263 and T&C nos. 450–1.

Geffrey] Dominus Johannes Myntemoor de Trumpiton' presbyter et canonicus regularis ordinis Sancti Augustini in prioratu de Anglesseye Elien' diocesis citatus [est] ad diem veneris proximo post festum Sancte Marie Magdalene anno domini supradicto in ecclesia Sancti Michaelis Cantebr' ad instanciam Alicie Geffrey de Trumpiton' in causa matrimoniali. Parte actrice personaliter comparente coram nobis .. commissario Elien', parte rea per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, proposita per partem actricem petitione oretenus, qua peccit ipsum dictum Johannem, presbyterum et canonicum, ab ordine presbyteratus et aliis sacris ordinibus degradari et ab obediencia, professione et observancia regulari dicti prioratus ac habitu et tonsura presbyteratus et canonicatus exui et absolvi ipsumque eidem Alicie in virum legitimum ac ipsam Aliciam eidem Johanni in uxorem legitimam adiudicari pro eo et ex eo quod ante suscepcionem sacri ordinis cuiuscumque ac predictae religionis ingressum omnemque professionem in dicta religione seu prioratu predicto factos tacite vel expresse ac ante quamcumque admissionem ordinis, habitus seu tonsure huiusmodi, dicti Johannes et Alicia matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimentia seu saltem per verba de futuro carnali copula subsecuta precontraxerunt illudque inter se et in presencia aliorum fidedignorum sepius innovaverunt, recitaverunt et publicaverunt, super quibus fama publica noscitur laborare in villa de Trumpiton' et locis aliis convicinis et laboravit ante ordinis suscepcionem et ingressum religionis predictae, liteque per dictum procuratorem affirmative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusionem et malicia productoque per partem actricem uno teste, videlicet Willelmo Killerwyk' de Trumpiton', quo admissio et in forma iuris iurato, datur dies in proximo ad ponendum et secundo producendum. [fol. 78r]

184. TAYLOR (1)

[9 Jul 77 (47.38)] Taylor. Richard Taylor of St Michael's, Cambridge was cited before John Newton, commissary of the bishop, in St Michael's for 27 July in a case of usury. According to public fame, he lent to John Doke of St Michael's, baker (*baxtere*), 20s with the agreement that John would repay him 3s 4d over and above the original 20s.

Richard appears personally. The article, charged orally against him *ex officio*, is requested in writing. Because the matter concerns his soul, Richard is warned peremptorily to respond. Refusing to do so, he is found contumacious and a manifest offender and is excommunicated.

After the excommunication was announced, Richard requests absolution. The court requires that he first 'face up to the offence'.¹ With the article given orally, Richard admits that he lent to John the money and received by agreement an excess of 3s 4d. The court pronounces him excommunicated and a manifest usurer and orders this announced. Richard swears to

¹ *quod prius pareat offense*. Compare Latham, s.v. *paritio*: *parere recto* 'to stand to right'.

abstain from usury from now on; he is absolved from the excommunication. He promises to return 3s 4d to John within the next fifteen days.

Taillo' – usura – monicio – excommunicacio] Ricardus Taillo' de parochia Sancti Michaelis Cantebr' citatus [est] coram nobis Johanne de Neuton' clerico, domini .. episcopi Elien' commissario in hac parte specialiter deputato, in ecclesia Sancti Michaelis Cant' ad diem lune proximo post festum Sancti Jacobi apostoli super usuraria pravitare per ipsum fama referente commissa pro eo, videlicet quod dictus Ricardus mutuavit Johanni Doke de eadem parochia, *baxtere*, viginti solidos et ultra sortem recepit ex convencione tres solidos quatuor denarii. Dictus Ricardus comparens personaliter coram nobis, obiecto sibi articulo predicto oretenus ex officio nostro ad meram anime sue correccionem, dictum articulum in scriptis peciit sibi dari. Et quia dictum negocium factum suum proprium et recens concernit et correccionem anime sue tangit et animarum periculum importat, ideo monemus dictum Ricardum primo, secundo et tercio et peremptorie quod eidem facto suo respondeat ipsumque Ricardum, iussum et monetum legitime respondere et hoc facere recusantem, pronunciamus contumacem et manifestum offensorem et huiusmodi contumacia et offensa manifesta ipsum excommunicamus in hiis scriptis.

absolucio – restitucio] Factaque postmodo ad mandatum nostrum denunciacione dicte excommunicacionis, predictus Ricardus ad nos rediens, beneficium absolucionis peciit sibi impendi petiturque per nos quod prius pareat offense.^a Obiectoque dicto articulo oretenus, fatebatur quod mutuavit sibi viginti solidos et ultra sortem ex convencione recepit de eo tres solidos quatuor denarios. Unde pronunciamus^b eum excommunicatum tanquam usurarium manifestum et decrevimus eum fore denunciandum. Abiuravit dictam usurariam pravitatem de cetero et absolutus est a dicta sententia excommunicacionis in eum pro offensa lata in forma iuris. Et iuratus est ad sancta Dei evangelia per ipsum corporaliter tacta quod restituet dictos quadraginta denarios eidem Johanni Doke infra quindenam proximo tunc sequentem. [fol. 78r]

185. RAMPTON

[30 Jul 77 (48.24)] Rampton sequestration and probate. Following the death of John de Stanton, rector of Rampton, Thomas Gloucester, bishop's commissary, sequestered all John's goods within the diocese and the close of the hospital of St John the Evangelist, Cambridge, which is immediately subject to the bishop. He ordered the goods held safe until John's testament, if he had made one, could be proved and the administration committed.

Subsequently, on 17 Aug. 1377 in the church of the hospital the executors appear before Gloucester: William Stanton of Stretham; James Stanton of Rampton; James Payn of Stan-

^a pareat offense] *see n. 1.* ^b pronunciamus] pronunciamus.

ton; John atte Wells of Cottenham, priest; and Richard Trukke, resident of the hospital. They exhibit the testament, prove it with witnesses, and ask that the administration be committed to any of them who wish to undertake it. Gloucester approves and publishes the testament, committing the administration to all of the executors, except Richard who refuses. The commissary reserves the right to commit the administration to another executor, William vicar of All Saints' Jewry, whenever he comes and if he wishes to receive it.

Immediately afterwards, Richard Trukke hands over the rector's goods which had been found within the close of the hospital and were now in his custody: 100 pounds gold and 14 silver spoons, worth 12*d* each, contained in a sealed chest. It was opened before the commissary and the executors and given to the executors. Witnesses: master of the hospital; John de Cotton, the mayor of Cambridge; John Thriplow; John de Trumpington; and John de Bocking, cleric, *et al.*

Rampton' – probacio testamenti] Cum dominus Johannes de Stanton', rector ecclesie de Rampton' Elien' diocesis diem suum clausurum, quamplura bona infra dictam diocesim et presertim infra clausum domus sive hospitalis Sancti Johannis Cantebur', locum utique domino .. episcopo Elien' immediate subiectum et exemptum optinens, de quorum dilapidacione, consumpcione et alienacione verisimiliter timetur, nos Thomas de Gloucester' clericus, venerabilis in Christo patris et domini domini Thome de Dei gracia episcopi Elien' commissarius ad infrascripta sufficienter deputatus, omnia et singula bona et catalla ad dictum defunctum spectancia tam infra dictum clausum quam alibi infra diocesim Elien' existencia, ex causis premissis duximus sequestranda et sub arto et salvo sequestro fecimus et mandavimus custodiri quousque testamentum ipsius, si quod condidit, fuerit appropriatum et administracio bonorum suorum in forma iuris commissa.

Subsequenter vero die lune proximo post festum Sancti Laurencii anno domini supradicto videlicet tercio idus augusti in ecclesia dicti hospitalis Sancti Johannis, comparentes coram nobis commissario predicto Willelmus Stanton' de Stretham, Jacobus Stanton' de Rampton', Jacobus Payn de Stanton', dominus Johannes Attewell' de Cotenham presbyter, Ricardus Trukke commorans in domo Sancti Johannis Cantebur', executores testamenti dicti rectoris, testamentum suum coram nobis exhibuerunt et per testes in ea parte productos in forma iuris probaverunt ac administracionem omnium bonorum dictum defunctum concernencium saltem infra dictum hospitale existencium illis eorum qui onus administracionis huiusmodi subire voluerunt committi pecierunt. Unde nos .. commissarius antedictus, probato coram nobis in forma iuris dicto testamento, ipsum duximus appropriandum, insinuandum et publicandum, et administracionem bonorum huiusmodi Willelmo, Jacobo, Jacobo et domino Johanni supradictis in forma iuris iuratis commissimus, Ricardus Trukke, executore nominato, onus administracionis huiusmodi subire expresse recusante, potestate committendi dictam administracionem domino Willelmo vicario ecclesie Omnium Sanctorum in Iudaismo Cantebur', executori

nominato, cum venerit et eam recipere voluerit, specialiter reservata.

Et statim post hoc prefatus Richardus Trukke habens in custodia bona dicti rectoris infra dictum clausum existencia, centum libras in auro et quatuordecim coclearia argentea, precio cuiuslibet duodecim denariorum, in quadam cista serata et sigillata ac coram nobis et prefatis executoribus aperta, inventa,^a prefatis executoribus integraliter liberavit. Presentibus magistro domus predicte, Johanne de Cotton' tunc maiore ville Cantebr', Johanne Tripelowe et Johanne de Trumpiton' ac Johanne de Bokkyngge, clerico, et aliis. [fol. 79r]

[4 Feb 78 (55.32)] St John. The executors of the testament of the rector of Rampton were cited for said day and place at the instance of the master and brothers of St John's, Cambridge,¹ and of William vicar of All Saints' Jewry, Cambridge, in a testamentary case.

Actors appear by proctor; executors are absent and found contumacious, the penalty reserved to the court.

Sancti Johannis] Executores testamenti rectoris ecclesie de Rampton' citati ad dictos diem et locum ad instanciam magistri et fratrum domus Sancti Johannis Cantebr' et domini Willelmi vicarii ecclesie Omnium Sanctorum in Judaismo Cantebr' in causa testamentaria, parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam reputamus contumacem reservata nobis pena. [fol. 88v]

^a aperta, inventa] *the punctuation is Foxton's, suggesting that inventa goes with bona, not cista.*

¹ See *St John*, n. 1.

186. CAPRIK (1)¹

[30 Jul 77 (48.25)] Caprik. John Woodcock of Stuntney was cited at the instance of Peter Caprik, proctor general of the consistory, in a salary case.

Peter appears personally; John is absent, found contumacious, and suspended from entering church.

Caprik'] Johannes Wodecok' de Stunteneye citatus [est] ad instanciam Petri Caprik' clerici, procuratoris generalis consistorii nostri, in causa salarii. Parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam reputamus contumacem et pro sua contumacia ipsam ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 79r]

[1 Oct 77 (49.23)] Caprik. John has paid the salary; he is absolved.

Caprik' – pax] Johannes Wodecok' alias suspensus ad instanciam Petri Caprik' procuratoris consistorii nostri Elien' in causa salarii, satisfecit parti de salario suo et absolutus est in forma iuris. [fol. 79v]

¹ Peter Caprik brought three salary cases *rik* (2), and *Caprik* (3). They are otherwise that are included in the register, this one, *Cap-* unrelated.

187. CATTESOS/BARNSDALE¹

[30 Jul 77 (48.26)] Cattesos. John Brigham of Cambridge and Alice Pyttok, John's wife, were cited before the official in St Michael's at the instance of Matilda Cattesos of Lincoln diocese in a case of marriage and divorce.

Matilda appears personally; John by John Wiltshire, proctor by letter; Alice personally. Matilda's oral libel claims that John and Alice contracted and solemnized marriage, but the marriage was not legal because John and Matilda had contracted previously in present words of mutual consent, or in future words followed by intercourse. She had proved her contract before a competent judge, who ruled in favour of the marriage. Matilda wants John's marriage to Alice annulled and John judged her husband. John contests the suit affirmatively.² Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusionione*.³ Two witnesses are produced: Robert Brigham and John Brigham junior, brothers of John the defendant, who are admitted and sworn. Next to propose and the second term to produce.

Cattesos] Johannes Brigham de Cantebr' et Alicia Pyttok', quam idem Johannes de facto duxit in uxorem, citati [sunt] coram nobis .. officiali Elien' in ecclesia Sancti Michaelis Cantebr' ad instanciam Matildis Cattesos, Lincoln' diocesis, in causa matrimoniali et divorcii. Parte actrice personaliter comparente, predicto Johanne per Johannem Wiltesshir', clericum, procuratorem suum litteratorie constitutum, predicta Alicia personaliter, libellato oretenus per partem actricem sub hac forma, videlicet quod licet dicti Johannes et Alicia matrimonium adinvicem contraxerunt illudque in facie ecclesie solempnizari procuraverunt et fecerunt, dictum matrimonium non potest subsistere de iure pro eo quod ante omnem contractum matrimonialem inter dictos Johannem et Aliciam initum ac solempnizacionem eiusdem, prefati Johannes et Matildis matrimonium adinvicem per verba de presenti mutuuum consensum eorundem exprimencia seu per verba de futuro carnali copula subsequuta contraxerunt, quodque pro matrimonio inter eosdem pretextu huiusmodi contractus iudicialiter probati per iudicem competentem fuerat iudicialiter pronunciatum et adiudicatum, quare petit dictum secundum matrimonium divorciari et annullari ipsumque Johannem eidem Matildi in virum legitimum per nos adiudicari, lite per dictum Johannem affirmative contestata, iuratis partibus de calumpnia ac de collusionione productisque duobus testibus, videlicet Roberto Brigham et Johanne Brigham iuniore, fratribus dicti Johannis Brigham de quo agitur, quibus admissis et in forma iuris iuratis, datur dies in proximo ad ponendum et secundo producendum. [fol. 79r]

[1 Oct 77 (49.28)] Cattesos. Matilda absent; John by proctor; Alice personally. No witnesses

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, 266–7 and T&C nos. 460–3. Donahue is wrong when he says that Matilda is said to come from Lincoln diocese “but never precisely where.” In later entries she is described as being from Byford (i.e., Beeford) in Holderness, which makes more

sense considering the role of the archdeacon of East Riding in the case.

² That Alice contested the suit negatively is something that we do not learn until the summary given in the sentence in entry 74.17, but we might have surmised it from what follows.

³ And *de malicia* according to entry 74.17.

are produced. Matilda will be called for the third term to produce.

Cattesos] Parte actrice nullo modo comparente, predictis Johanne et Alicie ut prius comparentibus, nullis testibus productis, ideo datur dies in proximum ad tercio producendum et decernimus dictam partem actricem fore vocandam ad proximum ad idem. [fol. 80r]

[22 Oct 77 (50.21)] Cattesos. Matilda is absent, but was not cited; John by proctor; Alice by Peter Caprik, proctor *apud acta*. No other witnesses are produced. Next to propose and the third term to produce; Matilda will be called.

Cattesos] Parte actrice nullo modo comparente nec citata, parte Johannis ut prius, predicta Alicia per Petrum Caprik', clericum, procuratorem suum apud acta constitutum comparente, ideo [per] ipsam partem a[ctricem]^a nullis aliis testibus productis, datur dies in proximo ad ponendum et tercio producendum et decernimus dictam partem actricem fore vocandam ad idem. [fol. 81r]

[12 Nov 77 (51.20)] Cattesos. Matilda was not cited because she is not in the area. Next to propose and the third term to produce; Matilda will be cited.

Cattesos] Parte actrice nullo modo comparente nec citata quia non est in partibus, predictis Johanne et Alicia ut prius comparentibus, et quia pars actrix non fuit citata iuxta decretum, ideo datur dies in proximo ad idem. [fol. 82r]

[3 Dec 77 (52.19)] Cattesos. Matilda by John Hostler, proctor by letter made, signed, and subscribed by Richard Pitts, public notary; John by proctor; Alice by proctor. Matilda requests a *missio* to admit witnesses in the province of York; decreed with faith given. Scrope orders the archdeacon of East Riding to admit her witnesses in York church, as many as she wishes to produce. Matilda is ordered to send the testimony before the middle of Lent.

Cattesos] Parte actrice per Johannem Hostiler, procuratorem suum litteratorie constitutum sub manu publica, signo et subscripcione Ricardi Pyttes clerici, notarii publici, consignata,^b comparente, parte Johannis et Alicie ut prius, nullis aliis testibus productis, petita per partem actricem missione ad testes admittendos in provincia Ebor', qua decreta facta fide que requiritur, decernimus fore scribendum .. officiali domini archidiaconi Estridingie in ecclesia Ebor' ad admittendum testes quotquot et quos dicta pars actrix coram eo producere voluerit et iniungimus parti actrici quod transmittat attestaciones dictorum testium citra medium Quadragesime. [fol. 82v]

[8 Apr 78 (58.24)] Cattesos. With the parties' consent, next to see the transmission of the testimony of the examined witnesses.

Cattesos] In causa matrimoniali et divorcii coram nobis mota inter Matildem Cattesos de Byford' partem actricem appellantem ex parte una et Johannem de Brigham de Catebr' et Aliciam uxorem suam partem ream ex altera, partibus predictis coram nobis ut prius comparentibus, de quarum consensu datur

^a a[ctricem]] *more may be missing, but this is probably the gist of it.* ^b consignata] *consignat'*; *alternatively read* *consignatis, modifying the litteris implied in* *litteratorie.*

dies in proximo ad idem quod prius, videlicet ad videndum transmissionem attestacionum testium in partibus examinatum. [fol. 92r]

[29 Apr 78 (59.17)] Cattesos. Parties by proctor. Since the testimony has not been transmitted yet, next to publish it.

Cattesos] Predictis Johanne et Alicia ut prius comparentibus, Matilde per dictum procuratorem suum comparente, et quia attestaciones nondum sunt transmissae sed testes sunt examinati ut dicitur, ideo datur dies in proximo ad publicandum. [fol. 92v]

[13 May 78 (60.17)] Cattesos. Since the testimony has not yet been sent, next to publish.

Cattesos] Partibus ut prius comparentibus, nullis^c attestacionibus adhuc transmissis, ideo datur dies in proximo ad idem, videlicet ad publicandum. [fol. 93v]

[8 Jul 78 (62.17)] Cattesos. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Cattesos] Partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum in testes et eorum dicta. [fol. 94v]

[29 Jul 78 (63.16)] Cattesos. Matilda by proctor; John by proctor; Alice personally. The certification of the official of the archdeacon of East Riding, York diocese, and the testimony of witnesses examined by him, closed with the seal of his office, are exhibited. The testimony is opened in court and published; a copy is ordered for the parties. Next to speak against it.

Cattesos] Parte actrice personaliter comparente, predicto Johanne ut prius, dicta vero Alicia personaliter, exhibito certificatorio .. officialis domini .. archidiaconi Estridingie Ebor' diocesis, et attestacionibus testium per ipsum in partibus examinatum sub sigillo officii sui clausis, quibus per nos iudicialiter apertis et publicatis decretaque copia partibus, datur dies in proximo ad dicendum contra. [fol. 96r]

[1 Oct 78 (64.15)] Cattesos. With the parties' consent, next to speak against the process [testimony] sent by the official of the archdeacon of East Riding.

Cattesos] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad dicendum contra processum transmissum nobis per .. officialem domini .. archidiaconi Estriding'. [fol. 98r]

[21 Oct 78 (65.17)] Cattesos. Matilda (here described as of Beeford in Holderness [ER, Yorks]) absent; John by proctor; Alice personally. John and Alice propose exceptions against the process [testimony], Matilda's absence notwithstanding since she has been cited to all acts. Next to prove.

Cattesos] In causa matrimoniali et divorcii mota inter Matildem Cattesos de Byford' in Holdernes partem actricem ex parte una et Johannem Brigham

^c nullis] *followed by testibus crossed out.*

de Cantebr' et Aliciam Brigham de facto uxorem suam partem ream ex altera, parte actrice nullo modo comparente, parte Johannis et Alicie ut prius, parte actrice habente diem et terminum ex prefixione nostra sibi iudicialiter facta ad omnes actus in dicta causa, propositis per partem ream quibusdam excepcionibus contra processum habitum coram .. officiali domini archidiaconi Estriding', quibus admissis eatenus quatenus habent materiam et formam et suo tempore proponuntur, datur dies in proximo ad probandum. [fol. 99v]

[10 Nov 78 (66.16)] Cattesos. No proofs were brought concerning the exceptions. Next to prove precisely.

Cattesos] Partibus ut prius comparentibus, nullis probacionibus ministratis super excepcionibus predictis, datur dies in proximo ad precise probandum. [fol. 102v]

[2 Dec 78 (67.16)] Cattesos. Three witnesses are produced to prove the exception: William Lockyer, Robert de Ely, and Robert ?Avenel of Cambridge. They are admitted as penalty for the contumacy of Matilda, who is expected at all acts. Next to publish the testimony.

Cattesos] Partibus ut prius comparentibus, productis ad probandum excepcionem tribus testibus, videlicet Willelmo Lokyere, Roberto de Ely et Roberto ?Avenel^d de Cant', quibus admissis in penam contumacie Matildis Cattesos, habentis diem ad omnes actus non comparentis, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 105r]

[23 Dec 78 (68.14)] Cattesos. Since the witnesses have not yet been examined, next to publish the testimony.

Cattesos] Partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 106r]

[3 Feb 79 (70.15)] Cattesos. Since the witnesses have not yet been examined, they are ordered examined. Next to publish the testimony.

Cattesos] Partibus ut prius comparentibus, quia testes non sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum et interim examinentur. [fol. 107v]

[25 Feb 79 (71.13)] Cattesos. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Cattesos] Partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 109v]

[17 Mar 79 (72.13)] Cattesos. Nothing is proposed. Next to propose everything concerning the matter.

^d Avenel] *A is written on one line, venel on the next; Anevel is also a possible reading, but seems unlikely.*

Cattesos] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto. [fol. 111v]

[21 Apr 79 (73.15)] Cattesos. John exhibited letters patent, under the name and seal of the archdeacon's official, indicating that a judgment had been made in this case; admitted. The case is concluded. Next with adjournment of the following days to hear the definitive sentence, if it is clear.

Cattesos] Partibus ut prius comparentibus, proposita et exhibita per partem dicti Johannis quadam litera patente sub nomine et sigillo officialis domini archidiaconi Elien' super re iudicata in eadem causa qua admissa eatenus quatenus factaque per nos conclusionem in dicta causa, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sententiam in dicta causa diffinitivam si liqueat. [fol. 113v]

[23 May 79 (74.17)] Cattesos. The court produces *ex officio* John Hostler for its own information about the second marriage; he is admitted, sworn, and examined. 28 May to hear the definitive sentence.

28 May before John Newton, DCivL and commissary general of the bishop. Matilda personally; John and Alice by proctors. (The process is reiterated.)⁴ Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Since Matilda has proved her intention and John and Alice did not prove their exceptions, the marriage between John and Alice, contracted and solemnized *de facto*, is annulled; they are separated. John and Matilda are judged husband and wife.

John's proctor appeals *ab iniqua* and requests *apostoli*. Witnesses: Mr Thomas Gloucester and Walter Sutton, public notary, of Lincoln and Worcester dioceses *et al.* [NS]

Cattesos] In causa matrimoniali et divorcii coram nobis mota inter Matildem Catteses de Byford' in Holdernesse partem actricem ex parte una et Johannem Brigham de Cantebr' et Aliciam uxorem suam partem ream ex altera, partibus ut prius comparentibus, productoque per nos ex officio nostro ex habundanti pro informacione consciencie nostre super secundo contractu Johanne Hostiler de Cantebr', quo admissio et in forma iuris iurato, examinato, datur dies sabbati proximo futurus loco quo supra partibus predictis ad audiendum sententiam in dicta causa diffinitivam.

Quibus die et loco partibus predictis ut prius comparentibus coram nobis

⁴ The form that this recitation of the *acta* takes is curious. We are told *oblato per partem actricem quodam articulo sive petitione summaria loco libelli, actis continuo*. Although she appeared personally, Matilda almost certainly had professional help in preparing this. Perhaps it was necessitated by the fact that the *acta* for the first session (entry 48.26) tell us that she presented her libel orally, and no

written version is ever mentioned. If that is right, then *actis continuo* means something like 'conforming to the acts'; we should take the following *quod licet* as referring back to the *acta* in entry 48.26, and we are meant to continue with recitation of the libel found there (*prout in actis ipsius cause plenius continetur*): *quod licet dicti Johannes et Alicia matrimonium adinvicem contraxerunt* (cont'd)

Johanne de Neuton' legum doctore, dicti venerabilis patris domini episcopi Elien' commissario generali, et sentenciam [fol. 115r] ferri petentibus, auditis per nos et intellectis meritis cause supradicte, que in consistorio Elien' non per viam appellacionis nec querele sed per viam primarie cognicionis vertitur et diucius vertebatur inter Matildem Cattesos de Byford' predicta partem actricem ex parte una et Johannem Brigham de Cantebr' et Aliciam Pyttok', quam idem Johannes de facto duxit in uxorem, partem ream ex altera, partibus coram dicti consistorii presidente legitime comparentibus, oblato per partem actricem quodam articulo sive petitione summaria loco libelli, actis continuo, cuius tenor talis est videlicet quod licet dicti Johannes et Alicia etc. prout in actis ipsius cause plenius continetur,^e lite ad eundem articulum per partem dicti Johannis affirmative et per partem dicte Alicie negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusionione et malicia, idem dixerunt sicut prius productisque per partem actricem quibusdam testibus, quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus in scriptis redactis et publicatis decretaque copia earundem partibus predictis, datus fuit terminus partibus predictis ad dicendum contra testes et eorum dicta.

Quo termino adveniente partibus predictis ut prius comparentibus, propositis per partem ream quibusdam excepcionibus contra testes et eorum dicta, quibus admissis eatenus quatenus productisque ad eas probandas nonnullis testibus, quibus admissis et in forma iuris examinatis et eorum dictis in scriptis redactis et publicatis decretaque copia partibus supradictis, datus fuit terminus eisdem partibus, datus fuit terminus ad proponendum omnia in facto seu iure consistencia.

Quo termino adveniente partibus ut prius comparentibus, exhibita per partem ream quadam littera patente sub sigillo officialis domini archidiaconi Elien' super re iudicata factaque conclusione in causa supradicta, datus fuit iste dies sabbati videlicet quinto kalendas iunii loco quo supra partibus predictis ad audiendum sentenciam in dicta causa diffinitivam.

Quo die adveniente parte actrice personaliter, parte rea per dictos procuratores suos coram nobis .. commissario predicto loco quo supra comparentibus et sentenciam ferri petentibus, rimato per nos et investigato toto processu

^e plenius continetur] *the contents of the document presented by Matilda at this session end here; what follows is Newton's (or Foxton's) summary of the acta; see n. 4.*

(n. 4 cont'd) *illudque in facie ecclesie solempnizari procuraverunt et fecerunt, dictum matrimonium non potest subsistere de iure*, etc. Otherwise, *quod licet* makes no sense; the *licet* clause is not followed by a conclusion, and the entry then goes into a lengthy recita-

tion of the *acta* hardly appropriate for something described as a *peticio summaria*. While Foxton has joined the libel seamlessly with the rest of the *acta*, we must imagine that the contents of the document that Matilda presented at this session end at *continetur*.

in dicta causa habito habitaque deliberacione sufficienti super eodem invocata Spiritus Sancte gracia de consilio iuris peritorum nobis assidencium ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam partem actricem intencionem suam in hac parte deductam ad plenum fundasse et probasse, predictamque partem ream intencionem suam in dictis excepcionibus deductam in nullo probasse sed in probacione eiusdem penitus defecisse, matrimonium inter dictos Johannem et Aliciam de facto contractum et solempnizationem eiusdem, quatenus de facto processerunt, cassamus, irritamus et annullamus eosque abinvicem divorciamus et separamus dictumque Johannem eidem Matilde in virum legitimum ipsamque Matildem eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis.

A qua quidem sentenciam tanquam ab iniqua Johannes Wiltesshir', procurator dicti Johannis Brigham, appellavit et apostolos peciit.

Acta in ecclesia Sancti Michaelis Cant' quinto kalendas iunii anno domini millesimo trecentesimo septuagesimo nono indiccione secunda pontificatus domini Urbani pape sexti anno secundo. Presentibus magistro Thoma de Gloucestr' et Waltero de Sutton', notario publico, Lincoln' et Wygorn' diocesum, et aliis in multitudine copiosa testibus vocatis et rogatis. RF: Foxton. [fol. 115v]

[10 Jan 81 (97.13)] Barnsdale. Geoffrey Barnsdale, Matilda Cattesos of Chesterton, his *de facto* wife, William vicar of Chesterton, and John Grantham, chaplain, were cited for 9 Jan. 1381. Geoffrey and Matilda had contracted and solemnized marriage without publication of banns, after Matilda had been judged by the court, on the basis on a proved contract of marriage, to be the wife of John Brigham, who is still alive and free to marry. William, knowing about the judgment, had solemnized their marriage; John had been present. They are subject to major excommunication according to the provincial constitution of John Stratford, late archbishop of Canterbury, *Humana concupiscencia*.⁵ They are expected to show why they should not be excommunicated.

William appears personally; John, Geoffrey, and Matilda appear by John Wiltshire, proctor. William denies that he performed the solemnities or was present. The proctor asks for the article in writing. The court orders John, Geoffrey, and Matilda to appear personally, as the nature of the matter requires. The proctor promises to have them respond personally next.

Bernesdale] Galfridus Bernesdale et Matildis Cattesos de Chestreton', quam de facto duxit in uxorem, dominus Willelmus vicarius ecclesie de Chestreton ac dominus Johannes Grantham capellanus, citati [sunt] coram nobis ad diem mercurii proximo post festum epiphanie Domini super eo quod prefati Galfridus et Matildis, nulla premissa debita bannorum edicione, matrimonium inter se contraxerunt illudque in facie ecclesie solempnizari procurarunt et fecerunt, postquam prefata Matildis Johanni Brigham de Cantebr' adhuc su-

⁵ See Citations to Canon Law, *Humana*.

perstiti et nunc soluto ratione precontractus inter eos initi et coram nobis iudicialiter probati sentencialiter et diffinitive per nos adiudicata fuerat in uxorem dictusque vicarius premissorum non ignarus matrimonium inter prefatos Galfridum et Matildem initum solemnizavit seu solemnizari mandavit et fecit ac prefatus dominus Johannes huiusmodi solemnizationi interfuit, seu ipsam solemnizari presumpsit, sentenciam maioris excommunicationis in constitutione provinciali domini Johannis de Stratford' nuper Cant' archiepiscopi que incipit Humana [concupiscencia] in ea parte edita latam, dampnaliter ipso facto incurrando, causam rationalem, si quam habeant, quare in dictam sentenciam incidisse non debeant pronunciari, proposituri et ostensuri. Predictus dominus Willelmus vicarius comparens personaliter negat se solemnizasse seu solemnizari fecisse dictum matrimonium aut ipsius solemnizationi interfuisse. Predicti dominus Johannes, Galfridus et Matildis comparent per Johannem Wiltesshire procuratorem suum qui peciit in scriptis articulum sibi dari, sed quia volumus quod personaliter respondeant prout natura negotii requirit, ideo iniungimus dicto procuratori quod faciat eos venire personaliter responsuros quod se facturum promisit. [fol. 146v]

[31 Jan 81 (98.12)] Barnsdale. Geoffrey, Matilda, and John will be cited to respond personally concerning the solemnization between Geoffrey and Matilda.

Barnsdale] Citentur dicti Galfridus, Matildis et dominus Johannes ad personaliter respondendum super solemnizatione matrimonii inter eosdem Galfridum et Matildem. [fol. 147r]

[24 May 81 (103.19)] Barnsdale. Geoffrey Bernedale of Chesterton and Matilda Cattesos of Chesterton were cited before the official. With an appeal pending between John Brigham of Cambridge and Matilda in the court of Canterbury and after a definitive sentence had been given in favour of John and Matilda's marriage, Geoffrey and Matilda contracted and solemnized marriage, knowing about the impediments. Thus they are subject to the sentence of major excommunication based on John Stratford's provincial constitution *Humana concupiscencia*.⁶

They appear personally. Sworn *de veritate dicenda*, they admit that they contracted before Chesterton church after the sentence had been given in the consistory and with the appeal from the sentence pending in the provincial court. They confess that they knew about the sentence and the appeal. Next to hear the pronouncement.

Barnsdale] Galfridus Bernedale de Chestreton' et Matildis Cattesos de eadem citati coram nobis .. officiali predicto super eo quod ipsi, lite pendente in curia Cant' in causa matrimoniali inter Johannem Brigham de Cantebr' et ipsam Matildem eciam post et contra sentenciam diffinitivam in dicta causa per nos pro matrimonio inter eos latam, matrimonium de facto contraxerunt^f et illud in facie ecclesie solemnizari procurarunt et fecerunt de dictis impedimentis scientes, sentenciam excommunicationis maioris in constitutione

^f contraxerunt] contraxerunt.

⁶ See Citations to Canon Law, *Humana*.

bone memorie domini Johannis de Stratford' que incipit Humana [concupiscencia] dampnaliter incurrando, comparent personaliter et iurati de veritate dicenda, fatentur quod contraxerunt in facie ecclesie de Chestreton' post dictam sentenciam per nos latam eciam lite pendente in curia Cant' super eadam sentencia, scientes dicte sentencie prolacionem et litis dependenciam, unde datur dies in proximo ad audiendum pronunciacionem super confessatis. [fol. 151r]

[10 Oct 81 (106.19)] Barnsdale. Geoffrey and Matilda appear by John Wiltshire, proctor. They are declared subject to major excommunication under the constitution *Humana concupiscencia*.⁶ Afterwards their proctor requests absolution. They are absolved and ordered to carry a candle in church in the manner of public penance.

Barnsdale – penitencia] Predictis Galfrido et Matilde per Johannem Wiltesshir', clericum, procuratorem suum, comparentibus, pronunciamus eos incidisse in sentenciam maioris excommunicacionis a sanctis patribus latam in constitutione provinciali que incipit Humana concupiscencia per bone memorie dominum Johannem de Stratford' Cantuar' archiepiscopum edita. Postmodo vero dictus procurator petit se absolvi ipsorum nomine a dicta sentencia, quo in forma iuris absoluto, iniungimus sibi quod deferant unam candleam publice in ecclesia in more publice penitencie. [fol. 153r]

[30 Oct 81 (107.19)] Barnsdale. Geoffrey and Matilda have completed their penance as certified to the court.

Barnsdale] Fecerunt penitenciam eis iniunctam prout est nobis certificatum. [fol. 154v]

188. WEEDON¹

[1 Oct 77 (49.24)] Weedon. The bishop ordered Geoffrey Cobbe of Wimpole and Eleanor Frances, Geoffrey's *de facto* wife, called to respond to John Weedon junior in a case of marriage and divorce for said day and place. He committed the case to Richard Scrope, Thomas Gloucester, and John Newton [cf. 49.25].

On that day Scrope orders read his commission and the certification of John's citation, sent by the dean of Barton. Geoffrey was cited to respond to John; Eleanor was not cited because she could not be found. John and Geoffrey are summoned. John appears personally; Geoffrey by Richard Pitts, proctor by letter; Eleanor still cannot be found. Because the dean believes she is hiding to avoid personal citation, every means is ordered used to cite her for 22 Oct. If she cannot be found personally, the citation should be brought to her attention through her proctor, if she has one, and her friends, and it should be read publicly at her former residence and her parish church. 22 Oct. to receive the libel in writing.

Wedone] Cum venerabilis in Christo pater et dominus dominus Thomas Dei gracia episcopus Elien' Galfridum Cobbe de Wynpol et Elianoram Fraunceys,

¹ This case is discussed in Donahue, *Law, T&C* 430–1. *Marriage, and Society*, 236, 239, 251–2, and

quam de facto duxit ut asseritur in uxorem, ad comparandum coram eo vel commissariis in hac parte specialiter deputatis aut eorum aliquo die et loco supradictis ad respondendum Johanni Wedon' iuniori in causa matrimoniali et divorcii decreverit et mandaverit ad iudicium evocari et ad cognoscendum et procedendum in dicta causa nobis Ricardo le Scrop' canonico Ebor', Thome de Glouc' ac Johanni de Neweton', clericis, coniunctim et divisim commiserit vices suas, prefatis die et loco, lecta de mandato nostri Ricardi le Scrop', commissarii predicti in hac parte specialiter deputati, commissione dicti venerabilis patris nobis in ea parte specialiter facta lectoque certificatorio decani de Berton' per quod apparuit dictum Galfridum ad dictos diem et locum fuisse citatum ad respondendum dicto Johanni Wedon' in causa divorcii, quam contra eundem et dictam Elianoram movere intendit, dictamque Elianoram non posse inveniri et ideo non fuisse citatam, predictos Johannem et Galfridum fecimus preconizari, dicto Johanne Wedon' coram nobis Ricardo le Scrop', [fol. 79v] commissario predicto, personaliter, predicto Galfrido per Ricardum Pyttes, clericum, procuratorem suum litteratorie constitutum, comparentibus. Et quia dicta Elianora nondum est citata nec potuit inveniri eo quod ne personali citacione apprehendatur latitavit et latitat prout dictus decanus viva voce nos certificavit et super eo fidem fecit iuramento, ideo decernimus dictam Elianoram fore vocandam ad diem iovis proximo post festum Sancti Luce evangeliste proximo futurum loco quo supra personaliter si valeat inveniri, alioquin eius procuratorem, si quem dimiserat sui auctoritate, viis et modis quibus poterit coram notis et amicis suis, per quos huiusmodi citacio ad ipsius noticiam verisimiliter poterit pervenire, et ad domum suam ubi morari consuevit et nichilominus in ecclesiis parochialibus ubi dicta [Elianora] audire solebat publice citacionis edicto publice proposito ad respondendum dicto Johanni in causa predicta et predicto Galfrido. Dictos diem et locum ad recipiendum libellum in scriptis in dicta causa prefigimus et assignamus. Tenor dicte commissionis specialiter nobis facte sequitur in hunc modum: [fol. 80r, see 49.25]

[22 Oct 77 (50.18)] Weedon. Before John Newton, bishop's commissary, John by John Wiltshire, proctor *apud acta*; Geoffrey by proctor; Eleanor is absent, although cited. She is found contumacious. The written libel is given to Geoffrey. Next Geoffrey and Eleanor to respond to it; Eleanor will be called as before.

Wedone] Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, predicto Galfrido ut prius coram nobis Johanne de Neweton' commissario supradicto in hac parte specialiter ut premittitur deputato, comparentibus, predicta Elianora citata viis et modis iuxta decretum alias interpositum nullo modo comparente, ideo ipsam Elianoram reputamus contumacem. Oblato per partem actricem quodam libello in scriptis et per partem dicti Galfridi optento, datur dies in proximo tam dicto Galfrido

quam prefate Elianore ad respondendum eidem et ex habundanti decernimus dictam Elianoram ut premittitur latitantem fore vocandam viis et modis quibus supra ad proximum ad respondendum eidem. [fol. 80v]

[12 Nov 77 (51.18)] Weedon. John by proctor; Geoffrey by Peter Caprik, substituted for original proctor; Eleanor is absent, although cited as ordered. She is found contumacious. Geoffrey contests the suit negatively, saying the claims are untrue and the petitions should not be granted; he declares that he wishes to add to the suit. 3 Dec. to propose, the first term to produce, and to swear *de calumpnia*; Eleanor will be called to all consecutive acts as above.

Wedone] In causa matrimoniali et divorcii que coram nobis Ricardo le Scrop', commissario supradicto vertitur inter Johannem Wedon' iuniorem partem actricem^a ex parte una et Galfridum Cobbe de Wynepol et Elianoram Fraunceys, quam idem Galfridus de facto ut asseritur duxit in uxorem partem ream ex altera, parte actrice ut prius comparente, predicto Galfrido per Petrum Caprik', substitutum Ricardi Pyttes clerici procuratoris originalis dicti Galfridi, predicta Elianora citata viis et modis ad libello predicto respondendum iuxta decretum alias interpositum in hac parte, nullo modo comparente, ideo ipsam reputamus contumacem. Lite per dictum substitutum negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, protestato per dictum substitutum se velle adicere contestacioni, datur dies iovis proximo post festum Sancti Andree proximo futurum loco quo supra coram nobis vel nostrum aliquo^b parti actrice ad ponendum et primo producendum et parti dicti Galfridi ad videndum et interessendum et decernimus dictam Elianoram fore vocandam [fol. 81v] ad proximum ad produccionem huiusmodi videndam et interessendam viis et modis quibus supra et ad omnes actus consecutivos in dicta causa et utrique parti ad iurandum de calumpnia. [fol. 82r]

[3 Dec 77 (52.17)] Weedon. Before Scrope, John by proctor; Geoffrey by original proctor; Eleanor is absent, although cited as ordered and summoned. She is found contumacious. No witnesses or positions are brought by John; the term ends. Next to propose and the second term to produce.

Wedone] Parte actrice coram nobis Ricardo le Scrop', commissario predicto, ut prius comparente, predicto Galfrido per procuratorem suum originalem, dicta Elianora citata iuxta decretum aliter interpositum preconizata nullo modo comparente, ideo reputamus contumacem. Nullis testibus productis nec posicionibus traditis per partem actricem, ideo cedat terminus. Unde datur dies in proximo ad ponendum et secundo producendum et parti ree ad videndum et interessendum et ulterius faciendum quod est iuris. [fol. 82v]

[22 Dec 77 (53.16)] Weedon. Because she was assigned this day to see the production, Eleanor is found contumacious by the official. John produces John atte Ford of Wimpole, who is admitted and sworn as penalty to Eleanor. Geoffrey reserves the right to speak against witnesses and testimony. John requests the compulsion of a witness necessary to his case; decreed with faith

^a actricem] *interlined*. ^b nostrum aliquo] nrm' aliq'; i.e., Scrope, Gloucester, or Newton.

given. Next to produce compelled and the third term to produce.

Wedone] Parte actrice ut prius comparente, parte Galfridi ut prius, dicta Elianora habente istos diem et locum ad videndum produccionem pro secundo termino in dicta causa faciendam nullo modo comparente, ideo reputamus contumacem. Producto per partem actricem uno teste videlicet domino Johanne atte Ford' de Wynepol capellano quo in pena contumacie dicte Elianore admisso et in forma iuris iurato, premissa per partem adversam protestacione de dicendo in testes et eorum dicta, petitaque per partem actricem compulsione unius testis sibi ut asserit necessarij, qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsum et ad producendum pro tercio termino. Acta coram nobis Ricardo le Scrop', commissario dicti patris ut premittitur specialiter deputato. [fol. 85r]

[14 Jan 78 (54.17)] Weedon. Eleanor, cited to all acts, is found contumacious. John produces William de Sutton, chaplain, who is admitted and sworn; Geoffrey reserves the right to speak against witnesses and testimony. John requests the compulsion of John Morden of Boxworth and a *missio* for Margaret former servant of Eleanor, now residing in London; the compulsion is decreed, with faith given. Next to produce the compelled and to determine whether a *missio* should be conceded, since John waited until the third term to request it.

Wedone] Partibus Johannis Wedon' et Galfridi ut prius comparentibus, predicta Elianora citata ad omnes actus nullo modo comparente, ideo nos Ricardus le Scrop', commissarius dicti venerabilis patris ut premittitur specialiter deputatus, ipsam reputamus contumacem. Producto per partem actricem domino Willelmo de Sutton' cappellano quo admisso et in forma iuris iurato, protestato per partem dicti Galfridi de dicendo contra testes et eorum dicta quatenus contra se deponunt petitisque per partem actricem compulsione Johannis Mordon' de Bokesworth' et missione ad Margaretam nuper servientem dicte Elianore commorantem London', dicta compulsione decreta facta fide que requiritur, datur dies in proximo parti actrici ad producendum compulsum et ad deliberandum an illa missio sit concedenda vel non, eo quod in tercio termino petitur et non ante. [fol. 86v]

[4 Feb 78 (55.16)] Weedon. Before John Newton, John by proctor; Geoffrey and Eleanor are absent and found contumacious. The compelled witnesses have not yet been cited; they and Geoffrey, the principal defendant, will be cited to the next session. Following a dispute about the *missio*, the court orders a *missio* to admit and examine Margaret at her residence, at John's petition and as penalty for the contumacy. The defendants will be advised of the day and place of this admission so they can be present if they wish.

Wedone] In causa matrimoniali et divorcii coram nobis Johanne de Neuton', clerico, dicti venerabilis patris commissario in hac parte specialiter deputato, mota inter Johannem Wedon' iuniorem partem actricem ex parte una et Galfridum Cobbe de Wynepol et Elianoram Fraunceys, quam dictus Galfridus duxit in uxorem, partem ream ex altera, predicta parte actrice ut prius com-

parente, parte rea nullo modo, ideo ipsam reputamus contumacem. Testibus compellendis nondum citatis, ideo citentur ad proximum ad idem et decernimus dictam partem ream, precipue Galfridum, fore citandam ad videndum produccionem testium compulsorum. Habitaque disputacione super missione facienda vel non, tandem ad petitionem instantem partis actricis et in pena contumacie partis ree decernimus fore faciendam missionem ad admittendum et examinandum eandem in loco quo degit et partem ream fore premuniendam legitime ad interessendum admissioni huiusmodi si voluerit die et loco ad quos ipsam premuniri contigerit. [fol. 88r]

[18 Mar 78 (57.12)] Weedon. [The *acta* for 25 Feb. 78 (*Acta* 56, fol. 89v) are missing. John was probably given a term to obtain the *missio*, because such a term ends in what follows. John was probably also ordered to produce articles for examination of the compelled witnesses and to be used as interrogatories for Geoffrey.] The *missio* was not made yet, and the term for that ends. Geoffrey receives the articles to be used for the proof (*articulis probatoriis*) in writing. 23 March to administer interrogatories. Since the compelled witnesses were not cited, they are ordered cited for their production.

Wedon] Partibus predictis ut prius comparentibus, quia missio non est facta pro illa muliere London admittenda, ideo cedat terminus quo ad illam mulierem, oblatis per partem actricem articulis probatoriis in scriptis et per partem dicti Galfridi receptis, datur dies martis proximo futurus loco quo supra ad ministrandum interrogatoria. Et quia testes compellendos non sunt citati, ideo citentur ad proximum daturque dies in proximo ad producendum compulsos. [fol. 91r]

[8 Apr 78 (58.12)] Weedon. John requests a *missio* to the archdeacon of London to admit and examine [Margaret] Frances, who resides in London. 26 April in St Mary Magdalene in Milk Street, London, is assigned for this; Geoffrey is advised so he can be present for her admission if he wishes. Next to see the transmission of her testimony. Because John Morden does not appear, he is suspended from entering church and called.

Wedone] Partibus ut prius comparentibus, pars actrix petit ut prius missionem ad officium domini .. archidiaconi London ad admittendum et examinandum . . .^c Fraunceys commorantem ibidem, unde prefigimus parti dicti Galfridi diem lune proximo post dominicam qua cantatur officium *Quasi modo geniti* proximo futuram in ecclesia Sancte Marie Magdalene in Milkstrete London' ad videndum et interessendum admissioni eiusdem si voluerit. Daturque [fol. 91v] dies in proximo partibus predictis ad videndum transmissionem attestacionum dicte mulieris. Johannes Morden' de Bokesworth', testis in hac parte compulsus, non comparet, ideo suspendimus et vocetur. [fol. 92r]

[29 Apr 78 (59.10)] Weedon. Morden is produced, absolved from suspension, admitted, and sworn. Geoffrey reserves the right to speak against him. Next to produce Henry Milk, another compelled witness, and to see the testimony transmitted from London.

Wedone] Partibus Johannis et Galfridi ut prius comparentibus, producto Jo-
^c . . .] *blank space in ms.*

hanne Mordon', teste compulso alias suspenso, quo absoluto, in forma iuris admissio et in forma iuris iurato, premissa protestacione per partem adversam de dicendo contra eum et ipsius dicta quatenus contra se deponit, datur dies in proximo ad producendum Henricum Milk' alium testem compellendum et ad videndum transmissionem attestacionum illius mulieris London' examinande. [fol. 92v]

[13 May 78 (60.10)] Weedon. No other witnesses are produced; no testimony is sent. Next to publish the testimony.

Wedone] Partibus predictis ut prius comparentibus, nullis aliis testibus productis nec attestacionibus transmissis, datur dies in proximo ad publicandum et publicari videndum attestaciones testium productorum. [fol. 93v]

[8 Jul 78 (62.10)] Weedon. John by proctor; Geoffrey and Eleanor absent. They will be cited to proceed according to past acts, namely to publish the testimony.

Wedone] Parte actrice ut prius comparente, parte rea nullo modo, ideo citetur ad procedendum iuxta formam retroactorum, videlicet ad publicandum. [fol. 94r]

[29 Jul 78 (63.10)] Weedon. As 62.10.

Wedone] Parte actrice ut prius comparente, parte rea nullo modo, ideo citetur ad proximum ad procedendum iuxta formam retroactorum videlicet ad publicandum attestaciones. [fol. 96r]

[1 Oct 78 (64.10)] Weedon. Since the witnesses have not yet been examined and the producing party has not procured the examination, next to propose everything in fact.

Wedone] Partibus ut prius comparentibus, quia testes nondum sunt examinati nec pars produciens curat procurare eorum examinacionem, ideo datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 98r]

[21 Oct 78 (65.12)] Weedon. Nothing is proposed; the case is concluded. Next before the bishop or his commissary to hear the definitive sentence, since it was reserved for him.

Wedon'] In causa matrimoniali et divorcii mota inter Johannem Wedon' iuniorem partem actricem ex parte una et Galfridum Cobbe de Wynepol et Elianoram Fraunceys, quam dictus Galfridus duxit in uxorem, partem ream ex altera, partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed in dicta causa concluso, in proximo ad audiendum sentenciam in dicta causa diffinitivam coram domino episcopo Elien' vel eius commissario quocumque in hac parte deputando, quia ipsius cause sentencie prolacionem sibi reservavit, predictis partibus prefigimus et assignamus. [fol. 99r]

[10 Nov 78 (66.11)] Weedon. Next to hear the definitive sentence.

Wedon'] Partibus ut prius comparentibus, datur dies in proximo ad idem,

videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 102v]

[2 Dec 78 (67.11)] Weedon. John Newton assigns 4 Dec. in St Michael's to hear the definitive sentence.

John by proctor; Geoffrey personally. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence. [The process is reiterated.]

Sentence. Because John has not proved his intention, Geoffrey and Eleanor are absolved from his suit. John is ordered to refund their costs because of his vexatious behaviour. Witnesses: Mr's Thomas Gloucester; James de Cottenham; Peter Caprik; and Walter Sutton, public notary, of Lincoln, Ely, and Worcester dioceses.

Commission from Bishop Arundel to John Newton. John Newton is commissioned by Bishop Arundel to give the definitive sentence in the Weedon case, according to the merits of the process before Newton, to execute the sentence, and to certify his actions to the bishop. Given 29 Nov 1378 in Downham manor.

Wedon'] In causa matrimoniali et divorcii mota coram nobis Johanne de Neuton' commissario predicto inter Johannem Wedon' iuniorem partem actricem ex parte una et Galfridum Cobbe de Wynepol et Elianoram Fraunceys quam idem Galfridus de facto duxit in uxorem partem ream ex altera, partibus coram nobis Johanne de Neuton', dicti venerabilis patris commissario ad ferendum sentenciam in dicta causa diffinitivam specialiter deputato, ut prius comparentibus, eisdem partibus diem sabbati proximo nunc futurum in ecclesia Sancti Michaelis Cantebr' ad audiendum sentenciam in dicta causa diffinitivam prefigimus et assignamus.

Quibus die et loco predicto Johanne parte actrice per dictum procuratorem suum, dicto vero Galfrido personaliter comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de iurisperitorum consilio nobis assidencium, Christi nomine primitus invocato, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

In Dei nomine amen. Auditis et intellectis meritis cause seu causarum matrimonii et divorcii que coram nobis Johanne de Neuton' legum doctore, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissario in hac parte specialiter deputato, in consistorio Elien' non per viam appellacionis seu querele sed per viam primarie iurisdiccioni diucius vertebatur inter Johannem Wedon' iuniorem partem actricem ex parte una et Galfridum Cobbe de Wynepo, Elien' diocesis et Elianoram Fraunceys partem ream ex altera, partibus peditis coram nobis legitime comparentibus, libello oblato in dicta causa seu causis et a parte rea optento, cuius tenor talis est, "In Dei nomine amen" etc., liteque contestata negative ad eundem, iurisque partibus hincinde de calumpnia et de veritate dicenda, datus fuit terminus ad producendum testes. Quo termino adveniente productis quibusdam testibus

quibus admissis iuratis nondum examinatis. Et quia dictus Johannes examinationem dictorum testium non curavit procurare nec alios producere neque alias probationes ministravit, cesserunt omnes termini probatorii datusque fuit dies ad proponendum omnia in facto consistencia. Quo die nullo dicto seu proposito, tandem de consensu parcium fuit in dicta causa seu causis concluso. nos igitur Johannes commissarius antedictus rimato et investigato toto processu in dicta causa seu causis habito, invocata Spiritus Sancti gracia, de consilio iurisperitorum nobis in hac parte assidencium, procedimus ad sententiam diffinitivam in hunc modum:

In Dei nomine amen. Quia nos Johannes de Neuton' commissarius antedictus invenimus ipsum Johannem intencionem suam minime fundasse et probasse, ipsos Galfridum et Elianoram ab impetitione dicti Johannis absolvimus ipsumque Johannem in expensis per ipsos Galfridum et Elianoram in dicta causa seu causis legitime factis eisdem refundendis propter ipsius temerariam fatigacionem et vexacionem iniustam condempnamus in hiis scriptis, taxationem earum nobis specialiter reservando. Acta sunt hec anno domini millesimo trecentesimo septuagesimo octavo indiccione secunda pontificatus domini Urbani pape sexti anno primo mensis decembris die quarta in cancello ecclesie Sancti Michaelis Cantebr'. Presentibus magistris Thoma de Gloucest'r, Jacobo de Cotenham, Petro Caprik' et Waltero de Sutton' notario publico, Lincoln', Elien' et Wigorn' diocesium, testibus vocatis et rogatis.

Tenor vero commissionis predicte sequitur in hunc modum: [fol. 104v] Thomas permissione divina episcopus Elien' dilecto filio magistro Johanni de Neuton' legum doctori salutem, gratiam et benedictionem. Ad ferendum sententiam diffinitivam in quadam causa matrimoniali et divorcii que coram vobis et aliis collegis vestris, nostris commissariis in hac parte specialiter deputatis, vertitur et diucius vertebatur inter Johannem Wedon' iuniorem partematricem ex parte una et Galfridum Cobbe de Wynepol et Elianoram F'unceys, quam de facto duxit in uxorem, partem ream ex altera, iuxta merita processus coram vobis habiti in eadem causa prout de iure fuerit faciendum ipsamque sententiam executioni debite demandandum, vobis de cuius circumspencionis industria fiduciam in domino reportamus vices nostras committimus cum cuiuslibet coercicionis canonice potestate mandantes quatinus de toto processu vestro in hac parte habito et habendo cum per alterutram partem parcium predictarum fueritis congrue requisiti clare et distincte nos reddatis debite cerciores. Data in manerio nostro de Dounham nostre diocesis tercio kalendas decembris anno domini millesimo trecentesimo septuagesimo octavo, et nostre consecracionis quinto. [fol. 105r]

189. MARION¹

[1 Oct 77 (49.26)] Marion. Agnes Humphrey of Melbourn, *de facto* wife of Robert Marion, was cited for 2 Oct. 1377 in St Michael's at the instance of Robert Marion of Melbourn in a divorce case.

Parties appear personally. Robert claims by oral libel that they contracted marriage, solemnized it, and lived as husband and wife. He says they were not legally married because prior to their contract, Robert had had intercourse with Katherine Bird of Whittlesford, who is related to Agnes within the third degree of consanguinity. Robert wants their marriage annulled according to canonical institutions. Agnes contests the suit affirmatively. Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusione et malicia*. 12 Oct. to propose and the first term to produce.

Katherine appears personally. Sworn *de veritate dicenda* and questioned, she admits that she and Robert had intercourse prior to Agnes and Robert's contract and that she and Agnes are related within the third degree. Robert produces five witnesses: Robert vicar of Meldreth, William Allain of Kelsale [Suffolk], Peter William of Kelsale, John Geen of Melbourn, and John Rumbold of Melbourne. Next to propose and the second term to produce.

Marion'] Agnes Umfrey de Meldebourn' citata [est] ad diem veneris proximo post festum Sancti Michaelis in ecclesia Sancti Michaelis Cantebr' ad instantiam Roberti Marion' de eadem, qui ipsam de facto duxit in uxorem, in causa divorcii. Partibus personaliter comparentibus coram nobis commissario domini officialis Elien', libellato per partem actricem oretenus, videlicet quod licet dicti Robertus et Agnes matrimonium adinvicem contraxerunt ac illud in facie ecclesie solempnizari procuraverunt et fecerunt et postmodo ut vir et uxor similiter cohabitaverunt, dictum matrimonium non potest subsistere de iure pro eo quod ante quemcumque contractum inter eos initum et solempnizationem eiusdem, dictus Robertus quamdam Katerinam Brid de Wyttleford' ipsam Agnetem in tercio gradu consanguinitatis attingentem carnaliter precognoverit, quare peciit dictus Robertus pars actrix dictum matrimonium et solempnizationem eiusdem quatenus de facto processerunt cassari, irritari, annullari, cassum, irritum et nullum pronunciari et declarari eosque abinvicem separari et divorciari ulteriusque fieri et decerni quod canonicis in hac parte convenit institutis. Lite per dictam Agnetem, partem ream, affirmative contestata, iuratis partibus in propriis personis suis hinc et inde de calumpnia et de veritate dicenda ac de collusione et malicia, datur dies lune proximo post festum Sancti Dionisii proximo futurum loco quo supra dicte parti actrici ad ponendum et primo producendum et parti ree ad videndum produccionem.

Quibus dies et loco partibus predictis coram nobis .. commissario predicto personaliter comparentibus, comparente eciam personaliter coram nobis dicta Katerina Brid, qua de veritate dicenda iurata et pro informacione consciencie nostre requisita an dictus Robertus ipsam carnaliter cognoverit ante omnem

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, 259, 573 and T&C 441.

contractum inter ipsum et prefatam Agnetem initum et solempnizacionem eiusdem, dicit quod sic. Item an ipsa Katerina et dicta Agnes se invicem attingant in tercio gradu consanguinitatis, dicit quod sic. Productisque per dictum Robertum partem actricem quinque testibus, videlicet domino Roberto vicario ecclesie de Melrech', Willelmo Aleyn de Kelleshull', Petro William de eadem, Johanne Gene de Meldebourn' et Johanne Rumbold' de eadem, quibus admissis et in forma iuris iuratis, datur dies in proximo ad ponendum et secundo producendum. [fol. 80r]

[22 Oct 77 (50.19)] Marion. Before John Newton, commissary general of the official, and with the parties' consent, the testimony is published. The terms to speak against witnesses and testimony and to propose anything concerning the matter are renounced. With the parties' consent, the case is concluded. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Robert has proved his intention, the marriage between John and Agnes is annulled and they are separated.

Marion] In causa divorcii mota in consistorio Elien' inter Robertum Marion' de Meldebourn', Elien' diocesis, partem actricem ex parte unam et Agnetem Umfrey de eadem, quam de facto duxit in uxorem, partem ream ex altera, partibus personaliter coram nobis .. commissario generali domini officialis Elien' comparentibus, de quarum consensu expresse publicatis attestacionibus renunciatisque hincinde terminis de dicendo contra testes seu eorum dicta aut quicquam proponendo in facto seu iure consistens factaque de consensu dictarum parcium conclusionem in dicta causa rimatoque per nos et investigato toto processu in dicta causa habito, habita deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos Johannes [fol. 80v] de Newton' dicti domini officialis Elien' commissarius invenimus dictum Robertum intencionem suam in hac parte deductam clare probasse, ideo matrimonium inter prefatos Robertum et Agnetem de facto contractum et solempnizacionem eiusdem quatenus de facto processerunt cassamus, irritamus et annullamus, cassum, irritum et nullum pronunciamus et declaramus eosque abinvicem separamus et divorciamus sentencialiter et diffinitive in hiis scriptis. [fol. 81r]

190. MORRIS (1)¹

[1 Oct 77 (49.27)] Morris. Joan widow of John Feltwell of Chesterton, executor of his testa-

¹ The plaintiff in this case is probably also the husband of the plaintiff in *Morris (2)*; the defendant is probably also one of the defendants in *Slory/Angold*. Neither case, however, seems to be otherwise related.

ment and administrator of his goods, was cited for 2 Oct. 1377 in St Michael's at the instance of John Morris of Hardwick in a testamentary case.

John appears personally before the commissary; Joan is absent. With John's consent, she is expected 9 Oct. to respond.

9 Oct. Parties personally. An oral libel is given *sub certa forma*;² Joan contests the suit negatively. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce; John is to propose the libel in writing so it can remain in the registry³ and the definitive sentence can be formed from it.

Morice] Johanna nuper uxor Johannis Feltewell' de Chestreton', executrix testamenti sive administratrix bonorum dicti Johannis, citata [est] ad diem veneris predictum loco quo prius ad instanciam Johannis Morice de Herdewyk' in causa testamentaria. Parte actrice comparente coram nobis commissario predicto, parte rea nullo modo, ideo de consensu partis actricis expectamus eam cum parte presente ad diem veneris proximo post festum Sancte Fidis virginis loco quo supra ad respondendum in dicta causa.

Quibus die et loco partibus predictis coram nobis commissario predicto personaliter comparentibus, libellato oretenus per partem actricem sub certa forma, lite per partem ream negative contestata, iuratis partibus hincinde in personis suis propriis de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum et iniungimus parti actrici quod proponat libellum in scriptis penes registrum remansurum, iuxta quem formari poterit sententia diffinitiva. [fol. 80r]

[22 Oct 77 (50.20)] Morris. John personally; Joan is absent and found contumacious. John produces Hugh Wynde of Hardwick, who is admitted and sworn as penalty to Joan. Next to propose and the second term to produce; Joan will be called.

Morice] Parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam reputamus contumacem. Producto per partem actricem uno teste, videlicet Hugone Wynde de Herdewyk', quo in penam contumacie partis ree admissio et in forma iuris iurato, datur dies in proximo ad ponendum et secundo producendum et decernimus partem ream fore vocandam ad idem. [fol. 81r]

[12 Nov 77 (51.19)] Morris. Parties personally. John produces Robert Esmond of Hardwick, who is admitted and sworn. Next to publish the testimony.

Morice] Partibus personaliter comparentibus, producto per partem actricem uno teste videlicet Roberto Estmond' de Herdewyk', quo admissio et in forma iuris iurato, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 82r]

[3 Dec 77 (52.18)] Morris. Neither appears. The case is discontinued until John proceeds.

Moryce] Neutra pars comparet, ideo causa est discontinuata quousque pars prosequatur. [fol. 82v]

² For this phrase, see Introduction.

³ For this translation, see Introduction.

191. HOSTLER

[12 Nov 77 (51.21)] Hostler. John Wright of Cambridge was cited at the instance of the wife of Henry Hostler in a defamation case. Henry's wife appears by John Wiltshire, proctor *apud acta*; John personally. An oral libel is given and requested written. Next to receive it in writing.

Hostiler] Johannes Wrigte de Cantebr' citatus [est] ad instanciam . . .^a uxoris Henrici Hostiler in causa diffamacionis. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, parte rea personaliter [comparentibus], libellato oretenus per partem actricem, petitoque per partem ream in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 82r]

[3 Dec 77 (52.20)] Hostler. Peace has been restored.

Hostiler – pax] In causa diffamacionis mota inter . . .^a uxorem Henrici Hostiler de Cantebr' partem actricem ex parte una et Johannem Wrigte de eadem partem ream ex altera, pax est inter partes reformata. [fol. 82v]

^a . . .] *blank in ms. She is likely the Heloise widow of Henry Hostler of entry 85.46.*

192. CLERK (2)

[12 Nov 77 (51.22)] Clerk. Peter Molt of Wendy¹ was cited at the instance of Richard Clerk of Wendy, cleric, in a case of violence.

Parties appear personally. An oral libel is given and requested written. Next to receive it in writing.

Clerk'] Petrus Molt de Wendeye citatus [est] ad instanciam Ricardi Clerk' de eadem clerici in causa violencie. Partibus personaliter comparentibus, libellato oretenus per partem actricem, petitoque in scriptis per partem ream, datur dies in proximo ad recipiendum in scriptis. [fol. 82r]

[3 Dec 77 (52.21)] Clerk. Richard personally; Peter by Peter Caprik, proctor *apud acta*. The written libel is received. Next to respond.

Clerk'] Parte actrice ut prius comparente, parte rea per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, oblato per partem actricem quodam libello et optento in scriptis, datur dies in proximo ad respondendum eidem. [fol. 82v]

[22 Dec 77 (53.17)] Clerk. Peter contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Next to swear *de calumpnia*, to propose, and the first term to produce.

Clerk'] Partibus ut prius comparentibus, lite negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde in personis dictorum procuratorum de

¹ See *Bond*, n. 1.

calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 85r]

[14 Jan 78 (54.8)] Clerk. No witnesses or positions are brought. Next to propose and the second term to produce.

Clerk'] Partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 86v]

[4 Feb 78 (55.10)] Clerk. No witnesses or positions are brought. Next to propose and the third term to produce.

Clerk'] In causa violencie mota inter Ricardum Clerk' de Wendeye partem actricem ex parte una et Petrum Molt de eadem partem ream ex altera, partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 87v]

[18 Mar 78 (57.9)] Clerk. [The four witnesses "named above" were probably requested compelled when the parties appeared on 25 Feb. 78, fol. 89v (*Acta* 56). The lower half of the folio is missing from the register.] Richard produces the compelled, who are admitted and sworn; Peter reserves the right to speak against witnesses and testimony. Next to publish the testimony.

Clerk'] Partibus ut prius comparentibus, productis per partem actricem illis quatuor testibus superius nominatis compulsis, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 91r]

[8 Apr 78 (58.9)] Clerk. Swearing that the witness has come to his attention only recently, Richard produces William Mower of Wendy, who is admitted and sworn. Tomorrow to publish the testimony.

9 April. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Clerk'] Partibus ut prius comparentibus, producto per partem actricem uno teste videlicet Willelmo Mower' de Wendeye, quo admissis et in forma iuris iurato, facta fide que requiritur quod de novo pervenit ad noticiam suam, datur dies crastinus loco quo supra partibus predictis ad videndum et audendum publicacionem attestacionum.

Quibus die et loco partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 91v]

[29 Apr 78 (59.9)] Clerk. Nothing is proposed. Next to propose everything concerning the matter.

Clerk'] Partibus ut prius comparentibus, nichil dicto seu proposito, datur dies

in proximo ad proponendum omnia in facto seu iure consistencia. [fol. 92v]

[13 May 78 (60.9)] Clerk. Nothing is proposed. Next to hear the definitive sentence with adjournment of the following days.

Clerk'] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed in dicta causa concluso, datus est dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 93v]

[8 Jul 78 (62.9)] Clerk. Next to hear the definitive sentence.

Clerk'] Partibus ut prius comparentibus, ad idem in proximo, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 94r]

[29 Jul 78 (63.9)] Clerk. As 62.9.

Clerk'] Partibus ut prius comparentibus, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 96r]

[1 Oct 78 (64.9)] Clerk. As 62.9.

Clerk'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 98r]

[21 Oct 78 (65.11)] Clerk. As 62.9.

Clerk'] In causa violencie mota inter Ricardum Clerk' de Wendeye partem actricem ex parte una et Petrum Molt de eadem partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 99r]

[10 Nov 78 (66.10)] Clerk. As 62.9.

Clerk'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 102v]

[2 Dec 78 (67.10)] Clerk. Parties by proctors. Since the entire process has been investigated and deliberation has been held with experienced counsel, John Newton proceeds to the definitive sentence.

Sentence. Richard has proved his intention and Peter is declared subject to major excommunication, according to the canon *Si quis suadente diabolo*.² He is condemned to pay costs to Richard, their estimation being reserved to the court.

His proctor appeals *apud acta* to the provincial court of Canterbury *ab iniqua* and requests *apostoli*. The commissary grants to the appellant the entire process in place of *apostoli* and orders it handed over.

Clerk'] In causa violencie mota inter Ricardum le Clerk' de Wendeye clericum Elien' diocesis partem actricem ex parte una et Petrum Molt de eadem laicum partem ream ex altera, partibus per dictos procuratores suos coram nobis Johanne de Neweton' legum doctore, venerabilis patris domini Tho-

² See Citations to Canon Law, *Si quis*.

me Dei gracia episcopi Elien' commissario, non per viam appellacionis seu querele sed per viam primarie iurisdiccione procedente, loco quo supra comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de iurisperitorum consilio nobis assidencium, invocata Spiritus Sancti gracia, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam partem actricem intencionem suam in hac parte deductam ad plenum fundasse et probasse, ipsum Petrum in sentenciam maioris excommunicacionis a canone illo *Si quis suadente diabolo* latam nominatim et in specie incidisse et excommunicatum fuisse et esse pronunciamus et declaramus sentencialiter et diffinitive in hiis scriptis ipsamque partem ream in expensis legitimis in dicta causa factis dicte parti actrici solvendis condemnamus, taxacione earum nobis specialiter reservata.

appellacio] A qua quidem sentencia tamquam ab iniqua Petrus Caprik' clericus parocurator partis ree ad curiam Cant' appellavit apud acta statim post dicte sentencie prolacionem et apostolos peciit viva voce et nos .. commissarius antedictus eidem parti appellanti totum processum in dicta causa habitum loco apostolorum assignavimus et decrevimus liberandum. [fol. 104v]

[25 Feb 79 (71.39)]³ Molt. Peter Molt of Wendy was cited for said day and place to proceed with his appeal from the definitive sentence given by Mr John Newton DCivL, in the case of violence between Richard Clerk of Wendy, plaintiff, and Peter, under penalty of final remission.

Parties appear personally. Peter wants to use the *suggestio* with a qualification in place of a narrative libel of appeal. He asks that the sentence be revoked. Next for Richard to respond.

Molt'] Petrus Molt de Wendeye citatus [est] ad diem et locum supradictos causam appellacionis sue a quadam sentencia diffinitiva per magistrum Johannem de Neuton' legum doctorem, venerabilis patris domini Thome Dei gracia episcopi Elien' commissarium in ea parte specialiter deputatum, in

³ Between 2 Dec., the date of the last entry, and 25 Feb., the date of this one, Peter was probably persuaded to take his appeal to the bishop rather than to the court of Canterbury, as was stated in the last entry. There may be hints that this was going to happen in the unusual response of John Newton in the last entry to the appeal. Rather than giving *apostoli* (or denying them), he turned over the entire *processus* to Peter's proctor. Probably in the intervening period, Peter's proctor made up a formal document of ap-

peal (the *suggestio* mentioned here) and took it to the bishop's audience, which, in turn, delegated it back to the official or his commissary. The absence of any mention of appeal to the bishop, however, and the somewhat unusual way in which Peter's plea is recorded (see n. a) makes it possible that these intervening steps were omitted. The commissary in this entry is probably Thomas Gloucester. It is certainly not John Newton, who is referred to in the third person and would not have heard an appeal from himself.

causa violencie que coram dicto commissario vertebatur inter Ricardum Clerk' de Wendeye partem actricem ex parte una et eundem Petrum partem ream ex altera, lata sub pena finalis remissionis prosecuturus. Partibus personaliter comparentibus, pars appellans asserit et proponit quod vult uti suggestionem loco narrationis libelli^a appellatorii cum adiectione petitionis, videlicet probatis probandis petit dictam sententiam diffinitivam revocari et retractari ac infirmari etc. Datur dies in proximo parti appellante ad respondendum eidem. [fol. 110v]

[17 Mar 79 (72.37)] Molt. Peace has been restored. Peter will be cited *ex officio* to respond about the proved violence.

Molt' – pax] Pax est, ideo vocetur dictus Petrus responsurus officio pro huiusmodi violencia probata. [fol. 112r]

^a libelli] libello; *the standard phrase is* vult uti suggestionem loco narrationis libelli cum hac adiectione, etc.

193. POULTER (1)

[3 Dec 77 (52.22)] Poulter. Joan Salisbury of Cambridge was cited for said day and place at the instance of Isabel Poulter in a case of breach of faith and perjury.

Isabel appears by proctor; Joan is absent and suspended from entering church.

Pulter – suspensio] Johanna Salesbury de Cant' citata ad dictos diem et locum ad instanciam Isabelle Pult' in causa fidei lesionis et periurii per procuratorum suum comparentis non comparet, ideo ipsam Johannam suspendimus. [fol. 82v]

194. FINCHINGFIELD (1)¹

[3 Dec 77 (52.23)] Finchingfeld. John Chadenhale of Cambridge was cited at the instance of Margaret wife of Richard Finchingfeld in a case of breach of faith and perjury.

Margaret appears by John Wiltshire, who claims to be her proctor; John personally. An oral libel is given and requested written. Next to receive it in writing.

Fynchingfeld'] Johannes Chadenhale de Cant' citatus [est] ad dictos diem et locum ad instanciam Margarete uxoris Ricardi Funchingfeld' in causa fidei lesionis et periurii. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum se dicentem, comparentem, parte rea personaliter, libellato ore tenus petitoque in scriptis, datur dies in proximo ad recipiendum. [fol. 82v]

[22 Dec 77 (53.18)] Finchingfeld. The written libel is received. Next to respond.

¹ The plaintiff in this case is probably defendant in *Colchester*, but the cases do not also the plaintiff in *Finchingfeld* (2) and the seem to be otherwise related.

Fynchingfeld'] Partibus ut prius comparentibus, oblato libello per partem attricem et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 85r]

[14 Jan 78 (54.18)] Finchingfeld. Neither appears. The case is discontinued until Margaret proceeds.

Fynchingfeld'. Neutra pars comparet, ideo discontinuatur causa quousque pars prosequatur. [fol. 86v]

195. FISHER/FROST¹

[3 Dec 77 (52.24)] Fisher. John son of John Frost of Wilburton and Amy widow of Robert Bird were cited for 5 Dec. 1377 at the instance of John Fisher of Wilburton in a marriage and divorce case.

Fisher appears by John Wiltshire, proctor *apud acta*; Frost and Amy personally. An oral libel is given and requested written. 9 Dec. to receive it in writing.

9 Dec. Fisher by proctor; Frost and Amy by Peter Caprik, proctor by letter. The written libel is received. Next to respond.

Fysschere] Johannes filius Johannis Frost de Wylberton' Elien' diocesis et Amya nuper uxor Roberti Brid de eadem citati [sunt] ad diem sabbati proximo post festum Sancti Andree loco quo supra ad instanciam Johannis Fysschere de eadem in causa matrimoniali et divorcii. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, parte rea personaliter, comparentibus, libellato oretenus per partem attricem petitoque per partem ream in scriptis, datur dies mercurii post festum Sancti Nicholai loco quo supra ad recipiendum in scriptis.

Quibus die et loco parte actrice ut prius comparente, parte rea per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, oblato libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 82v]

[3 Dec 77 (52.25)]² Wilburton/Mustell. Robert Mustell, chaplain of Wilburton, was cited before Scrope, commissary general deputed to correct and punish excesses and crimes which are committed by the subjects of the bishop and which pertain to the ecclesiastical court and the cognizance of the bishop. According to the general council, when marriage is going to be contracted, a public announcement should be made in church by the priest, with a term to object to the marriage because of legal impediment. The priest should investigate whether there is any obstruction. If it is probable that the couple should not marry, the contract should be interdicted until it is determined by written evidence what should be done. If a priest fails to prohibit clandestine marriages or presumes to be present at them, he should be suspended from

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, 235, 255–6 and T&C 435–7.

² For the way in which a similar entry in *Story/Angold* combines the canon *Cum inhib-*

itio of the Fourth Lateran Council (1215) and the constitution *Humana concupiscencia* of the council of London (1342), see Donahue, *Law, Marriage, and Society*, 281–2.

his office for three years. Anyone who knows of or suspects an impediment and contracts and solemnizes marriage, or facilitates its solemnization, will be subject to major excommunication, according to John Stratford's provincial constitution *Humana concupiscencia*.³

Forgetting his salvation and knowing that John Fisher and Amy widow of Robert Bird had contracted, Robert the priest induced them, by taking advantage of their naivety, to abandon their marriage and discharge each other. He had them promise not to marry under penalty. Furthermore, although John Fisher had protested by reclamation during the publication of the banns of John Frost and Amy, and had claimed precontract with Amy in a suit pending in the consistory, Robert, knowing about the precontract, reclamation, and suit, had the marriage of Frost and Amy solemnized before Wilburton church. By authority of the constitution, he should be suspended from his office for three years and excommunicated for his contempt and because of scandal. 5 Dec. was assigned for the court to proceed against him *ex officio*.

5 Dec. Robert personally requests the article in writing. 9 Dec. to receive it.

9 Dec. Robert appears by Peter Caprik, proctor by letter. The proctor receives the article, but the court does not admit him to respond to it. 22 Dec. for Robert to respond personally, since he knows the truth better, and to correct him.

Wylberton' / Mustell'] Dominus Robertus Mustell' capellanus parochialis ecclesie de Wilberton' Elien' diocesis citatus [est] coram nobis Ricardo le Scrop' canonico Ebor', venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' ad corrigendum et canonice puniendum excessus et crimina quorumcumque subditorum dicti patris infra diocesim suam Elien' delinquencium, quorum correccio et punicio ad forum ecclesiasticum et ipsius patris cognicionem de iure pertinere dinoscuntur,^a commissario generali, super eo quod cum in concilio generali provide sit statutum ut:

^b*Cum matrimonia [fol. 82v] sint contrahenda, in ecclesiis per presbyteros publice proponantur competenti termino prefinito ut infra illum qui voluerit et valuerit legitimum impedimentum opponat et ipsi presbyteri nichilominus investigent utrum aliquod impedimentum obsistat. Cum autem apparuerit probabilis coniectura contra copulam contrahendam, contractus interdicitur expresse donec quid fieri debeat super eo manifestis constiterit documentis. Quod si sacerdos parochialis tales coniunctiones prohibere contempserit aut eis presumpserit interesse, per triennium ab eius officio suspendatur gravius puniendus si culpe qualitas id exposcat.*

^c*Quodque omnes et singuli matrimonia inter se contrahentes et ea solempnizari facientes impedimenta legitima scientes aut suspicionem habentes verisimilem eorundem ac sacerdotes solempnizaciones matrimoniorum huiusmodi imposterum facientes scienter aut eorum solempnizacioni interessentes maioris excommunicationis sententia a constitucione provinciali per bone memorie dominum Johannem de Stratford, nuper Cantuar' archie-*

^a dinoscuntur] dinoscitur. ^b Cum matrimonia] quotations from Cum inhibitio (n. 3) are italicized. ^c Quodque omnes] quotations from Humana concupiscencia (n. 3) are italicized.

³ See Citations to Canon Law, *Cum inhibitio*; *Humana*.

piscopum, cum suis suffraganeis et clero provincie Cant' rite edita debite publicata et per clerum et populum tocius dicte provincie maxime per subditos suffraganeorum eiusdem provincie et precipue per subditos dicti venerabilis patris domini episcopi Elien' admissa, lata que incipit *Humana concupiscencia* fuerunt et sunt ipso facto dampnaliter involuti.

Idem tamen dominus Robertus sacerdos parochialis dicti venerabilis patris et nostri in hac parte notorie subditus et subiectus sue salutis inmemorans, sciens et intelligens quosdam Johannem Fysshe et Amyam nuper uxorem Roberti Brid de Wilberton' predicti matrimonium adinvicem contraxisse, ipsorum Johannis et Amye simplicitatem adeo circumvenit, quod ipsos, videlicet super dicto matrimonio adinvicem transigerent et ipsum matrimonium mutuo remitterent et sibi invicem relaxarent et de non proseguendo in futurum ad dictum matrimonium sub certa pena imposita se firmiter obligarent, suis perversis machinationibus et dolosis persuasionibus induxit, procuravit pariter et fecit ipsique Johannes et Amya ad suam procuracionem et induccionem huiusmodi sic ut premittitur transegerunt, remiserunt, relaxarunt ac eciam obligarunt contra canonica instituta. Et insuper cum in edicione bannorum inter quemdam Johannem filium Johannis Frost de Wilberton' predicti et prefatam Amyam in eadem ecclesia de Wilberton' prefatus Johannes Fyssche publice reclamasset, pretendens et allegans contractum matrimonialem inter eos initum ut prefertur ac pretextu reclamacionis huiusmodi lis super dicto matrimonio in consistorio dicti episcopi Elien' inter dictos Johannem Fysshe et Amyam movebatur et pendebat notorie indecisa, dictus Robertus sacerdos parochialis de dictis matrimonio reclamacione et litis dependencia non ignarus sed de eisdem sciens aut verisimilem suspicionem habens, nulla premissa debita bannorum edicione, nedum^d matrimonium inter dictos Johannem filium Johannis Frost et Amyam post et contra precontractum, reclamacionem et litis dependenciam premissos, de quibus aut eorum aliquo sibi constitit ad plenum, de facto contrahi et illud inter se solempnizari suis nephandis coniecturacionibus procuravit pariter et fecit, verumeciam illud in facie ecclesie de Wilberton' predictae loco utique infra diocesim Elien' et provinciam Cantuar' patenter et notorie constituto ac postquam predicta concilium et constitucio ipsum efficaciter artabant et artant in presenti de facto solempnizavit. Quo pretextu est proculdubio auctoritate dicti concilii generalis ab officio per triennium suspendendus, necnon auctoritate constitucionis supradicte sentenciam maioris excommunicacionis in dicta constitucione contra presumptores huiusmodi provide latam et publice promulgatam ipso facto dampnaliter incurrebat. Qua sic ligatus, divinis officiis se nequiter ingressit in Dei^e magestatis offensam, iurisdiccione ecclesiastice illusionem,

^d nedum] *would seem to have here the sense of nihilominus, unless something like fine litis expectato is missing.* ^e dei] diem.

clavum ecclesie contemptum, anime sue periculum et aliorum exemplum^f pessimum plurimorum. Que omnia et singula adeo sunt publica, notoria et famosa, quod nulla poterunt tergiversacione celari. Unde ad meram anime sue correccionem contra ipsum ex officio dicti venerabilis patris et nostro in hac parte procedere intendimus sibi facere et exhibere in premissis et eorum singulis secundum omnem vim, formam et effectum concilii et constitutionis predictorum iusticie complementum. Ad diem sabbati proximo post festum Sancti Andree loco et anno supradictis, dictus dominus Robertus personaliter comparuit coram nobis; peccavit articulum in scriptis sibi dari, unde datur dies mercurii proximo post festum conceptionis Sancte Marie loco quo supra ad recipiendum articulum in scriptis.

Quibus die et loco comparuit per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, oblato sibi per nos dicto articulo et per eum recepto protestatoque per nos quod non intendimus ipsum vel alium procuratorem admittere ad respondendum eidem, ideo datur dies martis proximo post festum Sancti Thome apostoli proximo futurum loco quo supra ad respondendum eidem articulo in propria persona, eo quod facti veritatem in dicto correccionis negocio melius quam ex persona procuratoris sui elicere speramus et ad meram anime sue correccionem procedere intendimus ista vice. [fol. 83r]

[3 Dec 77 (52.26)] Wilburton/Tate. John Tate of Wilburton, chaplain, was cited before the official for said day and place. The constitution *Humana concupiscencia* notwithstanding, he had procured the solemnization of the marriage of John Frost and Amy widow of Robert Bird, in Wilburton church.⁴ Tate had known about John Fisher's reclamation and suit pending in the consistory. Since this happened after the constitution had been published, he should be suspended from his office for three years and excommunicated for his contempt and because of scandal. The court will proceed against him *ex officio* for his correction.

John appears personally and requests the article in writing. 9 Dec. to receive it.

9 Dec. John by Peter Caprik, proctor by letter. The proctor receives the article. 22 Dec. John to respond personally.

Wilburton'/Tates] Dominus Johannes Tates de Wilburton', Elien' diocesis, capellanus, citatus [est] coram nobis Ricardo le Scrop', canonico Elien' et commissario supradicto, ad locum et diem supradictos super eo, videlicet quod cum in generali concilio proinde sit statutum ut:

^g*Cum matrimonia sint contrahenda, in ecclesiis per presbyteros publice*
^fexemplum] ex^m. ^gCum matrimonia] quotations from Cum inhibito are italicized. The whole paragraph matches the preceding entry word for word.

⁴ For the recitation of the relevant canons see entry 52.25. It is probably significant that the recitation given in the Latin omits the offence of solemnizing an interdicted marriage and includes simply that of being present at such a solemnization. Foxton does, however, copy many of the significant charges of the preceding entry, including procuring the solemnization of an interdicted marriage. See also nn. c–m.

proponantur competenti termino prefinito ut infra illum qui voluerit et valuerit legitimum impedimentum opponat et ipsi presbyteri nichilominus investigent utrum aliquod impedimentum obsistat. Cum autem apparuerit probabilis coniectura contra copulam contrahendam, contractus interdicatur expresse donec quid fieri debeat super eo manifestis constiterit documentis. Quod si sacerdos parochialis vel alius eciam regularis tales coniunctiones prohibere contempserit aut eis presumpserit interesse, per triennium ab eius officio suspendatur gravius puniendus si culpe qualitas id exposcat.

^hQuodque omnes et singuli *matrimonia* inter se *contrahentes et ea solempnizari facientes impedimenta legitima scientes* aut *suspicionem habentes verisimilem eorundem ac sacerdotes eorum solempnizationi interessentes maioris excommunicationis sententia* a constitucione provinciali in proximo articulo superius recitata [fol. 83r] fuerunt et sunt ipso facto dampnaliter involuti.

ⁱPredictus tamen dominus Johannes capellanus dicti venerabilis patris et nostri in hac parte notorie subditus et subiectus sue salutis inmemorans cum in edicione bannorum inter quendam Johannem filium Johannis Frost de Wilberton' predicti et Amyam nuper uxorem Roberti Brid in eadem ecclesia de Wilberton' Johannes Fysshre de eadem publice reclamasset, pretendens et allegans contractum matrimonialem inter eosdem initum ut prefertur ac pretextu reclamacionis huiusmodi lis super dicto matrimonio in consistorio Elien' inter dictos Johannem Fysshre et Amyam movebatur et pendebat notorie indecisa, prefatus dominus Johannes de dictis matrimonio et reclamacione ac litis dependencia non ignarus sed de eisdem sciens aut verisimilem suspicionem habens, nulla premissa debita bannorum edicione, nedum^j matrimonium inter dictos Johannem filium Johannis Frost et Amyam post et contra precontractum, reclamacionem et litis dependenciam premissos, de quibus aut eorum aliquo sibi^k constitit ad plenum, de facto contrahi et illud inter se solempnizari suis nephandis coniecturacionibus procuravit pariter et fecit, verumeciam illius solempnizationi in facie ecclesie de Wilberton' predicta, loco utique infra diocesim Elien' et provinciam Cantuar' patenter et notorie constituto ac postquam predicta concilium et constitucio ipsum efficaciter artabant et artant in presenti, personaliter interfuit. Quo pretextu

^h Quodque omnes] *quotations from Humana concupiscentia (n. 3) are italicized. The paragraph refers to the equivalent paragraph in the previous entry and makes a number of omissions, but it is still probably significant that it omits sacerdotes solempnizationes matrimoniorum huiusmodi imposterum facientes scienter.* ⁱ Predictus tamen] *this paragraph is largely the same as the equivalent paragraph in the preceding entry (including the mistake and the ambiguous abbreviation). It omits the first charge (from sciens et intelligens though Et insuper) and substitutes solempnizationi . . . interfuit for de facto solempnizavit.* ^j nedum] *see n.d.* ^k sibi] *tibi; the mistake indicates that the language was copied from the articles, which could also be the source of the mistake and the ambiguous abbreviation.*

est proculdubio auctoritate dicti concilii generalis ab officio per triennium suspendendus, necnon auctoritate constitutionis provincialis supradicte, sententiam maioris excommunicationis in dicta constitutione contra presumptores huiusmodi proinde latam et publice promulgatam ipso facto dampnalter incurrerat. Qua sic ligatus, dictis officiis ipsum nequiter ingessit in Dei¹ magestatis offensam, iurisdiccioni ecclesiastice illusionem, clavum ecclesie contemptum, anime sue periculum et aliorum exemplum^m pessimum pluriorum. Que omnia et singula adeo sunt publica, notoria et famosa, quod nulla poterunt tergiversacione celari. Unde ad meram anime sue correccionem contra ipsum ex officio dicti venerabilis patris et nostro in hac parte procedere intendimus sibi que facere et exhibere in premissis et eorum singulis secundum omnem vim, formam et effectum concilii et constitutionis predictorum iusticie complementum. Dictus dominus Johannes comparuit personaliter coram nobis; peciit articulum in scriptis sibi dari; datur dies mercurii proximo post festum conceptionis Beate Marie virginis loco quo supra ad recipiendum articulum in scriptis.

Quibus die et loco comparuit per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, oblato sibi per nos quodam articulo in scriptis, ideo datur dies in proximo ad respondendum eidem, videlicet die martis proximo post festum Sancti Thome apostoli, in propria persona sua ex causis in dicta citacione expressis. [fol. 83v]

[3 Dec 77 (52.27)] Wilburton/Frost sr. John Frost senior of Wilburton was cited before the commissary for said day and place. The constitution *Humana concupiscencia*⁵ notwithstanding, he had helped to procure the marriage of his son John to Amy widow of Robert Bird. Frost senior had known about John Fisher's reclamation and suit pending in the consistory. Since this happened after the constitution had been published, he should be excommunicated. The court intends to proceed against him *ex officio* to correct him.

John appears personally and requests the article in writing. 9 Dec. to receive it.

9 Dec. John by Peter Caprik, proctor by letter. The proctor receives the article. 22 Dec. to respond personally.

Wilberton'/Frost senior] Johannes Frost de Wilberton' senior, Elien' diocesis, citatus [est] coram nobis .. commissario supradicto ad diem et locum supradictos super eo quod cum omnes et singuli matrimonia inter se contrahentes et ea solemnizari facientes impedimenta legitima scientes aut suspicionem habentes verisimilem eorundem maioris excommunicationis sententia in constitutione supradicta rite edita, lata etc. fuerint et sint ipso facto dampnalter involuti, predictus tamen Johannes dicti venerabilis patris et nostri in hac parte notorie subditus et subiectus, sue salutis inmemorans, cum in edicione bannorum inter Johannem filium dicti Johannis Frost et quandamⁿ Amyam

¹ dei] diem. ^m exemplum] ex^m. ⁿ quandam] sic.

⁵ See Citations to Canon Law, *Humana*.

nuper uxorem Roberti Brid in ecclesia parochiali de Wilberton' predicta quidam Johannes Fysshare de eadem publice reclamasset, pretendens et allegans ac publice proponens se cum eadem Amya matrimonium legitime contraxisse ac pretexto reclamacionis huiusmodi lis super dicto matrimonio in consistorio Elien' inter dictos Johannem Fysshare et Amyam movebatur et pendebat notorie indecisa, predictus Johannes dictorum matrimonii et reclamacionis ac litis dependencie non ignarus sed de eisdem sciens aut suspicionem verisimilem habens de eisdem, nulla premissa debita bannorum edicione, solempnizacioni matrimonii inter dictos Johannem Frost filium suum et Amyam interfuit post et contra precontractum, reclamacionem et litis dependenciam de quibus premittitur et sibi constitit ad plenum et illud inter eos in facie ecclesie de Wilberton' predictae, loco utique infra diocesim Elien'^o et provinciam Cant' patenter et notorie constituto ac postquam dicta constitutio ipsum efficaciter artabat et artat in presenti, de facto solempnizari quincupius prophanari procuravit, quo pretexto sentenciam maioris excommunicacionis predictam ipso facto dampnaliter incurrebat in iurisdiccione ecclesiastice illusionem, clavum ecclesie contemptum, anime sue periculum et aliorum exemplum^p pessimum pluriorum, que omnia et singula adeo sunt publica, notoria et famosa quod nulla poterunt tergiversacione celari. Unde ad meram anime sue correccionem contra ipsum ex officio dicti patris et nostro in hac parte procedere intendimus sibi que facere et exhibere iusticie complementum. Dictus Johannes comparuit personaliter coram nobis, petiit articulum in scriptis sibi dari. Unde datur dies mercurii proximo post festum conceptionis Beate Marie virginis loco quo supra ad recipiendum in scriptis.

Quibus die et loco comparuit per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, oblato sibi per nos quodam articulo in scriptis et recepto, datur dies martis proximo post festum Sancti Thome apostoli loco quo supra in propria persona sua ex causis in dicta citacione expressis ad respondendum eidem articulo. [fol. 83v]

[3 Dec 77 (52.28)] Wilburton/Frost jr/Bird. John son of John Frost of Wilburton and Amy widow of Robert Bird of Wilburton were cited before the commissary for said day and place. The constitution *Humana concupiscencia* notwithstanding,⁶ they had contracted and solemnized marriage. They had known about John Fisher's reclamation and suit pending in the consistory. Since this happened after the constitution had been published, they should be excommunicated. The court intends to proceed against them *ex officio* to correct them.

John and Amy appear personally and request the article in writing. 9 Dec. to receive it.

9 Dec. They appear by Peter Caprik, proctor by letter. The proctor receives the article. 22 Dec. to respond personally.

Wilberton'/Frost iunior/Brid] Johannes filius Johannis Frost de Wilberton',

^o Elien'] *interlined*. ^p exemplum] *ex^m*.

⁶ See Citations to Canon Law, *Humana*.

Elie'n diocesis, et Amya nuper uxor Roberti Brid de eadem citati [sunt] coram nobis commissario supradicto ad diem et locum supradictos super eo quod cum omnes et singuli matrimonia inter se contrahentes et ea solempnizari facientes impedimenta legitima scientes aut suspicionem habentes verisimilem eorundem maioris excommunicationis sententia in constitutione predicta etc. lata fuerint et sint ipso facto dampnaliter involuti, predicti tamen Johannes et Amya dicti venerabilis patris et nostri in hac parte notorie subditi et subiecti sue salutis inmemorantes cum in edicione bannorum inter dictum Johannem Frost iuniorem et prefatam Amyam in ecclesia parochiali de Wilberton' predicta quidam Johannes Fysshre de eadem publice reclamasset, pretendens et allegans ac publice proponens se cum eadem Amya matrimonium legitime contraxisse ac pretexto reclamacionis huiusmodi, lis super dicto matrimonio in con-[fol. 83v]sistorio Elie'n inter Johannem Fysshre et Amyam predictos movebatur et pendeat notorie indecisa, predictus Johannes dictorum matrimonii et reclamacionis ac litis dependencie non ignarus sed de eisdem sciens aut suspicionem habens verisimilem eorundem, nulla premissa debita bannorum edicione, cum dicta Amya matrimonium clandestine contraxit post et contra precontractum, reclamacionem et litis dependenciam de quibus premittitur et sibi constitit ad plenum, et illud inter eos in facie ecclesie de Wilberton' predictae, loco utique infra diocesim Elie'n et provinciam Cantuar' patenter et notorie constituto ac postquam dicta constitutio ipsos efficaciter artabat et artat in presenti, de facto solempnizari quinpotius prophanari procurarunt pariter et fecerunt, quo pretexto sententiam maioris excommunicationis in dicta constitutione contra presumptores huiusmodi proinde latam et publice promulgatam ipso facto dampnaliter incurrerant,^q in iurisdiccione ecclesiastice illusionem, clavum ecclesie contemptum, animarum suarum periculum et aliorum exemplum^r pessimum pluriorum que omnia et singula adeo sunt publica, notoria et famosa, quod nulla poterunt tergiversacione celari. Unde ad meram animarum suarum correccionem contra ipsos precedere intendimus sibi que facere et exhibere in premissis et eorum singulis iuxta formam et effectum dicte constitutionis iusticie complementum. Dicti Johannes et Amya comparent personaliter, pecierunt articulum in scriptis sibi dari. Unde datur dies mercurii proximo post festum conceptionis Sancte Marie virginis loco quo supra ad recipiendum articulum in scriptis.

Quibus die et loco comparuerunt per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, oblato sibi per nos quodam articulo in scriptis et optento, datur dies in proximo, videlicet dies martis proximo post festum Sancti Thome apostoli proximo futurum, loco quo supra in propriis personis suis ex causis in dicta citacione expressis ad respondendum eidem articulo. [fol. 84r]

^q incurrerant] incurrerat. ^r exemplum] ex^m.

[22 Dec 77 (53.19)] Fisher. Frost and Amy contest the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Fysschere] Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, parte rea per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, comparentibus, lite per procuratorem dicte partis ree negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde in personis dictorum procuratorum de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 85r]

[22 Dec 77 (53.21)] Wilburton/Mustel. Robert is absent. He is expected tomorrow to respond personally.

Robert appears personally before the commissary. Sworn *de veritate dicenda* and questioned, he admits that when he first published the banns of John Frost and Amy Bird, John Fisher publicly proposed in Wilburton church, "It's surprising how women change. Had she been faithful, she would be my wife." Because of his reclamation and her intention to marry, Robert cited Fisher and Amy according to the canon *Cum inhibitio*⁷ and the constitution *Humana concupiscencia*.⁸ He admits that he solemnized the marriage of Frost and Amy without mention of the reclamation. The accused denies everything else contained in the article. 15 Jan. 1378 is assigned to hear the court's pronouncement; the next juridical day after 1 Jan. is assigned in Holy Trinity, Ely, before Scrope or John Newton, bishop's commissary, to see the proof of the accusations he denies. Witnesses: Mr John Newton; William de Bland, rector of Walton; and Walter Sutton, public notary, of York, Lincoln, and Worcester dioceses.

Wilberton'/Mustel] In negocio correccionis per nos Ricardum le Scrop' commissarium predictum, ex officio dicti venerabilis patris et nostro mota contra dominum Robertum Mustel iuxta formam capituli concilii generalis Cum inhibicio et constitutionis provincialis Humana concupiscencia, de quibus et prout in articulo eidem domino Roberto per nos oblato et per eum recepto plenius continetur, cum datus fuisse eidem dies supradictus ad respondendum dicto articulo in propria persona sua, dictus tamen dominus Robertus non comparuit. Ideo expectavimus eum usque ad diem crastinum ad idem loco quo supra.

Quibus die et loco dictus dominus Robertus, personaliter comparens coram nobis .. commissario predicto et de veritate dicenda iuratus ac super singulis in dicto articulo contentis requisitus, fatebatur quod edidit banna inter Johannem filium Johannis Frost de Wilberton' et Amyam nuper uxorem Roberti Brid de eadem et quod in prima edicione Johannes Fysssh'e in ecclesia de Wilberton' predicta personaliter existens proposuit ista verba publice isto audiente, "Mirabile est quod mulieres ita variant. Si fuisset fidelis, fuisset uxor mea." Fatebatur eciam quod citavit ipsum Johannem Fysschere

⁷ See Citations to Canon Law, *Cum inhibitio*.

⁸ See Citations to Canon Law, *Humana*.

pro reclamacionem huiusmodi et predictam Amyam pro huiusmodi contractu pretenso ad capitulum. Fatebatur insuper dictus dominus Robertus quod solempnizavit matrimonium inter dictum Johannem filium Johannis Frost et eandem Amyam nulla terminacione sive discussione habita super reclamacione aut contractu predicto de qua sciat. Cetera omnia in eodem articulo deducta negavit expresse. Unde eidem domino Roberto diem veneris proximo post festum Sancti Hillarii proximo futurum loco quo supra ad audiendum pronunciacionem super dictis confessatis et proximum diem iuridicum post festum Circumcisionis domini in ecclesia Sancte Trinitatis civitatis Elien' coram nobis vel magistro Johanne de Neweton' clerico, dicti patris commissario, ad videndum probaciones in ea parte ministrandas super negocio^s prefigimus et assignamus. Presentibus magistro Johanne de Neweton', Willelmo de Bland' rectore de Walton' et Waltero de Sutton' notario publico, Ebor', Lincoln' et Wigorn' diocesium testibus vocatis et rogatis. [fol. 85r]

[22 Dec 77 (53.22)] Wilburton/Tate. John denies everything in the article and purges himself before the official.

Wilberton'/Tates] In negocio correccionis per nos Ricardum le Scrop' commissarium predictum contra dominum Johannem Tates de Wilberton' capellanum moto ex officio nostro [idem Johannes] comparuit personaliter coram nobis, negat omnia et singula in dicto articulo contenta et super eisdem coram nobis canonice se purgavit. [fol. 85v]

[22 Dec 77 (53.23)] Wilburton/Frost sr. John appears personally. Questioned and sworn *de veritate dicenda*, he admits that he was at the solemnization of the marriage and that he had heard John Fisher say at the publication of the banns "May they have evil joy together."⁹ He denies everything else in the article. Next juridical day after 1 Jan. 1378 is assigned in Holy Trinity, Ely, before Scrope or John Newton, bishop's commissary, to see the proof administered by the court.

Prior to the assigned day, John personally submits to the official's grace concerning everything in the article. With his consent, the court orders him punished and assigns a penance: he should circle Wilburton church before the procession, carrying a candle, with his head bare in the manner of a public penitent. During the offertory, he should offer the candle to the celebrant.

Wilberton'/Frost senior] In negocio correccionis per nos Ricardum le Scrop' commissarium predictum moto contra dominum Johannem Frost de Wilberton' seniore, comparens personaliter dictus Johannes coram nobis super dictis articulis requisitus ac de veritate dicenda iuratus fatebatur quod interfuit solempnizacioni matrimonii in dicto articulo deducte et quod audivit dic-

^s super negoc'] *added in right margin at the end of the line of script.*

⁹ One suspects that John Fisher used more colourful language than either of the quotations attributed to him. This one, however, while it is tempting to emend *malum* to *nul-lum*, *malum* is what it says, and we should probably take it in the sense of "Let them may come closer than that in entry 53.21. revel in their sin."

tum Johannem Fysshher' dicere in edicione bannorum "Malum gaudium habeant adinvicem."^t Cetera omnia in dicto articulo deducta expresse negavit. Unde eidem Johanni proximum diem iuridicum post festum circumcisionis Domini proximo futurum in ecclesia Sancte Trinitatis civitatis Elien' coram nobis vel magistro Johanne de Neweton' clerico, dicti venerabilis patris commissario, ad videndum^u probationes in ea parte per nos et officium nostrum ministrandas prefigimus et assignamus.

penitencia] Sed postmodo ante dictum diem assignatum comparuit personaliter coram nobis dictus Johannes et super omnibus in dicto articulo contentis gracie nostre in omnibus se submitit. Unde de ipsius consensu decernimus ipsum fore puniendum pro eisdem et penitenciam sibi iniuximus salutarem, videlicet quod circueat ecclesiam de Wilberton' coram processione et deferat in signum penitencie publice unum cereum in manu sua, deposito capucio suo, quem cereum offerat presbytero missam celebranti ad offertorium alte misse. [fol. 85v]

[22 Dec 77 (53.24)] Wilburton/Frost jr/Bird. Sworn *de veritate dicenda* and questioned before Scrope, John and Amy deny everything in the article except the publication of banns between them and the solemnization of their marriage. Next juridical day after 1 Jan. 1378 is assigned in Holy Trinity, Ely, before official or John Newton, bishop's commissary, to purge themselves with the sixth hand.¹⁰

On that day they are absent. They are found deficient in their purgation and are cited to receive penance.

Wilberton/Frost iunior/Brid] In negocio correccionis per nos Ricardum le Scrop' commissarium predictum moto contra Johannem filium Johannis Frost de Wilberton' et Amyam Brid de eadem comparent personaliter coram nobis, de veritate dicenda iurati et super contentis in dicto articulo^v requisiti, negant omnia in eodem articulo contenta preter quam edicionem bannorum inter eos et solempnizacionem matrimonii. Unde eisdem proximum diem iuridicum post festum circumcisionis Domini proximo futurum loco quo supra coram nobis vel dicto magistro Johanne commissario ad purgandum se cum sexta manu sua prefigimus et assignamus.

Quibus die et loco non comparuerunt, ideo pronunciamus eos defecisse in purgacione et decernimus eos fore citandos ad recipiendum penitenciam condignam. [fol. 85v]

[14 Jan 78 (54.19)] Fisher. No witnesses or positions are brought. Three witnesses are requested compelled: John Downham junior of Wilburton, Matilda his wife, and Andrea Lessy of Wilburton; decreed with faith given. Next to produce the compelled.

^t Malum gaudium habeant adinvicem] *see n. 9.* ^u ad videndum] *repeated.* ^v in dicto articulo] *interlined.*

¹⁰ Whether this means that there will be six defendants making up the sixth) is unclear. compurgators or five (the hand of each of the

Fysschere] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis sed petita compulsione trium testium, videlicet Johannis Dounham de Wilberton' iunioris et Matildis uxoris sue et Andree Lessy de eadem, qua^w decreta facta fide que requiritur, datur dies in proximo ad producendum compulsos. [fol. 86v]

[14 Jan 78 (54.20)] Wilburton/Mustel. Robert is expected next to hear the court's pronouncement.

Wilberton'/Mustel] In negocio correccionis per nos .. commissarium predictum moto contra dominum Robertum Mustel de Wilberton' capellanum, dicto domino Roberto coram nobis comparente, expectamus eum usque proximum ad idem, videlicet ad audiendum pronunciacionem super confessatis. [fol. 86v]

[4 Feb 78 (55.17)] Fisher. John produces the three compelled witnesses, who are admitted and sworn. Next to publish the testimony.

Fysschere] In causa matrimoniali et divorcii coram nobis mota inter Johannem Fysschere de Wilberton' partem actricem ex parte una et Johannem filium Johannis Frost de eadem et Amyam nuper uxorem Roberti Brid, quam idem Johannes Frost de facto duxit in uxorem, partem ream ex altera, partibus ut prius comparentibus, productis per partem actricem tribus testibus compulsis, videlicet Johanne Dounham de Wilb'ton' iuniore et Matilde uxore sua ac Andrea Lessy de eadem, quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum et publicari videndum et audiendum attestaciones dictorum testium. [fol. 88r]

[4 Feb 78 (55.18)] Wilburton/Mustel. As 54.20.

Wilberton'/Mustel] In negocio correccionis per nos .. commissarium predictum moto contra dominum Robertum Mustel capellanum parochialem de Wilberton', dicto domino Roberto coram nobis comparente, [eum] expectamus usque proximum ad idem, videlicet ad audiendum pronunciacionem super confessatis. [fol. 88r]

[18 Mar 78 (57.13)] Fisher. [The *acta* for 25 Feb 78 for this case (*Acta* 56, fol. 89v) are missing. They probably recorded that the witnesses had not yet been examined, because the testimony is published here.] The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Fysschere] Partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, datur dies in proximo partibus predictis ad dicendum contra testes et eorum dicta. [fol. 91r]

[18 Mar 78 (57.14)] Wilburton/Mustel. Robert is absent. He will be called to hear the pronouncement next.

^w qua] quibus.

Wilberton'/Mustel] Dominus Robertus Mustel non comparuit,^x ideo vocetur ad proximum ad idem, videlicet ad audiendum voluntatem et pronunciacionem nostram super confessatis. [fol. 91r]

[8 Apr 78 (58.13)] Fisher. Nothing is proposed. Next to propose everything concerning the matter.

Fysschere] Partibus ut prius comparentibus, nichil dicto seu proposito, ideo datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 92r]

[29 Apr 78 (59.11)] Fisher. Nothing is proposed; the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Fysschere] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed in dicta causa concluso et datus est dies in proximo consistorio partibus predictis cum continuacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 92v]

[13 May 78 (60.11)] Fisher. Frost and Amy propose an exception of perjury against John Downham, the first witness, and an exception of suspicion [?of perjury] against the others; admitted after they swear *de malicia*. Next to prove.

Fysschere] Partibus ut prius comparentibus, propositis per partem ream quibusdam excepcionibus falsi et periurii contra Johannem Dounham primum testem et suspicionis contra omnes alios testes, quibus admissis eatenus quatenus iurato primitus per partem proponentem de malicia, datur dies in proximo ad probandum. [fol. 93v]

[16 Jun 78 (61.1)] Fisher. Frost and Amy produce six witnesses concerning the exceptions: John Frost senior, John Fielding, Albinus Willey, and Robert Osebern, all of Wilberton, and Alan Smyth and Ives Walter of Over, who are admitted and sworn. Fisher reserves the right to speak against witnesses and testimony. Next to prove precisely.

Fysschere] Partibus ut prius comparentibus, productis per partem dictorum Johannis Frost iunioris et Amye Brid super excepcionibus predictis sex testibus, videlicet Johanne Frost seniore de Wilberton, Johanne Feldyng', Albino Willay et Roberto Osebern' de eadem, Alano Smyth et Ivone Walter de Overe, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta, quatenus contra se deponunt, datur dies in proximo ad precise probandum. [fol. 94r]

[8 Jul 78 (62.11)] Fisher. No other witnesses, propositions, or proofs are brought. Next to publish the testimony.

Fysschere] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis neque probacionibus ministratis, datur dies in proximo ad publicandum. [fol. 94v]

[8 Jul 78 (62.29)] Wilburton/Mustell. Robert is absent and called before the bishop in Down-

^x comparuit] *sic*; see Introduction..

ham manor for the next juridical day after 25 July 1378 to hear the pronouncement.

Then Robert personally submits himself to the bishop's grace. Based on his confession, the bishop finds that Robert has acted against the canon of the general council *Cum inhibitio*¹¹ and the provincial constitution *Humana concupiscencia*.¹² Believing that he acted out of ignorance rather than malice, the bishop releases him from the penalties of both and enjoins another penance: wearing a surplice, Robert is to stand at the font of Wilburton church during mass for three Sundays or feast days, and on each day he is to say one-third of the psalms and thence go barefoot to the shrine of St Etheldreda, offering a two-pound candle there. He should proclaim the reason for his penance as an example to others.

Wilberton' / Mustell'] In negocio correccionis per nos .. commissarium predictum moto contra dominum Robertum Mustel capellanum parochialem de Wilberton', dictus dominus Robertus non comparet, ideo decernimus eum fore vocandum ad proximum diem iuridicum post festum Sancti Jacobi apostoli coram venerabili patre domino episcopo Elien' in capella manerii sui de Dounham ad idem, videlicet ad audiendum pronunciacionem super confes-satis.

pronunciacio] Quibus die et loco dictus dominus Robertus comparens personaliter submisit se gracie dicti venerabilis patris. Idem quoque venerabilis pater, auditis et intellectis confessatis per dictum dominum Robertum, inveniens dictum dominum Robertum contra formam concilii generalis Cum inhibitio et constitutionis provincialis Humana [concupiscencia] temere attemptasse consideransque quod ea pocius attemptavit ex ignorancia et simplicitate, quam ex contemptu vel malicia, unde a pena tam canonis quam constitutionis predictarum pio paterno compaciens affectu penitus se subtraxit et pro tanta temeritate ne aliis tribuatur materia consimilia perpetrandi iniunxit eidem penitentiam infrascriptam videlicet quod stet ad fontem in ecclesia de Wilberton' indutus superpellicio dum aguntur missarum solempnia tribus diebus dominicis seu festivis et dicet quolibet die terciam partem psalterii et ibit nudus pedes^y de Wilberton' ad feretrum Sancte Etheldrede et ibidem offerret unum cereum duarum librarum cere et publicabit causam quare [fol. 95v] dicta penitencia sibi fuerat iniuncta ad terrorem aliorum, quam penitentiam admisit. [fol. 96r]

[29 Jul 78 (63.11)] Fisher. Since the witnesses have not yet been examined, next to publish the testimony.

Fysschere] Partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 96r]

[1 Oct 78 (64.11)] Fisher. As 63.11.

^y nudus pedes] *we would expect* nudus pedibus.

¹¹ See Citations to Canon Law, *Cum inhibitio*.

¹² See Citations to Canon Law, *Humana*.

Fysschere] Partibus ut prius comparentibus, quia testes nondum sunt examinati, datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 98r]

[21 Oct 78 (65.13)] Fisher. As 63.11.

Fysschere] In causa matrimoniali et divorcii mota inter Johannem Fysschere de Wilberton' partem actricem ex parte una et Johannem filium Johannis Frost de eadem et Amyam Brid, quam de facto duxit in uxorem, partem ream ex altera, partibus ut prius comparentibus, quia testes admissi nondum sunt examinati, datur dies in proximo ad idem, videlicet ad videndum publicationem attestacionum et interim procuret eorum examinacionem sub pena finalis amissionis eorundem. [fol. 99r]

[10 Nov 78 (66.12)] Fisher. As 63.11.

Fysschere] Partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad videndum publicationem attestacionum. [fol. 102v]

[2 Dec 78 (67.12)] Fisher. With the parties' consent, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Fysschere] Partibus ut prius comparentibus, publicatis attestacionibus, de consensu parcium decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 105r]

[23 Dec 78 (68.10)] Fisher. Nothing is proposed; with the parties' consent, the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Fysschere] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum, de consensu parcium expresso in dicta causa concluso, datur dies in proximo cum continuacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 106r]

[3 Feb 79 (70.11)] Fisher. Frost claims that he produced two witnesses from Over concerning his exception who were admitted but not examined; he wants the decrees rescinded and his witnesses examined. To soothe his malice, the conclusion is revoked and his witnesses are ordered examined. Next to conclude and if the matter is clear, to hear the definitive sentence.

Fysschere] Partibus ut prius comparentibus, allegatur per partem Johannis Frost quod produxit duos testes de Overe super excepcione alias per ipsum proposita, qui admissi fuerant non tamen examinati, peccit dictus Johannes rescissis aliis decretis quatinus dicti testes examinentur, unde ad convincendum ipsius maliciam, revocata conclusione dicte cause ex equitate canonica, decernimus dictos testes fore citandos subituros examinacionem citra proximum daturque dies in proximo ad concludendum in dicta causa et audiendum sentenciam si liqueat. [fol. 107v]

[25 Feb 79 (71.9)] Fisher. Since the witnesses from Over have been examined, the testimony is

published; the case is concluded with the parties' consent. Next to hear the definitive sentence.

Fysschere] Partibus ut prius comparentibus, examinatis testibus de Overe alias productis super excepcione factaque postmodo^z publicatione attestacionum eorundem et in dicta causa concluso de consensu parcium, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 109v]

[17 Mar 79 (72.9)] Fisher. Fisher personally; Frost personally; Amy by proctor 19 March 1379 is assigned in the chapel of the bishop's palace, before the bishop or his commissary to hear the definitive sentence.

19 March, before the bishop, Fisher personally, Frost personally, Amy absent and found contumacious. As penalty for the contumacy and at the others' request, the bishop, who has reserved the sentence to himself because of the importance of the case, proceeds to the sentence, after the entire process has been investigated and deliberation has been held with experienced counsel.

Sentence. In a full, formal sentence, the bishop recites the *acta* in the case. He then finds that because John Fisher has proved his intention and John Frost and Amy have not, their marriage is annulled and they are separated. Fisher and Amy are pronounced husband and wife; their marriage is ordered solemnized at an appropriate time and place. Witnesses: Mr's Richard Scrope, professor of both laws and chancellor of Cambridge; Thomas of Barnard Castle, rector of Lolworth, registrar of the bishop, and public notary; and John Dunham, cleric, of Ely and York dioceses *et al.* [NS]¹³

Fyssche'] Parte actrice personaliter, parte Johannis Frost eciam personaliter, parte vero dicte Amye per dictum procuratorem suum, comparentibus, partibus predictis diem sabbati proximo nunc futurum in capella palacii venerabilis patris domini Thome Dei gracia episcopi Elien' coram dicto venerablili patre vel alio ipsius commissario ad audiendum sentenciam in dicta causa diffinitivam prefigimus et assignamus.

Quibus die et loco predictis Johanne et Johanne coram nobis Thoma permissione divina episcopo Elien' personaliter comparentibus, predicta Amya nullo modo, ideo ipsam Amyam reputamus contumacem et in pena contumacie ipsius Amye et ad instantem petitionem dictorum Johannis et Johannis ad sentenciam diffinitivam in hac parte ferendam processimus ipsamque in scriptis pro tribunali sedentes tulimus sub hac forma.

In Dei nomine amen. Auditis et intellectis meritis cause matrimonialis et divorcii que in consistorio nostro Elien' vertitur et diucius vertebatur inter Johannem Fysschere de Wilberton', nostre diocesis, partem actricem ex parte una et Johannem filium Johannis Frost de eadem et Amyam Brid, quam de facto dictus Johannes Frost iunior duxit in uxorem, partem ream ex altera, [partibus] predictis^{aa} coram dicti nostri consistorii presidente non per

^z postmodo] *followed by conclus' crossed out.* ^{aa} predictis] *repeated.*

¹³ In between this entry and the one immediately following, John Frost's proctor, Peter Caprik, sued him for his fee. The case was, however, quickly settled. See *Caprik* (3).

viam appellacionis seu querele sed primarie cognicionis et ordinarie nostre iurisdiccione cognoscente sufficienter comparentibus, oblato per partem actricem in dicta causa quodam libello in scriptis et a parte rea optento cuius tenor talis est. In Dei nomine amen etc., liteque ad eundem libellum per dictam partem ream negative contestata iuratisque partibus predictis hincinde de calumpnia et de veritate dicenda, partes predictae idem dixerunt sicut prius datusque fuit terminus parti actrici ad producendum testes et parti ree ad videndum produccionem huiusmodi.

Quo termino partibus ut prius comparentibus, productis per partem actricem quibusdam testibus, quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus publicatis decretaque copia partibus, datus fuit terminus partibus predictis ad dicendum contra testes et eorum dicta.

Quo termino adveniente partibus ut prius comparentibus, propositis per partem ream quibusdam excepcionibus contra testes et eorum dicta per partem actricem productos, quarum tenor talis est, In Dei nomine amen etc., quibus admissis eatenus quatenus, datus fuit terminus ad probandum dictas excepciones.

Quo termino adveniente partibus ut prius comparentibus, productis per partem excipientem super eisdem excepcionibus nonnullis testibus, quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus publicatis decretaque copia partibus, datus fuit terminus partibus predictis ad dicendum contra testes et eorum dicta.

Quo termino adveniente partibus ut prius comparentibus nichil dicto seu proposito per alterutram partem parcium predictarum, datus fuit terminus partibus predictis ad proponendum omnia in facto seu iure consistencia.

Quo termino adveniente partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed de consensu parcium earundem in dicta causa concluso, datus fuit iste dies sabbati proximo post festum Sancti Gregorii pape anno domini supradicto in capella palatii nostri Elien' partibus predictis ad audiendum sentenciam in dicta causa diffinitivam, prout hec omnia superius enarrata per processum in dicto consistorio nostro habitum et acta in eodem habita nobis pro informacione nostra transmissa et fidelem relacionem nobis inde factam nobis liquet manifeste. Nos igitur Thomas permissione divina episcopus Elien' propter ipsius cause gravitatem et alias causas legitimas nos moventes, ipsius cause decisionem et sentenciam diffinitivam nobis ex certa sciencia^{bb} duximus specialiter reservandas. Unde nos Thomas permissione divina episcopus Elien', iudex ordinarius, termino ad audiendum sentenciam in dicta causa diffinitivam partibus

^{bb} sciencia] *interlined*.

predictis prefixo et assignato, partibusque dictorum Johannis et Johannis personaliter comparentibus, dicta Amya [fol. 111r] nullo modo comparente sed contumace reputata, partibusque comparentibus sententiam ferri petentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de iurisperitorum nobis assidencium consilio, Christi nomine primitus invocato, habentes pre oculis solum Deum ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum Johannem Fysschere partem actricem intencionem suam in dicto libello deductam ad plenum fundasse et probasse dictosque Johannem Frost iuniorem et Amyam partem ream intencionem suam in eisdem excepcionibus deductam minus sufficienter fundasse et probasse, matrimonium inter prefatos Johannem Frost iuniorem et Amyam de facto contractum et solempnizacionem eiusdem quatenus de facto processerunt cassamus, irritamus et annullamus eosque abinvicem separamus et divorciamus, cassa, irrita et nulla eosque abinvicem separatos et divorciatos per hanc nostram sententiam diffinitivam pronunciamus et declaramus prefatumque Johannem Fysschere eidem Amye in virum legitimum ac ipsam Amyam eidem Johanni Fysschere in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium inter eosdem Johannem Fysschere et Amyam fore in facie ecclesie solempnizandum pro loco et tempore opportunis. Acta sunt hec anno domini millesimo trecentesimo septuagesimo octavo, indiccione secunda, pontificatus domini Urbani pape sexti anno primo, mensis^{cc} marcii die undevicesimo, per dictum venerabilem patrem in capella palatii sui in civitate Elien'. Presentibus magistris Ricardo de Scrop', utriusque iuris professore, cancellario Cantebr', Thoma de Castrobernardi rectore ecclesie de Lolleworth' dicti venerabili patris registrario, notario publico, et Johanne Doneham, clerico, Elien' et Ebor' diocesum et aliis in multitudine copiosa testibus vocatis et rogatis. RF: Foxton. [fol. 111v]

[25 May 80 (89.34)] Frost. John Fisher of Wilburton, John son of John Frost, and Amy widow of Robert Bird of Wilburton were cited in a case of nullity of a definitive sentence given by the bishop in a case of marriage and divorce between John Fisher and Amy. Frost and Amy intend to move the case against Fisher and against the execution of the sentence.

Frost and Amy appear by Peter Caprik, proctor; Fisher is absent. Next to propose in writing about the nullity; Fisher will be called.

Frost] Johannes Fyssche' de Wilberton, Johannes filius Johannis Frost et Amya nuper uxor Roberti Brid de eadem citati [sunt] super nullitate sentencie diffinitive in quadam causa matrimoniali et divorcii inter ipsos Johannem

^{cc} mensis] *followed by ap' crossed out.*

Fyssher' et Amyam per venerabilem in Christo patrem et dominum dominum Thomam Dei gracia episcopum Elien' nuper late, quam dicti Johannes Frost et Amya contra dictum Johannem Fyssher' et ipsius sentencie execucionem movere intendunt. Predicto Johanne nullo modo comparente, predictis Johanne Frost et Amya per Petrum Caprik', clericum, procuratorem suum, [datur dies] in proximo ad proponendum in scriptis super nullitate dicte sentencie et vocetur dictus Johannes Fyssher' ad idem. [fol. 138v]

[14 Jun 80 (90.32)] Frost. Frost and Amy by proctor; Fisher personally. Frost and Amy propose in writing that they contracted marriage prior to any contract between Fisher and Amy. Fisher contests the suit negatively; parties swear *de calumpnia*, *de veritate dicenda*, and *de malicia*. Next to propose and the first term to produce.

Frost and Amy produce four witnesses: John Frost senior, Andrea Lessy, John Downham junior, and Amy his wife, who are admitted and sworn. Next to propose and the second term to produce. Fisher is assigned all terms through the sentence.

Frost] Predicto Johanne Frost iuniore et Amya per procuratores suos comparentibus, predicto Johanne Fyssher' e personaliter, proposita per partem actricem quadam materia in scriptis super precontractum inter ipsos ante omnem contractum inter prefatos Johannem Fyssher' et Amyam initum, lite per eundem Johannem^{dd} Fyssher' negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de malicia, datur dies ad ponendum et primo producendum.

Quo die partibus ut prius comparentibus, productis per partem actricem quatuor testibus, videlicet Johanne Frost seniore, Andrea Lessy, Johanne Dounham iuniore et Amya uxore sua, quibus admissis et in forma iuris iuratis, datur dies in proximo ad ponendum et secundo producendum et prefigimus eidem Johanni Fyssher' terminum ad omnes actus usque ad sentenciam diffinitivam inclusive. [fol. 141r]

[12 Jul 80 (91.6)] Frost. No witnesses are produced. With the parties' consent, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Frost] Partibus ut prius comparentibus, nullis aliis testibus productis sed de consensu parcium publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 141v]

[23 Jul 80 (92.30)] Frost. No other witnesses are produced. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Frost] Partibus ut prius comparentibus, nullis aliis testibus productis sed publicatis attestacionibus testium predictorum decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 143r]

[25 Oct 80 (94.24)] Frost. Nothing is proposed. Next to propose everything concerning the matter.

^{dd} Johannem] *interlined*

Frost] Partibus ut prius comparentibus, nichil dicto seu proposito, datur dies in proximo ad proponendum omnia in facto seu iure consistencia. [fol. 144v]

[5 Dec 80 (96.7)] Frost. Frost and Amy by Peter Caprik, proctor; Fisher is absent, although expected at all acts. The case is concluded. Next to hear the definitive sentence.

Frost] Parte actrice per Petrum Caprik', clericum, procuratorem suum [comparente], parte Johannis Fyssche nullo modo sed habuit diem ad omnia acta, facta per nos conclusionem in dicta causa, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 146r]

[10 Jan 81 (97.8), 31 Jan 81 (98.8)] Frost. Next to hear the definitive sentence.

Frost] Ad idem in proximo, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 146v, 147r]

[28 Feb 81 (99.7), 14 Mar 81 (100.7), 5 Apr 81 (101.7)] Frost. As 97.8.

Frost] Ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fols. 147v, 148r, 148v]

[2 May 81 (102.7)] Frost. As 97.8.

Frost] Partibus ut prius comparentibus, ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 149v]

[24 May 81 (103.7)] Frost. As 97.8.

Frost] Ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 150v]

[10 Oct 81 (106.7)] Frost. As 97.8.

Frost] Ad idem. [fol. 152v]

[30 Oct 81 (107.7)] Frost. As 97.8.

Frost] Ad idem, videlicet ad audiendum sententiam diffinitivam in proximo. [fol. 154r]

[12 Nov 81 (108.5)] Frost. Next to hear the definitive sentence. Meanwhile, a report of the case should be made to the bishop, who gave the first sentence.

Frost] Ad idem videlicet ad audiendum sententiam diffinitivam et fiat interim relacio in dicta causa domino Elien', qui primam sententiam tulit. [fol. 155r]

[28 Nov 81 (109.4)] Frost. Next to hear the definitive sentence; the report to the bishop is ordered made.

Frost] Ad idem videlicet ad audiendum sententiam in dicta causa diffinitivam et fiat relacio domino. [fol. 159r]

[12 Dec 81 (110.4)] Frost. Next to hear the definitive sentence.

Frost] Ad idem videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 159r]

[16 Jan 82 (111.4), 6 Feb 82 (112.3), 27 Feb 82 (113.3)] Frost. As 110.4.

Frost] Ad idem videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 159v, 160v, 161v]

196. *THRESHER*¹

[3 Dec 77 (52.29)] Thresher. Joan Stokes of Trumpington was cited at the instance of Adam Thresher of Trumpington and Matilda Higgon in an appeal.

Adam and Matilda appear by Walter Sutton, proctor by letter; Joan appears personally. An oral libel is given and requested in writing. Next to receive it.

Thresschere] Johanna Stokes de Trumpiton', Elie'n' diocesis, citata [est] ad instanciam Ade Thresschere de eadem et Matildis Hygyn in causa appellacionis ad audienciam nostram interiecte. Parte appellante per Walterum de Sutton', clericum, procuratorem suum litteratorie constitutum, parte appellata personaliter, comparentibus, libellato oretenus, petito in scriptis per partem appellatam, datur dies in proximo ad recipiendum in scriptis. [fol. 84r]

[22 Dec 77 (53.20)] Thresher. Adam and Matilda by proctor; Joan by Peter Caprik, proctor *apud acta*. The libel of appeal is received in writing. Next to respond.

Thresshere] Parte appellante ut prius comparente, parte appellata per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, oblato per partem appellantem quodam libello in scriptis appellatorio et per partem appellatam optento, datur dies in proximo ad respondendum eidem. [fol. 85r]

[14 Jan 78 (54.9)] Thresher. Joan contests the suit negatively and proposes in writing an exception containing contrary material. Next to propose and the first term to produce; both parties to swear *de calumpnia*

Thressh'e] Parte appellante ut prius comparente, lite per procuratorem partis appellate negative contestata cum quadam adieccione sive excepcione factum contrarium sive exclusorium continente iuxta ipsam contestacionem in scriptis proposita, datur dies in proximo parti appellanti ad ponendum et primo producendum et utrique parti ad iurandum de calumpnia hinc et inde. [fol. 86v]

[4 Feb 78 (55.8)] Thresher. Parties swear *de calumpnia* and *de veritate dicenda*; no witnesses are produced concerning the appeal. Next to propose and the second term to produce. No witnesses are produced concerning the exception. Two witnesses necessary for the case are requested compelled: John vicar of Caldecote and Hugh Candlesby; decreed with faith given. Next to produce the compelled.

Thresshere] In causa appellacionis mota inter Adam Thresschere de Trumpi-

¹ An Adam Irish, thresher of Trumpington, is mentioned as an appellee in *Trumpington*. He may be the same man as the first appellant in this case, though that case tells us little more.

ton' et Matildem Higyn de eadem partem appellan-tem ex parte una et Johannam Stokes de eadem partem appellatan ex altera, partibus ut prius comparentibus, iuratis per dictos procuratores hincinde de calumpnia et de veritate dicenda, nullis testibus super causa appellacionis productis, datur dies in proximo ad ponendum et secundo producendum. Nullis testibus productis super adieccione sive excepcione predicta sed petita compulsione duorum testium, videlicet domini Johannis vicarii ecclesie de Caldecote et Hugonis de Candellesby, testium sibi necessariorum ut asserit, et^a decreto facta fide qui requiritur, datur dies in proximo ad producendum testes in hac parte compellendos et parti adverse ad videndum produccionem. [fol. 87v]

[25 Feb 78 (56.8)] Thresher. Matilda produces no witnesses concerning her exception, but she and Adam propose a replication and a public instrument is shown Adam and Matilda produce two witnesses concerning the replication: . . . admitted and sworn. They request the [compulsion of] . . . of Trumpington church and John Bailey [Next to produce] compelled.²

Thresschere] Partibus ut prius comparentibus, nulli testibus per partem dicte Matildis productis super excepcione sed proposita quadam repplicatione per dictos Adam et Matildem et exhibito quodam instrumento publico su[p] . . .² gesta, productisque per partem repplicantem super eadem repplicatione duobus testibus videlicet . . .² [admi]ssis et in forma iuris iuratis petiturque per eandem partem repplican[tem] . . .² ecclesie de Trumpiton' et Johannis Bailly alias . . .² [produce]ndum compulsos. [fol. 89v]

[18 Mar 78 (57.7)] Thresher. Since the compelled witnesses have not yet been cited, they will be cited for their production next.

Thresschere] Partibus ut prius comparentibus, quia testes compellendi nondum sunt citati, ideo citentur ad proximum daturque dies in proximo ad producendum compulsos. [fol. 90v]

[8 Apr 78 (58.7)] Thresher. As 57.7.

Thresschere] Partibus ut prius comparentibus, quia testes compellendi nondum sunt citati, ideo citentur ad proximum et datur dies in proximo ad idem. [fol. 91v]

[29 Apr 78 (59.7)] Thresher. As 57.7.

Thresschere] Partibus ut prius comparentibus, quia testes compellendi nondum sunt citati, ideo citentur ad proximum, daturque dies in proximo ad idem. [fol. 92v]

[13 May 78 (60.7)] Thresher. Adam and Matilda produce two witnesses: John vicar of Trump-

^a et] *interlined*. . .

² The lower half of folio 89 has been removed. As a result parts of this entry are missing. Some text has been restored and appears in square brackets. Missing text is indicated by ellipses.

ington and John Bailey of Trumpington, who are admitted and sworn. Next to publish the testimony.

Thresscher'] Partibus ut prius comparentibus, productis per partem appellantem duobus testibus, videlicet domino Johanne vicario ecclesie de Trumpiton' et Johanne Bailly de eadem, quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum. [fol. 93v]

[8 Jul 78 (62.7)] Thresher. Since the witnesses have not yet been examined, next to publish the testimony.

Thresscher'] Partibus ut prius comparentibus, ad idem quia testes nondum sunt examinati. [fol. 94r]

[29 Jul 78 (63.7)] Thresher. Parties absent. Both are expected next to proceed according to past acts, namely to publish the testimony.

Thressch'e] Neutra parte comparente, ideo decernimus utramque partem fore vocandam ad proximum ad procedendum iuxta forma retroactorum videlicet ad publicandum attestaciones. [fol. 96r]

[1 Oct 78 (64.7)] Thresher. The case is discontinued.

Thressch'e] Neutra parte comparente, ideo causa est discontinuata. [fol. 98r]

197. *POTTON/CANDLESBY*

[3 Dec 77 (52.34)] Admission of the alms-seeker of Hospital of St Mary of Rouncivall, near Charing Cross. 13 Dec. 1377 Richard Burell, proctor of the hospital of St Mary Rouncivall (Pamplona diocese) next Charing Cross near London,¹ appears personally before Scrope and asks to be admitted to explain, in the individual churches within the diocese and city of Ely, the business and needs of the hospital and to publish the indulgences conceded to its benefactors. After his proxy and the hospital's indulgences and business have been examined and found legitimate by the court, Richard is admitted to explain the business of the hospital. Scrope orders letters patent made for him directed to the deans, rectors, vicars, and chaplains, good for one year.

Hospitale Beate Marie de Roscidevall' admissio questoris] Memorandum quod idus decembris anno domini supradicto Ricardus Burel, procurator hospitalis Beate Marie de Roscidevall', Pampilonen' diocesis, iuxta Charryng Cros prope London'^a comparens personaliter coram nobis Ricardo le Scrop', officiali et commissario supradicto, et peciit se admitti ad exponendum negocia et indigencias dicti hospitalis et indulgencias benefactoribus suis concessas publicanda in singulis ecclesiis civitatis et diocesis Elien'. Unde examinatis per nos procuratorio, indulgenciis et negociis dicti hospitalis ipsisque legitimis et sufficientibus inventis, ipsum Ricardum ad exponendum et publicandum negocia, indigencias et indulgenias predictas in dictis ecclesiis

^a iuxta Charryng Cros prope London'] *interlined*.

¹ For this hospital, see Knowles and Hadcock, 336, 402. It became denizen in 1414.

admisimus eidemque litteras patentes singulis decanis, rectoribus, vicariis et capellanis parochiarum civitatis et diocesis predictarum directas concessimus per unum annum tantummodo duraturum. [fol. 84r]

[3 Dec 77 (52.35)] Potton, archdeacon's official. Mr John Potton, archdeacon's official, was called *ex officio* for 14 Dec. 1377. The official had impeded Richard Burell, alms-seeker admitted by Scrope, from explaining his business in Great Shelford church, in contempt of the bishop and official's jurisdiction and in prejudice to Richard.

John appears personally before Scrope and denies having impeded Richard. He says he proposed that the agent should have a license from the archdeacon of Ely or his official, in addition to Scrope's, in order to publish his matters. John did not exclude the bishop's letters, but believed Richard should have the other license too, thereby avoiding impediments. John swears to this and is dismissed.

Officialis archidiaconi] Die lune proximo post festum Sancte Lucie virginis anno domini supradicto magister Johannes de Potton' officialis domini archidiaconi Elien' comparens personaliter coram nobis Ricardo le Scrop', officiali et commissario supradicto, ac impetitus ex officio dicti venerabilis patris et nostro super eo quod impedivit dictum Ricardum Burell, questorem per nos admissum, in exposicione negociorum suorum in ecclesia parochiali de Shelford' Magna in dicti venerabilis patris et nostri ac iurisdiccione sue contemptum et ipsius questoris preiudicium et gravamen, negavit se predictum questorem in aliquo impedisse sed dixit quod proposuit huiusmodi verba et non alia quod debuit habuisse litteras licencie ab archidiacono Elien' vel eius officiali ad publicandum dicta negocia una cum litteris nostris, non tamen ut excluderet litteras nostras sed etiam ut haberet suas cum nostris, ab omni alio impedimento se abstinens, unde facta fide de premissis ipsum .. officialem dimittimus. [fol. 84r]

[3 Dec 77 (52.36)] Candlesby, archdeacon's registrar. Mr Hugh Candlesby, archdeacon's registrar, was called *ex officio* for 14 Dec. 1377 because he had impeded Richard Burell, alms-seeker admitted by Scrope, from explaining his business in Great Shelford church.

Hugh appears personally and denies having impeded Richard. He swears to this and is dismissed.

Registrarius archidiaconi] Eisdem die et anno Hugo de Candlesby clericus registrarius domini .. archidiaconi Elien' comparens personaliter coram nobis Ricardo le Scrop', officiali et commissario supradicto, ac impetitus ex officio dicti venerabilis patris et nostro super eo quod impedivit dictum Ricardum questorem per nos admissum in exposicione negociorum suorum in ecclesia de Shelford' Magna, negavit se ipsum in aliquo impedivisse [fol. 84r] et super hoc facta fide, dimittitur ab impetitione officii nostri de cetero facienda. [fol. 84v]

198. NETHERSTREET (2)¹

[3 Dec 77 (52.37)] Netherstreet. William Netherstreet of Fulbourn, chaplain, was cited *ex officio* for correction before Scrope for 14 Dec. 1377. According to public fame, he had committed adultery with Alice wife of Richard Fuller, now a resident of Balsham. Furthermore, he had practised divination, having employed incantations to entice Katherine wife of Henry Moll of Fulbourn to come to his room at night so he could violently force her into adultery. He had assaulted John Petyt senior of Fulbourn, priest, Roger in le Netherstreet, cleric, and John Baldwin of Fulbourn, cleric, in Fulbourn St Vigoris, never having considered the sacredness of the place or the privilege of the order. He had solicited Isabel wife of Richard atte Wich in order to seduce her. He had had intercourse with Eleanor atte Pool, and he had kept as his concubine Agnes, widow of Robert Goodspeed of Wilburton, whose female member he cut off because he suspected her of committing adultery with John Alston of Wilburton. William has also frequented common taverns by day and night with ribald and suspicious people, contrary to the honour of his order. He has been a common dealer in corn.

William appears personally. Sworn *de veritate dicenda* and questioned about the articles, he admits that he and Alice, Fuller's wife, committed adultery, but claims that thirteen years have passed since he was corrected for that crime; he denies the crime since then. He denies the divination and the assault on Petyt and Baldwin. He admits to the violence against Netherstreet, but claims that he acted in self-defence. He denies soliciting Isabel, but admits that he had intercourse with Eleanor two years ago, for which crime he was corrected by the arch-deacon's official; he denies the crime since then. Similarly he had been corrected fifteen years ago for the offense with Agnes, but he denies the crime since then. He denies going to taverns, but admits to dealing in corn. 7 Jan. is assigned to purge himself with twelve honorable people for the crimes denied by him, to prove his alleged corrections and if proved, to purge himself for the crimes committed since his corrections, to prove the self-defence, and to receive punishment for his negotiations in corn.

7 Jan. William is absent. Because he is pursued by his enemies by royal writ, he does not dare to appear, for which faith is made.

Netherstrete] Dominus Willelmus Netherstrete de Fulbourn' capellanus citatus [est] coram nobis Ricardo le Scrop', officiali et commissario supradicto, ad diem lune proximo post festum Sancte Lucie virginis anno domini supradicto super crimine per ipsum cum Alicia uxore Ricardi Fuller' nunc comorante in Balsham fama referente commissio ac eciam super eo quod idem dominus Willelmus sortilegium commisit utendo videlicet coniuracionibus et incantacionibus per quas nitebatur et sollicitavit Katerinam uxorem Henrici Molle de Fulbourn' ad cameram ipsius noctanter venire ut sic eam in adulterio opprimeret violenter, necnon super eo quod dictus dominus Willelmus in quosdam dominum Johannem Petyt de Fulbourn' seniore presbyterum et Rogerum in le Netherstrete clericum et Johannem Baldewyn de eadem clericum, in ecclesia Sancti Vigoris de Fulbourn' non attenta loci reverencia nec ordinis privilegio manus iniecit temere violentas ac pro eo quod sollicitavit Isabellam uxorem Ricardi atte Wich' ut eam carnaliter cognosceret.

¹ See *Hinton*, n. 1. This case is discussed in T&C nos. 517–8; cf. *id.*, at 285. Donahue, *Law, Marriage, and Society*, 292–3

Item quod Elenam Attepool carnaliter cognovit ac eciam quamdam Agnetem nuper uxorem Roberti Godsped de Wilburgham, cuius menbrum muliebre abscidit quia habuit eam suspectam de Johanne Alston de eadem in adulterinis amplexibus, detinuit concubinam. Item quod frequentat communiter tabernas tam noctibus quam diebus cum ribaldis et suspectis personis contra ordinis sui honestatem. Item quod communis negociator est bladi. Dictus dominus Willelmus comparens personaliter coram nobis et de veritate dicenda iuratus ac super premissis articulis sibi obiectis ex officio nostro ad meram anime sue^a correccionem requisitus, fatebatur quod Aliciam uxorem Ricardi Fuller' carnaliter cognovit tredecim annis elapsis de quo asserit se fore correctum, a quo tempore negat; quo ad sortilegium predictum negat expresse; quo ad violenciam illatam dicto domino Johanni Petyt et Johanni Baldewyne negat expresse; quantum ad violenciam illatam Rogero Netherstrete clerico, fatebatur quod iniecit in eum manus violentas; dicit tamen quod ad sui tuicionem et cum moderacione inculpate tutele; quo ad sollicitacionem Isabelle uxoris Ricardi Attewich' negat expresse; quo ad carnalem copulam cum Elena Attepool predicta fatetur quod ipsam carnaliter cognovit duobus annis elapsis de quo tempore allegat correccionem factam coram .. officiali domini .. archidiaconi Elien' et ab eodem tempore negat expresse; quo ad carnalem copulam cum Agnete uxore Roberti Godsped predicta, fatetur quod ipsam carnaliter cognovit quindecim annis elapsis de quo tempore asserit se fore correctum et a dicto tempore immunem; quantum ad hoc quod frequentat tabernas negat expresse; quo ad negociacionem bladi de qua premittitur fateatur. Unde eidem domino Willelmo proximum diem iuridicum post festum epiphanie Domini proximo futurum loco quo supra ad purgandum se super articulis per eum simpliciter negatis cum duodecim manu honestarum personarum et ad probandum illam iustificacionem allegatam, videlicet quod ad sui tuicionem iniecit manus in Rogerum Netherstrete clericum ut prefertur, necnon ad recipiendum penitenciam condignam pro articulo simpliciter confessato, videlicet quod est negociator bladi, prefigimus et assignamus.

Quibus die et loco dictus dominus Willelmus non comparet sed quia prosecutus est per emulos suos per brevia regia quominus audet^b comparere de quo est facta fides, ideo expectamus ipsum ad idem quod prius usque ad diem iouis proximo post festum Sancti Hillarii proximo futurum loco quo supra. [fol. 84v]

[22 Dec 77 (53.31)] Netherstreet. William is expected next to purge himself, to prove, and to receive penance, at the command of the bishop.

Netherstrete] In negocio correccionis ex officio nostro moto contra dominum

^a anime sue] animarum suarum; *it is possible that the charges were originally composed with more than one defendant in mind, perhaps including the women with whom he is alleged to have committed adultery.* ^b audet] sic.

Willelmum Netherstrete de Fulbourn' capellanum, dictus dominus Willelmus expectatus est ad idem usque proximum ad preceptum domini .. episcopi Elien'. [fol. 86r]

[14 Jan 78 (54.28)] Netherstreet. William personally produces compurgators and offers to purge himself; John Baldwin of Fulbourn, appearing personally, is prepared to prove the matter. Next to prove.

Netherstrete] In negocio correccionis ex officio nostro moto contra dominum Willelmum Netherstrete de Fulbourn' capellanum, dictus dominus Willelmus comparens personaliter producit cum eo purgatores et offert se ad purgandum. Johannes Baldewyne de Fulbourn' personaliter comparens offert se paratum ad probandum veritatem facti, unde habet diem in proximo ad probandum. [fol. 87r]

[4 Feb 78 (55.24)] Netherstreet. William appears by John Wiltshire, proctor *apud acta*; John Baldwin, promoting the office, personally. John claims a compromise has been reached. Next to prove the compromise or the crime.

Netherstrete] In negocio correccionis ex officio nostro promotum contra dominum Willelmum Netherstrete de Fulbourn' capellanum, predicto domino Willelmo per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, coram nobis comparente, parte Johannis Baldewyne promoventis officium nostrum personaliter comparente, allegatur per dictam partem promoventem quod concordia est inter eos reformata, unde habuit diem in proximo ad probandum concordiam, alioquin ad probandum crimina per eundem Johannem obiecta ad que se optulit probaturum. [fol. 88r]

199. SAWSTON (1)¹

[22 Dec 77 (53.25)] Sawston. William Dovenel of Sawston was cited at the instance of John vicar of Sawston in a case of tithes.

Parties appear personally. An oral libel is given and requested written. Next to receive it in writing.

On that day John by John Wiltshire, proctor *apud acta*: William is absent. An excusator alleges that William is too ill to appear, for which he gives his faith. The written libel is received by the person making the excuse. Next to respond to it.

Sauston'] Willelmus Dovenel de Sauston' citatus [est] ad dictos diem et locum ad instanciam domini Johannis vicarii ecclesie eiusdem in causa decimarum. Partibus personaliter comparentibus, libellato oretenus, petito in

¹ *Sawston (2)* and *Sawston (3)* are also actions may indicate that he was particularly aggressive about enforcing his right to tithes brought by the same vicar against parishioners. There is no indication in the record that the cases are otherwise related, or that his parishioners were particularly reluctant to pay them. *Sawston (4)* suggests that but the fact that this vicar brought three such the vicar was dead by December of 1381.

scriptis, datur dies ad recipiendum libellum in scriptis.

Quo die parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, comparente, parte rea nullo modo, sed mittit unum excusatorem qui allegat quod detinetur infirmitate quominus potest comparere et super huiusmodi impedimento fidem fecit; oblato libello in scriptis et per dictum excusatorem recepto sibi liberando, datur dies in proximo ad respondendum eidem. [fol. 85v]

[14 Jan 78 (54.21)] Sawston. With John's consent, both expected next for response.

Sauston'] Parte actrice ut prius comparente, parte rea nullo modo, ideo de consensu partis actricis expectamus absentem cum presente usque ad proximum consistorium ad idem quod prius. [fol. 86v]

[4 Feb 78 (55.19)] Sawston. William will be called to respond to the libel.

Sauston'] In causa decimarum mota inter dominum Johannem vicarium ecclesie de Sauston' partem actricem ex parte una et Willelmum Dovenel de eadem partem ream ex altera, parte actrice ut prius comparente, parte rea nullo modo, ideo decernimus dictam partem ream fore vocandam ad idem quod prius, videlicet ad respondendum libello sibi oblato. [fol. 88r]

[18 Mar 78 (57.15)] Sawston. [The *acta* for 25 Feb 78 (*Acta* 56, fol. 89v) are missing for this case. In them William may have responded to the libel, but it is equally likely that the case was postponed with hope of peace.] Peace has been restored because William has paid the tithes.

Sauston' – pax] Pax est quia satisfactum est vicario pro decima petita. [fol. 91r]

200. *ARNOLD*

[22 Dec 77 (53.28)] Arnold. Nicholas Arnold of Fulbourn was called by the official for 23 Dec. 1377 to proceed in his appeal, under penalty of final remission. He had appealed from the definitive sentence given by the archdeacon's official in a marriage case, favouring Margaret Hook of Fulbourn, original plaintiff. She was also called.

Nicholas appears personally; Margaret is absent, found contumacious, and suspended from entering church. Nicholas is inhibited from contracting or doing anything prejudicial to the case, under penalty of excommunication. Next to proceed.

Arneld' – suspensio] Cum nos .. officialis Elien' Nicholaum Arneld' de Fulbourn' ad diem mercurii proximo post festum Sancti Thome apostoli anno domini supradicto loco quo supra causam appellacionis sue ad audienciam nostram per ipsum interiecte a quadam sententia diffinitiva in causa matrimoniali inter Margaretam Hokke de eadem actricem ex parte una et ipsum Nicholaum reum ex altera, pro dicta Margareta et contra eundem Nicholaum per .. officialem domini archidiaconi Elien' lata in forma iuris prosecuturam sub pena finalis dimissionis ac eciam dictam Margaretam in dicta causa ap-

pellacionis iuxta ipsius qualitatem et naturam processuram et procedi visuram fecerimus coram nobis ad iudicium evocari, predicto Nicholao parte appellante personaliter comparente, predicta Margareta parte appellata nullomodo, ideo ipsam Margaretam reputamus contumacem et pro sua contumacia ipsam ab ingressu ecclesie suspendimus in hiis scriptis. Et interdiciamus eidem Nicholao sub pena excommunicationis et inhibemus expresse ne aliunde contrahat seu quicquam aliud faciat vel exerceat quominus dicta causa suum debitum sorciatur effectum daturque dies in proximo predicto Nicholao ad prosequendum causam appellacionis sue et decernimus dictam Margaretam fore vocandam ad proximum ad procedendum in eadem. [fol. 85v]

[14 Jan 78 (54.25)] Arnold. The oral libel states that the archdeacon's official brought a definitive sentence in the marriage case between Margaret and Nicholas in her favour, pronouncing them husband and wife; Nicholas appealed from it *ab iniqua*. Hoping that the court will rule in favour of the appeal and the consistory's jurisdiction, he wants the sentence revoked. With the parties' consent, the court admits the appeal and orders the transmission of the process of the principal case. Since the court fears the parties will flee, they are ordered to attend all acts through the definitive sentence.

Arneld'] In causa appellacionis mota inter Nicholaum Arneld' de Fulbourn' partem appellantem ex parte una et Margaretem Hokke de eadem partem appellatam^a ex altera, partibus personaliter comparentibus, libellato oretenus per partem appellantem, videlicet quod .. officialis domini archidiaconi Elien' in quadam causa matrimoniali coram eo mota inter ipsam Margaretam originaliter actricem ex parte una et prefatum Nicholaum reum ex altera iudicialiter cognoscens sententiam pro dicta Margareta et contra eundem Nicholaum tulit diffinitivam, ipsam Margaretam eidem Nicholao in uxorem legitimam ipsumque Nicholaum eidem Margarete in virum legitimum adiudicando, a qua quamdam sententiam tanquam ab iniqua dictus Nicholaus ad nostram audienciam^b se asserit appellasse, quare peciit pro voce appellacionis predicte eiusque causa seu causis ac pro iurisdiccione nostra pronunciari dictamque sententiam infirmari et revocari. Predicta pars appellata fatetur sententiam diffinitivam predictam et appellacionem sequentem ut profertur, unde de consensu parcium predictarum pro voce appellacionis predicte eiusque causa seu causis ac pro iurisdiccione nostra pronunciamus et decernimus fore mittendum pro transmissione processus originalis coram officiali domini archidiaconi Elien' habiti daturque partibus predictis dies in proximo ad videndum transmissionem eiusdem et prefigimus eisdem partibus terminos ad omnes actus in dicta causa eciam ad audiendum sententiam diffinitivam cum de earum fuga verisimiliter timeamus. [fol. 87r]

[4 Feb 78 (55.9)] Arnold. Since the process has not yet been sent, it is expected next when it will be published.

^a appellatam] ream. ^b ad nostram audienciam] *interlined*.

Arneld'] In causa appellacionis mota inter Nicholaum Arneld' de Fulbourn' partem appellantem ex parte una et Margaretam Hokke de eadem partem appellatam ex altera, partibus ut prius comparentibus, quia processus nondum est transmissus, ideo transmittatur ad proximum daturque dies in proximo partibus predictis ad videndum transmissionem eiusdem et publicacionem. [fol. 87v]

[25 Feb 78 (56.9)] [Arnold. The process is published]; a copy is ordered for the parties. [Next to speak against it.]¹

[Arneld] ... [decre]taque copia partibus, datur dies in [fol. 89v]

[18 Mar 78 (57.8)] Arnold. Nothing is said against the process, but Nicholas proposes that he and Agnes servant of John Palgrave of Fulbourn contracted marriage in present words of mutual consent, or in future words followed by intercourse, prior to any contract with Margaret. He asks that the process and the definitive sentence be revoked and that he and Agnes be pronounced married. He swears *de malicia*. Next to propose and the first term to produce; Agnes will be called.

Arneld] Partibus ut prius comparentibus, nichil dicto seu proposito contra dictum processum sed proposito per dictam partem appellantem quod ipse et quedam Agnes serviens Johannis Palgrave de Fulbourn' matrimonium adinvicem contraxerunt per verba de presenti seu per verba de futuro carnali copula subsecuta ante omnem contractum matrimoniale pretensum initum inter ipsum et prefatam Margaretam Hokke, quare peciit dictum processum et sentenciam diffinitivam eius occasione latam revocari et cassari et pro matrimonio inter eosdem Nicholaum et Agnetem pronunciari et declarari etc. iuratoque per partem proponentem de malicia, datur dies in proximo ad ponendum et primo producendum et decernimus dictam Agnetem fore vocandam pro suo interesse. [fol. 90v]

[8 Apr 78 (58.8)] Arnold. Nicholas absent; Margaret personally. No witnesses are produced; the term ends. Next to propose and the second term to produce. Nicholas will be called and Agnes may be present if she wishes.

Arneld] Parte Nicholai nullo modo comparente, predicta Margareta ut prius, nullis testibus per dictum Nicholaum productis, cedat terminus pro prima produccione. Datur dies in proximo ad ponendum et secundo producendum et decernimus dictum Nicholaum fore vocandum ad idem et dictam Agnetem ad videndum et interessendum huiusmodi produccioni si sua crediderit interesse.^c [fol. 91v]

[29 Apr 78 (59.8)] Arnold. Parties personally. Nicholas produces two witnesses: John Gibb of Fulbourn and John Rayson of Fulbourn, who are admitted and sworn. Next to propose and the third term to produce.

^c si sua crediderit interesse] *sic*; see Glossary, s.v.

¹ The lower half of fol. 89 has been re-based on the order of cases in the preceding moved. As a result only the end of the entry and following sessions. is visible. The entry is assigned to *Arnold* is

Arneld] Predictis Nicholao Arneld, Margareta Hokke et Agnete Palgrave personaliter comparentibus, productis per dictum Nicholaum duobus testibus, videlicet Johanne Gibbe de Fulbourn' et Johanne Ryson' de eadem, quibus admissis et in forma iuris iuratis, datur dies in proximo ad ponendum et tercio producendum. [fol. 92v]

[13 May 78 (60.8)] Arnold. Nicholas and Agnes absent; Margaret personally. No other witnesses are produced. Next to publish the testimony.

Arneld'] Predictis Nicholao et Agnete nullo modo comparentibus, predicta Margareta ut prius comparente, nullis aliis testibus productis, datur dies in proximo ad publicandum et publicari videndum attestaciones testium productorum. [fol. 93v]

[8 Jul 78 (62.8)] Arnold. Parties are absent. Each expected next to proceed according to past acts, namely to publish the testimony.

Arneld'] Neutra parte comparente, ideo decernimus utramque partem fore vocandam ad procedendum iuxta formam retroactorum, videlicet ad publicandum. [fol. 94r]

[29 Jul 78 (63.8)] Arnold. As 62.8.

Arneld'] Neutra parte comparente, ideo decernimus utramque partem fore vocandam ad proximum ad procedendum iuxta formam retroactorum, videlicet ad publicandum attestaciones. [fol. 96r]

[1 Oct 78 (64.8)] Arnold. As 62.8.

Arneld'] Neutra parte comparente, decernimus utramque partem fore vocandam ad procedendum iuxta formam retroactorum, videlicet ad publicandum attestaciones. [fol. 98r]

[21 Oct 78 (65.7)] Arnold. Parties will be called to see the testimony published, under penalty of loss.

Arneld'] In causa appellacionis mota inter Nicholaum Arneld' de Fulbourn' partem appellantem ex parte una et Margaretam Hokke de eadem partem appellatam ex altera ac eciam inter Agnetem Palgrave de eadem partem attricem sive competitricem ex parte una et dictum Nicholaum ex altera, neutra parte comparente, decernimus omnes partes fore vocandas ad proximum ad publicandum attestaciones sub pena amissionis. [fol. 99r]

[10 Nov 78 (66.7)] Arnold. Although cited, Nicholas and Agnes are absent; Margaret as before [previously absent; personally when last appeared]. Nicholas and Agnes are excommunicated and will be called.^d

Arneld'] Predictis Nicolao Arneld' et Agnete Palgrave citatis non comparentibus, ideo ipsos excommunicamus et vocentur.^d Margareta Hokke comparet

^d ex' et vo'] ex' could be expectamus, a reading made slightly more likely by the fact that no suspension, which almost always precedes an excommunication, is recorded. The (cont'd)

ut prius. [fol. 102v]

[2 Dec 78 (67.7)] Arnold. The execution against Nicholas and Agnes is ordered.

Arneld'] Fiat executio contra dictos Nicholaum et Agnetem Palgrave ut prius. [fol. 104r]

[23 Dec 78 (68.7)] Arnold. As 67.7.

Arneld'] Fiat executio contra dictos Nicholaum et Agnetem Palgrave ut prius. [fol. 106r]

[3 Feb 79 (70.7)] Arnold. Nicholas and Agnes are absent. The execution of sentence is ordered. The witnesses, produced and admitted at another time, were ordered cited for examination. Because the chaplain of St Vigoris of Fulbourn did not carry out the mandate to announce the excommunication of Nicholas and Agnes, to cite them, and to certify this, he is cited for contempt.

Arneld'] Predictis Nicholao et Agnete Palgrave nullo modo comparentibus, fiat executio contra eos ut prius et citentur testes alias producti et admissi ad subeundum examinationem. Et quia capellanus parochialis Sancti Vigoris de Fulbourn' habuit alias in mandatis ad denunciandum dictos Nicholaum et Agnetem excommunicatos ipsosque citandos et certificandos de eisdem ipsum mandatum exequi non curavit, ideo vocetur super contemptu. [fol. 107v]

[25 Feb 79 (71.7)] Arnold. Parties personally. Witnesses, admitted at another time, are examined. Next to publish the testimony.

Arneld'] Partibus predictis personaliter comparentibus, examinatis dictis testibus alias in dicta causa admissis, datur dies in proximo ad publicandum attestaciones. [fol. 109v]

[17 Mar 79 (72.7)] Arnold. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Arneld'] Partibus ut prius comparentibus, videlicet in propriis personis suis, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 111r]

[21 Apr 79 (73.7)] Arnold. Nothing is proposed. Next to propose everything concerning the matter; they are expected at all acts through the sentence.

Arneld'] Partibus ut prius comparentibus, nichil dicto seu proposito, datur dies in proximo ad proponendum omnia in facto consistencia et habent diem ex prefixione ad omnes actus consecutivos in dicta causa eciam ad audientium sententiam. [fol. 113v]

[23 May 79 (74.6)] Arnold. As 73.7.

Arneld'] Ad idem. [fol. 115r]

(n. d. cont'd) balance shifts in favor of excommunication, however; when we note that in the next entries the sentence is ordered executed, something that we do not find in ordinary expectations.

[10 Jun 79 (75.6)] Arnold. Margaret by proctor; Nicholas and Agnes absent. Since they were assigned the terms of all acts, they are found contumacious. At Margaret's request, the case is concluded. Nothing is proposed. Next to hear the definitive sentence.

Arneld'] Margareta Hokke per procuratorem suum comparente, Nicholao et Agnete predictis nullo modo sed habentibus diem ex prefixione ad omnes actus ipsos reputamus contumaces et in eorum contumacia ad petitionem dicte Margarete nobiscum concludentis in dicta causa per nos concluso, nichil dicto seu proposito in eadem, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 116v]

[30 Jun 79 (76.6)] Arnold. With the parties' consent and as penalty for contumacy, next to hear the definitive sentence with adjournment of the following days.

Arneld'] Partibus ut prius comparentibus, de quarum consensu et pena contumacie non comparencium datur dies in proximo cum continuacione dierum sequencium ad idem quod prius, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 117v]

[21 Jul 79 (77.6), 22 Sep 79 (78.7), 13 Oct 79 (79.6), 3 Nov 79 (80.6), 24 Nov 79 (81.6), 9 Dec 79 (82.6), 12 Jan 80 (83.6), 3 Feb 80 (84.6)] Arnold. For the same.

Arneld'] Ad idem. [fols. 118v, 120r, 121r, 122v, 123v, 125r, 126r, 127v]

[23 Feb 80 (85.6)] Arnold. Margaret by proctor; Nicholas and Agnes, called to all acts, are absent and found contumacious. As their penalty and since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. According to the transmitted process, the definitive sentence was given by a judge who lacked legitimate power, and the sentence is not confirmed. Based on that process, the court finds that Margaret has proved her intention; Nicholas has not proved the contract with Agnes. He and Margaret are judged husband and wife and ordered to solemnize the marriage. Given by the official on 24 Feb. 1380. Witnesses: Mr's Thomas Gloucester, advocate; John Potton, advocate; and John Wiltshire, proctor of the consistory, of Lincoln, Ely, and Salisbury dioceses *et al.*

Arneld'] In causa matrimoniali mota inter Margaretam Hokke de Fulbourn' partem actricem ex parte una et Nicholaum Arneld' de eadem partem ream ex altera, ac eciam inter eundem Nicholaum partem actricem ex parte una et Agnetem servientem Johannis Palgrave de eadem partem ream ex altera, predicta Margareta ut prius comparente, predictis Nicholao et Agneta habentibus diem ex prefixione nostra ad omnes actus in dicta causa eciam ad audiendum sententiam in dicta causa diffinitivam nullo modo comparentibus, ipsos reputamus in hac parte prout sunt merito contumaces. Rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti, Christi nomine primitus invocato, de consilio iuris peritorum nobis assidencium ad sententiam diffinitivam in hac parte ferendam in pena contumacie dictorum Nicholai et Agnete non comparencium procedimus in hunc

modum:

sentencia] In Dei nomine amen. Quia invenimus per processum nobis in hac parte transmissum dictam sentenciam diffinitivam per non competentem iudicem latam utpote non habentem potestatem de iure, ideo ipsam sentenciam non duximus confirmandam. Sed quia per dictum processum invenimus dictam Margaretam intencionem suam ad plenum fundasse et probasse dictumque Nicholaum in probacione precontractus predicti coram nobis propositi penitus defecisse, ipsum Nicholaum eidem Margarete in virum legitimum ipsamque Margaretam eidem Nicholao in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium fore inter eosdem Nicholaum et Margaretam solempnizandum pro loco et tempore opportunis. Lata fuit dicta sententia per officialem Elien' die veneris proximo post festum Sancti Petri in cathedra anno domini millesimo trecentesimo septuagesimo nono indiccione tercia pontificatus domini Urbani pape sexti anno secundo. Presentibus magistris Thoma de Glouc', Johanne de^e Potton', advocatis, et Johanne Wiltesshir' procuratore, in consistorio Elien', Linc', Elien' et Sar' diocesum et multis aliis. [fol. 129v]

^e de] followed by Glo crossed out.

201. CHAPMAN (1)¹

[22 Dec 77 (53.29)] Chapman. William Haimes of Whittlesey was cited at the instance of Alice wife of John Chapman of Whittlesey in a defamation case.

Alice appears by John Wiltshire, proctor apud *acta*; William by Walter Sutton, proctor apud *acta*. An oral libel is given and requested written. Since William was excommunicated for contumacy at another time,² he is absolved and ordered to offer 4*d* in St Michael's for his contempt; he does this immediately.

Chapman] Willelmus Heymes de Wittlesseye citatus [est] ad instanciam Alice uxoris Johannis Chapman de eadem in causa diffamacionis. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud *acta* constitutum, comparente, parte rea per Walterum de Sutton', clericum, procuratorem suum apud *acta* constitutum, libellato oretenus, petito in scriptis, datur dies in proximo ad recipiendum. Et quia dictus Willelmus alias citatus in dicta causa non comparens fuerat pro sua contumacia excommunicatus et denunciatus, absolutus est et iniungimus sibi pro contemptu officii quod offerat quattuor

¹ The proximity of these defamation actions brought by the same woman against two different defendants suggests that they are related, though the record does not allow us to say quite how.

² This casual entry suggests that Foxton

sometimes did not record what happened in a case before the defendant's initial appearance. The next entry mentions a number of steps taken against the defendant before Foxton finally recorded the aggravation of his excommunication.

denarios summo altare ecclesie Sancti Michaelis Cantebr', quam penitenciam incontinenti perfecit. [fol. 85v]

[22 Dec 77 (53.30)] Chapman. John Carter of Whittlesey had been cited at the instance of Alice wife of John Chapman of Whittlesey in a defamation case. He failed to appear and was found contumacious and excommunicated. He was cited again.

John is absent. The court orders his sentence increased.

Chapman] Johannes Cartere de Wittlesseye alias citatus ad instanciam Alicie uxoris Johannis Chapman de eadem in causa diffamacionis non comparens, excommunicatus pro sua contumacia, denunciatus, iteratoque citatus non comparet, decernimus sentenciam fore aggravandam. [fol. 85v]

[14 Jan 78 (54.26)] Chapman. Alice by proctor; William absent. Next to proceed.

Chapman] In causa diffamacionis mota inter Aliciam uxorem Johannis Chapman de Wittlesseye partem actricem ex parte una et Willelmum Heymes de eadem partem ream ex altera, parte actrice ut prius comparente, parte rea nullo modo, ideo expectamus absentem cum presente usque proximum ad idem de consensu parcium predictarum. [fol. 87r]

[14 Jan 78 (54.27)] Chapman. The execution of the excommunication is ordered.

Chapman] In causa diffamacionis mota inter predictam Aliciam Chapman partem actricem ex parte una et Johannem Carter' alias excommunicatum partem ream ex altera, fiat executio contra eundem Johannem excommunicatum. [fol. 87r]

[4 Feb 78 (55.22)] Chapman. Alice by proctor; William personally. An oral libel is given and requested written. Next to receive it in writing.

Chapman] In causa diffamacionis mota inter Aliciam uxorem Johannis Chapman de Wytlesseye partem actricem ex parte una et Willelmum Heymes de eadem partem ream ex altera, parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, comparente, parte rea personaliter, libellato oretenus, petito in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 88r]

[4 Feb 78 (55.23)] Chapman. Since the execution against John was not carried out, it is ordered.

Chapman] In causa diffamacionis mota inter dictam Aliciam Chapman partem actricem ex parte una et Johannem Carter' de eadem alias excommunicatum partem ream ex altera, quia executio contra dictum Johannem non est facta, ideo fiat executio. [fol. 88r]

[18 Mar 78 (57.16)] Chapman. [The *acta* for 25 Feb 78 (*Acta* 56, fol. 89v) are missing for this case. In all probability, the written libel was received.] With the parties' consent, next to respond to the libel.

Chapman] Partibus ut prius comparentibus, de quarum consensu datur dies

in proximo ad idem, videlicet ad respondendum libello alias proposito iudicialiter et oblato. [fol. 91r]

[8 Apr 78 (58.14)] Chapman. As 57.16.

Chapman] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod prius videlicet ad respondendum libello. [fol. 92r]

[29 Apr 78 (59.12)] Chapman. Walter contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Chapman] Partibus ut prius comparentibus, lite per partem ream negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datus est dies in proximo ad ponendum et primo producendum. [fol. 92v]

[13 May 78 (60.12)] Chapman. No witnesses or positions are brought. Next to propose and the second term to produce.

Chapman] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 93v]

[8 Jul 78 (62.12)] Chapman. No other witnesses, propositions, or proofs are brought. Next to propose and the third term to produce.

Chapman] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis neque probacionibus ministratis, datur dies in proximo ad ponendum et tercio producendum. [fol. 94v]

[29 Jul 78 (63.12)] Chapman. Peace has been restored. William will be called *ex officio*.

Chapman – pax] Pax est inter partes, ideo vocetur pars rea ex officio. [fol. 96r]

Cases Beginning in 1378

202. CASTER (2)¹

[14 Jan 78 (54.22)] Caster. Agnes widow of Ralph Clerk of Cambridge, his executor, was cited at the instance of Geoffrey Caster of Cambridge in a testamentary case.

Geoffrey appears by John Wiltshire, proctor; Agnes personally. An oral libel is given and requested written. Next to receive it in writing.

Castre] Agnes nuper uxor Radulphi Clerk' de Cantebr', executrix testamenti eiusdem Radulphi, citata [est] ad instanciam Galfridi Castre de eadem in causa testamentaria. Parte actrice per Johannem Wiltesshire, clericum, procuratorem suum, parte rea personaliter [comparentibus], libellato oretenus per partem actricem et petito in scriptis per partem ream, datur dies in proximo ad recipiendum in scriptis. [fol. 86v]

[4 Feb 78 (55.20)] Caster. Geoffrey absent; Agnes personally. Since he has not proceeded, she is dismissed from the case, protesting the costs.

Castre – dimissio] In causa testamentaria mota inter Galfridum Castre de Cant' partem actricem ex parte una et Agnetem nuper uxorem Radulphi Clerk' de eadem, executricem testamenti dicti Radulphi, partem ream ex altera, parte actrice nullo modo comparente nec prosequente, parte rea personaliter, ideo ipsam partem ream dimittimus ab instancia diei cum protestacione expensarum. [fol. 88r]

¹ See *Caster (1)*, n. 1.

203. CASTER (3)¹

[14 Jan 78 (54.23)] Caster. John Taylor of St Benet's, Cambridge,² was cited at the instance of John Caster of St Benet's in a defamation case.

Parties appear personally. An oral libel is given; Taylor contests the suit negatively. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce; the libel should be handed over in writing to the registry³ so a sentence can be formed from it.

Castre] Johannes Taillo' de parochia Sancti Benedicti Cantebr' alias citatus [est] ad instanciam Johannis Castre de eadem in causa diffamacionis. Partibus personaliter comparentibus, libellato per partem actricem sub certa forma oretenus liteque per partem ream negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo parti actrici ad ponendum et primo producendum et ad tradendum libellum registro in scriptis ut per eum formari poterit sentenciam et parte ree ad videndum probacionem huiusmodi. [fol. 86v]

¹ See *Caster (1)*, n. 1.

is said to be of St Michael's, so they are probably not the same man.

² In the next entry in the register a John Taylor of Cambridge is also cited in a defamation case. *Hertecoumbe*. That John, however,

³ For this translation, see Introduction.

[4 Feb 78 (55.21)] Caster. Neither appears. The case is adjourned until either party proceeds.

Castre] In causa diffamacionis mota inter Johannem Castre de Cant' partem attricem ex parte una et Johannem Taillo' de parochia Sancti Benedicti Cant', neutra pars comparuit, ideo discontinuatur causa quousque alterutra parcium^a duxerit proseguendum. [fol. 88r]

^a alterutra parcium] *sic*.

204. HERTECOUNBE

[14 Jan 78 (54.24)] Hertecoumbe. John Taylor of St Michael's¹ was cited at the instance of Ada Hertecoumbe of St Michael's in a defamation case.

Ada appears personally; John is absent, found contumacious, and suspended from entering church at her request.

Hertecoumbe – suspensio] Johannes Taillo' de parochia Sancti Michaelis Cantebr' citatus ad instanciam Ade Hertecoumbe de eadem mulieris in causa diffamacionis personaliter comparentis non comparuit,^a ideo ipsum Johannem reputamus contumacem et pro sua contumacia ab ingressu ecclesie ad petitionem dicte partis attricis contumaciam suam accusantis suspendimus in hiis scriptis. [fol. 86v]

^a comparuit] *sic*. *This is the first time that this form appears unambiguously; see Introduction.*

¹ See *Caster* (3), n. 2.

205. TOD

[14 Jan 78 (54.33)] Tod. Nicholas Walsh of Litlington and Mable his wife were cited at the instance of Richard Tod of Litlington in a defamation case.

Richard appears by John Wiltshire, proctor *apud acta*; Nicholas and Mable by William Killerwick, who claims to be their proctor, exhibits a letter, and asks to be admitted to appear for them. Because at another time William was contemptuous toward the court, he is interdicted from holding the office of proctor until he is sworn and warrants being admitted as a general proctor of the consistory. Nicholas and Matilda's appearance is pronounced insufficient and they are found contumacious, their penalty reserved for the next session. They will be warned to appear next personally or by a proctor of the court.

Tod] Nicholaus Walssh de Lyttelyngton' et Mabila uxor sua citati [sunt] ad instanciam Ricardi Tod de eadem in causa diffamacionis. Parte attrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum [comparente,] parte rea vocata et preconizata, quidam Willelmus Killerwic, asserens se procuratorem eorum, ostendit quamdam litteram et peciit se admitti ad occupandum pro eis. Et quia eidem Willelmo tanquam nobis et officio nostro ingrato et rebeli in nostra audiencia alias interdiximus officium

procurandi quousque iuramento interposito admitteretur in procuratorem generalem dicti consistorii nostri si forte in eventum admitti mereatur, ideo ipsos Nicholaum et Mabilam^a pronunciamus minus sufficienter comparuisse ipsosque reputamus contumaces, reservata ulteriori pena usque ad proximum et decernimus ipsos fore premuniendos ad proximum ad comparandum per se vel procuratores de gremio consistorii existentes. [fol. 87v]

[4 Feb 78 (55.25)] Tod. Peace has been restored.

Tod – pax] In causa diffamacionis mota inter Ricardum Tod de Lyttelyngton’ partematricem ex parte una et Nicholaum Walssh’ de eadem et Mabilam uxorem suam partem ream ex altera, pax est inter partes. [fol. 88r]

^a Mabilam] Matildem.

206. *PITTS*¹

[14 Jan 78 (54.34)] Pitts. Margaret Gransden, widow of William Schanbery of Chesterton, was cited at the instance of Richard Pitts, general proctor of the consistory, in a case of salary owed for his service to her in that court.

Parties appear personally. With their consent, next for the same.

Pyttes] Margareta Grantesden’, nuper uxor Willelmi Shanb’y de Chestreton’, citata [est] ad instanciam Ricardi Pyttes clerici, consistorii nostri procuratoris generalis, in causa salarii sui racione patrocini eidem prestiti in consistorio nostro. Partibus personaliter comparentibus de quarum consensu, expectamus dictam causam usque ad proximum ad idem. [fol. 87v]

¹ For the case that gave rise to this action, see *Gransden/Shanbery*, at n 4. The proctor who is the plaintiff here is almost certainly the appellee in *Smyth (2)*, where he is identified as a commissary of the official of the archdeacon, and in *Swaffham/Bekedale*, where he is simply called ‘clerk’.

207. *WALTESSCHEF*¹

[4 Feb 78 (55.26)] Waltesschef. Robert Couper of Sutton and his wife were cited at the instance of Agnes wife of Richard Waltesschef of Sutton in a case of defamation.

Agnes appears by John Wiltshire, proctor; Robert personally; his wife by Robert. An oral libel is given and requested written. Next to receive it in writing.

¹ The proximity of these defamation actions brought by the same woman against two defendants who are almost certainly father and daughter indicates that they are related, though the record does not allow us to say quite how they are related. Alice and her father would also seem be the plaintiff-appellants in *Couper (1)*, a defamation case originally brought before the archdeacon.

Waltesschef'] Robertus Coupere de Sutton' et . . .^a uxor eius citati [sunt] ad instanciam Agnetis uxoris Ricardi Waltesschef' de eadem in causa diffamacionis. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum, comparente, parte Roberti personaliter, et uxore per maritum suum comparente,^b libellato oretenus, petitoque in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 88r]

[4 Feb 78 (55.27)] Waltesschef. Alice daughter of Robert Couper of Sutton was cited at the instance of Agnes wife of Richard Waltesschef of Sutton in a case of defamation.

Agnes appears by John Wiltshire, proctor; Alice is absent and suspended from entering church.

Waltesschef'] Alicia filia Roberti Coupere de Sutton' citata [est] ad instanciam Agnetis uxoris Ricardi Waltesschef' de eadem in causa diffamacionis. Parte actrice per dictum procuratorem suum comparente, parte rea nullo modo, ideo ipsam partem ream ab ingressu ecclesie suspendimus in scriptis. [fol. 88r]

[18 Mar 78 (57.17)]² Waltesschef. With the parties' consent, next to respond to the libel.

Waltesschef'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad respondendum libello alias proposito iudicialiter et oblato. [fol. 91r]

[18 Mar 78 (57.18)]³ Waltesschef. Agnes appeared as before; Alice did not appear. Since the execution of the denunciation was made, she was not cited; therefore let the execution be made as before and let her be cited.⁴

Waltesschef'] Parte actrice ut prius comparente, parte rea nullo modo, sed quia facta execucione denunciacionis non est citata,^c ideo fiat execucio ut prius et citetur. [fol. 91r]

[8 Apr 78 (58.15)] Waltesschef. Robert contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Waltesschef'] Partibus ut prius comparentibus liteque per partem ream in propria persona sua negative contestata iuratisque dictis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 92r]

^a Blank space in ms. ^b comparente] *sic*; the second comparente was omitted by ellipsis.

^c denunciacionis non est citata] ?read denunciacionis sed non est citata; see n. 4.

² This case probably came before the court on 25 Feb. 1378, at which time the libel would have been presented in writing. That entry is missing because part of fol. 89 is missing.

³ This case probably came before the court on 25 Feb. 1378, at which time an order would have been given to denounce Alice as suspended. That entry is missing because part

of fol. 89 is missing.

⁴ If we take the entry as written, it says that because Alice was denounced, she was not cited. It would make more sense if it said that because she was denounced but not cited, she is ordered denounced again and cited. Perhaps it should be so emended.

[8 Apr 78 (58.16)] Waltesschef. The execution of Alice's suspension is ordered. She will be cited to the next session.

Waltesschef'] Parte actrice ut prius comparente, parte rea nullo modo, ideo fiat executio contra eandem alias suspensam et citetur ad proximum. [fol. 92r]

[29 Apr 78 (59.13)] Waltesschef. No witnesses or positions are brought. Next to propose and the second term to produce.

Waltesschef'] Partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 92v]

[13 May 78 (60.13)] Waltesschef. Agnes by proctor; Robert and his wife absent. No witnesses or positions are brought. Next to propose and the third term to produce.

Waltesschef'] Parte actrice ut prius comparente, parte rea nullo modo, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 93v]

[8 Jul 78 (62.13)] Waltesschef. Peace has been restored. Robert and his wife will called *ex officio*.

Waltesschef' – pax] Pax est, ideo decernimus partem ream vocandam fore ex officio. [fol. 94v]

208. LICHFIELD (2)¹

[4 Feb 78 (55.28)] Lichfield. Richard vicar of Westley Waterless was cited at the instance of John Lichfield of Cambridge in a breach of faith and perjury case.

Parties appear personally. Richard admits that he owes to John 8s from a simple (*purum*) loan and asks to be condemned to pay it. According to Richard's confession and petition, he is peremptorily warned to pay the sum to John before 23 April 1377 under penalty of major excommunication. Richard willingly swears to pay.

Lycheveld' – condempnacio] Dominus Ricardus vicarius ecclesie de Westlee citatus [est] coram nobis .. officiali Elien' ad instanciam Johannis Lycheveld' de Cantebr' *taillor* in causa fide lesionis et periurii. Partibus coram nobis personaliter comparentibus, dictus dominus Ricardus fatebatur se teneri dicto Johanne in octo solidis ex causa puri mutui, in quibus per nos se peciit condempnari. Unde nos .. officialis antedictus ipsius domini Ricardi confessionem et petitionem sequentes ipsum monemus primo, secundo et tercio ac peremptorio quod dictos octo solidos prefato Johanni restituat citra festum Sancti Georgii proximum futurum seu eidem Johanni de eisdem satisfaciat competenter sub pena excommunicationis maioris, quam in ipsum dominum Ricardum si monicionibus nostris huiusmodi non paruerit lapso dicto termi-

¹ See *Lichfield (1)*, n. 1.

no intendimus fulminare, et ad dictam solucionem bene et fideliter faciendam apud Cantebr' termino supradicto dictus dominus Ricardus mera et spontanea voluntate tactis sacrosanctis evangeliis corporale prestitit iuramentum. [fol. 88v]

209. WILCOCK

[4 Feb 78 (55.30)] Wilcock. John Wise of Hinton was cited for 13 Feb. 1378 before the official at the instance of Agnes wife of William Wilcock of Hinton in a defamation case.

Agnes appears by John Wiltshire, proctor *apud acta*; John by Peter Caprik, proctor *apud acta*. A written libel is received. Next to respond.

Wylcok'] Johannes Wyse de Hynton' citaus [est] ad diem sabbati proximo post festum Sancte Scolastice virginis anno Domini supradicto loco quo supra coram nobis .. officiali Elien' ad instanciam Agnetis uxoris Willelmi Wylcok' de eadem in causa diffamacionis. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, comparente, parte vero rea per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, comparente, oblato per partem actricem quodam libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 88v]

[25 Feb 78 (56.10)] Wilcock. John contests the suit negatively, saying the claims are untrue and the petitions should not be granted; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Wilcok'] Partibus per procuratores suos comparentibus, lite negative contestata dicendo narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 90r]

[18 Mar 78 (57.19)] Wilcock. Peace has been restored; John is to be called *ex officio*.

Wylcok' – pax] Pax est inter partes reformata, ideo vocetur pars rea ex officio. [fol. 91r]

210. BARNWELL

[4 Feb 78 (55.31)] Barnwell, revocation of citation. Mr John Potton, archdeacon's official, was called for 11 Feb. 1378 in St Mary's, Cambridge before Scrope. John had ordered cited Robert chaplain of St Andrew's within Barnwell Priory. Since the priory and its residents are immediately subject to the bishop and exempt from the jurisdiction of the archdeacon and his official, Robert failed to appear when cited. In contempt of the bishop's jurisdiction and of the right of Ely Cathedral, the archdeacon's official found him contumacious and suspended him from celebrating.

John appears personally. When questioned, he alleges that while legally cognizant in a defamation case between Margaret wife of John Smyth of Barnwell and Joan wife of Henry

Rand of Barnwell, he ordered Robert compelled as a witness necessary to Margaret. Robert's residence in the priory was not mentioned and John ordered him cited by John Hostler, apparitor of Cambridge deanery, who certified the citation as decreed, without indicating that Robert was cited and lived within the priory. Believing the witness was his subject, the official suspended him; he would not have done this otherwise. Realizing the chaplain is not his subject and the priory is outside his jurisdiction, he revokes the citation, suspension, and entire process as erroneous. He promises never to do this again. Witnesses: William, prior of Anglesey; William Fishwick; and Robert Foxton, public notary and the official's registrar, *et al.*

Based on the official's explanation, John Hostler is called *ex officio* to respond to the official because he exceeded the limits of his mandate, knowing that Robert was exempt.

Bernewelle – revocacio citacionis facte in prioratu de Bernewelle auctoritate .. officialis .. archidiaconi facta per ipsum .. officialem iudicialiter et expresse] Cum nos Ricardus le Scrop' canonicus Ebor', venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' officialis et commissarius ad infrascripta sufficienter deputatus, magistrum Johannem de Potton' officialem domini .. archidiaconi Elien', super eo quod ipse quemdam dominum Robertum capellanum parochialem capelle Sancti Andree infra prioratum de Bernewell', locum utique cum suis inhabitatoribus dicto venerabili patri immediate subiectum et ab omni iurisdiccione .. archidiaconi Elien' et officialis sui notorie exemptum ac prorsus liberum et immunem, et infra dictum prioratum notorie commorantem in eodem prioratu inventum coram eo fecerat citari ipsumque non comparentem reputavit de facto contumacem et pro huiusmodi ficta contumacia, ipsum a sua iurisdiccione ut perfertur notorie exemptum a celebracione divinorum suspendebat, in iurisdiccione episcopalis illusionem et conceptum ac iuris ecclesie cathedralis Elien' perturbacionem et aliorum exemplum pessimum pluriorum ad diem iovis proximo post festum Sancte Scolastice virginis in ecclesia Sancte Marie Cantebr' fecerimus coram nobis ad iudicium evocari; predictus magister Johannes officialis dictis die et loco coram nobis personaliter comparens ac super premissis requisitus, proposuit et allegavit quod ipse in quadam causa diffamacionis inter Margaretam uxorem Johannis Smyth' de Bernewell' ex parte una et Johannam uxorem Henrici Rande de eadem ex parte altera iudicialiter cognoscens, quemdam dominum Robertum de Bernewell' capellanum testem partiatrici ut dicebatur necessarium et debite requisitum decrevit fore compellendum ad perhibendum testimonium veritati in dicta causa nulla mencione facta quod dictus dominus Robertus in dicto prioratu morabatur quodque ad citandum eundem testem Johanni Hostler, apparitori decanatus Cantebr', dederat in mandatis, idemque Johannes ipsum certificavit quod eundem dominum Robertum citavit iuxta decretum in ea parte interpositum, nec expressit quod infra prioratum citavit nec eidem officiali^a constituit quod in eodem prioratu

^a officiali] *interlined*.

morabatur, sicque dictus .. officialis .. archidiaconi credens ipsum testem fuisse subditum suum, ipsum a divinis suspendebat alias non facturum. Et quia dictus .. officialis .. archidiaconi tunc primo intelligens quod dictus dominus Robertus non est subditus dicti .. archidiaconi nec suus et quod fuit citatus in dicto prioratu in quo nullam habuit iurisdictionem, ideo predictum decretum de citando ipsamque citacionem ac suspensionem secutam necnon totum processum exinde habitum et secutum tanquam erronee factum et habitum ibidem sedens pro tribunali expresse revocavit et se talia de cetero non facturum firmiter repromisit. Presentibus coram nobis tunc ibidem fratre Willelmo priore de Anglesseye, Willelmo Fysshwyk' et Roberto de Foxton', notario publico, registrario nostro, et aliis multis.

Et quia invenimus per dicti magistri Johannis officialis allegacionem sive excusacionem quod predictus Johannes Hostiler apparitor Cantebrig', ipsius mandatarium, fines mandati sui notorie excedens, ipsum dominum Robertum notorie exemptum et in loco notorie exempto coram nobis .. officiali .. archidiaconi sciens exempcionem huiusmodi, ipsum Johannem ad respondendum nobis ex officio dicti venerabilis patris et nostro pro tante temeritatis audacia decernimus evocandum. [fol. 88v]

[4 Feb 78 (55.35)] Barnwell, punishment of archdeacon's apparitor. John Hostler, apparitor of the deanery of Cambridge, was called before Scrope. He had cited before the archdeacon's official Robert chaplain of St Andrew's, within Barnwell Priory, which he knew to be subject to the bishop and exempt from the archdeacon's jurisdiction.

John appears personally in the chapter house of the priory on 14 Feb. 1378 in the presence of Ralph de Norton, prior; John de Burton, seneschal; John de Kirkby, sacristan; and other canons living there; and before Mr's John de Duwich DCnL, John Bernard BCivL, and William rector of Wood Walton [Hunts], residents of the priory. John admits that he cited Robert within the priory and submits himself to the court's grace. As punishment for his injury to the bishop and the prior and convent, he is ordered to hand over to the court the staff, which is the symbol of his office, being absolved from his office at the court's discretion.

Afterwards John humbly asks the prior to remit the injury, promising not to offend again. The prior accepts and recommends that the court remit the injury done to the bishop's jurisdiction and restore John to his office. John, sworn not to offend again, . . . [was restored]. Witnesses: . . .

Bernewelle – punicio apparitoris Cant' pro citacione per ipsum facta infra prioratum ad mandatum officialis .. archidiaconi]^b Cum nos Ricardus le Scrop', officialis et commissarius supradictus, Johannem Hostiler apparitorem decanatus Cantebr', Elien' diocesis, super eo quod ipse dominum Robertum capellanum parochialis capelle Sancti Andree infra prioratum de Bernewell' infra dictum prioratum auctoritate .. officialis .. archidiaconi Elien', qui

^b The lower half of folio 89 has been removed. As a result parts of this entry are missing. The last nine lines of the following entry are interrupted by a jagged edge as indicated by the ellipses. Some text has been restored and appears in square brackets. See further Acta 55, n.1.

infra dictum prioratum nullam habet iurisdiccione[m] nec in personas inibi commorantes, coram dicto .. officiali .. archidiaconi citavit, sciens dictum prioratum cum suis inhabitatoribus domino .. episcopo Elien' suisque officiali et ministris immediate subiectum et ab omni iurisdiccione archidiaconi prorsus liberum, exemptum et immunem fecerimus coram nobis ad iudicium evocari. Idem Johannes comparuit personaliter coram nobis in domo capitulari prioratus de Bernewell' quarto decimo die mensis februarii anno Domini supradicto in presencia religiosorum virorum fratrum Radulphi de Norton' prioris eiusdem, Johannis de Birton' senescalli, Johannis de Kirkeby sacriste dicti prioratus et aliorum canonicorum eiusdem ex illa causa inibi existencium necnon in presencia reverendorum virorum magistrorum Johannis de Donewich' decretorum doctoris, Johannis Bernard' bacularii in legibus et Willelmi rectoris ecclesie de Wode Walton' tunc ibidem existencium, fatebatur quod dictum dominum Robertum coram officiali domini archidiaconi Elien' citavit infra dictum prioratum, de quo submisit se gracie et ordinacioni nostre. Ut autem dictus Johannes in loco et in facto quo deliquit primatus, baculum quem in signum officii sui gerere consuevit loco penitencie pro iniuria tam domino .. episcopo Elien' et iurisdiccioni sue quam dicto priori et conventui ac eorum exempcioni et immunitati per ipsum Johannem illata nobis per eundem mandavimus liberari. Idem quoque Johannes dictum baculum nobis incontinenti liberavit. Nos ipsum baculum recipientes ipsum ab officio suo usque ad nostre voluntatis beneplacitum absolvimus tunc ibidem.

Postea vero idem Johannes dictum dominum .. priorem flexis genibus humiliter rogavit ut dictam iniuriam sibi remitteret promittens sibi se de cetero talia non facturum. Unde dictus .. prior dictam iniuriam quatenus ad eum et conventum suum pertinuit remisit, dumtamen de cetero taliter non delinquat. Quo facto idem dominus .. prior et alii supranominati nos rogarunt ut eidem Johanni iniuriam iurisdiccioni dicti domini .. episcopi et nostre ut prefertur ill . . . officiumque sibi restituere dignaremur. Nos itaque dictorum .. prioris et aliorum precibus inclinati, prestito . . . Domini de cetero non committat corporaliter iuramenti, dictum Joh[annem] . . . [pre]sentibus venerabilibus viris supradictis a[c] . . . de Wytlesfordbrug' . . . notario publico et aliis in . . . quinto decimo kalendas marcii . . . Caprik' . . . testat' . . . [fol. 89r]

211. TRUMPINGTON

[4 Feb 78 (55.33)] Trumpington obedience. 2 Oct. 1377 in St Michael's before the official, John Punch, vicar of Trumpington, personally swears obedience to the bishop, his official, and their ministers.

Trumpiton' obediencia] Memorandum quod secundo die mensis octobris anno Domini supradicto in ecclesia Sancti Michaelis Cantebr' comparens

personaliter coram nobis .. officiali Elien' dominus Johannes Punch vicarius ecclesie de Trumpiton' prestitit obedienciam domino episcopo Elien', nobis et ceteris ipsius et nostris ministris in licitis et canonicis mandatis. [fol. 88v]

[25 Feb 78 (56.19)] Trumpington. John Punch, vicar of Trumpington, had been called *ex officio* by Thomas Gloucester, the bishop's commissary, for having failed to administer the sacraments to his parishioners and for having contemptuously refused to carry out and certify a court mandate which he had received.

Although summoned and long expected, John was absent. He was found contumacious and suspended from entering church. Hoping to escape correction and pretending to be grieved, John appealed to the provincial court of Canterbury and obtained an inhibition.

After the appeal between John, appellant, and Adam Iryssch thresher of Trumpington, appellee,¹ had been introduced in the higher court, its official, proceeding legitimately, remitted the appeal to the consistory because John failed to proceed. John was ordered to pay to Adam 7s for costs; the inhibition dated 17 Dec. 1377 was annulled.

6 March 1378 in St Michael's. John appears personally before the commissary. He promises to pay 14s 4d to the commissary before 25 April for the expense of his defence in the provincial court and elsewhere. He swears to uphold church mandates and is absolved from the suspension. The article, given orally, claims that he has failed to administer the sacraments; he denies this and purges himself. Concerning the contempt, he admits that he received the mandate and did not carry it out; he submits to the court's grace. He swears to execute all mandates of the bishop and his commissaries, under penalty of paying 40s in alms to the bishop. John's penance for the contempt and disobedience is reserved at the discretion of the official or Gloucester.

Trumpiton' – suspensio] Cum nos Thomas de Gloucestre clericus, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad infrascripta sufficienter deputatus, dominum Johannem Punch' vicarium ecclesie de Trumpiton', Elien' diocesis, ad certos diem et locum congruos et competentes fecerimus coram nobis ad iudicium evocari super eo quod ipse sacramenta ecclesiastica parochianis suis non curat debite ministrare prout ad curam et officium suum pertinet ac eciam super contemptu et inobediencia eo quod mandata nostra canonica sibi directa et per eum recepta exequi non curavit sed contemptibiliter recusavit nobis ex officio dicti venerabilis patris et nostro responsurum, ipsum dominum Johannem preconizatum diucius expectatum nullo modo comparentem pronunciamus contumacem et pro sua huiusmodi contumacia ipsum suspendimus in hiis scriptis ab ingressu ecclesie.

appellacio – inhibicio] Et subsequenter prefatus dominus Johannes vicarius volens correccionem debitam subterfugere pretendensque falso et mendaciter ipsum per nos fore multipliciter pregravatum cum non fuerat ab huiusmodi pretensis gravaminibus ad curiam Cantuar' appellavit et rescriptum inhibitionis optinuit ab eadem.

¹ See *Thresher*, n. 1.

remissio – condempnacio expensarum] Cumque causa appellacionis predictae inter ipsum dominum Johannem vicarium partem appellantem ex parte una et Adam Iryssch' Thressch'e de Trumpiton' partem appellatam ex altera in dicta curia introduceretur, officialis dicte curie Cant' in eadem causa legitime procedens, dictam partem appellantem eo quod appellacionem suam prefate curie in hac parte suggestam prout debuit prosecui non curavit, ad examen nostrum, a quo extitit appellatum, remisit per decretum ipsamque partem appellantem in septem solidis sterlingis nomine expensarum in hac parte factarum taxatarum moderate iuratarum parti dicti Ade Iryssch' solvendarum condempnavit nobisque intimari fecit et mandavit quod inhibitione quacumque sub dato London' sexta decima kalendas ianuarii anno Domini millesimo trecentesimo septuagesimo septimo a prefata curia in hac parte impetrata non obstante, possemus facere quod est nostrum.

absolucio – purgacio – correccio – penitencia] Postea vero sexto die mensis marcii anno Domini supradicto dictus dominus Johannes vicarius in ecclesia Sancti Michaelis Cant' coram nobis dicto .. commissario personaliter comparens iuratus est solvere pro expensis nostris in dicta curia et alibi ratione defensionis dicte cause per nos apposite quattuordecim solidos quattuor denarios^a citra octabas Pasche proximo futuras et de stando mandatis ecclesie absolutus est a dicta sententia suspensionis in eum ut premittitur per nos lata. Articulado sibi per nos ex officio nostro oretenus quod ipse sacramenta ecclesiastica parochianis suis non curavit debite ministrare, dictum articulum negavit expresse et super eo coram nobis canonice se purgavit. Quo ad contemptum et inobedienciam sibi ut prefertur impositam fatebatur quod recepit mandata nostra canonica et quod ea non fuit debite executata, unde gracie nostre in omnibus se^b submitit et iuratus est quod de cetero exequetur fideliter et diligenter mandata canonica dicti venerabilis patris et cuiuscumque commissarii sui sub pena quadraginta solidorum^c elemosine dicti venerabilis patris applicanda, penitenciam pro contemptu et inobediencia huiusmodi sibi infligimus usque ad dominum .. officialem Elien' seu nostre voluntatis beneplacitum reservamus. [fol. 90v]

[27 Feb 82 (113.26)] Trumpington. John vicar of Trumpington, who had been excommunicated and denounced, was cited to propose why he should not be inhibited from communion with the faithful.²

He is absent, found contumacious, and inhibited as penalty.

Trumpiton'] Dominus Johannes vicarius ecclesie de Trumpiton' alias excommunicatus et denunciatus iteratoque citatus ad proponendum causam quare

^a quattuordecim solidos quattuor denarios] *underlined in ms.* ^b se] *interlined.* ^c quadraginta solidorum] *underlined in ms.*

² This isolated entry, four years after the vicar. What relation it otherwise bears to the preceding one, probably concerns the same preceding entry is unclear.

non debeat sibi inhiberi communio fidelium non comparuit: ideo ipsum reputamus contumacem et in pena contumacie inhibemus sibi com[munionem fidelium].^d [fol. 162r]

^d communionem fidelium] *hole in ms; restoration based on similar entries, e.g. 104.4.*

212. BLOFELD¹

[25 Feb 78 (56.11)] Blofeld. Margaret Blofeld of Chatteris was cited before the court to propose why she had objected by reclamation during the publication of banns between John de Lile of Chatteris and Katherine daughter of Edmund Reed of Chatteris.

Margaret appears personally and alleges that she and John contracted marriage in present words of mutual consent, or in future words followed by intercourse; she swears *de malicia*. A day is assigned to propose and the first term to produce; John and Katherine are called to respond concerning the contract. Margaret appoints Peter Caprik and Walter Sutton her proctors *apud act* to act separately or jointly.

Then Margaret by Walter Sutton; John personally. The proctor recites orally the matter of the contract and asks that John and Margaret be judged husband and wife. John contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next Margaret to propose and the first term to produce. John appoints Peter Caprik his proctor *apud acta*.

Blofeld'] In edicione bannorum inter Johannem de Lile de Chateris et Katerinam filiam Ed[mund]i Rede de eadem, Margareta Blofeld' de Chateris predicta se opposuit dicta banna reclamando dictaque Margareta citata coram nobis causam sue reclamacionis propositura comparuit personaliter et pro causa reclamacionis proposuit quod dictus Johannes et ipsa Margareta matrimonium adinvicem per verba de presenti mutuum consensum eorum exprimencia seu saltim sponsalia per verba de futuro carnali copula subsequuta [contraxerunt]. Iurata dicta Margareta de malicia, dati fuerunt dies et locus supradicti ad ponendum et primo producendum. Et decernimus dictos Johannem et Katerinam fore vocandos ad eosdem diem et locum ad videndum produccionem huiusmodi pro suo interesse et ad respondendum super contractu predicto.

procuratorium] Et predicta Margareta constituit apud acta Petrum Caprik' et Walterum de Sutton' procuratores suos coniunctim et divisim cum potestate agendi, defendendi, excipiendi, repPLICandi, litem contestandi, iurandi de calumpnia et de veritate dicenda, testes et instrumenta producendi et exhibendi, provocandi et appellandi, earum causas notificandi et prosequendi, apostolos beneficium absolucionis simpliciter et ad cautelam restitutionem in integrum petendi et recipiendi etc., substituendi etc., omnia alia et singula faciendi etc. cum caucione de rato etc.

¹ This case is discussed in Donahue, *Law*, 487. *Marriage, and Society*, 276, 575 and T&C no.

Quibus die et loco parte actrice, videlicet predicta Margareta per Waltherum de Sutton' procuratorem suum comparente, predicto Johanne personaliter, recitata materia contractus predicti oretenus per dictum procuratorem cum quadam petitione qua peccit ipsum Johannem eidem Margarete in virum legitimum ipsamque Margaretam eidem Johanni in uxorem legitimam adiudicari, lite per dictum Johannem negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo parti dicte Margarete ad ponendum et primo producendum.

procuratorium] Eisdem die et loco predictus Johannes de Lile constituit apud acta Petrum Caprik, clericum, procuratorem suum cum omnibus et singulis clausulis et articulis superius descriptis eciam cum caucione de rato. [fol. 90r]

[18 Mar 78 (57.20)] Blofeld. Margaret by proctor; John and Katherine absent. Both parties expected next to propose and the first term to produce.

Blofeld'] Parte actrice ut prius comparente, parte rea nullo modo, ideo expectamus absentem cum presente usque proximum ad idem quod prius. [fol. 91r]

[8 Apr 78 (58.17)] Blofeld. Margaret by proctor; John by Peter Caprik, proctor; Katherine personally. Katherine proposes a petition against John concerning their marriage contract; John contests the suit affirmatively. Parties swear *de calumpnia* and *de collusionione*. No witnesses are produced, but a *missio* is requested to admit and examine as many witnesses as each party wishes to produce: decreed. The rector of Doddington and Mr Richard Hamcotes are commissioned to admit and examine, separately or jointly, all witnesses, admitting and examining in their homes any of the elderly or women who decline. The testimony is ordered returned to the court by the next session, closed with their seals. Next to publish the testimony.

Blofeld'] Parte Margarete Blofeld per Waltherum de Sutton' procuratorem suum, Johannes de Lile per Petrum Caprik' procuratorem suum, Katerina Rede personaliter, propositaque petitione per dictam Katerinam contra eundem Johannem super matrimonio inter eos contracto, lite affirmative contestata, iuratis partibus de calumpnia et de collusionione,^a nullis testibus productis sed petita missione ad admittendum testes et examinandum quotquot et quos utraque pars producere voluerit et decreto, committimus rectori ecclesie de Dodyngton' ac magistro Ricardo Hamcotes coniunctim et divisim ad admittendum et examinandum diligenter testes omnes et singulos et ad senes et mulieres declinandos et in eorum domibus admittendos et examinandos iniungentes eisdem quod dicta et attestaciones dictorum testium nobis remittant ad proximum sub sigillis suis clausa daturque dies in proximo partibus predictis ad videndum et audiendum publicacionem attestacionum. [fol. 92r]

[29 Apr 78 (59.14)] Blofeld. Since the witnesses have not yet been admitted or examined, next

^a propositaque petitione per dictam Katerinam contra eundem Johannem super matrimonio inter eos contracto, lite affirmative contestata, iuratis partibus de calumpnia et de collusionione] *interlined*.

to publish the testimony.

Blofeld'] Ad idem in proximo quia testes nondum sunt admissi nec examinati. [fol. 92v]

[13 May 78 (60.14)] Blofeld. Since the witnesses have not yet been examined, next to publish the testimony.

Blofeld'] Ad idem in proximo quia testes nondum sunt examinati. [fol. 93v]

[8 Jul 78 (62.14)] Blofeld. As 60.14.

Blofeld'] Ad idem quia testes nondum sunt examinati. [fol. 94v]

[29 Jul 78 (63.13)] Blofeld. Since the witnesses have not yet been examined, next to publish the testimony.

Blofeld'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quia testes nondum sunt examinati. [fol. 96r]

[1 Oct 78 (64.12)] Blofeld. As 63.13.

Blofeld'] Partibus ut prius comparentibus, quia testes nondum sunt examinati in partibus, ideo datur dies in proximo ad idem, videlicet ad videndum et audiendum publicacionem attestacionum. [fol. 98r]

[21 Oct 78 (65.14)] Blofeld. As 63.13.

Blofeld'] In causa matrimoniali mota inter Margaretam Blofeld' de Chat'is partem actricem ex parte una et Johannem de Lile de eadem partem ream ex altera ac eciam inter Katerinam Rede de eadem aliam partem actricem sive competitricem ex parte una et eundem Johannem reum ex altera, partibus ut prius comparentibus, quia testes nondum sunt examinati in partibus, ideo datus est dies in proximo ad idem, videlicet ad videndum et audiendum publicacionem attestacionum. [fol. 99r]

[10 Nov 78 (66.13)] Blofeld. The testimony is published; a copy is ordered for the parties. Next to speak against the witnesses and their testimony.

Blofeld'] Partibus ut prius comparentibus, publicatis attestacionibus decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 102v]

[2 Dec 78 (67.13)] Blofeld. Nothing is proposed. Next to propose everything concerning the matter.

Blofeld'] Partibus ut prius comparentibus, nullo dicto seu proposito, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 105r]

[23 Dec 78 (68.11)] Blofeld. As 67.13.

Blofeld'] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad idem, videlicet ad proponendum omnia in facto seu iure consistencia. [fol. 106r]

[3 Feb 79 (70.12)] Blofeld. Nothing is proposed by either; the case is concluded. Next to hear the definitive sentence.

Blofeld'] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum sed cum eisdem partibus nobiscum concludentibus in dicta causa concluso, datur dies in proximo cum continuacione dierum sequencium ad audiendum sentenciam diffinitivam. [fol. 107v]

[25 Feb 79 (71.10)] Blofeld. Next to hear the definitive sentence.

Blofeld'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 109v]

[17 Mar 79 (72.10)] Blofeld. As 71.10.

Blofeld'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 111v]

[21 Apr 79 (73.13)] Blofeld. As 71.10.

Blofeld'] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 113v]

[23 May 79 (74.15)] Blofeld. As 71.10.

Blofeld'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 115r]

[10 Jun 79 (75.13)] Blofeld. With the parties' consent, next to hear the definitive sentence.

Blofeld'] Partibus ut prius comparentibus, de quarum consensu in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 116v]

[30 Jun 79 (76.14)] Blofeld. With the parties' consent, next to hear the definitive sentence.

Blofeld'] Partibus ut prius comparentibus, de quarum consensu in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 117v]

[21 Jul 79 (77.14)] Blofeld. As 76.14.

Blofeld'] Partibus ut prius comparentibus, de quarum consensu, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 118v]

[22 Sep 79 (78.17)] Blofeld. Next to hear the definitive sentence.

Blofeld'] Partibus ut prius comparentibus, in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 120v]

[13 Oct 79 (79.15)] Blofeld. As 78.17.

Blofeld'] Partibus ut prius comparentibus, in proximo ad idem. [fol. 121v]

[3 Nov 79 (80.12)] Blofeld. As 78.17.

Blofeld'] Ad idem. [fol. 122v]

[24 Nov 79 (81.12)] Blofeld. As 78.17.

Blofeld'] Ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 124r]

[9 Dec 79 (82.12), 12 Jan 80 (83.12)] Blofeld. As 78.17.

Blofeld'] Ad idem. [fols. 125r, 126v]

[3 Feb 80 (84.11)] Blofeld. Next to hear the definitive sentence.

Blofeld'] In causa matrimoniali que in consistorio vertitur inter Katerinam Rede de Chateris partem actricem ex parte una et Johannem Lile de eadem partem ream ex altera ac eciam inter Margaretam Blofeld' de eadem aliam partem actricem sive competitricem ex parte una et dictum Johannem reum ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam. [fol. 127v]

[23 Feb 80 (85.10)] Blofeld. Margaret is absent and found contumacious; John by proctor; Katherine personally. Katherine proposes that she failed to produce two necessary witnesses, through ignorance or error, and she wants them admitted. She does not believe she can prove her intention without them. Since it is a marriage case, she is allowed to produce them, with faith given. She produces Thomas Cook of Chatteris and Edmund Reed of Chatteris, who are admitted and sworn as penalty to Margaret. Tomorrow to publish the testimony.

Then the parties by proctors. The testimony is published; a copy is ordered for the parties. With their consent, the case is concluded. Next to hear the definitive sentence.

Blofeld'] In causa matrimoniali mota inter Margaretam Blofeld' de Chateris partem actricem ex parte una et Johannem Lile de eadem partem ream ex altera ac eciam Katerinam Rede de eadem aliam partem actricem sive competitricem ex parte una et dictum Johannem Lile partem ream ex altera, partibus dictorum Johannis et Katherine ut prius, predicta Margareta nullo modo, comparentibus,^b sed contumace reputata, proponitur [fol. 129v] per partem ipsius Katherine quod habet duos testes in dicta causa ut credit necessarios quos ex negligencia seu saltim ex quadam ignorancia seu errore probabili^c omisit producere, ad quorum produccionem peciit se admitti per viam restitutionis in integrum, presertim cum non credat aliunde sine ipsis se posse probare ad plenum suam intencionem. Nos igitur attendentes quod est causa matrimonialis ut in hac parte eruatur veritas, facta primitus fide que requiritur ad producendum eosdem ipsam duximus in integrum restituendam productisque per eandem Katerinam^d dictis testibus, videlicet Thoma Cok' de Chateris et E[dmun]do Rede de eadem, quibus in pena contumacie predictae Margarete non comparentis in forma admissis et iuratis in favorem matrimonii, datur dies crastinus ad publicandum attestaciones. Quibus die et loco partibus predictis per dictos procuratores suos comparentibus, publicatis attestacionibus,

^b comparentibus] *sic*. ^c seu errore probabili] *interlined*. ^d Margareta.

decreta copia partibus et tandem de consensu parcium predictarum in dicta causa concludencium per nos conclusa, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 130r]

[15 Mar 80 (86.9)] Blofeld. Parties by proctors before official. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Margaret has not proved her intention and Katherine has proved hers, John is absolved and dismissed from Margaret's suit. John and Katherine are judged husband and wife and ordered to solemnize their marriage at an appropriate time and place.

Margaret's proctor appeals *apud acta ab iniqua* immediately.

Blofeld'] In causa matrimoniali in consistorio Elien' primarie mota inter Margaretam Blofeld' de Chat'is partem actricem ex parte una et Johannem Lile de eadem partem ream ex altera ac eciam inter Katerinam Rede de eadem aliam partem actricem sive competitricem ex parte una et dictum Johannem Lile parte ream ex altera, partibus predictis per dictos procuratores suos coram nobis officiali Elien' comparentibus, auditis et intellectis meritis cause matrimonialis que in consistorio Elien' non per viam appellacionis seu querele sed primarie iurisdiccioni coram nobis .. officiali Elien' vertitur et diucius vertebatur inter Margaretam Blofeld' de Chateris partem actricem ex parte una et Johannem Lile de eadem partem ream ex altera ac eciam Katerinam Rede de eadem aliam partem actricem sive competitricem ex parte una et dictum Johannem parte ream ex altera, partibus predictis coram nobis per procuratores suos comparentibus, rimato per nos et investigato toto processu in dictis causis habito habitaque deliberacione sufficienti super eodem, Christi nomine primitus invocato, de consilio iuris peritorum nobis assidencium ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Margaretam intencionem suam in hac parte deductam minus sufficienter fundasse et probasse sed in probacione eiusdem^e penitus defecisse ac eciam dictam Katerinam intencionem suam in hac parte deductam ad plenum fundasse et probasse, ipsum Johannem ab impetitione et instancia ipsius Margarete in hac parte sentencialiter et diffinitive absolvimus et dimittimus eundemque Johannem eidem Katherine in virum legitimum et eandem Katerinam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium inter eosdem Johannem et Katerinam fore in facie ecclesie solemnizandum pro loco et tempore opportunis.

appellacio] A qua quidem sentencia tanquam ab iniqua Walterus de Sutton', clericus procurator dicte Margarete apud acta incontinenti appellavit viva voce. [fol. 134r]

^e eiusdem] *interlined*.

[30 Oct 81 (107.31)] Lile. John Lile of Chatteris and Katherine Reed of Chatteris were cited for 29 Oct. 1381 to show why they should not be compelled to obey the judgment made by ecclesiastical court favouring their marriage.

Katherine appears personally; John is absent and suspended from entering church. Katherine admits the marriage has not been solemnized yet, but she was and is willing to obey. John will be cited next.

Lile] Johannes Lile de Chateris et Katerina Rede de eadem citati [sunt] ad diem martis proximo post festum apostolorum Simonis et Jude causam rationabilem si quam habeant quare ad parendum rei iudicate in causa matrimoniali inter ipsos Johannem et Katerinam pro matrimonio per nos late per censuras ecclesiasticas compelli non debeant proposituri et ostensuri. Dicta Katerina comparuit^f personaliter et dicit se paratam ad parendum rei iudicate nec per eam stetit quominus matrimonium fuerat inter eos solemnizatum et parata erit in futurum. Dictus vero Johannes non comparuit,^f ideo ipsum ab ingressu ecclesie suspendimus et citetur ad proximum ad idem ut prius. [fol. 155r]

[28 Nov 81 (109.18)] Lile. Although cited, John is absent. He is excommunicated and will be cited.

Lile] Dictus Johannes Lile denunciatus, suspensus, iterato citatus non comparet, ideo ipsum excommunicamus et citetur ut supra. [fol. 158r]

[12 Dec 81 (110.16)] Lile. Denounced and again cited, John is absent and excommunicated.

Lile] Denunciatus est excommunicatus, iterato citatus non comparet, ideo [fiat] executio.^g [fol. 159r]

[16 Jan 82 (111.16)] Lile. The execution of the sentence is ordered.

Lyle] Fiat executio. [fol. 160r]

[6 Feb 82 (112.14)] Lile. John Lile appears personally before the official and requests absolution. Sworn to uphold church mandates, he is absolved. He proposes against the sentence that his marriage to Katherine Reed cannot exist because prior to their contract and the court's sentence, John had had intercourse with Alice Cade, resident of Doddington, who is related to Katherine within the prohibited degrees of consanguinity. The proposition is put in writing and admitted. Next for John to prove precisely; Katherine and Alice will be called. John is expected at all acts including the definitive sentence.

Lile] Johannes Lyle de Chateris alias citatus propositurus causam quare non deberet compelli ducere uxorem Katerinam Rede de eadem in facie [ecclesie] prout [per] nos alias fuerat sentencialiter et diffinitive adiudicatum, non comparuit et ideo pro contumaciis excommunicatus et denunciatus, comparuit personaliter die et loco supra coram nobis .. officiali predicto; peccit a dicta

^f comparuit] *sic.* ^g ex cu' con] *written as three separate words. The reference may be to some form of aggravated excommunication, but the entry suggests that it is a mistake for some form of executio. The entire phrase may be something like ideo demandetur sententia excommunicationis executioni* (cf. entries 89.27, 109.15).

sentencia se absolvi ipsoque iurato de stando mandatis ecclesie absolutus est in forma iuris. Proposita per partem ipsius Johannis contra dictam sententiam nostram quod subsistere non poterit nec ipse prefatam Katerinam de iure ducere poterit in uxorem pro eo et ex eo quod ante omnem contractum matrimonialem inter prefatos Johannem et Katerinam initum et sententiam predictam, predictus Johannes quamdam Aliciam Cade, nunc commorantem in Dedyngton', ipsam Katerinam in gradu consanguinitatis prohibito attingentem, carnaliter precognovit, qua quidem proposicione in scriptis redacta et [per] nos admissa, datur dies in proximo dicto Johanni ad precise probandum et decernimus dictas Katerinam et Aliciam fore vocandas ad proximum ad interessendum et prefigimus eidem Johanni dies ad omnes actus usque ad sententiam diffinitivam inclusive. [fol. 160v]

[27 Feb 82 (113.14)] Lile. John personally; Katherine and Alice by John Wiltshire, proctor. John produces four witnesses: William Brampton of Chatteris, John Tydd, John Leach, and William Toney of Chatteris, who are admitted and sworn. He asks that John Toke of Chatteris, skinner, be compelled; decreed with faith given. Next to produce him.

Lyle] Predicto Johanne Lile personaliter comparente, predictis Katerina et Alicia per Johannem Wiltes', clericum, procuratorem suum, productis per dictum Johannem quatuor testibus, videlicet Willelmo Brampton' de Chateris, Johanne Tyd, Johanne Lache et Willelmo Tony de eadem, quo admissa et in forma iuris iurato, petitaque compulsione Johannis Toke de Chateris *skynner* qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsus. [fol. 162r]

213. CALDECOTE/TAYLOR/CHOKE

The proximity of these defamation actions gives us some confidence as to the identity of the defendant and to combine them, even though it is unclear just how they are related.

[18 Mar 78 (57.21)] Caldecote. Margaret wife of John Scot of Cambridge, butcher, was cited at the instance of Agnes wife of Thomas Caldecote and Denise wife of Robert Danhurst, tailor, in a defamation case.

Agnes and Denise appear by John Wiltshire, proctor *apud acta*; Margaret by Peter Caprik, proctor *apud acta*. An oral libel is given and requested written. Next to receive it in writing.

Caldecote] Margareta uxor Johannis Scot de Cantebr' *bocher* citata [est] ad diem et locum supradictos ad instanciam Agnetis uxoris Thome Caldecote et Dionisie uxoris Roberti Danhurst *tailor* in causa diffamacionis. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum, parte rea per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, comparentibus, libellato per partem actricem oretenus petitoque per partem ream in scriptis, datur dies in proximo ad recipiendum. [fol. 91r]

[8 Apr 78 (58.18)] Caldecote. Since Agnes has failed to bring a written libel, Margaret is dis-

missed protesting her costs.

Caldecote] In causa diffamacionis mota inter Agnetem uxorem Thome Caldecote de Cantebr' partem actricem ex parte una et Margaretam uxorem Johannis Scot de eadem partem ream ex altera, partibus ut prius comparentibus et quia pars actrix non libellat, ideo pars rea dimittitur ab instancia diei cum protestacione expensarum. [fol. 92r]

[8 Apr 78 (58.19)] Taylor/Choke. Margaret wife of John Scot was cited at the instance of Denise Choke, wife of Robert Taylor of Cambridge, in a defamation case.

Parties appear by proctors. A written libel is received. Next to respond.

Taillo'/Chokk'] Margareta uxor Johannis Scot citata [est] ad instanciam Dionisie Chokke uxoris Roberti Taillor de Cantebr' in causa diffamacionis. Partibus per procuratores suos comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 92r]

[29 Apr 78 (59.15)] Taylor/Choke. Margaret contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Taillo'/Chokk'] Partibus ut prius comparentibus, lite negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 92v]

[13 May 78 (60.15)] Taylor/Chokk. No witnesses or positions are brought. Next to propose and the second term to produce.

Taillo'/Chok'] Partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 93v]

[8 Jul 78 (62.15)] Taylor/Choke. No other witnesses, propositions, or proofs are brought. Next to propose and the third term to produce.

Taillo'/Chok'] Partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis nec probacionibus ministratis, datur dies in proximo ad ponendum et tercio producendum. [fol. 94v]

[29 Jul 78 (63.14)] Taylor/Choke. No other witnesses are produced; Dionysia asks that Agnes wife of William Ripon of Cambridge and Marion Duke of Cambridge be compelled; decreed with faith given. Next to produce the compelled.

Taillo'/Chok'] Partibus ut prius comparentibus, nullis testibus productis sed petita per partem actricem compulsione duorum testium, videlicet Agnetis uxoris Willelmi Repon' de Cant' et Marione Duk' de eadem, qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsos. [fol. 96r]

[1 Oct 78 (64.13)] Taylor/Choke. The compelled witnesses have not been cited yet. Next to produce them.

Taillo'/Chok'] Partibus ut prius comparentibus, testibus compellendis nondum citatis, ideo datur dies in proximo ad idem, videlicet ad producendum eosdem. [fol. 98r]

[21 Oct 78 (65.15)] Taylor/Choke. As 64.13.

Taillo'/Chok'] In causa diffamacionis mota inter Dionisiam Chokke uxorem Roberti Taillo' de Cantebr' partem actricem ex parte una et Margartam uxorem Johannis Scot de eadem partem ream ex altera, partibus ut prius comparentibus, testibus compellendis nondum citatis, datur dies in proximo ad idem, videlicet ad producendum compulsos. [fol. 99r]

[10 Nov 78 (66.14)] Taylor/Choke. As 64.13.

Taillo'/Chok'] Partibus ut prius comparentibus, quia testes compellendi nondum sunt citati, ideo datur dies in proximo ad idem, videlicet ad producendum compulsos. [fol. 102v]

[2 Dec 78 (67.14)] Taylor/Chokk. Although cited, the compelled are absent. They are suspended from entering church.

Taillo'/Chok'] Partibus ut prius comparentibus, testibus compulsis citatis iuxta decretum alias in hac parte factum non comparentibus, ideo ipsos suspendimus. [fol. 105r]

[23 Dec 78 (68.12)] Taylor/Chokk. The execution of the suspension is ordered.

Taillo'/Chok'] Partibus ut prius comparentibus, fiat executio contra testes compulsos non comparentes, videlicet denunciatur suspensos. [fol. 106r]

[3 Feb 79 (70.13)] Taylor/Chokk. As 68.12.

Taillo'/Chok'] Partibus ut prius comparentibus, fiat executio contra testes alias compulsos videlicet denunciatur suspensos. [fol. 107v]

[25 Feb 79 (71.11), 17 Mar 79 (72.11)] Taylor/Chokk. The execution is ordered.

Taillo'/Chok'] Fiat executio ut prius. [fols. 109v, 111v]

214. CAPRIK (2)¹

[18 Mar 78 (57.22)] Caprik. John Baldwin of Fulbourn, executor of the testament of the vicar of [Cherry] Hinton, was cited at the instance of Peter Caprik, proctor general of the consistory, in a salary case.

Peter appears personally; John is absent and found contumacious, his penalty reserved to the court.

Caprik'] Johannes Baldewyne de Fulbourn', executor testamenti vicarii ec-

¹ See *Caprik (1)*, n. 1. In 16.12, William vicar of Hinton appoints Peter his proctor *apud acta* There is no record of an appointment by John. Hence, this case may be one of testamentary debt. Cf. *Sutton (5)*.

clesie de Hynton', citatus ad instanciam Petri Caprik', clerici, procuratoris sui generalis consistorii Elien', in causa salarii personaliter comparentis non comparet, ideo ipsum Johannem reputamus contumacem, pena nobis reservata. [fol. 91r]

215. MADINGLEY¹

[18 Mar 78 (57.23)] Madingley. Joan daughter of Robert Pyncote of Kingston and wife of John Madingley of Kingston was cited because she has not been living with her husband.

John and Joan appear personally. Joan orally proposes that although they contracted marriage, solemnized it, and have lived together as husband and wife attempting to have intercourse, John has been so cold that they have not had intercourse. After a sufficient period of cohabitation, she left him physically uncorrupted, which she is willing to prove by physical examination or by any other legal means. Asserting that she wants to have children, she asks that their marriage be annulled and they be separated. John contests the suit negatively; they swear *de calumpnia* and *de veritate dicenda*. The next session is assigned to Joan to propose and the first term to produce; the libel is to be given in writing to the registry.² John asks that his wife be compelled to live with him and to attempt to render conjugal rights. They swear to live together, to show mutual marital affection, and to attempt intercourse.

Maddyngle] Johanna filia Roberti Pyncote de Kyngeston', uxor Johannis Maddyngle de eadem, citata [est] coram nobis ad diem et locum supradictos super eo quod ipsa Johanna a consorcio et cohabitatione mariti sui se temere divertebat. Predicti Johannes et Johanna comparuerunt personaliter coram nobis dictaque Johanna proposuit oretenus quod licet ipsi Johannes et Johanna matrimonium adinvicem contraxerunt illudque in facie ecclesie solempnizari procurarunt pariter et fecerunt et adinvicem ut vir et uxor mutuo cohabitarunt dantes operam carnali copule, dictus tamen Johannes ita frigidus est quod non potuit nec potest ipsam carnaliter cognoscere, sed post cohabitationem sufficientem ipsa evasit ab eo incorrupta et integra que se offert per corporis sui aspectum et alio modo legitimo probaturam. Quare peciit dicta Johanna, asserens se velle esse matrem et filios procreare, dictum matrimonium divorciari et annullari eosque abinvicem separari ulteriusque fieri etc. Liteque per dictum Johannem ad proposicionem predictam verbaliter^a negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo parti actrici ad ponendum et primo producendum et ad dandum libellum registro in scriptis. Dictusque Johannes peciit quod dicta Johanna uxor sua compellatur sibi adherere et cohabitare cum eo

^a verbaliter] ?v'b'; *reading unclear*; verbaliter or verbotenus would correspond to oretenus above.

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, 277–8, 573, and T&C nos. 490–2. Although there is nothing in that

justice to the complexities that may lie behind the maneuvering shown in this record.

² For this translation, see Introduction.

account that needs correction, it hardly does

et ad dandum operam carnalis copule, unde iurati sunt adinvicem cohabitare et se mutuo maritali affectione pertractare et operam carnalis copule prestare. [fol. 91r]

[8 Apr 78 (58.20)] Madingley. Joan produces four witnesses: Alice Plumbery; Alice Harsent; Joan Gilbert; and Margaret Harsent, who are admitted and sworn. John reserves the right to speak against them. Next to propose and the second term to produce. Since the libel has not yet been given in writing, next to receive it.

Maddyngle] In causa divorcii mota inter Johannam filiam Roberti Pyncote de Kyngeston' partem actricem appellantem ex parte una et Johannem Maddynge, qui ipsam de facto duxerit in uxorem, partem ream ex altera, partibus personaliter comparentibus, productis per partem actricem quatuor testibus, videlicet Alicia Plumbery, Alicia Harsent, Johanna Gilberd et Margareta Harsent, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad ponendum et secundo producendum et quia libellus nondum est oblatus in scriptis, ideo offeratur in proximo. [fol. 92r]

[29 Apr 78 (59.16)] Madingley. No other witnesses are produced; the term ends. Next to propose and the third term to produce. Joan proposes articles to be used to examine the witnesses.

Maddyngle] Partibus ut prius comparentibus, nullis aliis testibus productis, cedat terminus, datur dies in proximo ad ponendum et tercio producendum et pars actrix proposuit articulos super quibus testes sunt examinandos. [fol. 92v]

[13 May 78 (60.16)] Madingley. No other witnesses or positions are brought; the term ends. Next to publish. Joan asks that midwives (*obstetrices*) be chosen for her examination. The court orders her cited for not living with her husband as she promised.

Maddyngle] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis, cedat terminus; datur dies in proximo ad publicandum petiturque per partem actricem quod eligantur obstetrices ad inspiciendum. Decretum est quod pars actrix citetur quia non cohabitat cum marito ut iuravit. [fol. 93v]

[16 Jun 78 (61.2)] Madingley. Joan personally; John by proctor. Since the witnesses have not yet been examined, next to publish the testimony.

Maddyngle] Parte actrice personaliter, parte vero rea per procuratorem suum comparente, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem quod prius, videlicet ad publicandum attestaciones. [fol. 94r]

[8 Jul 78 (62.16)] Madingley. Since the witnesses have not yet been examined, next to publish the testimony. The parties select midwives: Agnes Beadman, Katherine Cheseman, and Alice Harsent.

Maddyngle] Partibus ut prius comparentibus, quia testes nondum sunt examinati, datur dies in proximo ad idem quod prius, videlicet ad publicandum.

Et partes elegerunt obstetrices Agnetem Bedeman, Katerinam Cheseman et Aliciam Harsent. [fol. 94v]

[29 Jul 78 (63.15)] Madingley. With the parties' consent, next to publish.

Maddyngle] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad publicandum. [fol. 96r]

[1 Oct 78 (64.14)] Madingley. As 63.25.

Maddyngle] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad publicandum. [fol. 98r]

[21 Oct 78 (65.16)] Madingley. Joan produces four prudent and honorable midwives and matrons: Alice Harsent, Joan Gilbert, Alice Pyncote of Kingston, and Katherine Cheseman of Cambridge. William Waleys and Michael Besworth of Kingston are also produced, with the legal steps required beyond the third production, who are admitted and sworn. Next to publish the testimony.

Maddyngle] In causa divorcii mota inter Johannam Pyncote de Kyngeston' partem actricem ex parte una et Johannem Maddyngle de eadem partem ream ex altera, partibus ut prius comparentibus, productis per partem actricem quatuor obstetricibus et matronis [fol. 99r] providis et honestis videlicet Alicia Harsent de Kyngeston', Johanna Gilbert et Alicia Pyncote de eadem ac Katerina Cheseman de Cantebr', productis eciam Willelmo Waleys de Kyngeston' et Michele Besworth' de eadem cum solempnitate de iure requisita ultra terciam produccionem, quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum attestaciones. [fol. 99v]

[10 Nov 78 (66.15)] Madingley. Joan asks that John be examined and palpated; decreed. He will be called to undergo examination. Next to publish the testimony.

Maddyngle] Partibus ut prius comparentibus, petito per partem actricem quod dictus Johannes inspiciatur et palpetur et decreto, decernimus dictum Johannem fore vocandum ad proximum ad personaliter subeundum inspeccionem et palpacionem daturque dies in proximo ad publicandum. [fol. 102v]

[2 Dec 78 (67.15)] Madingley. John has not been cited to appear personally because he is hiding and cannot be found. He is ordered called by every means. His proctor claims he cannot appear personally for fear of imprisonment. Next to prove this.

Maddyngle] Partibus ut prius comparentibus, pars rea non est citata ad personaliter comparendum nec potest apprehendi personali citacione quia latitat, ideo decernimus ipsum fore vocandum viis et modis ad proximum ad idem. Procurator suus allegat quod non audet personaliter comparere timore incarcerationis, unde datur dies in proximo ad probandum timorem. [fol. 105r]

[23 Dec 78 (68.13)] Madingley. No proof is brought concerning the fear. John, who was cited to appear personally to undergo examination, is absent. He is suspended from entering church and called.

Maddyngle] Partibus ut prius comparentibus, nullis probacionibus ministratis super timore sed citato dicto Johanne in propria persona apud Cant' apprehenso ad personaliter comparendum subituro palpacionem personaliter non comparet, ideo ipsum suspendimus et vocetur.^b [fol. 106r]

[3 Feb 79 (70.14)] Madingley. Since the rector of Kingston has failed to announce John's suspension, to cite him, and to certify as ordered, the rector is to be called for contempt. The execution of the suspension is ordered.

Maddyngle] Partibus ut prius comparentibus, quia rector de Kyngeston' habuit in mandatis ad denunciandum Johannem Maddyngle suspensum, citandum ipsum et certificandum [et] non est executum dictum mandatum, ideo vocetur super contemptu et fiat executio contra eundem Johannem. [fol. 107v]

[25 Feb 79 (71.12)] Madingley. Since John has not been denounced or cited to appear personally for examination and the rector has not been called for contempt, they are ordered cited.

Maddyngle] Partibus ut prius comparentibus, quia nec Johannes fuit adhuc denunciatus nec iterato citatus ad personaliter comparendum subiturus palpacionem nec rector citatus super contemptu, ideo citentur ad proximum ad idem. [fol. 109v]

[17 Mar 79 (72.12)] Madingley. John appears personally for the examination and is absolved from the suspension. Next for same.

Maddyngle] Partibus ut prius comparentibus citatoque dicto Johanne ad personaliter comparendum subituro palpacionem, [Johannes] comparuit personaliter, absolutus est a sententia suspensionis predicta in forma iuris, datur dies in proximo ad idem. [fol. 111v]

[21 Apr 79 (73.14)] Madingley. Next for same.

Maddyngle] Partibus ut prius comparentibus, datur dies in proximo ad idem. [fol. 113v]

[23 May 79 (74.16)] Madingley. As 73.14.

Maddyngle] Partibus ut prius comparentibus, datur dies in proximo ad idem quod prius. [fol. 115r]

[10 Jun 79 (75.15)] Madingley. As 73.14.

Maddyngle] Partibus ut prius comparentibus, expectamus usque proximum ad idem quod prius. [fol. 116v]

[30 Jun 79 (76.16)] Madingley. As 73.14.

Maddyngle] Partibus ut prius comparentibus, expectamus usque proximum ad idem quod prius videlicet ad personaliter subeundum palpacionem. [fol. 117v]

[21 Jul 79 (77.16)] Madingley. John will be called to undergo examination personally.

^b s' et vo'] *for the extension see* Introduction.

Maddingle] Partibus per procuratores suos comparentibus, decernimus partem ream fore vocandam viis et modis ad personaliter subeundum palpacionem. [fol. 118v]

[22 Sep 79 (78.18)] Madingley. Joan personally; John as before. Next for same, John to undergo examination personally.

Maddingle] Parte actrice videlicet Johanna^c personaliter comparente, parte rea, videlicet Johanne,^d ut prius in proximo ad idem. [fol. 120v]

[13 Oct 79 (79.16)] Madingley. John does not appear personally; he is to be excommunicated. He will be called and denounced in Huntingdon. Next for his examination.

Maddingle] Parte Johannis non comparente personaliter ut habuit diem, ideo excommunicetur et vocetur et denunciatur in partibus Hunt',^e in proximo ad idem. [fol. 121v]

[3 Nov 79 (80.13)] Madingley. The execution of the sentence against John is ordered.

Maddingle] Fiat executio contra dictum Johannem ut prius. [fol. 122v]

[24 Nov 79 (81.13)] Madingley. As 80.13.

Maddy'gle] Fiat executio ut prius. [fol. 124r]

[9 Dec 79 (82.13), 12 Jan 80 (83.13)] Madingley. As 80.13.

Maddingle] Fiat executio ut prius. [fols. 125r, 126v]

[3 Feb 80 (84.12)] Madingley. As 80.13.

Maddyngle] In causa divorcii que coram nobis vertitur inter Johannam Pyncote de Kyngeston' partem actricem ex parte una et Johannem Maddyngle de eadem partem ream ex altera, fiat executio contra dictum Johannem ut prius. [fol. 127v]

[23 Feb 80 (85.11)] Madingley. As 80.13.

Maddyngle] In causa divorcii primarie^f mota inter Johannam Pyncote de Kyngeston' partem actricem ex parte una et Johannem Maddyngle de eadem partem ream ex altera, fiat executio contra dictum Johannem alias excommunicatum ut prius. [fol. 130r]

[15 Mar 80 (86.10)] Madingley. Although cited to appear personally, John is absent. He is to be excommunicated.

Maddyngle] Dictus Johannes citatus ad personaliter comparendum non comparet personaliter, ideo excommunicetur. [fol. 134r]

[5 Apr 80 (87.7), 26 Apr 80 (88.7), 25 May 80 (89.7)] Madingley. The execution of the excommunication is ordered.

Maddingle] Fiat executio. [fols. 136r, 137r, 138r]

^c Johanne. ^d Johanna. ^e *The punctuation is Foxton's.* ^f *primarie] interlined.*

[14 Jun 80 (90.7)] Madingley. Parties by proctors. Joan proposes in writing that John and she are related within the prohibited degrees of consanguinity; she swears *de malicia*. She produces three witnesses: William Geak, William Beard, and William Gilbert of Kingston, who are admitted and sworn. John contests the suit negatively. Next to offer final proof.

Maddingle] Partibus per dictos procuratores suos comparentibus, proposita per partem dicte Johanne quadam proposicione in scriptis, videlicet quod ipsi Johannes et Johanna attingunt se in gradu consanguinitatis prohibito, iurato per partem proponentem de malicia productisque super eadem proposicione tribus testibus videlicet Willelmo Geke, Willelmo Berd et Willelmo Gilbert de Kyngeston', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad peremptorie probandum. [fol. 140v]

[12 Jul 80 (91.1)] Madingley. No other witnesses are produced. With the parties' consent, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Maddyngle] Partibus ut prius comparentibus, nullis aliis testibus productis sed publicatis attestacionibus testium productorum de consensu parcium, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 141v]

[23 Jul 80 (92.7)] Madingley. With the parties' consent, next to speak against witnesses and testimony.

Maddingle] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad dicendum contra testes. [fol. 142r]

[4 Oct 80 (93.6), 25 Oct 80 (94.6)] Madingley. For the same.

Maddingle] Ad idem. [fols. 144r, 144v]

[5 Dec 80 (96.1)] Madingley. Exceptions are proposed against witnesses and testimony; admitted. 12 Dec. to prove them.

12 Dec. Joan by proctor; John is absent. No proofs are brought. Next to prove precisely.

Maddyngle] Partibus ut prius comparentibus, propositis quibusdam excepcionibus contra testes et eorum dicta quibus admissis eatenus quatenus, datur dies mercurii proximo futurus post festum Sancti Nicholai ad probandum.

Quo die parte actrice ut prius comparente, parte rea nullo modo nec producit aliquas probaciones, ideo datur dies in proximo ad precise probandum. [fol. 146r]

[10 Jan 81 (97.1)] Madingley. No witnesses are produced; the case is concluded. Next to hear the definitive sentence.

Maddingle] Partibus ut prius comparentibus, nullis testibus productis sed facta conclusionem in causa, datur dies in proximo ad audiendum sententiam

diffinitivam. [fol. 146v]

[31 Jan 81 (98.1), 28 Feb 81 (99.1), 14 Mar 81 (100.2), 5 Apr 81 (101.2)] Madingley. Next to hear the definitive sentence.

Maddingle] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 147r, 147v, 148r, 148v]

[2 May 81 (102.2)] Madingley. As 98.1.

Maddingle] Partibus ut prius comparentibus, ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 149v]

[24 May 81 (103.2)] Madingley. As 98.1.

Maddingle] Ad idem videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 150v]

[10 Oct 81 (106.2)] Madingley. As 98.1.

Maddingle] Ad idem. [fol. 152v]

[30 Oct 81 (107.2)] Madingley. Parties by proctors. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Based on legal proofs, it has been shown that John and Joan are related within the fourth degree of consanguinity and therefore they cannot contract marriage. The contract and solemnization are annulled and they are separated. John is ordered to pay Joan's costs, which will be estimated by the court.

Peter Caprik, John's proctor, appeals *ab iniqua* immediately *apud acta*.

Maddyngle] In causa matrimoniali et divorcii que coram nobis vertebatur inter Johannam Pyncote de Kyngeston' partem actricem ex parte una et Johannem Maddingle de eadem partem ream ex altera, partibus per procuratores suos comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

In Dei nomine amen. Auditis et intellectis meritis cause matrimonialis et divorcii que vertitur et a diu vertebatur coram nobis .. officiali Elien' inter Johannam Pyncote de Kyngeston' et Johannem Maddingle de eadem, rimato per nos et investigato toto processu in dicta causa habito coram nobis habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, invocata Spiritus Sancti gracia, ad sentenciam diffinitivam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus per probationes legitimas coram nobis exhibitas sufficienter fore probatum ipsos Johannam et Johannem in quarto gradu consanguinitatis existere et se adinvicem in dicto

gradu attingere matrimoniumque inter eosdem ex eadem causa subsistere seu de iure contrahi non posse, matrimonium inter eosdem de facto contractum ac solempnizacionem eiusdem nullum^g penitus esse decernimus ac cassum, irritum adiudicamus illudque matrimonium quatenus de facto processit cassamus, irritamus et annullamus, cassum, irritum et nullum per hanc nostram sententiam diffinitivam pronunciamus et declaramus ac ipsos abinvicem separamus et divorciamus sentencialiter et diffinitive in hiis scriptis, in expensis legitimis in eadem lite per partem dicte Johanne factis predictum Johannem Maddingle condemnantes, taxacione earum nobis reservata.

appellacio] A qua quidem sententia tanquam ab iniqua Petrus Caprik', procurator dicti Johannis, apud acta incontinenti appellavit. [fol. 154r]

^g nullum] *sic*.

216. *SAWSTON* (2)¹

[18 Mar 78 (57.24)] Sawston. John Brinkley of Fulbourn was cited at the instance of the vicar of Sawston in a case of tithes.

Vicar appears by proctor; John is absent, found contumacious, and suspended from entering church.

Sauston' – suspensio] Johannes Brinkele de Foulmer' citatus [est] ad instanciam vicarii ecclesie de Sauston' in causa decimarum. Parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam partem ream pronunciamus contumacem et pro sua huiusmodi contumacia, ipsam ab ingressu ecclesie suspendimus. [fol. 91r]

¹ See *Sawston* (1), n. 1.

217. *HEIGHT*

[18 Mar 78 (57.27)] Height. William Tiler of Bourn was cited at the instance of Warren White and Agnes his wife, executors of the testament of Simon Height of Bassingbourn, in a testamentary case.

Warren and Agnes are absent; William appears personally. He is ordered to give an account to the executors before the next session or to respond in the case next.

Hayt] Willelmus Tiler' de Brunne citatus [est] ad instanciam Warini White et Agnetis uxoris^a sue, executorum testamenti Simonis Hayt de Bassingbourn', in causa testamentaria. Parte actrice nullo modo comparente, parte rea personaliter, iniungitur sibi quod computet cum parte actrice citra proximum, alioquin habet diem in proximo ad respondendum in causa predicta. [fol. 91r]

^a *Hole in ms. written around.*

218. HIND

The record of this case is odd. The entry is found towards the end of those for the regular session on 8 April 1378. The previous entry is dated 8 April, the following entry 10 April. Hence, the events described at the beginning may have occurred in the regular session, but we are inclined to think that they did not, despite the fact that the citation is expressly said to be for 8 April. The case is set down “for the next,” a phrase the normally means for the next consistory, which would be 29 April. It is set down again for the Thursday after Sts Nereus and Achilles, which was the regular session on 13 May, when it is dismissed. The question is why does Foxton not record the events that probably took place on 29 April and almost certainly took place on 13 May under the *acta* for those sessions. The answer may be that there was something about the case that led him to suspect that it would never really get going. It could also be that he was embarrassed that he had failed to record the initial citation and suspension (see n. 1).

[8 Apr 78 (58.26)] Hind. William Kelful of Whittlesey, suspended at another time at the instance of William Hind of Whittlesey in a defamation case,¹ was denounced and again cited for said day and place to respond to William.

Hind is absent; Kelful appears by John Wiltshire, proctor. Both are expected next for Kelful to respond; Kelful is absolved.

?29 April.² Hind personally; Kelful by proctor. An oral libel is given and requested written. 13 May to receive it in writing.

13 May. Hind absent; Kelful by proctor. No written libel is received; Kelful is dismissed protesting his costs.

Hynde] Willelmus Kelful de Wyttesseye alias suspensus ab ingressu ecclesie ad instanciam Willelmi Hynde de eadem in causa diffamacionis, denunciatus iteratoque citatus [est] ad diem et locum supradictos prefato Willelmo in dicta causa responsurus. Parte actrice nullo modo comparente, parte rea per Johannem Wiltesshir', clericum, procuratorem suum, unde expectamus absentem cum presente usque proximum ad idem et pars rea absoluta est in forma iuris.

Quo die parte actrice personaliter comparente, parte rea ut prius, libellato oretenus^a petitoque in scriptis, datur dies [fol. 92r] iovis proximo post festum Sanctorum Nerrei et Achillei ad recipiendum in scriptis.

dimissio] Quo die parte actrice nullo modo comparente, parte rea ut prius, nullo libello oblato, ideo ipsam partem ream dimittimus ab instancia diei cum protestacione expensarum. [fol. 92v]

^a oretenus] *interlined*.

¹ There is no record of this suspension. seems unlikely.

Either Foxton forgot to include it, or it occurred more than four years previously, which

² See the introduction to the case.

219. MORRIS (2)¹

[8 Apr 78 (58.27)] Morris. Christine Edmond of Hardwick and Emma Gregory of Hardwick were cited before Scrope for 10 April 1378 at the instance of Felicia wife of John Morris of Hardwick in a defamation case.

Felicia appears by her husband; Christine and Emma personally. An oral libel is given; Christine contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and first term to produce.

Morice] Cristina Edmond de Herdewyk' et Emma Gregory de eadem citate [sunt] coram nobis officiali Elien' ad diem sabbati proximo post festum Sancti Ambrosii ad instanciam Felicie uxoris Johannis Moryce de eadem in causa diffamacionis. Parte actrice per maritum suum, utraque parte rea personaliter, libellato oretenus per partem actricem sub certa forma, lite negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 92v]

[29 Apr 78 (59.18)] Morris. Peace has been restored; Christine and Emma are called *ex officio*.

Moryce] Pax est, ideo vocetur pars rea ex officio. [fol. 93r]

¹ See *Morris (1)*, n. 1.

220. NATESBY

[8 Apr 78 (58.28)] Natesby. Margaret widow of Gilbert Natesby of Whaddon was cited before John Newton, bishop's commissary, for 9 April 1378 to respond personally to the charges brought against her *ex officio* and to swear *de veritate dicenda*.

Margaret is absent, found contumacious, and suspended.

Natesby] Margareta nuper uxor Gilberti Natesby de Whaddon', Elien' diocesis, citatata [est] coram nobis Johanne de Neweton' clerico, venerabilis patris domini domini Thome Dei gracia episcopi Elien' commissario, ad diem veneris proximo post festum Sancti Ambrosii ad personaliter comparendum super sibi obiciendis ex officio dicti patris et nostro responsura et de veritate dicenda personaliter iuratura. Dicta Margareta personaliter non comparente, ideo ipsam reputamus contumacem et pro sua huiusmodi contumacia ipsam ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 92v]

[29 Apr 78 (59.19)] Natesby. The execution of the sentence is ordered.

Natesby] Fiat executio dicte suspensionis. [fol. 93r]

[13 May 78 (60.18), 8 Jul 78 (62.18), 29 Jul 78 (63.17), 1 Oct 78 (64.16), 21 Oct 78 (65.18)], 10 Nov 78 (66.17)] Natesby. As 59.19.

Natesby] Fiat executio ut prius. [fols. 93v, 94v, 96r, 98r, 99v, 102v]

[2 Dec 78 (67.17)] Natesby. Margaret Natesby of Whaddon, who was suspended from entering

church for contumacy when she failed to appear before Newton for her correction, appears personally before him and is absolved. She responds to the articles charged to her *ex officio*, which are contained in the bishop's register of corrections. She submits to canonical correction by the commissary.

Natesby – absolucio] Margareta Natesby de Whaddon', alias suspensa ab ingressu ecclesie pro sua contumacia in non comparendo coram nobis Johanne de Neuton' commissario predicto in negocio correccionis anime sue contracta, comparuit coram nobis. Absoluta est a dicta sententia in forma iuris habitaque responsione per dictam Margaretam ad articulos sibi obiectos ex officio nostro, de quibus in registro correccionum dicti patris continetur, canonicam super eisdem coram nobis subiit correccionem. [fol. 105r]

221. HUNT

[29 Apr 78 (59.20)] Hunt. Robert West of Croxton was cited at the instance of the executors of the testament of John Hunt of Brampton, Lincoln diocese, in a testamentary case.

The executors appear by John Wiltshire, proctor by letter; Robert is absent, although cited and summoned. He is found contumacious and suspended.

Hunte – suspensio] Robertus West de Croxton', Elien' diocesis, citatus [est] ad diem et locum supradictos ad instanciam executorum testamenti Johannis Hunte de Brampton', Lincoln' diocesis, in causa testamentaria. Parte actrice per Johannem Wiltesshire, clericum, procuratorem suum litteratorie constitutum comparente, parte rea nullo modo, ideo ipsum Robertum partem ream citatam, preconizatam, nullo modo comparentem pronunciamus contumacem et in pena contumacie sue huiusmodi ipsum ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 93r]

[13 May 78 (60.19)] Hunt. John by proctor; Robert personally. Peace has been restored; Robert is absolved from suspension and dismissed.

Hunte – pax] Parte actrice ut prius comparente, parte rea personaliter, pace inter partes reformatam, pars rea absoluta est a dicta sententia suspensionis et dimittitur. [fol. 93v]

222. SWAFFHAM (2)¹

[29 Apr 78 (59.21)] Swaffham. Robert Dash of Swaffham was suspended from entering church at another time at the instance of the prioress of Swaffham.² He had not paid rent owed to the

¹ In *Swaffham* (3), the prioress is the defendant in a tithes case brought by the vicar of Swaffham Prior. The cases may be related, but not in any way that can be seen from the records. *Swaffham* (4) is less likely to be related: although it is a tithes case the prior-

ess is not mentioned, and a different vicar is plaintiff.

² Robert's proxy to Richard Pitts is found in 59.22; his suspension is not otherwise recorded.

conventual church of Swaffham for seven years, at an annual rate of 19½*d.*

Robert appears personally on said day and place. He is absolved and ordered beaten three times round the church for his contumacy. An oral article is given and requested written. Next to receive it in writing.

Swafham – suspensio] Robertus Dasse de Swafham, alias suspensus ab ingressu ecclesie, ad instanciam .. priorisse de Swafham super subtraccione redditus moniali ecclesie conventuali de Swafham debiti, videlicet undeviginti denariorum [et] oboli annuatim et per septem annos elapsos a retro existentis, comparet personaliter dictis die et loco. Absolutus est in forma iuris et pro contumacia fustigetur ter circa ecclesiam. Articulado sibi per partem dicte prioresse oretenus petitoque in scriptis, datur dies in proximo ad recipiendum articulum in scriptis. [fol. 93r]

[13 May 78 (60.20)] Swaffham. Parties appear by proctors. Robert has paid the rent to the prioress and peace has been restored out of court. He is dismissed from the suit. His punishment ordered formerly *ex officio* is pending his promise to make future payments.

Swafham – pax] Partibus per procuratores suos comparentibus, satisfacto per partem ream dicte parti actrici de redditu per ipsam petito extra iudicium per viam concordie paceque inter partes finaliter reformata, dicta pars rea dimittitur ab impetitione dicte partis quo ad promocionem ista vice. Pendeat penitencia sua alias iniuncta ex officio sub gestura sua si dictum redditum solvat futuris temporibus. [fol. 93v]

223. TEVERSHAM (4)¹

Presumably the reason why Mr William Bridge has to swear obedience twice is that the first time he does it in his capacity as rector of Teversham and the second as commissary general of the archdeacon.

[29 Apr 78 (59.24)] Teversham obedience. 30 April 1378, Mr William Bridge, rector of Teversham, personally swears obedience to the bishop, his official, and his other commissaries and ministers.

Teversham – obediencia] Secundo kalendas maii anno Domini supradicto comparens personaliter in iudicio magister Willelmus Brugg', rector ecclesie de Teversham Elien' diocesis, prestitit obedienciam canonicam et iuratum venerabili patri domino Thome Dei gracia episcopo Elien', nobis et aliis ipsius commissariis et ministris in licitis et canonicis mandatis. [fol. 93r]

[17 Mar 79 (72.43)] Teversham obedience. 2 April 1379, Mr William Bridge, rector of Teversham and commissary general of the archdeacon, appears personally before Thomas Gloucester, bishop's commissary, in St Michael's to swear obedience to the bishop, his official, commissaries, and ministers. Witnesses: John Potton, Peter Caprik, John Wiltshire, and Walter

¹ In the same session Mr William is sued her communion. *Champain*.
by one of his parishioners for failing to give

Sutton.

Teversham commissarius – obediencia] Memorandum quod die sabbati in vigilia dominice in Ramis Palmarum coram nobis Thoma de Glouc', venerabilis patris domini Thome Dei gracia episcopi Elien' commissario predicto, in ecclesia Sancti Michaelis comparens personaliter magister Willelmus Brugg', rector ecclesie de Teversham, asserens se commissarius generalis domini .. archidiaconi Elien', prestitit obedienciam venerabili patri supradicto, nobis et ceteris ipsius patris^a officiali et ministris^b in licitis et canonicis mandatis sub hac forma.

In Dei nomine amen. Ego Willelmus Brugg', rector ecclesie de Teversham, commissarius generalis domini .. archidiaconi Elien', iuro et promitto canonicam obedienciam venerabili patri domino Thome Dei gracia episcopo Elien' eiusque officiali, commissariis et ministris in licitis et canonicis mandatis sic me Deus adiuvet et hec sancta [Dei evangelia].

Acta anno Domini millesimo trecentesimo septuagesimo nono indiccione secundo pontificus domini Urbani pape sexto anno primo computando a coronacione mensis aprilis die secunda. Presentibus magistri Johanne de Potton', advocato consistorii Elien', Petro Caprik', Johanne Wiltesshir' et Waltero de Sutton' notario publico, dicti consistorii procuratoribus generalibus, et aliis. RF. [fol. 112r]

^a patris] *interlined*. ^b ceteris ipsius patris officiali et ministris] *that officiali is intended to be singular despite the fact that the ending is suspended is indicated both by the fact that it is capitalized and by the fact that the form is exactly the same as in the oath itself. The phrase would be less awkward if it read ipsius patris officiali et ceteris ministris.*

224. POULTER (2)¹

[29 Apr 78 (59.25)] Poulter. John Caster, ['former' by the end] servant of the vicar of Swavesey, and Marion Poulter of Swavesey were cited before Thomas Gloucester, commissary general of the bishop, for 30 April 1378 because of a contract of marriage begun clandestinely, followed by intercourse.

John appears by John Wiltshire, proctor *apud acta*; Marion is absent and suspended. The articles being presented to him *ex officio*, John denies the contract and adds that if there was a contract, it was not made with his free consent, but was extorted by force and fear. Marion is to be called *ex officio* for 22 May to respond concerning the contract and intercourse.

Pulter] Johannes Castre serviens vicarii ecclesie de Swaveseye et Mariona Pult' de eadem citati [sunt] coram nobis Thoma de Gloucestr' clerico, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissario generali, ad diem veneris proximo post festum Sancti Marci

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, 272 and T&C 477–8.

evangeliste loco quo supra super contractu matrimoniali inter eosdem inito clandestine carnali copula subsecuta. Dictus Johannes comparuit per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum. Articulado sibi ex officio nostro super contractu huiusmodi, negat dictum contractum cum quadam adieccione sive iustificacione, quod si quis fuerat non fuit purus nec de suo consensu sed per vim et metum iustum extortus. Mulier non comparet, ideo suspendatur et vocetur ad diem sabbati proximo post festum Sancti Dunstani ad respondendum nobis ex officio nostro super contractu et carnali copula predictis. [fol. 93r]

[13 May 78 (60.21)] Poulter. John by proctor; Marion personally. Absolved from her suspension, she asserts that she wants to bring a suit against John concerning the marriage. She gives an oral libel *sub certa forma*; John contests the suit negatively. He adds the qualification that, if there was a contract, it was neither pure nor simple, but he had been compelled to contract by force and fear, to which anyone would have succumbed. Questioned about the contract's form and the nature of the fear and sworn *de veritate dicenda*, he says that one night when he was sleeping with Marion, some people from Hugh la Souche's household (*familia*) broke down the door, entered their room, and forced him to betroth her by threatening him with mutilation and by beating him. He continued to have intercourse with her for a year or more after this. Parties swear *de calumpnia* and *de veritate dicenda*. John produces one witness: William Bennet of Swavesey, who is admitted and sworn. Marion reserves the right to speak against witnesses and testimony. 12 June the second term to produce.

12 June. John by proctor; Marion is absent and found contumacious. John produces one witness: William Taylor of Swavesey, who is admitted and sworn as penalty for Marion's contumacy. Next for the third production. Marion appoints Peter Caprik her proctor *apud acta*.

Pulter]. Predicto Johanne Castre per Johannem de Wiltesshir' clericum procuratorem suum – predicta Mariona Pult' personaliter – dicta Mariona comparens personaliter absoluta est a dicta sententia suspensionis in forma iuris. Dicta Mariona asseruit se velle figurare^a meram instanciam contra eundem Johannem super contractu matrimoniali inter eosdem inito; libellatoque per dictam Marionam oretenus sub certa forma liteque per partem dicti Johannis negative contestata cum quadam adieccione sive iustificacione videlicet quod si quis contractus fuerat inter eos initus quod non fatebatur non fuit purus nec simplex sed per vim et metum qui cadere poterant in constantem virum et in ipsum cadebant ad sic contrahendum compulsus fuerat. Dictus vero^b Johannes interrogatus de forma contractus et de modo metus allegati, iuratus de veritate dicenda dicit quod quadam nocte dum concubuit cum ea supervenerunt quidam de familia domini Hugonis la Souche cum magno strepitu et clamore et fracto hostio camere in qua iacebat ingrediebantur et compulerunt eum per metum mutilacionis et per verbera ipsam affidare sicque metu compulsus promisit et iuravit ipsam ducere in uxorem et per annum vel amplius post ipsam carnaliter cognovit. Iuratis partibus hincinde de calumpnia et de

^a figurare] *an odd word in this context, perhaps suggested by the standard petition to proceed in summary form sine strepitu et figura iudicii.* ^b contractus] *crossed out.*

veritate dicenda productoque per partem actricem uno teste, videlicet Willelmo Beneyt de Swaveseye, quo admissio et in forma iuris iurato, protestato per partem adversam de dicendo contra testes et eorum dicta, datur dies sabbati proximo post festum Sancti Barnabe apostoli loco quo supra ad producendum secundo.

Quo die parte actrice ut prius, parte rea nullo modo, ideo ipsam partem ream reputamus contumacem, producto per partem actricem uno teste [fol. 93v] videlicet Willelmo Taillo' de Swaveseye, quo in pena contumacie partis ree admissio et in forma iuris iurato, datur dies in proximo ad tercio producendum.

procuratorium] Et dicta Mariona constituit apud acta Petrum Caprik', clericum, procuratorem suum in omnibus causis et negociis cum omnibus clausulis et articulis predictis. [fol. 94r]

[8 Jul 78 (62.19)] Poulter. Parties by proctors. Marion produces James Payn of Swavesey, who is admitted and sworn. John asserts that he will prove he was coerced. Next to prove.

Pulter] Partibus per procuratores suos comparentibus, producto per partem actricem Jacobo Payn de Swaveseye, quo admissio et in forma iuris iurato, pars rea offert se probaturum metum allegatum in contestacione, datur dies in proximo ad probandum dictum metum. [fol. 94v]

[29 Jul 78 (63.18)] Poulter. No witnesses or proofs are brought. Next to offer final proof.

Pulter] Partibus ut prius comparentibus, nullis testibus productis nec probationibus ministratis, datur dies in proximo ad precise et peremptorie probandum. [fol. 96r]

[1 Oct 78 (64.17)] Poulter. No witnesses or proofs are brought. With the parties' consent, next to offer final proof.

Pulter] Partibus ut prius comparentibus, nullis testibus productis nec probationibus ministratis, datur dies in proximo ad idem, videlicet ad precise et peremptorie probandum de consensu expresso parcium predictarum. [fol. 98r]

[21 Oct 78 (65.19)] Poulter. No witnesses are produced. John Cottenham of Swavesey and Margery wife of John Tyes of Swavesey are requested compelled; decreed with faith given. Next to produce the compelled.

Pulter] In causa matrimoniali mota inter Marionam Pult' de Swaveseye partem actricem ex parte una et Johannem Castre, famulum vicarii eiusdem, partem ream ex altera, partibus ut prius comparentibus, nullis testibus productis sed petita compulsione duorum testium, videlicet Johannis Cottenham de Swaves' et Margerie uxoris Johannis Tyeis de eadem, qua decreta facta fide que requiritur in hac parte, datur dies in proximo ad producendum compulsos. [fol. 99v]

[10 Nov 78 (66.18)] Poulter. No witnesses are produced. Next to produce the compelled.

Pulter] Partibus ut prius comparentibus, nullis testibus productis, datur dies in proximo ad idem, videlicet ad producendum compulsos. [fol. 102v]

[2 Dec 78 (67.18)] Poulter. John produces two witnesses concerning the exception: John Cotenham of Swavesey and Margery wife of John Tyes of Swavesey, who are admitted and sworn. Marion reserves the right to speak against witnesses and testimony. Next to publish the testimony.

Pult'] Partibus ut prius comparentibus, productis duobus testibus super excepcione predicta videlicet Johanne Cotenham de Swaveseye et Margeria uxore Johannis Tyeis de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad publicandum attestaciones. [fol. 105r]

[23 Dec 78 (68.15)] Poulter. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Pulter] Partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus earumdem, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 106r]

[3 Feb 79 (70.16)] Poulter. Nothing is proposed; with the parties' consent, the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Pulter] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum sed de consensu parcium nobiscum concludencium in dicta causa concluso, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 107v]

[25 Feb 79 (71.14)] Poulter. Next to hear the definitive sentence.

Pulter] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 109v]

[17 Mar 79 (72.14)] Poulter. As 71.14.

Pulter] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 111v]

[21 Apr 79 (73.16)] Poulter. Parties appear by proctors before Thomas Gloucester, bishop's commissary general. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Marion has proved her intention, John and she are judged husband and wife. Their marriage is ordered solemnized at an appropriate time and place.

John's proctor appeals immediately, saying, "I appeal from this sentence."

Pulter] In causa matrimoniali mota [inter] Marionam Pult' de Suaveseye partem actricem ex parte una et Johannem Castre, famulum vicarii eiusdem, partem ream ex altera, cum dati fuissent dies et locus supradicti partibus

predictis ad audiendum sententiam in dicta causa diffinitivam, partibus per procuratores suos predictos coram nobis Thoma de Glouc' clerico commissario predicto comparentibus, [fol. 113v] rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iurisperitorum nobis assidencium, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Auditis et intellectis meritis cause matrimoniali que in consistorio Elien' coram nobis Thoma de Glouc', clerico, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissario generali, non per viam appellacionis seu querele sed per viam primarie cognicionis vertebatur inter Marionam Pult' de Swaveseye partem actricem ex parte una et Johannem de Castre, nuper servientem vicarii de Suaveseye, partem ream ex altera, quia invenimus dictam Marionam intencionem suam ad plenum fundasse et probasse, ipsum Johannem Castre eidem Marione Pult' in virum legitimum ipsamque Marionam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis et decernimus matrimonium inter eosdem fore in facie ecclesie solempnizandum pro loco et tempore opportunis.

A qua sententia Johannes de Wiltesshir' clericus procurator dicti Johannis Castre incontinenti^a appellavit sub hiis verbis "Ab ista sententia ego appello." [fol. 114r]

^a incontinenti] *interlined*.

225. CHAMPAIN

[29 Apr 78 (59.26)] Champain. Mr William de Bridge, rector of Teversham, was cited before said commissary for 30 April 1378 at the instance of Agnes Champain of Teversham because the rector had refused to administer communion to her.

Parties appear personally. William asserts that he did not minister communion to Agnes because she has been a public excommunicate since before Easter and is still. She is also not his parishioner, although she claims to be in the proposition. Agnes swears *de malicia*. Next to prove.

Chaumpayn] Magister Willelmus de Brugg' rector ecclesie de Teversham citatus [est] coram nobis .. commissario predicto ad diem veneris proximo post festum Sancti Marci evangeliste anno Domini supradicto ad instanciam Agnetis Chaumpayn de Teversham in quodam querele negocio in consistorio Elien' moto occasione denegacionis iniuriose sacramenti communionis. Partibus personaliter comparentibus, dictus rector asserit quod non ministravit sibi communionem sicuti nec tenebatur pro eo quod ipsa Agnes ante festum

Pasche et post fuit et adhuc est publice excommunicata, nec est parochiana sua prout in quadam proposicione continetur. Iuratoque per partem propONENTEM de malicia, datur dies in proximo ad probandum. [fol. 93r]

[13 May 78 (60.22)] Champain. William exhibits a letter patent bearing the seal of the official of the archdeacon of Huntingdon. Next to offer final proof.

Chaumpayn] Partibus ut prius comparentibus, exhibita per dictum rectorem quadam littera patente sub sigillo .. officialis domini .. archidiaconi Huntynghon', datur dies in proximo ad peremptorie probandum. [fol. 94r]

226. COTON

[29 Apr 78 (59.27)] Coton. John Wymark of Coton and Henry prior of Coton were cited before the commissary for 4 May 1378. In a case not permitted by law, they had assaulted Nicholas, priest and rector of Coton church, who promotes the case.

Parties appear personally. At the rector's promotion, the court has given the article *ex officio*, which John and Henry deny; parties swear *de calumpnia* and *de veritate dicenda*. 15 June for Nicholas to prove.

Cotes] Johannes Wymark' de Cotes et Henricus prior de eadem citati [sunt] coram nobis .. commissario predicto ad diem martis proximo post festum apostolorum Phillipi et Jacobi super eo quod ipsi in dominum Nicholaum rectorem ecclesie de Cotes presbyterum in casu a iure non permissso ausu sacrilego manus iniecerunt temere violentas, ex officio nostro ad promocionem dicti rectoris. Partibus personaliter comparentibus, articulado per nos ex officio ad promocionem dicti rectoris, dicti Johannes et Henricus negant dictum articulum. Iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies martis proximo post festum Sancte Trinitatis loco quo supra dicto rectori ad probandum. [fol. 93r]

[13 May 78 (60.23)] Coton. Peace has been restored. John and Henry are called *ex officio*.

Cotes] Pax est, ideo vocetur pars rea ex officio. [fol. 94r]

227. HART (2)

[29 Apr 78 (59.28)] Hart. Thomas Hart of St Botolph's, Cambridge, tanner (*barkere*), John Hart of St Giles', John and Henry sons of John Hart, and John Aylesbury of All Saints' Jewry, Cambridge, glover, were cited *ex officio* before said commissary for 7 May 1378 at the promotion of Richard cleric of St Giles'. In a case not permitted by law, they had assaulted Richard, recognizing him as a cleric by his habit and tonsure. They beat him in the cemetery of St Giel's, wounding him until he bled.

Summoned and long expected, they are absent. They are found contumacious and suspended.

Hert – suspensio] Thomas Hert de parochia Sancti Botulph' Cant' *Barkere*,

Johannes Hert de parochia Sancti Egidii ac Johannes et Henricus filii dicti Johannis Hert ac Johannes Aylesbury *Glovere* de parochia Omnium Sanctorum in Judaisimo Cant' citati coram nobis .. commissario predicto ad diem veneris proximo post festum invencionis Sancte Crucis super eo quod in quemdam Ricardum clericum ecclesie Sancti Egidii Cantebr' scientes ipsum esse clericum et in possessione, habitu et tonsura clericatus notorie existentem et pro tali publice habitum et reputatum, in casu a iure non permissio, manus iniecerunt temere violentas ipsum verberando in cimiterio ecclesie Sancti Egidii Cant' et usque ad nonmodicam sanguinis effusionem vulnerando, nobis ex officio nostro ad promocionem dicti Ricardi responsuri, preconizati diucius expectati, nullo modo comparent, ideo ipsos reputavimus contumaces et pro sua contumacia ipsos ab ingressu ecclesie suspendimus in [hiis] scriptis. [fol. 93r]

[13 May 78 (60.24)] Hart. Parties personally. Thomas is absolved from the suspension. Richard proposes that Thomas assaulted him, as described; he wants the sentence of excommunication imposed according to the canon *Si quis suadente diabolo*.¹ Thomas contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Hert] Parte actrice personaliter, parte Thome Hert personaliter, comparente, ipso Thoma Hert a dicta sententia suspensionis absoluto, pars actrix sive promovens proposuit quod iniecit in ipsum manus temere violentas prout superius enarratur et peccit quod pronuncietur incidisse in sententiam excommunicationis a canone *Si quis suadente diabolo* latam. Lite negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 94r]

¹ See Citations to Canon Law, *Si quis*.

228. BRODYNG¹

[8 Jul 78 (62.22)] Brodyng. William Taylor and Alice Treves of Halstead [Leicestershire], his *de facto* wife, both residing in Cambridge, were cited before the commissary for 26 July 1378 in St Michael's at the instance of Joan Brodyng of Gedney, Lincoln diocese, in a case of marriage and divorce.

Parties appear personally. Joan proposes in an oral libel that prior to any contract or solemnization between William and Alice, she and William had contracted marriage in present words of mutual consent, had solemnized marriage, and had lived as husband and wife, exceeding the conjugal debt. Joan wants to prove that William's marriage to Alice should be annulled and they should be separated, that her marriage should be pronounced legal, and that William should be compelled to stay with her and treat her with marital affection. Contesting the suit, William admits that Joan is telling the truth. Alice admits that William and Joan (*ipsa*) married about seventeen years ago. Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusionem et malicia*. 28 July is assigned to propose and the first term to produce. The com-

¹ This case is noted briefly in Donahue, *Law, Marriage, and Society*, T&C no. 456.

missary orders a *missio* for the dean of Holland, Lincoln diocese, to admit and examine any witnesses Joan wants to produce. With the parties' consent, 30 Sept. in St Michael's to see the testimony of the witnesses examined at Holland.

28 July. Two witnesses are produced concerning the second contract: John Skinner of Halstead and Eleanor Boston of Cambridge, who are admitted and sworn. 30 Sept. for the second term to produce.

Proxy. Joan appoints Adam vicar of St Clement's, Cambridge, and John Wiltshire her proctors *apud acta*, to act jointly or separately, principally in this case.

Brodyng'] Willelmus Taillo' et Alicia Treves de Halstede, quam de facto duxit in uxorem, commorantes in Cantebr' citati [sunt] coram nobis .. commissario predicto ad diem lune proximo post festum Sancti Jacobi apostoli loco quo supra ad instanciam Johanne Brodyng' de Gedeneye, Lincoln' diocesis, in causa matrimoniali et divorcii. Partibus personaliter comparentibus, libellato per partem actricem oretenus, proponendo videlicet quod ipsi Willelmus et Johanna matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia legitime contraxerunt illudque matrimonium in facie ecclesie solempnizari procurarunt et fecerunt ac subsequenter ut vir et uxor diu cohabitarunt, obsequia coniugialia inter se mutuo persolventes, ante omnem contractum matrimonialem inter eosdem Willelmum et Aliciam initum seu factum vel solempnizacionem eiusdem, quare peciit dicta Johanna probatis probandis dictum matrimonium inter eosdem Willelmum et Aliciam et solempnizacionem eiusdem, quatenus de facto processerunt, cassari, divorciari, irritari et annullari eosque abinvicem separari et pro matrimonio inter eosdem Willelmum et Johannam pronunciari et declarari ipsumque Willelmum ad adherendum eidem Johanne uxori sue legitime, ipsamque maritali affectione pertractandam canonice compelli ulteriusque fieri, statui et decerni quod est iuris. Dictus Willelmus contestando litem fatetur omnia suprascripta. Dicta vero Alicia fatetur quod ipse Willelmus et ipsa matrimonium adinvicem contraxerunt et illud in facie ecclesie solempnizari fecerunt septendecim annis elapsis vel circiter. Iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusionem et de malicia, datur dies mercurii proximo futurus loco quo supra ad ponendum et primo producendum et decrevimus missionem fore faciendam decano Holandie, Lincol' diocesis, ad admittendum et examinandum testes quotquot et quos dicta Johanna coram eo producere voluerit. De consensu parcium predictarum, datur dies in proximo ad consistorium post festum Sancti Michaelis in ecclesia Sancti Michaelis Cantebr' ad videndum transmissionem attestacionum testium in partibus Holandie examinandorum.

Quo die mercurii adveniente partibus ut prius comparentibus, productis super secundo contractu predicto duobus^a testibus videlicet Johanne Skyn-

^a tribus.

nere de Halstede et Elianora Botelston' de Cantebr', quibus admissis et in forma iuris iuratis, datur dies in proximo post festum Sancti Michaelis, nisi interim de consensu parcium, ad producendum secundo.

procuratorium] Et dicta Johanna constituit apud acta dominum Adam vicarium ecclesie Sancti Clementis Cant' et Johannem Wiltesshir' procuratores suos coniunctim et divisim etc. in omnibus causis et precipue in dicta causa matrimoniali et divorcii etc. cum omnibus clausulis et articulis necessariis et consuetis cum clausula substituendi et cavebat de rato. [fol. 94v]

[23 Jul 80 (92.37)] Brodyng. Joan by Adam Walsokne, vicar of St Clement's, Cambridge, and proctor *apud acta*; William² and Alice personally.

Joan produces two witnesses: Simon Robinson of Gedney and Alice his wife, who are admitted and sworn. Two others were produced before the dean of Wisbech, special commissary: Thomas Helbend of Gedney and Robert Male of Gedney, who are admitted and sworn. The witnesses are examined and their testimony is published. With the parties' consent, the case is concluded. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Since it has been proved that a marriage between William and Joan was contracted and solemnized prior to any contract or solemnization between William and Alice, William's marriage to Alice is annulled and they are separated.

Brodyng'] In causa matrimoniali et divorcii in consistorio Elien' primarie mota inter Johannam Brodyng de Gedeneye, Lincoln' diocesis, partem actricem ex parte una, et Willelmum Taillo', alio nomine Alcous,² et Aliciam Treves de Halstede, commorantes in Cant' quam de facto duxerit in uxorem, partem ream ex altera, parte actrice per dominum Adam Walsokne, vicarium ecclesie Sancti Clementis Cant', procuratorem suum apud acta constitutum, comparente, predictis Willelmo et Alicia personaliter, productis per partem actricem super precontractu predicto duobus testibus, videlicet Simone Robynesson de Gedeneye et Alicia uxore sua, quibus admissis et in forma iuris iuratis, productis eciam coram .. decano de Wysebech', nostro in hac parte commissario speciali, duobus aliis testibus, videlicet Thoma Helbond de Gedeneye et Roberto Male de eadem, quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus publicatis factaque demum conclusione in dicta causa de consensu parcium, auditisque per nos officialem Elien' et intellectis meritis cause predictae rimatoque per nos et investigato toto processu in dicta causa habito, habita deliberacione sufficienti super eodem, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos .. officialis Elien' invenimus

² The reference here is to William *alio nomine Alcous*. While that is what it says, it may be a mistake for 'Aldous', which, according to the website Behind the Name (last visited 5.ii.2014), has been a given name in East Anglia since the Middle Ages.

matrimonium inter prefatos Willelmum et Johannam Brodyng de Gedeneye adhuc superstitem fuisse et esse contractum et solempnizatum ante omnem contractum inter eosdem Willelmum et Aliciam Treves initum et solempnizacionem eiusdem de facto presumptum, ideo dictum matrimonium inter prefatos Willelmum et Aliciam de facto contractum et solempnizacionem eiusdem, quatenus de facto processerunt, cassamus, irritamus et annullamus, cassum, irritum et nullum pronunciamus et declaramus eosque abinvicem divorciamus et separamus sentencialiter et diffinitive in hiis scriptis. [fol. 143v]

229. BETTE (2)¹

[8 Jul 78 (62.23)] Bette. William Taylor of Little Wilbraham and John Quy of Little Wilbraham were cited at the instance of John Bette chaplain of Little Wilbraham in a case of violence.

John appears personally; William and John are absent and suspended from entering church.

Bette – suspensio] Willelmus Taillo' de Wilburgham Parva et Johannes Quye de eadem citati [sunt] ad instanciam domini Johannis Bette de eadem capellani in causa violencie. Parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam suspendimus ab ingressu ecclesie. [fol. 95r]

[29 Jul 78 (63.19)] Bette. Peace has been restored. The execution is ordered *ex officio*; William and John will be called.

Bette – pax] Pax est inter partes, ideo fiat executio ex officio et vocetur pars rea. [fol. 96r]

¹ See *Bette (1)*, n. 1.

230. DREW/POPE

[8 Jul 78 (62.24)] Drew. Elias son of John Newton was cited at the instance of Katherine daughter of John Drew of Newton in a marriage case.

Katherine appears by John Wiltshire, proctor by letter; Elias personally. Katherine orally proposes that they contracted marriage in present words of mutual consent. The marriage has been recognized by them before the community and acknowledged by public fame in Newton and its vicinity. She wants them judged husband and wife. Elias contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*, Katherine produces four witnesses: Robert de Goddington, rector of Newton; John Drew; Alice his wife; Margery wife of John son of William de Newton, who are admitted and sworn. Elias reserves the right to speak against witnesses and testimony. 15 July in Ely Cathedral to propose and the second term to produce. Fearing that Elias will flee, the court expects him to appear for all acts.

15 July. Katherine by proctor; Elias is absent. No other witnesses, positions, or proofs are brought. Katherine wants a *missio* to admit and examine William Pope, father of John Pope

junior, Leticia wife of Geoffrey Wanton, and Idonea daughter of Thomas de Newton, elderly and infirm witnesses, and any other women she can produce; decreed with faith given. They will be called to an appropriate day and place, about which the parties will be notified. The vicar of Elm and Mr William Harrison of Sutton are commissioned to admit and examine the witnesses and to return the testimony to the court, unseen by the parties and closed with a seal. 1 Oct. in St Michael's is assigned to see the transmission.

Dreu] Elias filius Johannis de Neweton' citatus ad instanciam Katerine filie Johannis Dreu de eadem in causa matrimoniali, parte actrice per Johannem Wiltesschir', clericum, procuratorem suum litteratorie constitutum, comparente, parte rea personaliter, proposita petitione oretenus per parte dicte Katerine videlicet quod ipsi Elias et Katerina matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia contraxerunt, huiusmodique contractum uterque in alterius et aliorum fidedignorum presencia fatebatur et recognovit et super quibus laborat publica vox et fama in villa de Neweton' et locis aliis convicinis quare peccit dicta Katerina ipsum Eliam sibi in virum legitimum ipsamque eidem Elie in uxorem legitimam adiudicari liteque per dictum Eliam negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, productisque per partem dicte Katerine quatuor testibus videlicet domino Roberto de Godyngton', rectore ecclesie de Neweton', Johanne Dreu, Alicia uxore sua et Margeria uxore Johannis filii Willelmi de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta, datur dies iovis proximo post festum Sancti Benedicti in ecclesia cathedrali Elie' ad ponendum et secundo producendum. Et quia de ipsius Elie fuga verisimiliter timemus, ideo eidem Elie dictum diem iovis ad videndum produccionem huiusmodi loco quo supra et ad omnes alios actus consecutivos in dicta causa usque ad sentenciam diffinitivam inclusive presigimus et assignamus.

Quo die iovis adveniente in ecclesia cathedrali Elie' parte actrice per dictum procuratorem suum comparente, parte rea nullo modo, nullis aliis testibus productis nec posicionibus traditis neque probacionibus ministratis, sed petita per dictam Katerinam missione ad partes ad admittendum et examinandum Willelmum Pope, patrem Johannis Pope iunioris, Leticiam quondam uxorem Galfridi Wanton' et Idoneam filiam Thome de Neweton', senes et valitudinarios, et mulieres alias quotquot et quas dicta Katerina producere voluerit, qua decreta facta fide que requiritur, ad admittendum et examinandum eosdem in partibus, diebus et locis competentibus vocatos ad ea partibus predictis et sufficienter premunitis discretis viris .. vicario ecclesie de Elm ac magistro Willelmo Herriesson' de Sutton' commisimus potestatem, mandans eisdem vel eorum alteri quod attestaciones dictorum testium sub sigillo clausas et neutri parti ostensas nobis ad diem veneris proximo post festum Sancti Michaelis in ecclesia Sancti Michaelis Cant' una cum tenore mandati

nostri sibi facti et processus sui exinde secuti fideliter transmittant^a datusque est dies veneris predictus partibus ad videndum transmissionem huiusmodi et ulterius faciendum quod est iuris. [fol. 95r]

[8 Jul 78 (62.25)] Pope. Katherine daughter of John Drew of Newton was cited at the instance of John Pope of Newton in a marriage case.

John appears personally; Katherine by John Wiltshire, proctor by letter. John orally proposes that they contracted marriage in present words of mutual consent. The marriage has been recognized by them before the community and acknowledged by public fame in Newton and its vicinity. He wants them judged husband and wife. Katherine contests the suit negatively, saying the claims are untrue and the petitions should not be granted. She adds to the contest that if a contract were made, it was not agreed to, but argued about; nor was it made with her consent because she had been coerced by fear. She also claims they cannot marry since they are related within the prohibited degrees of consanguinity. Parties swear *de calumpnia* and *de veritate dicenda*. John produces three witnesses concerning the contract: Nicholas Leverich of Newton, John Drew, and Alice his wife of Newton. Katherine produces three witnesses concerning her exception: Robert de Goddington, rector of Newton, John Drew, and Alice his wife, who are admitted and sworn. Each party reserves the right to speak against witnesses and testimony. 15 July in Ely Cathedral to propose and the second term to produce.

15 July. John by Peter Caprik, substituted for of Walter Sutton, original proctor; Katherine by proctor. John produces two witnesses: John Pope senior and Thomas Drew of Newton, who are admitted and sworn. Katherine reserves the right to speak against them. She produces no other witnesses, no positions or proofs, but she requests a *missio* to admit and examine William Pope, father of John Pope junior, Leticia wife of Geoffrey Wanton, and Idonea daughter of Thomas de Newton, elderly and infirm witnesses, and any other women she can produce; decreed with faith given. They will be called to an appropriate day and place, about which John will be notified. The vicar of Elm and Mr William Harrison of Sutton are commissioned to admit and examine the witnesses and to return the testimony to the court, unseen by the parties and closed with a seal. 1 Oct. in St Michael's is assigned to see the transmission.

Pope] Katerina filia Johannis Dreu de Neweton' citata ad instanciam Johannis Pope de eadem in causa matrimoniali, parte actrice personaliter comparente, parte rea per Johannem Wiltesschir', clericum, procuratorem suum litteratorie constitutum, libellato per parte actrice oretenus videlicet quod ipsi Johannes et Katerina matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia contraxerunt huiusmodique contractum uterque in alterius et aliorum presencia fatebatur et recognovitt et super quibus laborat publica vox et fama in villa de Neweton' et locis aliis convicinis, quare peciit dictus Johannes ipsam Katerinam eidem Johanni in uxorem legitimam ipsumque Johannem eidem Katerine in virum legitimum sentencialiter et diffinitive adjudicari liteque per partem dicte Katerine negative contestata dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, huic contestacioni adiciendo quod si quis contractus fuerat inter eos initus quod non fatetur sed diffitetur, non fuit liber nec purus neque de suo consensu initus sed ad sic contrahendum per

^a fideliter transmittant] *interlined*.

metum et potenciam ac minas et terrores varios inducta fuit et invite compulsa, quodque dicti Johannes et Katerina in gradu consanguinitatis ad contrahendum a iura prohibito invicem se attingunt, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de malicia productisque per partem dicti Johannis Pope super contractu predicto tribus testibus videlicet Nicholao Leverych' de Neweton', Johanne Dreu et Alicia uxore sua de eadem, productis eciam per partem dicte Katerine super excepcione sive adieccione predictae tribus testibus videlicet domino Roberto de Godyngton', rectore ecclesie de Neweton', Johanne Dreu et Alicia uxore sua predictis, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta hinc et inde, datur dies iovis proximo post festum translacionis Sancti Benedicti abbatis in ecclesia cathedrali Elien' partibus predictis ad ponendum et secundo producendum hincinde.

Quibus die et loco predicto Johanne per Petrum Caprik', clericum, substitutum Walteri de Sutton' procuratorem originale, parte Katerine ut prius comparente, productis per dictum Johannem Pope duobus testibus videlicet Johanne Pope seniore et Thoma Dreu de Neweton', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra eos et eorum dicta quatenus contra se deponunt, nullis aliis testibus per dictam [fol. 95r] Katerinam productis nec posicionibus traditis neque probacionibus ministratis, sed petita per eadem Katerinam missione ad partes ad admittendum et examinandum Willelmum Pope patrem Johannis Pope iunioris, Leticiam quondam uxorem Galfridi Wanton' et Idoneam filiam Thome de Neweton', senes et valitudinarios, et mulieres alias quotquot et quas producere voluerit, qua decreta facta fide que requiritur, ad admittendum et examinandum eosdem in partibus diebus et locis competentibus, ad quos partem adversam citari volumus et sufficienter premuniri, discretis viris .. vicario ecclesie de Elm et magistro Willelmo Herryesson' de Sutton' commissimus potestatem, mandans eisdem quod attestaciones dictorum sub sigillo clausas et neutri parti ostensas nobis ad diem veneris proximo post festum Sancti Michaelis proximo futurum in ecclesia Sancti Michaelis Cantebr' una cum tenore mandati nostri sibi facti et processus sui exinde secuti fideliter transmittant, daturque dies veneris predictus loco quo supra ad videndum transmissionem huiusmodi et parti dicti Johannis Pope ad ponendum et tercio producendum. [fol. 95v]

[10 Nov 78 (66.31)] Drew. Elias, cited to all acts, is found contumacious. As penalty to Elias and with Katherine's consent, the testimony transmitted by the vicar of Elm and William and the testimony of witnesses examined by the commissary are published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Dreu] In causa matrimoniali mota inter Katerinam filiam Johannis Dreu de Neweton' iuxta Wysebech' partem actricem ex parte una et Eliam filium

Johannis de Neweton' partem ream ex altera, parte actrice per dictum procuratorem suum comparente, parte rea citata ad omnes actus nullo modo comparente, ideo ipsam reputamus contumacem. Transmissis attestacionibus testium in partibus examinatorum quibus in pena contumacie dicte Elie et de consensu dicte Katerine publicatis una cum attestacionibus testium per nos examinatorum, decretaque copia partibus, datus est dies in proximo ad dicendum contra testes et eorum dicta. [fol. 103r]

[10 Nov 78 (66.32)] Pope. The testimony transmitted by the vicar of Elm and William and the testimony of witnesses examined by the commissary are published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Pope] In causa matrimoniali mota inter Johannem Pope de Neweton' predictam partem actricem ex parte una et Katerinam filiam Johannis Dreu de eadem partem ream ex altera, partibus ut prius comparentibus, transmissis attestacionibus testium in partibus examinatorum, quibus de consensu parcium publicatis una cum attestacionibus testium per nos examinatorum, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 103r]

[2 Dec 78 (67.31)] Drew. Elias, cited to all acts, is found contumacious. Nothing is proposed; as his penalty, the term ends. Next to propose everything concerning the matter.

Dreu] Parte actrice ut prius comparente, parte rea citata ad omnes actus nullo modo comparente, ideo ipsam partem ream pronunciamus contumacem. Nichil dicto seu proposito per alterutram partem parcium predictarum, ideo in pena contumacie partis ree cedat terminus daturque dies in proximo partibus predictis ad proponendum omnia in facto seu iure consistencia. [fol. 105v]

[2 Dec 78 (67.32)] Pope. Nothing is proposed by either. Next to propose everything concerning the matter.

Pope] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, ideo datur dies in proximo partibus predictis ad proponendum omnia in facto seu iure consistencia. [fol. 105v]

[23 Dec 78 (68.28)] Drew. Elias is found contumacious. Nothing is proposed; the case is concluded. Next to hear the definitive sentence.

Dreu] Parte actrice ut prius comparente, parte rea citata ad omnes actus nullo modo, ideo ipsam reputamus contumacem. Nullo dicto seu proposito per alterutram partem parcium predictarum, sed in dicta causa concluso, datur dies in proximo ad audiendum sentenciam diffinitivam. [fol. 106r]

[23 Dec 78 (68.29)] Pope. John proposes orally that the witnesses were examined inadequately. Next to propose everything concerning the matter; meanwhile let the testimony be reviewed.

Pope] Partibus ut prius comparentibus, proponitur per partem actricem oretenus quod testes sunt diminute examinati; datur dies in proximo ad idem,

videlicet ad proponendum omnia in facto consistencia et interim videantur attestaciones. [fol. 106v]

[3 Feb 79 (70.27)] Drew. Next to hear the definitive sentence.

Dreu] Parte actrice ut prius comparente, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 108r]

[3 Feb 79 (70.28)] Pope. John proposes exceptions against the witnesses and testimony. Next to act on these.

Pope] Partibus ut prius comparentibus, propositis per partem Johannis Pope quibusdam excepcionibus contra testes et eorum dicta, datur dies in proximo ad faciendum super eisdem. [fol. 108r]

[25 Feb 79 (71.25)] Drew. Elias claims that he will be injured because he has not proposed an exception against witnesses and testimony. He asks to be admitted to except *per viam restitutionis in integrum*, the conclusion notwithstanding; decreed with faith given. Next to act on this.

Dreu] Partibus ut prius comparentibus, proponiturque per partem ream se fore lesam eo quod non^b proposuit quamdam excepcionem contra testes et eorum dicta petiturque se admitti ad dictas excepciones proponendas per viam restitutionis in integrum^c non obstante quod fuit in dicta causa conclusum propositisque dictis excepcionibus per eandem partem ream, ad quas proponendas ipsam partem ream admittimus, facta primitus fide que requiritur in hac parte, datur dies in proximo ad faciendum super eisdem. [fol. 110r]

[25 Feb 79 (71.26)] Pope. Next to act fully on the exceptions.

Pope] Partibus ut prius comparentibus, datur dies in proximo ad plenius faciendum super dictis excepcionibus. [fol. 110r]

[17 Mar 79 (72.25)] Drew. Next to act on the exceptions.

Dru] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad faciendum super excepcionibus. [fol. 111v]

[17 Mar 79 (72.26)] Pope. As 71.26.

Pope] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad faciendum super excepcionibus. [fol. 111v]

[21 Apr 79 (73.27)] Pope. With the parties' consent, next to act on the exceptions.

Pope] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad faciendum super excepcionibus. [fol. 114r]

[21 Apr 79 (73.28)] Drew. With the parties' consent, next to act on the exceptions.

Dru] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad faciendum super excepcionibus. [fol. 114r]

^b non] *interlined*. ^c in integrum] *inintegrum*.

[23 May 79 (74.25)] Pope. As 73.27.

Pope] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad faciendum super excepcionibus. [fol. 115v]

[23 May 79 (74.26)] Drew. As 73.28.

Dreu] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad faciendum super excepcionibus. [fol. 115v]

[10 Jun 79 (75.23)] Pope. The exceptions are admitted. Next to prove them.

Pope] Partibus ut prius comparentibus, admissis excepcionibus eatenus quatenus, datur dies in proximo ad probandum. [fol. 116v]

[10 Jun 79 (75.24)] Drew. The exceptions are admitted. Next to prove them.

Dreu] Partibus ut prius comparentibus, admissis excepcionibus eatenus quatenus, datur dies in proximo ad probandum. [fol. 116v]

[30 Jun 79 (76.24)] Pope. The testimony and acts of the case are exhibited in support of John's proof. Next to publish them.

Pope] Partibus ut prius comparentibus, exhibitis attestacionibus et actis in dicta causa habitis in subsidium probacionis sue, datur dies in proximo ad publicandum. [fol. 117v]

[30 Jun 79 (76.25)] Drew. Two witnesses are produced concerning the exceptions: Peter Caprik and Walter Sutton, who are admitted. The testimony and acts of the case are exhibited in support of his proof of the exceptions. Next to publish them.

Dru] Partibus ut prius comparentibus, productis duobus testibus super excepcione videlicet Petro Caprik' et Waltero Sutton', quibus admissis, exhibitis insuper in subsidium probacionis dicte excepcionis attestacionibus et actis in dicta causa habitis, quatenus pro parte sua faciunt et non aliter, datur dies in proximo ad publicandum. [fol. 117v]

[21 Jul 79 (77.24)] Pope. The exhibits are published; a copy is ordered for the parties. With the parties' consent, next to hear the definitive sentence after the case has been concluded; Mr John Potton is commissioned to give the sentence.

Pope] Partibus ut prius comparentibus, publicatis exhibitis, decreta copia partibus de consensu parcium datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam, facta prius conclusione in dicta causa et committimus magistro Johanni de Potton' ad ferendum sentenciam. [fol. 118v]

[21 Jul 79 (77.25)] Drew. The exhibits are published; a copy is ordered for the parties. With the parties' consent, next to hear the definitive sentence after the case has been concluded; Mr John Potton is commissioned to give the sentence.

Dru] Partibus ut prius comparentibus, publicatis exhibitis, decreta copia partibus, facta conclusione in causa, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam et committimus magistro Johanni de Potton'

potestatem ferendi sentenciam in dicta causa. [fol. 118v]

[22 Sep 79 (78.25)] Pope. Next to hear the definitive sentence.

Pope] Partibus ut prius comparentibus, in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 120v]

[22 Sep 79 (78.26)] Drew. Next to hear the definitive sentence.

Dru] Partibus ut prius comparentibus, in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 120v]

[13 Oct 79 (79.23)] Pope. As 78.25.

Pope] Ad idem. [fol. 121v]

[13 Oct 79 (79.24)] Drew. As 78.26.

Dreu] Ad idem. [fol. 121v]

[3 Nov 79 (80.50)] Pope/Drew. [John Pope c Katherine Drew and Katherine c Elias Newton] After the consistory had proceeded through to the conclusion of the case, John Newton commissioned Mr John Potton to give the definitive sentence, reserving the execution to himself. John and Katherine appear; Elias, expected at all acts including the sentence, is absent and found contumacious. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Katherine has proved the marriage contracted between herself and Elias, the consanguinity between herself and John, the fear felt by her regarding the contract with John, and other exceptions proposed by her. John has not proved the contract between himself and Katherine, which cannot exist because of her marriage to Elias, the consanguinity, and the fear. Katherine is dismissed from John's suit; Elias and Katherine are judged husband and wife.

John's proctor appeals immediately from the sentence by saying, "I appeal from the sentence." Witnesses: Mr's John Newton, official; Thomas Gloucester, advocate; Peter Caprik, proctor general of the consistory, *et al.*

Pope/Dreu] In causa matrimoniali que in consistorium Elien' non per viam appellacionis seu querele sed per viam primarie cognicionis et ordinarie iurisdicciois vertitur et diucius vertebatur inter Johannem Pope de Neuton' iuxta Wysebech', Elien' diocesis, partem actricem ex parte una et Katerinam filiam Johannis Dreu de eadem partem ream ex altera, ac eciam inter dictam Katerinam aliam partem actricem ex parte una et Eliam filium^d Johannis de Neuton' partem ream ex altera, cum dicti consistorii presidens in causis et inter partes predictas servato iuris ordine omnibusque rite pactis usque ad conclusionem in causis inclusive debite processisset, nos Johannes de Neuton', doctor legum, officialis Elien', discreto viro magistro Johanni de Potton'^e prolacionem sentencie diffinitive in eisdem causis duximus committendam, ipsius execucione nobis reservata. Idem quoque magister Johannes de Potton', commissarius noster in hac parte specialiter deputatus, partibus predictis videlicet Johanne et Katerina coram ipso legitime comparentibus, predicto

^d filiam.. ^e discreto viro magistro Johanni de Potton'] *interlined*.

Elia habente diem ad omnes actus consecutivos in dicta causa ex prefixione dicti presidentis usque ad sententiam diffinitivam inclusive nullo modo comparente sed reputato contumace, dato termino partibus predictis ad audiendum sententiam in dicta causa diffinitivam, rimatoque per dictum magistrum Johannem commissarium et investigato toto processu in dictis causis habito habitaque deliberacione sufficienti super eodem de iurisperitorum consilio sibi assidencium, invocata Spiritus Sancti gracia, ad sententiam diffinitivam in hac parte ferendam processit ipsamque tulit in scriptis sub hac forma.

sentencia] In Dei nomine amen. Quia nos Johannes de Potton', clericus, reverendi viri domini officialis Elie' commissarius in hac parte specialiter deputatus, invenimus dictam Katerinam matrimonium inter ipsam et prefatum Eliam initum et contractum ac consanguinitatem inter prefatum Johannem Pope et eandem Katerinam necnon iustum metum in contractu pretenso inter prefatos Johannem et Katerinam per ipsam Katerinam deductum et alias excepciones in hac parte propositas sufficienter probasse, dictumque Johannem Pope matrimonium inter ipsum et eandem Katerinam initum fore minus sufficienter fundasse et probasse sed in probacione eiusdem defecisse, obstantibus matrimonio inter eosdem Eliam et Katerinam ac consanguinitate et metu predictis, pronunciamus et declaramus per hanc nostram diffinitivam sententiam matrimonium inter prefatos Johannem et Katerinam de facto contractum quin verius extortum non posse subsistere nec valere, obstantibus impedimentis supradictis, ideoque predictam Katerinam ab impetitione et instancia dicti Johannis in hac parte dimittimus et absolvimus et pro matrimonio vero et legitimo inter eosdem Eliam et Katerinam legitime contracto pronunciamus et declaramus, ipsumque Eliam eidem Katerine in virum legitimum ipsamque Katerinam eidem Elie in uxorem legitimam finaliter et diffinitive adiudicamus in hiis scriptis.

appellacio] A qua sententia Walterus de Sutton', clericus, procurator et procuratorio nomine Johannis Pope predicti, tunc ibidem apud acta incontinenti appellavit sic dicendo, "Ab ista sententia appello." Presentibus magistris Johanne de Neuton' officiali Elie', Thoma de Gloucestr', avvocato, et Petro Caprik', procuratore generali in consistorio Elie' et aliis multis. [fol. 123v]

231. WEST

[8 Jul 78 (62.27)] West. John Christmas of Croxton was cited *ex officio* before the commissary for 9 July 1378 at the promotion of Agnes wife of Robert West of Croxton. He has maliciously defamed her, accusing her of adultery, and making himself liable to the penalties of the Oxford

constitution *Item excommunicamus dampnaliter*.¹

Agnes appears by proctor; John is absent, found contumacious, and suspended.

West – suspensio] Johannes Cristemesse de Croxton' citatus coram nobis .. commissario predicto ad diem veneris et locum predictos ex officio nostro ad promocionem Agnetis uxoris Roberti West de eadem super eo quod ipsam prius nullatenus diffamatam falso, nequiter et maliciose diffamavit imponendo eidem crimine adulterii sententiam excommunicatis a constitutione Oxo'n edita latam que incipit *Item excommunicamus dampnaliter* incurrendo, parte promovente per procuratorem suum comparente, parte dicti Johannis nullo modo, ideo ipsum reputamus contumacem et pro sua contumacia suspendimus ipsum ab ingressu ecclesie in hiis scriptis. [fol. 95v]

[29 Jul 78 (63.21)] West. John seeks absolution from the suspension; for his contumacy, he is ordered beaten round Croxton church on two days, preceding the procession in the manner of a public penitent. An oral article claims that he defamed Agnes by accusing her of adultery; John denies this. 8 Aug. 1378 is assigned for John to purge himself with four honorable men. The purgation is committed, at John's request, to the chaplain of Croxton church and John Wiltshire. Subsequently John agrees that on 8 Aug. he will say publicly, in English, before the parishioners of Croxton church, "I said to Robert West the following about Agnes his wife, 'You should despise that man defamed with your wife.' Although these words might sound degrading to Agnes' status, I know her to be a good and honourable. I said these words because I was angry and had been provoked at another time; I would not have said them otherwise. I ask Robert and Agnes to forgive me for what I said." John should ask his neighbours not to suspect her of this crime. He promises to say this. The chaplain and Wiltshire are commissioned to certify the court that John carried out his oath.

Later Wiltshire certifies the court that John has not purged himself and he has refused to fulfill his promise. John is called for 20 Sept. to receive penance because he has not purged himself.

West] Predicto Johanne Cristemesse personaliter comparente a sententiam suspensionis predictam per nos peciit se absolvi, quo in forma iuris absoluto, ipsum pro contumacia sua huiusmodi per duos dies circa ecclesiam de Croxton' coram processione more publice penitencie decrevimus fustigandum, articulo sibi oretenus quod diffamavit Agnetem uxorem Roberti West de eadem super adulterio, dictus Johannes negat se ipsam Agnetem taliter diffamasse, unde habuit diem ad purgandum se cum quarta manu honestarum personarum et ad ipsius Johannis petitionem commisimus capellano parochiali de Croxton' et Johanni de Wiltesshir', clerico, ad recipiendum purgacionem predictam ipsius Johannis in ecclesia de Croxton' die dominica proximo post festum Sancti Petri ad vincula. Et subsequenter dictus Johannes consenciit expresse in iudicio coram nobis quod ipse dicta die dominica in ecclesia de Croxton' coram parochianis ad audiendum dicta inibi congregandis dum maior fuerit ibidem populi multitudo publico et in lingua materna dicet ista verba vel consimilia in effectum, "Dixi de Agnete uxore Roberti West

¹ See Citations to Canon Law, *Auctoritate*.

aliqua verba asserens dicto Roberto prout sequitur: ‘Utinam sic vilipenderes illum qui fuit diffamatum cum uxore tua.’ Et quia illa verba sonant in denigracionem status ipsius Agnetis et numquam scivi nec scio de ea nisi bonum et honestum et talia verba dixi calore iracundie et per dictum Robertum aliquo qualiter provocata et alio modo non dixissem. Peto a vobis Roberto et Agnete ut dicta verba mihi remittatis.” Et rogabit dictus Johannes Cristemesse convicinos suos tunc ibidem publice et in generale quod pro huiusmodi verba non habeant eam supectam de aliquo crimine et premissa iuravit ad sancta Dei evangelia per ipsum manutacta coram nobis in iudicio, absque fraude seu dolo aliquo se facturum, unde commisimus dictis capellano et Johanni Wiltesshir’ ad ascultandum^a et videndum si dictus Johannes huiusmodi iuramento suo permisset et nos inde certificandos. Idem quoque Johannes Wiltesshir’ nos certificavit quod nec voluit se purgare nec iuramento suo parere in aliquo sed premissa omnia facere expresse recusavit et ideo decernimus ipsum fore vocandum ad penitenciam et citandum fore ad diem lune proximo post festum exaltacionis Sancte Crucis ad recipiendum penitenciam quia defecit in purgacione sua. [fol. 96r]

[1 Oct 78 (64.19)] West. The court’s mandatory, John Wiltshire, has certified that John Christmas publicly said in Croxton church what he had promised to say. He sought forgiveness and completed everything contained in the acts of the last consistory.

West] Postea Johannes Wiltesshir’, mandatarius noster, in hac parte nos certificavit quod dictus Johannes Cristemesse eosdem verba que prius iuravit dicere publice in ecclesia de Croxton’ coram parochianis eiusdem dixit veniam peciit etc. fecit que se facturum iuravit prout in actis ultimi consistorii plenius continetur. [fol. 98r]

^a ascultandum] *i.e.*, auscultandum..

232. STANNARD

[8 Jul 78 (62.28)] Stannard. Thomas son of John Stannard and Agnes daughter of John Molt of Bourn had legally contracted marriage in present words of mutual consent and had published their banns, but John vicar of Bourn would not solemnize the marriage, although no known impediment was discovered. He is ordered to solemnize the marriage or else he, and anyone claiming an impediment through him, is cited peremptorily for 8 July 1378 to explain the reclamation.

The vicar appears personally. He claims that they should not marry because they are related within the prohibited degrees of consanguinity. John Stannard, Nicholas Ward, Geoffrey Molt, John Stannard senior of Bourn, and John Taylor of Knapwell said this when the banns were read. They are called for 30 July for an inquiry into the consanguinity.

Stanhard’] Ad nostrum nuper pervenit audienciam quod Thomas filius Johannis Stanhard’ et Agnes filia Johannis Molt de Brunne matrimonium adinvi-

cem per verba de presenti mutuum consensum eorudem exprimencia legitime contraxerunt ac banna matrimonialia in facie ecclesie de Brunne solempniter edi fecerunt et proponi. Et licet nullum subsit impedimentum canonicum quod sciatur, vicarius tamen ecclesie de Brunne matrimonium inter eos solempnizare non curavit, quinymmo ipsius solempnizacionem absque causa rationabili quacumque hucusque distulit et differt in presenti, unde eidem vicario dedimus in mandatis quatinus bannis inter eosdem in facie ecclesie publice editis ut est moris si nullum subsit impedimentum canonicum matrimonium inter eosdem solempnizet seu faciat solempnizari, alioquin ipsum .. vicarium citavimus et per ipsum omnes et singulos in edicione huiusmodi reclamantes seu impedimentum aliquod opposcentes, si qui fuerint, peremptorie citari fecimus et mandavimus ad diem iovis proximo post festum translacionis Sancti Thome predictum loco quo supra causa reclamacionis et impedimenti huiusmodi proposituros et ostensuros. Quibus die et loco comparens personaliter coram nobis dominus Johannes vicarius ecclesie de Brunne dicit quod matrimonium inter eosdem Thomam et Agnetem non solempnizavit sicuti nec debuit pro eo quod dicti Thomas et Agnes attingunt se in gradu consanguinitatis ad contrahendum prohibito prout in quadam edicione banorum inter eosdem didicit de quibusdam Johanne Stanhard', Nicholao Warde, Galfrido Molt et Johanne Stanhard' de Brunne seniore ac Johanne Taillo' de Knapwell', ideo decrevimus ipsos fore vocandos ad diem veneris proximo post festum Sancti Jacobi apostoli loco quo supra ad inquirendum super dicta consanguinitate. [fol. 95v]

[29 Jul 78 (63.22)] Stannard. John Stannard senior of Bourn, John Stannard junior of Bourn, Geoffrey Molt of Bourn, and John Taylor of Knapwell appear personally on 30 July; they are admitted, sworn, and examined. Thomas and Agnes will be called to see the publication of testimony and to hear the pronouncement next, if all is clear.

Stanhard'] Johanne Stanhard' de Brunne seniore, Johanne Stanhard' de eadem iuniore, Galfrido Molt de eadem et Johanne Taillo' de Knapwell' coram nobis personaliter comparentibus, die veneris proximo post festum Sancti Jacobi apostoli, quibus admissis et in forma iuris iuratis et examinatis, dictos Thomam et Agnetem vocandos fore ad proximum ad videndum publicacionem attestacionum et audiendum pronunciacionem si liqueat decrevimus. [fol. 96v]

[1 Oct 78 (64.20)] Stannard. Neither appears. Both will be called for the publication of testimony and the court's pronouncement next.

Stanhard'] Neutra pars comparuit, ideo vocetur utraque pars ad proximum ad idem. [fol. 98r]

[21 Oct 78 (65.21)] Stannard. Both are called to hear the pronouncement next, if the matter is clear.

Stanhard'] In causa matrimoniali ex officio nostro mota contra Thomam filium Johannis Stanhard' de Brunne et Agnetem filiam Johannis Molt de eadem, neutra parte comparente, ideo decrevimus utramque partem fore vocandam ad proximum ad idem, videlicet audiendum pronunciacionem si liqueat. [fol. 99v]

[10 Nov 78 (66.20)] Stannard. Both are called to hear the court's pronouncement next. The vicar of Bourn is called for contempt because he did not certify the citation of the parties as ordered.

Stanhard'] Neutra parte comparente, ideo vocentur ad proximum ad idem, videlicet ad audiendum pronunciacionem nostram. Et vocetur vicarius de Bru'ne super contemptu quia non certificat de citacione parcium predictarum prout receperat in mandatis. [fol. 102v]

[2 Dec 78 (67.20)] Stannard. Both are called to hear the court's pronouncement based on the confessions and proofs.

Stanhard'] Neutra parte comparente, ideo vocentur ad proximum ad audiendum pronunciacionem super confessatis et probatis. [fol. 105r]

[23 Dec 78 (68.17)] Stannard. As 67.20.

Stanhard'] Neutra parte comparente, ideo vocentur ad proximum ad audiendum pronunciacionem nostram super confessatis et probatis. [fol. 106r]

[3 Feb 79 (70.18)] Stannard. As 67.20.

Stanhard'] Neutra parte comparente, decrevimus utramque partem fore vocandam ad proximum ad idem, videlicet ad audiendum pronunciacionem. [fol. 107v]

[25 Feb 79 (71.16)] Stannard. The parties were called to hear the definitive sentence. Later they appear personally. Next to hear the definitive sentence with adjournment of the following days.

Stanhard'] Neutra parte comparente, vocentur ad idem in proximum, postea comparuerunt personaliter et prefigimus eis diem in proximo cum continuacione et prorogacione dierum sequencium ad idem quod prius videlicet ad audiendum pronunciacionem. [fol. 109v]

[17 Mar 79 (72.16)] Stannard. Next to hear the definitive sentence.

Stanhard'] In proximo ad audiendum pronunciacionem sicut prius. [fol. 111v]

[21 Apr 79 (73.18)] Stannard. As 72.16.

Stanhard'] Partibus ut prius comparentibus, datur dies in proximo ad audiendum pronunciacionem sicur prius. [fol. 114r]

[23 May 79 (74.19)] Stannard. As 72.16.

Stanhard'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 115v]

[10 Jun 79 (75.17)] Stannard. As 72.16.

Stanhard'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum in dicta causa diffinitivam. [fol. 116v]

[30 Jun 79 (76.18)] Stannard. As 72.16.

Stanhard'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 117v]

[21 Jul 79 (77.18)] Stannard. 29 July to hear the definitive sentence.

Stanhard'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam, die veneris proximo post festum Sancti Jacobi apostoli.^a [fol. 118v]

[21 Jul 79 (77.47)] Stannard [moved *ex officio*]. 29 July the parties appear personally before Thomas Gloucester, commissary of Ely. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because the consanguinity between Thomas and Agnes has been proved, their marriage contract, if one was made, can and should not be sustained.

Stanhard'] In causa matrimoniali ex officio nostro mota contra Thomam Stanhard' de Brun'e et Agnetem Molt de eadem, die veneris proximo post festum Sancti Jacobi apostoli adveniente loco quo supra, partibus predictis coram nobis Thoma de Glouc', commissario Elien', in dicta causa non per viam appellacionis seu querele sed primarie cognitionis iudicialiter procedentibus personaliter comparentibus, auditis et intellectis meritis cause predictae rimatoque per nos et investigato toto processu in dicta habito habitaque deliberacione sufficienti super eodem de consilio iurisperitorum nobis assidencium, invocata Spiritus Sancti gracia, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus consanguinitatem inter ipsos Thomam et Agnetem clare fuisse probatam, ideo matrimonium inter vos contractum si quis initus fuerat non posse subsistere nec debere, sentencialiter et diffinitive pronunciamus et declaramus in hiis scriptis. [fol. 119v]

^a post festum Sancti Jacobi apostoli] *added below the end of the entry on the right.*

233. GALLON/WOOLMAN

The combination of these eight actions under one heading is based on the assumption that they all involve the same man. That they do cannot quite be proved. In the first action, an appeal from the official of the archdeacon that tells us nothing about the substance, the appellant is called 'Richard Galion, woolman of St Neots, Lincoln diocese'. In the second action, a 'Richard Galion *de Eton*, Lincoln diocese', *Eton* being presumably Eaton Socon, Beds (now Cambs), sues Hugh Candleseby, the registrar of the archdeacon for defamation. The cases

proceed in tandem, and in session 65 'Richard Galion woolman' may be being distinguished from 'Richard Galion *de Eton*', although Foxton's marginalia for both cases is 'Galion'. Six sessions later an *ex officio* action for divorce is brought against 'Richard Wolleman of Cambridge and Matilda Phelip, his *de facto* wife'. That this Richard is the same as Richard Galion is made clear by the fact that somewhat later 'Richard Galion woolman of Cambridge' and Matilda Phelip appeal from the archdeacon's official and then the *ex officio* divorce case is renewed against them in the consistory court where Richard is once more called 'Richard Galion woolman of Cambridge'. Somewhat later, 'Richard Wolleman of Cambridge' appeals from the commissary of the archdeacon, and contempt proceedings are brought against the commissary for having proceeded despite the appeal, and against the dean of Cambridge for failing to deliver Richard's libel to the archdeacon's official.

Galion (probably modern Gallon) is not a common name. It seems highly likely that the woolman of St Neot's is the same as the man from Eaton Socon; the places are slightly more than a mile apart.¹ That he later took up residence in Cambridge and became involved, if he was not already, with Matilda Phelip is strongly suggested, if not quite proved, by the fact that the man involved with Matilda is sometimes called 'Richard Wolleman' and sometimes 'Richard Galion, woolman'. Both the consistory and the archdeacon's court are clearly involved; neither can seem quite to tie it down, perhaps because of the messiness of the story that ultimately emerges.²

[29 Jul 78 (63.23)] Gallon. The official of the archdeacon was cited to said day and place at the instance of Richard Gallon, woolman of St Neots, Lincoln diocese, in an appeal from suspension and excommunication and other grievances caused by the official.

Richard appears by Walter Sutton, proctor *apud acta*; the official by Peter Caprik, proctor by letter. Richard wants to use the *suggestio* in place of a narrative libel. He also requests that the court pronounce in favour of the appeal and its own jurisdiction, that all grievances from which he has appealed be revoked, and that the archdeacon's official be condemned to pay lawful costs. The official asks for this in writing. Next to receive it.

Galion] Officialis domini archidiaconi Elien' citatus ad diem iouis supradictum loco quo supra ad instanciam Ricardi Galion de Sancto Neoto, *wollemman*, Lincoln' diocesis, in causa appellacionis ad audienciam nostram interiecte occasione iniuriouse suspensionis et excommunicacionis per dictum officialem in ipsum late aliorumque gravaminum in ea parte suggestorum, parte appellante per Waltherum de Sutton', clericum, procuratorem suum apud acta, parte vero appellata per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, pars appellans dicit quod vult uti suggestionem loco narrationis libelli cum adiectione petitionis videlicet quod petit probatis in hac parte de iure probandis pro voce appellacionis predictae eiusque causa seu causis et^a pro iurisdiccione nostra pronunciari omniaque gravamina propter que extitit appellatum revocari, ipsumque officialem eidem Ricardo in expensis legitimis ea occasione factis condemnari ulteriusque fieri et decerni quod canonicis convenit institutis, petiturque per partem appellatam in scrip-

^a et] *interlined*.

¹ Eaton Socon is not the only Eaton in that is the Eaton that is meant.

Beds. There is also Eaton Bray at the other ² See Donahue, *Law, Marriage, and Society*, 289–90.

end of the county. It does not seem likely that

tis, datur dies in proximo ad recipiendum in scriptis. [fol. 96v]

[29 Jul 78 (63.28)] Gallon. Hugh Candlesby, registrar of the archdeacon of Ely, was cited before the commissary for 29 July 1378 at the instance of Richard Gallon of Eaton [Socon], Lincoln diocese, in a defamation case.

Richard appears by Walter Sutton, proctor *apud acta*; Hugh personally. Claiming that he was cited to appear personally concerning unspecified charges to a brief and final term, without an expressed reason, Hugh brings an appeal written on paper and filed by him, as he says, at the court of Canterbury. The penultimate day of the “term of law” (*termini iuris*)³ is assigned to receive *apostoli*. Hugh leaves the court. Richard wants Hugh summoned to respond to him as cited and to proceed according to the form of the citation. Both are expected next.

Galion] Hugo de Candelesby, registrarius archidiaconi Elien', citatus coram nobis commissario predicto ad diem iouis predictum loco quo supra ad instanciam Ricardi Galion de Eton', Lincoln' diocesis, in causa diffamacionis, parte actrice per Walterum de Sutton', clericum, procuratorem suum apud acta constitutum, parte vero rea personaliter comparentibus, dicta pars rea pretendens nos ipsum coram nobis citasse ad terminum nimis brevem et peremptorie, ad personaliter comparendum, nulla huiusmodi terminum abbreviacionis, peremptorie vocacionis aut personalis comparicionis causa expressa ut preten- dit vel aliquialiter subsistente ac super incertis [articulis]^b ad procuracionem et instanciam dicti Ricardi Galion subdolas et iniustas quamdam appellacio- nem in quadam papiri cedula quam tunc in manibus suis tenuit scriptam a dictis pretensis gravaminibus ut apparuit conceptam et per eum ut asseruit ad curiam Cant' directe interpositam nobis iudicialiter intimavit et apostolos peciit. Et assignavimus eidem Hugoni penultimum diem termini iuris loco quo supra ad recipiendum apostolos et sic appellans a iudicio recessit, pars actrix peciit dictam partem ream preconizari eidem in dicta causa responsu- ram prout fuerat citatus et iuxta formam citacionis huiusmodi in dicta causa fore procedendus, unde expectamus absentem cum presente usque proximum consistorium ad idem. [fol. 97r]

[1 Oct 78 (64.21)] Gallon. Richard by proctor; the official is absent, but James de Cottenham offered himself as ?proctor with surety of ratification. Next to receive the written libel.

Galion] Parte appellante ut prius comparente, parte appellata nullo modo sed magister Jacobus de Cotenham offert se ad cavendum de rato, unde datur dies in proximo ad idem, videlicet ad recipiendum libellum in scriptis. [fol. 98r]

[1 Oct 78 (64.26)] Gallon. Richard by proctor; Hugh absent. Expected next to proceed.

Galion] Parte actrice ut prius comparente, parte rea nullo modo, ideo expec- tamus ad proximum ad idem. [fol. 98r]

[21 Oct 78 (65.8)] Gallon. Richard by proctor; official absent. The case is discontinued.

^b Cf. 65.24.

³ An odd phrase of uncertain meaning; it does not occur elsewhere.

Galion] In causa appellacionis mota inter Ricardum Galion, *wolleman*, partem appellantem ex parte una et .. officialem domini archidiaconi Elien' partem appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo, ideo causa est discontinuata. [fol. 99r]

[21 Oct 78 (65.24)] Gallon. Although, in response to his appeal to the court of Canterbury, the consistory assigned this day for Hugh to receive *apostoli*, he is absent. As penalty, the consistory finds him contumacious and the appeal frivolous; it proceeds with the case unhindered.

Galion] In causa diffamacionis mota inter Ricardum Galion de Eton', Lincoln' diocesis, partem actricem ex parte una et Hugonem de Candelesby, registrarium archidiaconi Elien', partem ream ex altera, cum dictus Hugo pars rea pretendens se fore per nos occasione citacionis ad terminum nimis brevem et peremptorem ac super incertis articulis et aliis in ea parte suggestis ad procuracionem dicti Ricardi pregravatum cum non esset, quamdam appellacionem quam ut asseruit interposuit a^c dictis pretensis gravaminibus a nobis ad curiam Cantuar' nobis iudiciter^d intimavit et notificavit, apostolosque peciit sibi dari. Et licet certos diem et locum ad recipiendum apostolos eidem appellanti assignaverimus, idem tamen appellans dictis die et loco comparere seu apostolos oblatos recipere non curavit, unde ipsum reputavimus prout erat merito contumacem et in penam contumacie decrevimus fore procedendum in dicta causa, dicta appellacione quam frivola[m] reputamus non obstante. [fol. 99v]

[25 Feb 79 (71.42)] Woolman. Richard Woolman of Cambridge and Matilda Philip, his *de facto* wife, were cited before the official for 10 June 1379 because prior to his marriage to Philip, Richard had contracted marriage with Matilda Speed of Heacham, Norwich diocese, who is still alive.

They appear personally. Sworn *de veritate dicenda*, Richard admits that he married Matilda Speed before the church 27 years ago. Prior to that, he and Matilda Philip had contracted in present words of mutual consent, followed by intercourse; afterwards they solemnized the marriage. Philip admits to the contract, intercourse, and solemnization. They swear *de calumpnia* and *de veritate dicenda* and *de collusione et malicia*. Next to prove the precontract; Speed will be called so she can be present, if it is possible.

Wolleman] Ricardus Wolleman de Cantebr' et Matildis Phelip', quam de facto duxit in uxorem, citati coram nobis .. officialis Elien' ad diem veneris proximo post festum Sancte Trinitatis anno Domini millesimo trecentesimo septuagesimo nono super eo quod idem Ricardus et Matildis Sped de Hecham, Nor'cen' diocesis, adhuc superstes matrimonium adinvicem precontraxerunt antequam prefatam Matildem Phelip' duxit in uxorem, dicti Ricardus et Matildis Phelip' comparent personaliter coram nobis et iurati de veritate dicenda, dictus Ricardus fatebatur quod prefatam Matildem Sped duxit in uxorem in facie ecclesie de Hecham predictae septem et viginti annis elapsis. Allegat tamen quod ante omnem contractum matrimoniale[m] inter dictos Ricardum

^c a] *interlined*. ^d iudiciter] iu(n) [line break] dicit'; *perhaps* in iudicio was intended.

et Matildem initum et solempnizacionem eiusdem, prefatus Ricardus et dicta Matildis Phelip' matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorundem exprimencia carnali copula subsequuta et ipsam postea in facie ecclesie solempniter duxit in uxorem, dicta Matildis Phelip' precontractum, carnalem copulam et solempnizacionem matrimonii inter eos initi expresse fatebatur. Iuratis dictis Ricardo et Matilde Phelip' de calumpnia et de veritate dicenda, ac de collusionione et malicia, datur dies in proximo ad probandum precontractum huiusmodi et decrevimus dictam Matildem Sped fore vocandam seu premuniendam ad videndum et interessendum processum huiusmodi in dicta causa seu negocio faciendis si sibi viderit expedire. [fol. 110v]

[17 Mar 79 (72.47)] Wolman. With the parties' consent, next to prove the precontract.

Wolleman] Predictis Ricardo et Matildis personaliter comparentibus, de quarum consensu in proximo ad idem. [fol. 112r]

[22 Sep 79 (78.14)] Gallon. After Richard Gallon and Matilda Philip had appealed from Mr John de Pinxton, archdeacon's official, because of a peremptory and injurious citation, alleged contumacy, and other grievances, an inhibition was sent to the lower court and the official was ordered cited.

Richard and Matilda appear by proctor; John was not cited because he could not be found. He has quit his office and left the area, as certified by the court's mandatory.

Galion] Cum a quadam citacione peremptorie nimis brevi et alias iniusta contumacie reputacione aliisque gravaminibus pretensis per magistrum Johannem de Pynkeston', officialem domini archidiaconi Elien', Ricardo Galion et Matilde Phelip' de Cant' illatis et factis ab eodem magistro Johanne officiali per dictos Ricardum et Matildem ad audienciam nostram fuerit et sit legitime appellatum et subsequenter per consistorii nostri presidentem inhibitum et ad citandum dictum magistrum Johannem officialem pretensum partem appellatam legitime mandatum [fuerit],^e parte appellante per procuratorem suum comparente, parte appellata non citata eo quod non potuit personali citacione apprehendi quia cessit officio suo et recessit de partibus prout per certificatorium mandatarii nostri nobis factum liquet manifestum. [fol. 120v]

[13 Oct 79 (79.12)] Gallon. Richard and Matilda are prepared to proceed with the case. Since it is not known where John has gone, the case is pending until he can be apprehended. Appellant declares that it is not his fault if the appeal does not proceed (*quod non stat per eam quominus prosequitur*).

Galion] Parte appellante ut prius comparente et ad proseguendum causam appellacionis se paratum offerente quia pars appellata divertit se ad partes remotas ad quas ignoratur, ideo pendeat dicta causa quousque dicta pars appellata poterit apprehendi, pars appellans protestatur quod non stat per eam quominus prosequitur. [fol. 121v]

^e fuerit] *sentence lacks a main verb; alternatively omit one et and supply fuit.*

[25 May 80 (89.33)] Gallon. Richard Gallon woolman (*Wolleman*) of Cambridge and Matilda Philip were cited before the official for 25 May 1380 because Richard and Matilda Speed of Heacham, Norwich diocese, who is still living, contracted marriage prior to Richard's marriage to Philip.

Richard and Philip appear personally. Sworn *de veritate dicenda*, they admit that they solemnized their marriage before the church at Cambridge. Richard acknowledges that he and Speed contracted in present words and solemnized marriage before Heacham church prior to his marriage to Philip; this took place more than 27 years previously. Then both Richard and Philip claim that, long before that time, they had contracted in present words of mutual consent, followed by intercourse. Sworn *de calumpnia, de veritate dicenda*, and *de collusionem et malicia*, they repeat their claims. Next for Richard to prove the contract with Speed.

Galion] Richardus Galion, *Wolleman*, de Cantebr' et Matildis Phelip' citati coram nobis .. officiali Elien' ad diem veneris proximo post festum Sancte Trinitatis anno Domini supradicto super eo quod idem Richardus et Matildis Sped de Hecham, Nor'cen diocesis, adhuc superstes, matrimonium precontracterunt antequam prefatam Matildem Phelip' duxit in uxorem, dicti Richardus et Matildis Phelip' comparentes personaliter coram nobis et iurati de veritate dicenda, fatentur quod matrimonium fuit inter eos in facie ecclesie solemnizatum apud Cant'. Dictus tamen Richardus fatetur quod antequam duxit in uxorem dictam Matildem Phelip', idem Richardus et predicta Matildis Sped matrimonium adinvicem per verba de presenti contraxerunt et in facie ecclesie de Hecham solemnizari procurarunt et fecerunt septem et viginti annis elapsis et ultra, dicit tamen et allegat, tam dictus Richardus quam Matildis Phelip', quod diu ante dictum tempus predicti Richardus et Matildis Phelip' matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorumdem exprimencia carnali copula subsequuta. Iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusionem et malicia, idem dixerunt sicut prius, unde datur dies in proximo dicto Richardo ad probandum dictum precontractum. [fol. 138v]

[14 Jun 80 (90.31)] Gallon. No witnesses are produced. Richard says his witnesses live far away; he requests a long term to produce them.

Galion] Partibus ut prius comparentibus, nullis testibus productis, dictus Richardus allegat quod testes sui sunt in remotis partibus, unde petit terminum diffusum ad eos producendos. [fol. 141r]

[23 Jul 80 (92.29)] Gallon. Next to produce witnesses.

Galion] Ad idem. [fol. 143r]

[25 Oct 80 (94.23)] Gallon. Next to produce witnesses.

Galion] Ad idem. [fol. 144v]

[30 Oct 81 (107.32)] Woolman. Richard Woolman of Cambridge appealed from a citation to a brief and final term, suspension from church, and other grievances caused by Mr Geoffrey de Gidding, commissary general of the archdeacon's official. Geoffrey was inhibited and cited

for 31 Oct.

Neither appears. They are expected next to begin the case.

Wolleman] Cum a quadam citacione iniuriosa ad terminum nimis brevem et peremptorium ac suspensione ab ingressu ecclesie pretensa aliisque gravaminibus in ea parte suggestis per magistrum Galfridum de Giddyngge, commissarium .. officialis domini .. archidiaconi Elien' se pretendem generalem, Ricardo Wollema' de Cant' ut pretenditur illatis et factis per eundem Ricardum ad audienciam nostram extitit ut asseritur legitime appellatum et per nos ad appellacionem suam huiusmodi inhibitum idemque magister Galfridus pars appellata in dicta appellacionis causa processurus ad dictos diem iouis et locum citatus, neutra parte comparente, ideo continuamus dictam causam expectando partes predictas ad proximum videlicet ad introducendum dictam causam. [fol. 155r]

[12 Nov 81 (108.46)] Woolman. Richard by Walter Sutton, proctor; Geoffrey is absent. A libel of appeal is given in writing and left in the registry.⁴ A copy will be given to Geoffrey along with a citation to respond.

Wolleman] In causa appellacionis mota inter Ricardum Wolleman de Cant' partem appellantem ex parte una et magistrum Galfridum Giddyngge, domini archidiaconi Elien' officialis commissarium se pretensum generalem, partem appellatam ex altera, parte appellante per Walterum de Sutton', clericum, procuratorem suum, comparente, parte appellata nullo modo, oblato per partem appellantem quodam libello appellatorio in scriptis et penes registrum dimisso, decrevimus partem appellantem fore vocandam ad proximum ad respondendum eidem libello, cuius copia eis una cum citacione predicta sibi tradi volumus et mandamus. [fol. 156v]

[28 Nov 81 (109.24)] Woolman. Geoffrey was not cited, nor was the libel given to him. He will be cited and given the libel.

Wolleman] In causa appellacionis mota inter Ricardum Wolleman de Cant' partem appellantem ex parte una et magistrum Galfridum Gidding'e, .. officialis archidiaconi Eliens' commissarium se pretendum, partem appellatam ex altera, parte appellantem ut prius comparente, parte appellata nullo modo, sed quia nondum citata ad respondendum libello nec libellus sibi traditus [est] iuxta decretum, ideo citetur ad proximum et tradatur sibi libellus. [fol. 158v]

[12 Dec 81 (110.21)] Woolman. Geoffrey will be cited to respond next.

Wolleman] In proximo ad idem quod prius. [fol. 159r]

[16 Jan 82 (111.19)] Woolman. Richard by John Wiltshire, substituted for original proctor; Geoffrey personally.

⁴ For this translation, see Introduction.

Since Geoffrey has not received a libel yet, he should have it before the next session, when he will respond.

Wollemman] Parte appellante per Johannem Wiltes', substitutum Walteri de Sutton procuratoris originalis, parte appellata personaliter, quia pars appellata nondum habuit libellum ut dicit, ideo habeat inscriptis citra proximum daturque dies in proximo ad respondendum eidem. [fol. 160r]

[16 Jan 82 (111.26)] Woolman. 16 Jan. 1382 in St Mary the Less Geoffrey Gidding, the archdeacon's official, was cited *ex officio* to respond for contempt. He had suspended and denounced Richard Woolman after and contrary to Richard's appeal and the consistory's inhibition.

Geoffrey appears personally. The articles charged against him are administered; he denies them and purges himself before the above witnesses [entry 111.25]. The court reserves Richard's right to proceed with the case and prove the contempt against him.

Wollemman – contemptus] Idem magister Galfridus officialis citatus ad dictos diem et locum super contemptu et inobediencia eo quod quemdam Ricardum Wollemman ab ingressu ecclesie suspendebat et suspensum denunciari mandavit et fecit post et contra appellacionem suam ea occasione ad nos interpositam et inhibitionem nostram sibi canonice factam nobis ex officio nostro responsurum et comparuit personaliter, obiectis sibi quibusdam articulis in ea parte sibi ministratis, dictos articulos omnes et singulos negavit expresse et super eidem coram nobis canonice se purgavit. Presentibus testibus suprascriptis, parti dicti Ricardi Wollemman dictum contemptum contra eundem proseguende et probande si voluerit, reservamus specialiter potestatem. [fol. 160r]

[6 Feb 82 (112.17)] Woolman. Richard as before; Geoffrey by Peter Caprik, proctor *apud acta*. The written libel is received. Next to respond to it.

Wollemman] Parte appellante ut prius comparente, parte appellata per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, oblato libello in scriptis per partem appellantem et a parte appellata optento, datur dies in proximo ad respondendum eidem. [fol. 161r]

[6 Feb 82 (112.21)] Woolman. Richard's proctor requests that the court call the archdeacon's official to respond about the contempt, which Richard wants to prove. Geoffrey will be called.

Wollemman] Procurator Richardi Wollemman petit officialem domini archidiaconi Elien' coram nobis vocari ad respondendum sibi super contemptu predicto, asserens se velle probare dictum contemptum. Unde decrevimus dictum officialem fore vocandum ad respondendum in causa contemptus. [fol. 161r]

[6 Feb 82 (112.22)] Woolman. The dean of Cambridge was called for contempt because he had detained the libel of Richard Woolman's appeal. He had neither delivered to the archdeacon's official according to the court's mandate nor returned it to the office.

Wolleman] Decrevimus decanum Cantebr' fore vocandum super contemptu quia detinet libellum in causa appellacionis Ricardi Wolleman sibi traditum .. officiali domini archidiaconi Elien' liberandum, ut respondeat eidem iuxta mandatum nostrum sibi directum nec curavit dictum libellum sibi tradere nec officio restituerit. [fol. 161r]

[27 Feb 82 (113.16)] Woolman. Geoffrey's proctor contests the suit negatively; the parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Wolleman] In causa appellacionis Ricardi Wolleman mota contra .. officialem domini archidiaconi Elien', partibus ut prius comparentibus, lite per Petrum Caprik', clericum, procuratorem suum, negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 162r]

[27 Feb 82 (113.16a)] Woolman. The principal case, the matter of divorce between Richard and Matilda, is resumed.

Wolleman] Resumatur causa principalis et primaria Ricardi Wolleman super divorcii negocio inter ipsum et Matildem quam tenet et de facto duxit in uxorem. [fol. 162r]

234. WORLIDGE/MASON

[29 Jul 78 (63.24)] Worlidge/Mason. Alice atte Wells of Westhorpe, Norwich diocese, was cited before the official for said day and place at the instance of Agnes Worlidge, also called Mason, of Newnham near Cambridge (Neunham *iuxta Cantebr'*). Agnes had appealed from the definitive sentence given by the archdeacon's official in a case of marriage and divorce between Alice, original plaintiff, and Robert Joly of Newnham, "the said Mason," and Agnes his wife, original defendant.

Agnes appears by Walter Sutton, proctor *apud acta*; Alice by John Wiltshire, proctor *apud acta*. An oral libel is given *sub certa forma*. Alice agrees to omit the article of appeal and to proceed in the principal case. The process held before the archdeacon's official is ordered sent and Robert is ordered called so he can be present; next to see the transmission.

Worlych'/Mason'] Alicia Attewelle de Westhorp', Nor'cen' diocesis, citata coram nobis officiali supradicto ad diem et locum supradictos ad instanciam Agnetis Worlich', alio nomine Mason' de Neunham iuxta Cantebr', in causa appellacionis a quadam sententia diffinitiva per officialem domini archidiaconi Elien' inique ut pretenditur lata in quadam causa matrimoniali et divorcii que coram eo vertebatur inter dictam Aliciam partem pretensam actricem ex parte una et Robertum Joly de Neunham, predictum Mason', et prefatam Agnetem uxorem legitimam pretensam ipsius Roberti, partem pretensam ream originaliter ex altera ad audienciam nostram interiecte, parte appellante per Walterum de Sutton', clericum, procuratorem suum, parte vero appellata per Johannem Wiltesshir', clericum, procuratorem suum apud acta consti-

tutum, comparentibus, libellato per partem appellantem oretenus sub certa forma, procurator partis appellate consenciit expresse quod articulo appellacionis omissio procedatur in causa principali, unde de consensu parcium predictarum decrevimus fore transmittendum pro processu coram .. officiali domini archidiaconi Elien' in ea parte habito daturque dies in proximo partibus predictis ad videndum transmissionem eiusdem et decrevimus dictum Robertum fore vocandum ad idem pro interesse suo. [fol. 96v]

[1 Oct 78 (64.22)] Worlidge/Mason. Since no process has been sent, next to see its transmission.

Worlich'] Partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo datur dies in proximo ad idem, videlicet ad videndum transmissionem eiusdem et publicationem. [fol. 98r]

[21 Oct 78 (65.9)] Worlidge/Mason. Since no process has been sent, the court orders it sent by the official of the archdeacon.

Worlich'] In causa appellacionis mota inter Agnetem Worlich', alio nomine Mason' de Neunham iuxta Cant', partem appellantem ex parte una et Aliciam Attewell' de Westhorp', Nor'cen' diocesis, partem appellatam ex altera, partibus ut prius comparentibus, nullo processu adhuc transmissio, ideo transmittatur ad proximum et decrevimus fore scribendum officiali domini archidiaconi Elien' pro ipsius transmissione. [fol. 99r]

[10 Nov 78 (66.8)] Worlidge/Mason. Since no process has been sent, it is ordered sent by the next session.

Worlich'] Partibus predictis ut prius comparentibus, quia processus nondum est transmissus, ideo transmittatur ad proximum ad idem. [fol. 102v]

[2 Dec 78 (67.8)] Worlidge/Mason. No process has been sent. Agnes swears that she asked the archdeacon's official to send it and offered to pay him a salary. It is ordered sent by next; the official will be called for his contempt.

Worlich'] Partibus ut prius comparentibus, nullo processu adhuc transmissio, facta fide per partem appellatam quod .. officialis archidiaconi fuit legitime requisitus ad transmittendum et quod optulit salarium, datur dies in proximo ad idem et vocetur officialis super contemptu. [fol. 104r]

[23 Dec 78 (68.8)] Worlidge/Mason. Since no process has been sent, it is ordered sent by the next session. The official will be called for his contempt.

Worlich'] Partibus ut prius comparentibus, quia processus nondum est transmissus, ideo transmittatur ad proximum et vocetur officialis super contemptu. [fol. 106r]

[3 Feb 79 (70.8)] Worlidge/Mason. As 68.8.

Worlich'] Partibus ut prius comparentibus, quia processus nondum est transmissus, ideo transmittatur ad proximum et vocetur .. officialis .. archi-

diaconi super contemptu. [fol. 107v]

[25 Feb 79 (71.8)] Worlidge/Mason. Since the process has not been sent, it should be sent by the next session.

Worlich'] Partibus ut prius comparentibus, quia processus nondum est transmissus, ideo transmittatur ad proximum. [fol. 109v]

[17 Mar 79 (72.8)] Worlidge/Mason. Process, closed under the seal of the archdeacon's official, has been received. Next to speak against it.

Worlich'] Partibus ut prius comparentibus, transmisso processu habito coram officialis archidiaconi Elien' sub sigillo dicti officii clauso, quo per nos iudicialiter publicato decretaque copia partibus, datur dies in proximo ad dicendum contra [processum]. [fol. 111r]

[21 Apr 79 (73.8)] Worlidge/Mason. Agnes proposes exceptions against the process, which are admitted after she swears *de malicia*. Next to propose.

Worlich'] Partibus ut prius comparentibus, propositis per partem appellantem quibusdam excepcionibus in scriptis contra processum, quibus admissis eatenus quatenus, iurato primitus per partem proponentem de malicia, datur dies in proximo ad probandum. [fol. 113v]

[23 May 79 (74.8)] Worlidge/Mason. No proofs are administered, but a *missio* is requested for witnesses living in Dunwich deanery, Norwich diocese: Robert Cook of Huntingfield, Richard Smyth of Helmingham, John Smyth of same, Robert Garnes of same, and Katherine his wife; decreed with faith given. Their testimony is ordered sent by 30 June.

Worlich'] Partibus ut prius comparentibus, nullis probacionibus ministratis sed petita missione ad testes in decanatu Donewycr, Nor'cem diocesis, degentes videlicet Robertum Cook' de Huntynghfeld', Ricardum Smyth' de Hemyngham, Johannem Smyth de eadem, Robertum Garnes de eadem et Katerinam uxorem suam, qua decreta facta fide que requiritur, datur dies iouis proximo post festum apostolorum Petri et Pauli proximo futurum loco quo supra ad transmittendum attestaciones. [fol. 115r]

[30 Jun 79 (76.8)] Worlidge/Mason. The testimony of the witnesses examined from Dunwich deanery, Norwich diocese, is exhibited and published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Worlich'] Partibus ut prius comparentibus, exhibitis attestacionibus testium examinatorum in decanatus de Donewico, Nor'cem' diocesis, quibus publicatis decretaque copia partibus, datur dies in proximo ad dicendum contra. [fol. 117v]

[21 Jul 79 (77.8)] Worlidge/Mason. Agnes requests that another *missio* be sent to admit and examine two witnesses who were omitted in the first. A *missio* is made for them by way of *restitutio in integrum* since she claims to be harmed by the omission. Next to prove injury since the parties agreed with the judge to proceed summarily.

Worlich'] Partibus ut prius comparentibus, petitur per partem petentem mis-

sionem quod iterum mittatur pro admissione et examinacione duorum testium omissorum in prima missione, pro quibus missio facta fuit per viam restitutionis in integrum cum ex huiusmodi omissione pars asserit se lesam, unde datur dies in proximo ad probandum lesionem quia partes cum iudice consenciant quod in articulo restitutionis procedat summarie et de plano. [fol. 118v]

[22 Sep 79 (78.9)] Worlidge/Mason. Agnes swears she has been injured by the omission. The court orders the admission and examination of the omitted witnesses: John Andre of Hemingham, Margaret wife of Robert Cook of Huntingfield, Robert Garneys, and Katherine his wife. Next to see the transmission of the testimony; Alice should be warned of the day and place so she can see their admission.

Worlich'] Partibus ut prius comparentibus, facta fide per partem petentem missionem de lesione, restituimus eum in integrum propter favorem matrimonii decrevimus fore scribendum pro^a admissione et examinacione testium prius omissorum videlicet Johannis Andreu de Henyngham et Margar' uxoris Roberti Cook' de Huntynghfeld', Roberti Garneys et Katerine uxoris sue predictorum, datur dies in proximo ad videndum transmissionem attestacionum eorundem et decrevimus dictam Aliciam fore premuniendam ad diem et locum quibus fiet admissio huiusmodi ipsorum admissionem visuram et auditoram. [fol. 120r]

[13 Oct 79 (79.8)] Worlidge/Mason. As 78.9.

Worlich'] Ad idem. [fol. 121r]

[3 Nov 79 (80.8)] Worlidge/Mason. The dean of Dunwich has sent the testimony, which is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Worlich'] Partibus ut prius comparentibus, transmissis attestacionibus per decanum Donewici, quibus publicatis decreta copia partibus, in proximo ad dicendum contra. [fol. 122v]

[24 Nov 79 (81.8)] Worlidge/Mason. Agnes by Peter Caprik, substituted for John Wiltshire, original proctor; Alice by proctor. Nothing is proposed; the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Worlich'] Parte actrice per Petrum Caprik', clericum, substitutum Johannis Wiltesshir', procuratoris originalis, parte rea ut prius comparente, nullo dicto seu proposito per alterutram partem parcium predictarum sed in dicta causa concluso, datur dies in proximo ad audiendum sententiam in dicta causa definitiva cum continuacione et prorogacione dierum sequencium. [fol. 123v]

[9 Dec 79 (82.8)] Worlidge/Mason. With the parties' consent, next to hear the definitive sentence with continuation of the following days.

Worlich'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo cum continuacione et prorogacione dierum sequencium ad idem,

^a pro] *followed by* scribend' *crossed out*.

videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 125r]

[12 Jan 80 (83.8), 3 Feb 80 (84.8)] Worlidge/Mason. For the same.

Worlych'] Ad idem. [fols. 126r, 127v]

[23 Feb 80 (85.8)] Worlidge/Mason. With the parties' consent, next to hear the definitive sentence.

Worlich'] In causa matrimoniali et divorcii mota inter Aliciam Attewell' de Westhorp', Nor'cem' diocesis, partem originaliter actricem ex parte una et Robertum Mason' de Nevaham iuxta Cant' et Agnetem Worlich' de eadem partem originaliter ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 129v]

[15 Mar 80 (86.7)] Worlidge/Mason. Appealing from the definitive sentence of the archdeacon's official, who ruled in Alice's favour, Robert and Agnes have asked that the sentence be annulled because they had contracted prior to Robert's contract with Alice. 15 March 1380 the parties appear by proctors before the official. [The process is reiterated. The parties swore *de calumnia*.] Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Robert and Agnes have proved their intention and based on the dean of Dunwich's certification and the acts before the official, the marriage between Robert and Alice and the sentence of the archdeacon's official are annulled. Robert and Alice are separated. Robert and Agnes' marriage is pronounced valid.

Alice's proctor appeals *apud acta ab iniqua* immediately.

Worlych'] In causa matrimoniali et divorcii mota inter Aliciam Attewell' de Westhorp', Nor'cen' diocesis, partem originaliter actricem ex parte una et Robertum Joly Mason de Neunham iuxta Cantebr' et Agnetem Worlich' de eadem partem originaliter ream ex altera, cum datus fuisset terminus partibus predictis ad audiendum sentenciam in dicta causa diffinitivam, partibus predictis coram nobis .. officiali Elien' per dictos procuratores comparentibus, sentenciam diffinitivam tulimus sub hac forma.

In Dei nomine amen. Quia nos officialis Elien' in quadam causa appellationis ad audienciam nostram interiecte a quadam sententia diffinitiva per .. officialem domini archidiaconi Elien' in quadam causa matrimoniali et divorcii que coram eo vertebatur inter Aliciam Attewell' de Westhorp' partem originaliter actricem et nunc partem appellatam ex una parte et Robertum Jolys Mason' de Neunham iuxta Cant' et Agnetem Worlich', uxorem suam, parte originaliter ream et modo partem appellatam ex alia pro dicta Alicia et contra dictos Robertum [et] Agnetem lata legitime precedentes, partibus per procuratores coram nobis comparentibus, proposita quadam petitione per partem predictorum Roberti et Agnetis, in qua petebatur sentenciam diffinitivam a dicto .. officiali archidiaconi latam irritari, cassari et annullari, irritam, cassam

seu nulla pronunciari, ex eo^b quod ante quemcumque contractum matrimonialem et solempnizacionem eiusdem inter predictos Robertum et Aliciam Attewell' de facto initum et solempnizatum prout in processu nobis pro eos transmissio plenior sit mencio, dicti Robertus et Agnes Worlich' matrimonium adinvicem per verba de presenti mutuum eorum consensu exprimentia carnali copula subsecuta legitime contraxerunt et illud matrimonium fuit in facie ecclesie solempnizatum, lite legitime contestata, iuratis partibus hincinde de calumpnia petitaque missione ad decanum de Donewyco, Nor'cen' diocesis, pro testibus admittendis ibidem et decreta, quibus admissis, examinatis eorum attestacionibus nobis transmissis, publicatis, decreta partibus copia, datur terminus utraque parti ad dicendum contra testes et eorum dicta et ad proponendum omnia in facto seu iure consistencia, nichil dicto seu proposito per alterutram partem parcium predictarum, sed in eadem causa concluso, datus fuit dies iovis supradictus loco quo supra ad audiendum sententiam in dicta causa diffinitivam. Quibus die et loco partibus predictis coram nobis .. officiali Elien' per dictos procuratores comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem [fol. 133v] de consilio iuris peritorum nobis assidencium, invocata primitus Spiritu Sancte gracia, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos officialis Elien' antedictus invenimus per certificarium decani de Donewico, commissarii nostri, in hac parte et per acta et actitata coram nobis dictos Robertum et Agnetem quo ad precontractum predictum intencionem suam ad plenum fundasse et probasse, ipsum matrimonium inter predictos Robertum et Aliciam Attewell' initum seu factum et solempnizacionem eiusdem ipsamque sententiam coram ipso .. officiali domini .. archidiaconi latam quatenus de facto processerunt cassamus, irritamus et annullamus, cassos, irritos seu nullos fuisse et esse pronunciamus et declaramus eosque abinvicem separamus et divorciamus ipsumque matrimonium inter prefatos Robertum et Agnetem et solempnizacionem eiusdem subsistere et valere ac validum et legitimum fuisse et esse pronunciamus et declaramus sentencialiter et diffinitive in hiis scriptis.

appellacio] A qua sententia tanquam ab iniqua Johannes Wiltesshir', clericus, procurator dicte Alicie Attewell', apud acta incontinenti appellavit. [fol. 134r]

^b eo] *interlined*.

235. JOSEPH

[29 Jul 78 (63.31)] Joseph. John son of Adam Joseph senior of Castle Camps and Alice wife of John Couper of Castle Camps, his [John Joseph's] uncle, were called before Thomas Gloucester-

ter because they have committed the crime of adultery and incest for many years.

John appears personally on 16 April 1378. Sworn *de veritate dicenda*, he admits that he has been with her for the past nine years and they are still together. They have children and she is now pregnant with the fourth. He abjures the crime and suspicious places, under penalty of three days of beating round the churches of Camps, Shudy Camps, and Bartlow, and two days round the markets of Cambridge, Linton, and Ickleton. For the crime already committed, he is ordered beaten three days round Camps church, one day round Cambridge market, and one round Linton market, in the manner of a public penitent.

Since John refused to do the penance, he was found contumacious and a manifest offender and was publicly excommunicated. As his contumacy increased, the community was inhibited from associating with him except when permitted by law. After remaining obdurate for more than forty days, he was called to show why his capture by the royal majesty should not be requested.

Although cited, John is absent. He is found contumacious and barred from proposing anything. The bishop will be requested to write to the royal majesty for John's capture since the church can do no more in this case.

Consequently the bishop invoked the royal majesty and John was captured by the sheriff of Cambridge, according to the king's mandate. After he had been delivered and had remained in the gaol of Cambridge castle for four days, he said he was prepared to obey church mandates and to perform penance. He requested absolution from excommunication, admittance to perform the penance, and release from gaol. Three friends promised to pay a surety of 30 pounds to the bishop as alms if John failed to perform his penance before 15 Aug. 1378. John was delivered from gaol and absolved by order of the bishop. John completed his penance, being beaten round the markets of Cambridge, Linton, and Ickleton and round the churches of [Castle] Camps, Shudy Camps, and Bartlow, stripped to his shirt, followed by the chaplain who carried a staff. The rector of Camps and the dean of Camps certified this to the court. The rest of his penance for the new contumacy and offense is reserved to the bishop.

Joseph' – correccio – citacio – confessio – abiuracio – penitencia – excommunicacio] Cum nos Thomas de Gloucestre, clericus, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius, Johannem filii Ade Joseph' de Caumpes Magna, Elien' diocesis, seniore, et Aliciam uxorem Johannis Coupere de eadem, avunculi sui, super criminem adulterii et incestus inter eosdem commissum et per plures annos continuatum fecimus coram nobis ad iudicium evocari, dictus Johannes personaliter comparens coram nobis sexto decimo kalendas maii anno Domini millesimo trecentesimo septuagesimo octavo, iuratus de veritate dicenda super dicto articulo fatetur quod tenuit eam novem annis elapsis et adhuc tenet et suscitavit de ea quatuor proles et iam est gravida cum quarta, abiuravit peccata et loca suspecta sub pena fustigationum tribus diebus circa ecclesias de Caump', Shedecaump' et Berkelowe et duobus diebus circa mercatum Cantebr', Lynton' et Ikelyngton' et pro crimine commisso et confessato iudicialiter coram nobis per tres dies dominicas circa ecclesiam de Caump' et unum diem circa mercatum Cant' et alium diem circa mercatum de Lynton' more publice penitentis decreverimus fustigandum. Et quia dictus Johannes dictam peragere

penitenciam non curavit sed temere recusavit, ideo ipsum pronuntiavimus prout erat contumacem et manifestum offensorem et pro sua contumacia et offensa huiusmodi, ipsum excommunicavimus et sic excommunicatum fecimus publice nunciari.

inhibicio communionis – scribere pro capcione – incarcerationio – cautio – liberacio – absolucio – penitencia] Demum crescente contumacia communio- nem fidelium inhibuimus eidem casibus a iure permissis dumtaxat exceptis, verum cum dictus excommunicatus sentenciam excommunicacionis predic- tam per quadraginta dies et amplius sustinuisset animo indurato, ipsum fe- cimus coram nobis ad iudicium evocari causam rationabilem si qua haberet quare pro ipsius capcione scribi non debeat [fol. 97r] regie magestati propo- niturum et ostensurum. Quibus die et loco dictus Johannes sic ut prefertur citatus, non comparet. Ideo ipsum reputavimus prout erat merito contuma- cem et pro sua contumacia precludimus sibi viam ulterius quicquam in hac parte proponendi et decrevimus fore scribendum domino .. episcopo Elien' ut ipse scribat regie magestati pro ipsius capcione cum ecclesia non habeat ultra quid faciat in hac casu. Cum itaque dictus venerabilis pater de dicto excommunicato regie magestati significasset, ad cuius significacionem idem Johannes per vicecomitem Cantebr' ad mandatum domini nostri regis captus et in castro Cantebr' tanquam excommunicatus carceri liberatus, per quatuor dies continuos in carcere remanebat. Subsequenter idem Johannes excom- municatus volens ut asseruit mandatis ecclesie humiliter obtemperare optulit se paratum ad faciendum penitenciam sibi iniunctam, peciit a dicta sententia excommunicacionis se absolui et ad faciendum penitenciam predictam se ad- mitti et de dicto carcere liberari. Unde prestita caucione triginta libre ex parte dicti Johannis per tres amicos suos sufficientes et legales elemosine domini .. episcopi Elien' solvenda nisi dictam penitenciam faceret citra festum as- sumpcionis Beate Marie virginis proximo tunc futurum, in quibus se dicto patri effectualiter obligarunt, dictus Johannes ad mandatum dicti venerabilis patris de carcere liberatus et a dicta sententia excommunicacionis absolutus in forma iuris, predictam penitenciam circa mercatum Cantebr' et mercatum de Lynton' ac ecclesiam de Caumpes depositis vestibus suis usque ad cami- sium^a capellano ipsum sequente cum virga in manu humiliter perfecit prout rector de Caumpes et decanus decanatus de Caumpes nos certificarunt et ideo residuum penitencie sue pro nova contumacia et offensa ut prefertur contrac- ta gracie dicti venerabilis patris specialiter reservamus. [fol. 97v]

[29 Jul 78 (63.32)] Joseph. John son of Adam Joseph senior of Camps claimed falsely that, contrary to the statutes of the general council,¹ John Newton, commissary general of the bish-

^a camisium] *the word is normally feminine; Niermeyer reports instances of it in neuter; entry 71.35, however, makes clear that Foxton thought of it as masculine.*

¹ For the canon probably being referred to, see Citations to Canon Law, *Sacro approbante*.

op, had pronounced Joseph contumacious and had excommunicated and publicly denounced him, although Joseph had not been cited, warned, confessed, or convicted legally. Joseph appealed to the court of Canterbury and obtained an inhibition. He asked the provincial court to cite Ed[war]d chaplain of Camps and Rose wife of Robert Bigg of Camps, at whose instance the grievances were brought.

After the appeal had begun, the official of the provincial court remitted the case to the consistory because Joseph failed to proceed. Joseph was condemned to pay 20s sterling in costs to Ed[war]d and Rose. The inhibition, given in London on 14 May, was annulled; the consistory, Ed[war]d, and Rose are free to act.

Joseph' – appellacio] Cum Johannes filius Ade Joseph' de Caumpes senior asserens et pretendens minus veraciter quod nos Johannes de Neweton', domini Elien' episcopi commissarius generalis ut pretendebat, ipsum Johannem contumacem in non veniendo coram nobis pronuntiavimus et reputavimus perperam per decretum eundemque Johannem occasione huiusmodi contumacie non legitime citatum, non monetum, non confessum, nec convictum contra statuta concilii generalis excommunicavimus ipsumque sic excommunicatum et a communione fidelium et recepcione corporis Christi remotum nostris litteris mandavimus et fecimus publice nunciari aliaque gravamina ut asseruit eidem intulimus ab huiusmodi pretensis gravaminibus ad curiam Cant' ut asseruit appellasset. Quoddam rescriptum ad inhibendum nobis et aliis quibus ius exigit necnon ad citandum dominum Edm' capellanum parochialem de Caumpes et Rosam uxorem Roberti Bygge de eadem partem appellatam ad quorum procuracionem et instanciam dicta gravamina eidem intulimus ut asseruit a dicta curia impetravit.

remissio – condempnacio expensarum] Cumque officialis curie Cant' in causa appellacionis predicte inter partes predictas legitime procedens, dictam partem appellantem eo quod appellacionem suam prefate curie in ea parte suggestam prout debuit prosecui non curavit, ad examen nostrum a quo ut suggerebatur extitit appellatum remiserit per decretum, ipsam partem appellantem in viginti solidis sterling' nomine expensarum in hac parte factarum, taxatarum moderate et iuratarum parti dictorum domini Edi' et Rose solvendarum condempnavit nobisque fecerat intimari quod inhibicione quacumque sub data London' secundo idus maii anno Domini millesimo trecentesimo septuagesimo octavo, in ea parte impetrata non obstante poterimus libere facere et exequi quod est nostrum, iidemque dominus Ed'us et Rosa libere facere et exequi poterunt quod est suum. [fol. 97v]

236. CANDLESBY (3)

[29 Jul 78 (63.34)]¹ Candlesby. Robert Tate of Wilburton, chaplain, was cited at the instance

¹ This entry follows a gap of two lines. The entry was probably added later. The previous hand does not seem to have changed, but the entry, 63.33, is dated in September of 1378.

of Mr Hugh Candlesby, proctor general of the consistory, in a case of salary owed to Hugh for his service in the consistory.

Hugh appears personally; Robert is absent and found contumacious, his penalty reserved to the court.

Candlesby] Dominus Robertus Tates de Wilberton, cappellanus, citatus ad instanciam magistri Hugonis Candlesby, procuratoris generalis in consistorio Elien', in causa salarii pro labore patrocinii sui in dicto consistorio pro ipso impensa, parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam reputamus contumacem pena nobis reservata. [fol. 97v]

237. WITCHFORD

[1 Oct 78 (64.31)] Witchford. Humphrey Fielding of Witchford¹ was cited for said day and place at the instance of John Malt, vicar of Witchford, in a mortuary case.

Parties appear personally. An oral libel is given and requested written. Next to receive it in writing.

Wycheforth'] Humfridus Feldyng' de Wichford' citatus ad dictos diem et locum ad instanciam domini Johannis Malt, vicarii ecclesie de Wycheford', in causa mortuarii, partibus personaliter comparentibus, libellato oretenus petitur in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 98v]

[21 Oct 78 (65.25)] Witchford. The written libel is received. Next to respond.

Wycheford'] In causa mortuarii domini Johannis vicarii ecclesie de Wyche-ford' partem actricem ex parte una et Humfridum Feldyng' de eadem partem ream ex altera, partibus ut prius comparentibus, oblato per partem actricem quodam libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 99v]

[10 Nov 78 (66.23)] Witchford. Parties personally. Humphrey contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Wycheford'] Partibus personaliter comparentibus, lite per partem ream negative contestata, iuratis partibus hincinde in propriis personis suis de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 102v]

[2 Dec 78 (67.24)] Witchford. John produces three witnesses: Thomas Scot of Witchford, Thomas Rogerson, and Nicholas Reeson of Witchford, who are admitted and sworn. Humphrey reserves the right to speak against witnesses and testimony. Next to propose and the

¹ While this case was pending Robert Foxton brought a salary case against Humphrey Fielding. *Foxton* (2). Although Humphrey appointed John Wiltshire his proctor before the case was first recorded in the register (entry 64.27), he is also said to be appearing personally. His proctor is not mentioned until quite far into the case (entry 74.22), and he is not mentioned again until the definitive sentence is issued. It is possible that Humphrey was receiving advice from Foxton 'off the record' and not paying his proctor to appear.

second term to produce.

Wychford'] Partibus ut prius comparentibus, productis per partem actricem tribus testibus videlicet Thoma Scot de Wichford', Thoma Rogeresson' et Nicholao Revesson' de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad ponendum et secundo producendum. [fol. 105r]

[23 Dec 78 (68.20)] Witchford. No other witnesses or proofs are brought. Next the third term to produce.

Wychford'] Partibus ut prius comparentibus, nullis aliis testibus productis nec probacionibus ministratis, datur dies in proximo ad tercio producendum. [fol. 106r]

[13 Jan 79 (69.1)] Witchford. John produces three witnesses: John atte Stone of Witchford, John of the Wolde, and John Trew of Witchford, who are admitted and sworn. Humphrey reserves the right to speak against witnesses and testimony. Next to publish the testimony.

Wichford'] Partibus ut prius comparentibus, productis per partem actricem tribus testibus videlicet Johanne atte Ston de Wychford', Johanne of the Wold' et Johanne Trewe de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt et non alio modo, datur dies in proximo ad publicandum attestaciones. [fol. 107r]

[3 Feb 79 (70.21)] Witchford. No witnesses are produced; the term ends. Next to publish the testimony.

Wychford'] Partibus ut prius comparentibus, nullis aliis testibus productis cedat terminus, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 108r]

[25 Feb 79 (71.19)] Witchford. Humphrey orally proposes an exception; [he swears *de malicia* (72.9)]. Next Tuesday [8 March] to propose this in writing.

8 March. The material is given in writing. Next to act on this and to publish the testimony.

Wychford'] Partibus ut prius comparentibus, proposita per partem ream viva voce quadam materia exclusoria, datur dies martis proximo futurus ad octo dies ad proponendum in scriptis. Quo die^a partibus ut prius comparentibus, proposita dicta materia in scriptis, datur dies in proximo ad faciendum super eisdem publicatisque attestacionibus testium in dicta causa productorum. [fol. 109v]

[17 Mar 79 (72.19)] Witchford. An argument takes place concerning the proposed, which is admitted. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

^a die] followed by s expunctuated.

Wychford'] Partibus ut prius comparentibus, habita disputatione super propositis predictis, quibus tandem admissis eatenus quatenus, publicatis attestacionibus testium in dicta causa examinatum decretaque copia partibus, datur dies in proximo partibus predictis ad dicendum contra testes et eorum dicta. [fol. 111v]

[21 Apr 79 (73.21)] Witchford. Next to prove the exceptions and to speak against witnesses and testimony in the principal case.

Wichford'. Partibus ut prius comparentibus, datur dies in proximo ad probandum dictas excepciones quatenus sunt probabiles daturque dies in proximo in principali ad idem quod prius videlicet ad dicendum contra testes et eorum dicta. [fol. 114r]

[23 May 79 (74.22)] Witchford. Humphrey produces no witnesses, but requests that four be compelled: John Ferrer of Witchford, John Reeson, Thomas Prat, and Ralph Everard of Witchford. Because his proctor does not swear that they will be questioned in legal form, they are not ordered compelled. Next to prove [the exceptions] precisely and to speak against witnesses and testimony in the principal case.

Wychford'] Partibus ut prius comparentibus, nullis testibus productis sed petita compulsione quatuor testium videlicet Johannis Fero' de Wychford', Johannis Revesson', Thoma Prat et Radulphi Ev'ard' de eadem, sed quia procurator non facit fidem quod fuerant requisiti in forma iuris, ideo compulsionem non decrevimus sed datus est dies in proximo ad precise probandum et in causa principali ad dicendum contra testes etc. [fol. 115v]

[10 Jun 79 (75.20)] Witchford. Humphrey produces three witnesses concerning the exceptions: John Reeson of Witchford, Thomas Prat, and Ralph Everard of Witchford, who are admitted and sworn. John reserves the right to speak against witnesses and testimony. He requests the articles to be used for their examination, from which he will administer interrogatories; decreed. Next to publish the testimony. Since nothing is proposed against John's witnesses, next to speak against his witnesses and their testimony.

Wychford'] Partibus ut prius comparentibus, productis per dictum Humfridum super excepcione predicta tribus testibus videlicet Johanne Revesson' de Wychford', Thoma Prat et Radulo Ev'ard' de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes predictos et eorum dicta quatenus contra se deponunt petitisque articulis iuxta quos debent examinari ut ex eis elicere [interrogatoria] poterit et decretis, datur dies in proximo ad publicandum et publicari videndum attestaciones eorundem testium, nullo dicto contra testes alternis partis vel eorum dicta. [fol. 116v]

[30 Jun 79 (76.21)] Witchford. Humphrey wants John Ferrer compelled concerning the exceptions: decreed with faith given. 13 July to produce him and, in the principal case, to speak against witnesses and testimony.

13 July. John is produced, admitted and sworn. Next to publish the testimony and in the

principal case for the same.

Wychford'] Partibus ut prius comparentibus petituque per partem dicti Humfridi super excepcione predicta compulsione Johannis Fero' de Wichford', qua decreta facta fide que requiritur, datur dies mercurii proximo post festum translacionis Sancti Thome martyris proximo futurum loco quo supra ad producendum dictum compulsum quantum ad terminum dicendi contra testes et eorum dicta in causa principali, datus est dictus dies ad idem. Quo die adveniente, producto dicto Johanne Fero' teste compulso, quo admisso et in forma iuris iurato, datur dies in proximo ad publicandum et publicari videndum attestaciones et in principali causa ad idem quod prius. [fol. 117v]

[21 Jul 79 (77.21)] Witchford. With the parties' consent, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony, both in the principal case and concerning the exception.

Wychford'] Partibus ut prius comparentibus, de quarum consensu publicatis attestacionibus hincinde decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta tam in principali causa quam in excepcione proposita. [fol. 118v]

[22 Sep 79 (78.22)] Witchford. Nothing is proposed. Next to propose everything concerning the matter.

Wychford'] Partibus ut prius comparentibus, nichil dicto seu proposito, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 120v]

[13 Oct 79 (79.20)] Witchford. With the parties' consent, 20 Oct. is assigned.

20 Oct. The vicar proposes that the interrogatories were omitted from the examination; he requests a reexamination. He also proposes exceptions against witnesses and testimony; admitted. Next to prove.

Wychford'] Partibus ut prius comparentibus, de quarum consensu expectamus usque diem iouis proximo futurum ad idem. Quo die adveniente partibus ut prius comparentibus, pars vicarii proponit quod interrogatoria sunt omissa in examinacione et petit quod repetantur super interrogatoriis, propositis eciam per partem dicti vicarii quibusdam excepcionibus contra testes et eorum dicta, quibus admissis eatenus quatenus, datur dies in proximo ad probandum. [fol. 121v]

[3 Nov 79 (80.18)] Witchford. No proofs are brought. Next to prove the exceptions precisely.

Wychford'] Partibus ut prius comparentibus, nullis probacionibus ministratis, datur dies in proximo ad precise probandum dictas excepciones. [fol. 122v]

[24 Nov 79 (81.18)] Witchford. The vicar produces three witnesses: Thomas Scot of Witchford; Thomas Hodgson; and Ralph Everard of Witchford, who are admitted and sworn. Humphrey reserves the right to speak against witnesses and testimony; he requests the articles so that he can administer interrogatories and asks for a copy of the vicar's exceptions. Next to publish the testimony.

Wychford'] Partibus ut prius comparentibus, productis per partem dicti vicarii tribus testibus videlicet Thoma Scot de Wychford', Thoma Hoggesson' et Radulo Ev'ard' de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta, petitis articulis per partem adversam protestatur quod vult ministrare interrogatoria petitaque copia excepcionum quibus decretis, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 124r]

[9 Dec 79 (82.18)] Witchford. With the parties' consent, next to publish the testimony since the witnesses have not yet been examined.

Wychford'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad publicandum quia testes nondum sunt examinati. [fol. 125r]

[12 Jan 80 (83.18)] Witchford. With the parties' consent, next to publish the testimony.

Wychford'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad publicandum. [fol. 126v]

[3 Feb 80 (84.17)] Witchford. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Wychford'] In causa mortuarii mota inter dominum Johannem vicarium ecclesie de Wychford' partem actricem ex parte una et Humfridum Feldyng' de eadem partem ream ex altera, partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 128r]

[23 Feb 80 (85.14)] Witchford. Nothing is proposed. Next to propose everything concerning the matter.

Wichford'] In causa mortuarii mota primarie inter dominum Johannem vicarium ecclesie de Wychford' partem actricem ex parte una et Humfridum Feldyng' de eadem partem ream ex altera, parte actrice ut prius parte rea eciam ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 130r]

[15 Mar 80 (86.13)] Witchford. Nothing is proposed. With the parties' consent, the case is concluded. Next to hear the definitive sentence.

Wichford'] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed de earum consensu in dicta causa concluso, datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 134r]

[5 Apr 80 (87.9), 26 Apr 80 (88.9), 25 May 80 (89.9), 14 Jun 80 (90.9)] Witchford. For the same.

Wichford'] Ad idem. [fols. 136r, 137r, 138r, 140v]

[23 Jul 80 (92.9)] Witchford. Parties personally and by proctors before the official. [The process is reiterated.] Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because John has proved his intention, the court finds in favour of and restores his right to receive mortuary following the death of any parishioner of Witchford, including adolescents, children, and infants. The vicar may select the second best animal² or object from goods held at the time of death, according to the custom of Witchford. Humphrey is condemned to give to the vicar the second best garment of both Thomas and Richard as mortuary and to pay lawful costs.

Wichford'] In causa mortuarii primarie mota inter dominum Johannem Malt, vicarium ecclesie de Wychford', Elien' diocesis, partem actricem ex parte una et Humfridum Felding' de Wichford' predictum partem ream ex altera, partibus predictis personaliter et per procuratores suos predictos coram nobis .. officiali comparentibus, auditis et intellectis meritis cause predictae, proposito libello in scriptis per partem dicti vicarii in dicta causa, quo admissio et a parte adversa optento liteque contestata negative ad eundem dicendo narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis hincinde partibus de calumpnia et de veritate dicenda, productis per partem dicti vicarii quibusdam testibus, quibus admissis, iuratis et examinatis, attestacionibus publicatis, propositis per partem dicti Humfridi quibusdam excepcionibus sub certa forma conceptis contra materiam principalem factum contractum continentibus, quibus admissis eatenus quatenus, iuratur primitus per partem proponentem de malicia productisque per partem proponentem quibus testibus super eisdem excepcionibus, quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus publicatis ceterisque rite peractis, et facta conclusione in dicta causa, datus fuit terminus ad audiendum sententiam in dicta causa diffinitivam rimatoque per nos officialem predictum et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iurisperitorum nobis assidencium, invocata Spiritus Sancti gracia, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum dominum Johannem vicarium intencionem suam in eodem libello deductam ad plenum fundasse et probasse prefatumque Humfridum in probacione intencionis sue defecisse, ius percipiendi et habendi mortuarium de quocumque parochiano de Wychford' ac eciam de quocumque pubente et inpubente eciam infante decedentibus, animalia seu quecumque alia bona tempore mortis sue habentibus melius animal² vel meliorem rem quod vel quam dictus vicarius duxerit eligendum ad dictum vicarium de consuetudine ville de Wychford' predictae pertinere et pertinere debere sentencialiter et diffinitive pronunciamus et

² *Melius animal* (and later *meliores pan-* *melius* (see Latham, s.v. *melior*), but it seems *nos*). It would be clearer if it said *secundum* that this is what is meant.

declaramus. Ipsumque vicarium ad possessionem iuris seu quasi quam in huiusmodi percepcione habuit, de iure habere debuit restitundam fore discernimus et restituimus cum effectu. Ipsumque Humfridum ad solvendum meliores pannos predictorum Thome et Richardi, videlicet de quilibet eorum meliorem pannum, nomine mortuarii eidem vicario secundum consuetudinem predictam ac dictum Humfridum in expensis legitimis in dicta lite sive causa factis et fiendis per hanc nostram diffinitivam sentenciam condempnamus in hiis scriptis, taxacione earundem nobis specialiter reservata.

appellacio] A qua quidem sentencia tanquam ab iniqua Johannes Wiltesshir', procurator dicti Humfridi, incontinenti apud acta appellavit tunc ibidem. [fol. 142r]

[15 Nov 80 (95.8)] Witchford. Humphrey Fielding of Witchford was cited to propose why he should not be excommunicated and publicly denounced. Despite legal warnings and the court's order to pay mortuary to John vicar of Witchford for the death of his two sons, he has refused to pay, as certified to the court.

Humphrey appears personally and proposes nothing effectual. He is warned peremptorily to pay the mortuary before 25 Dec. 1380 under penalty of excommunication. The next consistory session following that date is assigned to him to hear the estimation of costs and to propose why he should not be excommunicated if he has not paid.

Wychford'] Humfridus Feldyng' de Wychford' citatus ad diem et locum supradictos propositurus causam quare excommunicari non debeat et pro tali publice nunciari eo quod monicionibus nostris legitimis sibi auctoritate nostra canonice factis de solvendo domino Johanni vicarii ecclesie de Wychford' mortuarium pro filiis suis mortuis in quibus per nos extitit condempnatus non paruit sed parere temere recusavit prout per certificatorium vobis inde factum liquet manifeste, comparuit personaliter nichil effectuale proposuit. Unde ad convincendum ipsius malicia monemus ipsum primo, secundo et tercio quod solvat dicta mortuaria iuxta sentenciam diffinitivam per nos in hac parte latam citra festum nativitatis Domini sub pena excommunicationis quam in ipsum canonica monicione premissa tulimus in scriptis et habuit diem in proximum consistorium post festum nativitatis Domini ad audiendum taxacionem expense et ad proponendum quare non debeat denunciari excommunicatus si monicionibus non pareat supradictis. [fol. 145v]

238. FOXTON/SNOW

[1 Oct 78 (64.33)] Foxton.¹ John atte Hull, servant of Robert Bracer of Cambridge, was cited

¹ While there were probably other Robert Foxtons of Cambridge in this period, it is certainly possible that Margaret was a servant of the registrar of the consistory court. Arguing against the identification is the fact that in *Foxton (2)*, where the registrar is the plaintiff, he is described by his title, but in that case he is suing in his official capacity, whereas in this case his name simply serves to identify another plaintiff.

for 10 Sept. 1378 in said place at the instance of Margaret servant of Robert Foxton of Cambridge in a marriage case.

Margaret appears by Peter Caprik, proctor; John personally. Margaret wants John judged her husband because they contracted in present words of mutual consent. The petition, recorded with the acts, is explained to John; he contests the suit affirmatively saying the claims are true. Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusionione*; Margaret produces one witness: Robert Bracer of Cambridge, who is admitted and sworn. 8 Oct. to propose and the second term to produce.

8 Oct. Margaret produces another witness: John Norton of Cambridge, who is admitted and sworn. Next to publish the testimony.

Foxton'] Johannes Attehull', famulus Roberti Brasiere de Cantebr', citati ad diem veneris proximo post festum nativitatis Beate Marie virginis anno Domini supradicto loco quo supra ad instanciam Margarete servientis Roberti Foxton' de Cantebr' in causa matrimoniali, partibus actrice videlicet per Petrum Caprik', procuratorem suum, rea^a personaliter, comparentibus, dicta Margareta dictum Johannem sibi in virum adiudicari [peciit] pro eo et ex eo quod ipsi matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorundem exprimencia, ad quam quidem petitionem in actis redactam et eisdem expositam, dictus Johannes litem contestabatur affirmative dicendo narrata prout narrantur vera, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusionione, producto per partem dicte Margarete uno teste videlicet Roberto Brasiere de Cantebr', quo admisso et in forma iuris iurato, datus est dies veneris proximo post festum Sancte Fidis virginis loco quo supra ad ponendum et secundo producendum. Quibus die et loco partibus ut prius comparentibus, producto per partem actricem uno alio teste videlicet Johanne Norton' de Cantebr', quo admisso et in forma iuris iurato, datur dies in proximo ad publicandum et publicari videndum attestaciones testium predictorum. [fol. 98v]

[1 Oct 78 (64.34)] Snow. John atte Hull, servant of Robert Bracer of Cambridge, was cited for 10 Sept. 1378 in said place at the instance of Agnes Snow of Emneth in a marriage case.

Parties appear personally. Agnes wants John judged her husband because they contracted marriage by saying, "I promise I will marry no one except you," and then had intercourse. This had happened prior to any contract between John and Margaret servant of Robert Foxton. The petition, recorded with the acts, is explained to the parties. John contests the suit affirmatively saying it is true. Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusionione*. 8 Oct. to propose and the first term to produce.

8 Oct. Agnes produces two witnesses: William Adamson of Emneth, chaplain, and John Boston of Wisbech, who are admitted and sworn. She renounces the final term to produce. Next to publish the testimony.

Snow] Johannes Attehull', famulus Roberti Brasiere de Cantebr', citatus ad diem veneris proximo post [festum] nativitatis Beate Marie virginis anno Do-

^a actrice videlicet per Petrum Caprik', procuratorem suum, rea] *interlined*.

mini supradicto loco quo supra ad instanciam Agnetis Snow de Enemeth' in causa matrimoniali, partibus personaliter comparentibus, dicta Agnes petivit dictum Johannem sibi in virum adiudicari pro eo et ex eo quod ipsi Johannes et Agnes matrimonium adinvicem contraxerunt per ista verba, "Numquam ducam aliam nisi te nec capellanus pro me^b et ad hoc do tibi fidem meam," carnali copula subsecuta eciam ante omnem contractum matrimonialem inter dictos Johannem et Margaretam initum seu factum si quis fuerat. Ad quam quidem petitionem in actis redactam et partibus expositam, dictus Johannes contestabatur litem affirmative dicendo videlicet narrata prout narrantur vera esse, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusionione, datur dies veneris proximo post festum Sancte Fidis ad ponendum et primo producendum. Quo die partibus ut prius comparentibus, productis per dictam Agnetem duobus testibus videlicet domino Willelmo Adamesson' de Evemeth', capellano, et Johanne Boston de Wysebech', quibus admissis et in forma iuris iuratis, renunciato per eandem Agnetem ulteriori produccioni, datus est dies in proximo partibus predictis ad publicandum et publicari videndum attestaciones testium predictorum. [fol. 98v]

[21 Oct 78 (65.27)] Foxton. With the parties' consent, next to publish the testimony.

Foxton'] In causa matrimoniali mota inter Margaretam servientem Roberti Foxton' de Cantebr' partem actricem ex parte una et Johannem Attehull' famulum Roberti Brasier' de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad publicandum et publicari videndum attestaciones. [fol. 99v]

[21 Oct 78 (65.28)] Snow. For the sake of canonical equity and moved by its own volition, the court orders a *missio* for the vicar of Elm to admit and examine in Elm church as many witnesses as Agnes wants to produce. The vicar is ordered to transmit the testimony closed under his seal. Next to publish the testimony.

Snow] In causa matrimoniali mota inter Agnetem Snow de Enemeth' partem actricem ex parte una et Johannem Attehull' famulum Roberti Brasier' de eadem partem ream ex altera, partibus ut prius comparentibus, ex equitate canonica decrevimus mero motu nostro missionem fieri .. vicario ecclesie de Elm ad admittendum et examinandum testes quotquot et quos dicta pars actrix producere voluerit in ecclesia parochiali de Elm et committimus eidem vicario ad admittendum et examinandum eosdem et ad transmittendum eorum dicta et deposiciones in proximo clausa sub sigillo suo datusque est dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 99v]

[10 Nov 78 (66.25)] Foxton. Margaret by proctor; although cited to all acts, John is absent and found contumacious. With Margaret's consent and as penalty to John, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Foxton'] Parte actrice ut prius comparente, parte rea citata ad omnes actus

^b nec capellanus pro me] n^o Capll'us pro me; *meaning unclear, ?refers to proxy marriage.*

nullo modo comparente, ideo ipsam reputamus contumacem et in pena contumacie sue et de consensu partis actricis publicamus attestaciones et decernimus copia partibus daturque dies in proximo partibus predictis ad dicendum contra testes et eorum dicta. [fol. 102v]

[10 Nov 78 (66.26)] Snow. Since the witnesses have been examined and their testimony has been received, the testimony is published and a copy is ordered for the witnesses. Next to speak against witnesses and testimony.

Snogh'] Partibus ut prius comparentibus, examinatis testibus productis in partibus et transmissis nobis eorum attestacionibus sub sigillo clausis, quibus publicatis decretaque copia partibus, datur dies in proximo partibus predictis ad dicendum contra testes et eorum dicta. [fol. 102v]

[2 Dec 78 (67.25)] Foxton. John is found contumacious. Margaret proposes nothing. Next to propose everything concerning the matter.

Foxton'] Parte actrice ut prius comparente, parte rea citata ad omnes actus nullo modo comparente, ideo ipsam reputamus contumacem, nullo dicto per alterutram partem parcium predictarum seu proposito, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 105r]

[2 Dec 78 (67.26)] Snow. Agnes personally; although cited to all acts, John is absent. He is found contumacious. Agnes proposes nothing; the term ends. Next to propose everything concerning the matter.

Snow] Parte actrice ut prius comparente, parte rea citata ad omnes actus nullo modo comparente, ideo ipsam reputamus quo ad hunc actum contumacem, nullo dicto seu proposito per alterutram partem parcium predictarum cessit terminus, datur dies in proximo partibus predictis ad proponendum omnia in facto consistencia. [fol. 105r]

[23 Dec 78 (68.22)] Foxton. John is found contumacious. Nothing is proposed. As penalty to John and at Margaret's request, the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Foxton'] Parte actrice ut prius comparente, parte rea citata ad omnes actus nullo modo comparente, ideo ipsam reputamus contumacem, nullo dicto seu proposito per alterutram partem parcium predictarum sed ad petitionem partis actricis et in pena contumacie partis ree in dicta causa concluso, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam diffinitivam. [fol. 106r]

[23 Dec 78 (68.23)] Snow. John is found contumacious. Nothing is proposed. As penalty to John and at Agnes' request, the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Snogh'] Parte actrice ut prius comparente, parte rea citata ad omnes actus nullo modo comparente, ideo ipsum reputamus contumacem, nichil dicto seu proposito per alterutram partem parcium predictarum sed ad petitionem par-

tis actricis et in pena contumacie dicte partis ree in dicta causa conclusa, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam diffinitivam. [fol. 106r]

[13 Jan 79 (69.2)] Foxton/Snow. Margaret by proctor; Agnes personally; John is absent. 21 Jan. before the commissary or John Newton, the bishop's commissary, to hear the definitive sentence.

21 Jan. Margaret by Peter Caprik, proctor; Agnes by Walter Sutton, proctor; John by John de Bilsdon, priest and proctor, before John Newton, DCivL Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Agnes has not proved her intention but Margaret has proved hers, John is absolved and dismissed from Agnes' petition. John and Margaret are judged husband and wife.

Agnes' proctor appeals *ab iniqua* and requests *apostoli*; the court assigns instead the acts of the case.

Foxton'/Snogh'] In causa matrimoniali mota inter Margaretam servientem Roberti Foxton' de Cantebr' partem actricem ex parte una et Johannem Attehull', famulum Roberti Brasier', partem ream ex altera ac eciam inter Agnetem Snow de Enemeth' aliam partem actricem sive competitricem ex parte una et ipsum Johannem ex altera, predictis Margareta et Agnete ut prius comparentibus, predicto Johanne citato ad omnes actus nullo modo comparente, partibus predictis diem veneris proximo post festum Sanctorum Fabiani et Sebastiani proximo futurum loco quo supra ad audiendum sentenciam in dictis causis diffinitivam prefigimus et assignamus coram nobis vel magistro Johanne de Neweton' dicti venerabilis patris commissario. Quibus die et loco parte Margarete per Petrum Caprik', clericum, procuratorem suum, predicta Agnete per Walterum de Sutton', clericum, procuratorem suum, predicto vero Johanne per dominum Johannem de Billeston', presbyterum, procuratorem suum, coram nobis Johanne de Neweton', legum doctore, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissario, comparentibus auditisque et intellectis meritis cause sive causarum matrimonialis predictarum, rimato per nos et investigato toto processu in dictis causis habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad [fol. 107r] sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Agnetem intencionem suam minus sufficienter fundasse et probasse ipsamque Margaretam intencionem suam ad plenum fundasse et probasse, ipsum Johannem ab impetitione dicte Agnetis sentencialiter et diffinitive absolvimus et dimittimus ipsumque Johannem eidem Margarete in virum legitimum ipsamque Margaretam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudi-

camus in hiis scriptis.

A qua quidem sententia tanquam ab iniqua Walterus de Sutton', procurator et procuratorio [nomine] dicte Agnetis, appellavit apud acta et apostolos peciit et assignavimus sibi acta dicte cause loco apostolorum. [fol. 107v]

239. POYNAUNT

[21 Oct 78 (65.29)] Poynaunt. John Poynaunt of Thriplow and Joan Swan of Thriplow, his wife, had been separated by judgment of the church because of John's frigidity and impotence. Following the divorce, Robert Goadby of Thriplow married Joan. As if potent, John committed fornication with Isabel Peebles of Thriplow and married her. After the case had been brought to the court's attention by public fame, John, Joan, Robert, and Isabel were called *ex officio* before the commissary for said day and place.

They appear personally and swear *de veritate dicenda*. John and Joan admit that they solemnized their marriage and lived together for years, attempting to render the conjugal right, but they never had intercourse because John was impotent. For this reason their marriage was annulled and they were separated. Robert and Joan admit that they contracted and solemnized marriage following Joan's divorce; they are still married. John and Isabel admit that they have had intercourse. Isabel says John is sufficiently potent and they have had intercourse several times; she is pregnant by him and has never had intercourse with another man. They contracted marriage after John's divorce.

John is asked to propose why the marriage between Robert and Joan should not be divorced and the marriage between Joan and himself, erroneously ended, reconstituted. John claims that Isabel, with whom he has had intercourse, is related to Joan within the prohibited degrees of consanguinity. Next to prove intercourse between John and Joan and consanguinity between Joan and Isabel.

Poynaunt] Cum Johannes Poynaunt de Trippelowe et Johanna Swon de eadem, quam duxit in facie ecclesie in uxorem, propter ipsius Johannis frigiditatem et impotenciam fuerant abinvicem iudicio ecclesie separati, predicta Johanna post divorcium huiusmodi cuidam Roberto Goby de eadem prout sibi licuit nupsit sed prefatus Johannes cuidam Isabelle Pybbel de Trippelowe predicta in fornicariis amplexibus adhesit sicque factus potens ipsam Isabellam ducere inititur in uxorem prout fama publica referente ad nostram pervenit auditum, unde nos commissarius antedictus predictos Johannem et Johannam, Robertem et Isabellam ad diem et locum predictos fecimus coram nobis ad iudicium evocari super premissis nobis ex officio nostro responsuros. Quibus die et loco predictis Johanne et Johanna, Roberto et Isabella coram nobis personaliter comparentibus, et de veritate dicenda iuratis, fatentur dicti Johannes et Johanna quod matrimonium fuit in facie ecclesie inter eos solemnizatum et quod steterunt adinvicem per annum et annos dantes operam carnali copule et quod numquam cognoverunt se invicem carnaliter nec cognoscere potuerunt propter ipsius Johannis impotenciam quodque ea occasione fuit dictum matrimonium iudicio ecclesie divorciatum ipsique

abinvicem separati, fatentur eciam dicti Robertus et Johanna quod post dictam sententiam latam contraxerunt matrimonium adinvicem illudque in facie ecclesie fecerant solempnizari sicque steterunt et adhuc stant matrimonialiter copulati. Dicti insuper Johannes et Isabella fatentur quod cognoverunt se invicem carnaliter et ipsa Isabella fatetur quod dictus Johannes satis est potens et ipsam diversis vicibus carnaliter cognovit et suscitavit de ea prolem, de qua est gravida, et quod numquam fuit cognita ab alio quam a dicto Johanne et quod matrimonium adinvicem contraxerunt post divorcium inter ipsos Johannem et Johannam latum ut prefertur. Sed quia dictus Johannes, requisitus an quicquam sciat proponere quare non debeat matrimonium inter prefatos Robertum et Johannam initum et solempnizatum divorciari ac matrimonium inter ipsos Johannem et Johannam nuper contractum et solempnizatum et erronee divorciatum reintegrari, proposuit quod dicta Isabella quam cognovit carnaliter eandem Johannam in gradu consanguinitatis prohibito attintit. Unde datus est dies in proximo partibus predictis ad probandum carnalem copulam inter eosdem Johannem et Johannam et consanguinitatem inter predictas Johannam et Isabellam. [fol. 100r]

[10 Nov 78 (66.27)] Poynaunt. John produces Thomas vicar of Thriplow, who is admitted and sworn. John gives the vicar license to speak about things revealed to him in confession. Next to propose and the second term to produce.

Poynaunt] Partibus ut prius comparentibus, producto per dictum Johannem domino Thoma vicario ecclesie de Trippelowe, quo admisso et in forma iuris iurato, dictus Johannes concessit sibi licenciam ad dicendum veritatem eciam super sibi in ea parte confessatis in foro consciencie daturque dies in proximo dicto Johanni ad ponendum et secundo producendum. [fol. 102v]

[2 Dec 78 (67.27)] Poynaunt. No other witnesses or proofs are brought. Next to propose and the third term to produce.

Poynaunt] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 105v]

[23 Dec 78 (68.24)] Poynaunt. No other witnesses are brought. Next to propose and the third term to produce.

Poynaunt] Partibus ut prius comparentibus, nullis aliis testibus productis, datur dies in proximo ad idem, videlicet ad ponendum et tercio producendum. [fol. 106r]

[3 Feb 79 (70.23)] Poynaunt. Next to propose and the third term to produce.

Poynaunt] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad ponendum et tercio producendum. [fol. 108r]

[25 Feb 79 (71.21)] Poynaunt. Parties are ordered called to prove consanguinity and potency.

Poynau[n]t] Partibus ut prius comparentibus, decrevimus partes fore vocandas ad probandum consanguinitatem et potenciam in hac parte deductas. [fol. 110r]

[17 Mar 79 (72.21)] Poynau[n]t. As 71.21.

Poynau[t] Partibus ut prius comparentibus, ad idem ut prius. [fol. 111v]

[21 Apr 79 (73.23), 23 May 79 (74.24), 10 Jun 79 (75.22), 30 Jun 79 (76.23), 21 Jul 79 (77.23), 22 Sep 79 (78.24), 13 Oct 79 (79.22)] Poynau[n]t. For the same as before.

Poynau[t] Ad idem ut prius. [fols. 114r, 115v, 116v, 117v, 118v, 120v, 121v]

[3 Nov 79 (80.20), 24 Nov 79 (81.20), 9 Dec 79 (82.20), 12 Jan 80 (83.20)] Poynau[n]t. For the same.

Poynau[t] Ad idem. [fols. 122v, 124r, 125r, 126v]

[3 Feb 80 (84.19)] Poynau[n]t. As 71.21.

Poynau[t] In negocio matrimoniali moto ex officio contra Johannem Poynau[t] de Trippelowe et Isabellam Pybbel ac Johannam Swon de eadem, citentur partes predictae ad proximum ad idem. [fol. 128r]

[23 Feb 80 (85.16)] Poynau[n]t. Parties by proctors. John and Isabel admit that they had intercourse after John and Joan had been divorced, and that they have children. John and Joan admit that the archdeacon's official divorced them because of impotency and frigidity. Joan exhibits letters patent of the official concerning the divorce. She says that she and Robert Goadby have married. 3 March for John to prove intercourse with Isabel and consanguinity between Isabel and Joan; Robert will be called to see the proofs and to defend, if he wish.

John personally; Robert personally; Isabel by proctor; Joan by proctor. John produces four witnesses: Richard chaplain of Thriplow, Walter Peebles, John Boch, and Geoffrey Bilney of Thriplow. The parties consent to the chaplain's examination concerning matters revealed in confession. Next to publish the testimony.

Poynau[t] In negocio matrimoniali moto ex officio contra Johannem Poynau[t] de Trippelowe et Isabellam Pibbel et Johannam Swan de eadem, predictis Johanne, Isabella et Johanna personaliter comparentibus, dicti Johannes et Isabella fatentur carnalem copulam inter eosdem post divorcium inter ipsum Johannem et Johannam Swan et quod procrearunt inter se proles, dicti etiam Johannes et Johanna fatentur quod matrimonium inter eos fuit iudicio ecclesie divorciatum per officialem domini archidiaconi Elien' racione impotentie coeundi et frigiditatis super quo divorcio exhibet dicta Johanna litteras patentes dicti officialis, dicta etiam Johanna fatetur quod post dictum divorcium nupsit cuidam Roberto Goby qui ipsam duxit in uxorem, unde eidem Johanni Poynau[t] diem sabbati proximo post festum Sancti Mathie proximo futurum ad probandum carnalem copulam cum dicta Isabella et consanguinitatem inter dictas Isabellam et Johannam, prefigimus et assignamus et decernimus dictum Robertum Goby vocandum dictas probationes visurum et auditurum pro suo interesse dictamque causam si voluerit defensurum. Quo die predictis

Johanne Poynau't et Roberto Goby personaliter, predictis Isabella et Johanna per procuratores suos comparentibus, productis per dictum Johannem quatuor testibus videlicet domino Ricardo cappellano parochiali de Trippelowe, Waltero Pybbel, Johanne Boch' et Galfrido Bylene de eadem, quibus admissis et in forma iuris iuratis, predictae partes consenciant quod idem capellanus examinatur et deponat in dicta causa eciam super confessatis in foro anime, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 130r]

[15 Mar 80 (86.15)] Poynaunt. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony; otherwise to conclude the case.

Poynau't] Partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta, alioquin ad concludendum in causa. [fol. 134v]

[5 Apr 80 (87.10)] Poynaunt. Nothing is proposed by either; with the parties' consent, the case is concluded. With adjournment of the following days, next to hear the definitive sentence.

Poynau't] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed de earum consensu in causa concluso, datur dies in proximo cum^a continuacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 136r]

[26 Apr 80 (88.10), 25 May 80 (89.10)] Poynaunt. For the same.

Poynau't] Ad idem. [fols. 137r, 138r]

[14 Jun 80 (90.10)] Poynaunt. Next to hear the definitive sentence. John has undergone palpation and the court received certification that he is sufficiently potent.

Poynau't] Ad idem quia commissa palpitacione viri, certificatum est nobis de eius sufficienti potencia. [fol. 140v]

[23 Jul 80 (92.10)] Poynaunt. John appears legally; although peremptorily cited to hear the sentence, Robert and Joan are absent. They are found contumacious. As penalty and since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. The allegations, exhibits, and proofs have shown that John and Joan's marriage was annulled by the ecclesiastical court because of John's impotency and frigidity, that subsequently Robert and Joan contracted and solemnized marriage before the church, and that John has been sufficiently potent to have intercourse with Isabel often. It appears that the court was deceived about John's impediment and that the divorce was an error. Thus the marriage between Robert and Joan is annulled and they are divorced; John and Joan's marriage is reconstituted and they are compelled to show marital affection to each other.

Poynau't] In causa matrimoniali et divorcii que in consistorio Elien' coram nobis .. officiali Elien' primarie vertitur et diucius vertebatur contra Johannem Poynau't de Trippelowe, Johannam Swon et Robertum Goby de eadem

^a cum] *interlined*.

qui quidem Robertus predictam Johannam duxerat in uxorem, predicto Johanne coram nobis legitime comparente, predictis Roberto et Johanna citatis peremptorie sententiam diffinitivam in dicta causa audituris nullo modo comparentibus, ipsos reputavimus prout sunt merito contumaces. Auditis per nos .. officialem predictum et intellectis meritis cause predictae rimatoque per nos et investigato toto processu in dicta causa habito, habita deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in pena contumacie predictorum Roberti et Johanne non comparencium in hunc modum:

sentencia] In Dei nomine amen. Cum constituit nobis legitime per allegata, deducta, exhibita et probata matrimonium inter prefatos Johannem et Johannam in facie ecclesie contractum et solempnizatum propter ipsius Johannis impotenciam coeundi et frigiditatem fuisse et esse iudicio ecclesie divorciatum ac subsecuter matrimonium inter prefatos Robertum et Johannam postea de facto [fol. 142r] contractum et in facie ecclesie solempnizatum, necnon prefatum Johannem Poynau't satis fuisse potentem et aptum ad carnalem copulam perficiendam quodque quamdam Isabellam Pibbel de Trippelowe sepius carnaliter cognovit ac dictum impedimentum propter quod prefatum matrimonium extitit ut premittitur divorciatum fuisse et esse penitus remotum, sicque appareat ecclesiam fuisse et esse deceptam dictumque divorcium per errorem celebratum, ideo matrimonium inter prefatos Robertum et Johannem de facto contractum et solempnizacionem eiusdem quatenus de facto processerunt cassamus, irritamus et annullamus, cassum, irritum et nullum pronunciamus et declaramus eosque abinvicem divorciamus et separamus, necnon matrimonium inter prefatos Johannem Poynault et Johannam legitime contractum et rite solempnizatum validum fuisse et esse ac subsistere et subsistere debere pronunciamus et declaramus ipsumque matrimonium et solempnizacionem eiusdem redintegramus et consolidamus sentencialiter et diffinitive in hiis scriptis, decernentes dictos Johannem et Johannam fore compellendos ut maritali affectione se invicem adhereant et pertractent. [fol. 142v]

240. COLACRE

[21 Oct 78 (65.32)] Colacre. Alice wife of John Reeve of Doddington was cited at the instance of Sarah Colacre of Wimblington in a defamation case.

Sarah appears by John Wiltshire, proctor; Alice by Peter Caprik, who claims to be her proctor and offers surety as to ratification of 100s. An oral libel is given and requested written. Next to receive it in writing.

Colacre] Alicia uxor Johannis Reve de Dodyngton' citata ad instanciam Sarre Colacre de Wymelyngton' in causa diffamacionis, parte actrice per Johannem Wiltesshir', clericum, procuratorem suum, parte rea^a per Petrum Caprik', clericum, procuratorem suum se dicentem et caventem de rato sub pena centum solidorum, libellato oretenus petitur per partem ream in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 100r]

[10 Nov 78 (66.28)] Colacre. The written libel is received. Next to respond to it.

Colacre] Partibus ut prius comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem libello. [fol. 102v]

[2 Dec 78 (67.28)] Colacre. Alice contests the suit negatively, saying the claims are untrue and the petitions should not be granted; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Colacre] Partibus ut prius comparentibus, lite per partem ream negative contestata dicendo videlicet narrata proutarrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde in personis dictorum procuratorum de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 105v]

[23 Dec 78 (68.25)] Colacre. No witnesses or positions are brought. Next to propose and the third term to produce.

Colacre] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 106r]

[3 Feb 79 (70.24)] Colacre. As 68.25.

Colacre] Partibus ut prius comparentibus, nullis aliis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 108r]

[25 Feb 79 (71.23)] Colacre. Sara by proctor; Alice by said substitute. With their consent, next to propose and the second term to produce.

Colacre] Parte actrice per procuratorem suum comparente, parte rea per dictum substitutum, de quarum consensu datur dies in proximo ad idem. [fol. 110r]

[17 Mar 79 (72.23)] Colacre. As 71.23.

Colacre] Partibus ut prius comparentibus, datur dies in proximo ad idem. [fol. 111v]

[21 Apr 79 (73.25)] Colacre. Peace has been restored. John is to be called *ex officio*.

Colacre – pax] Pax est, ideo vocetur pars rea ex officio. [fol. 114r]

^a parte rea] *repeated as par rea*.

241. KEECH

[21 Oct 78 (65.33)] Keech. John Welle of March was cited at the instance of Mabel Keech of March in a defamation case.

Mabel appears by Peter Caprik, proctor *apud acta*; John by John Wiltshire, proctor *apud acta*. A written libel is received. Next to respond.

Keche] Johannes Welle de March' citatus ad instanciam Mabilam Keche de eadem in causa diffamacionis, parte actrice per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, parte vero rea per Johannem Wiltesshir', clericum, procuratorem suum apud acta eciam constitutum, comparentibus, oblato per partem actricem quodam libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 100r]

[10 Nov 78 (66.29)] Keech. John contested the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Keche] Partibus ut prius comparentibus, lite per partem ream negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 102v]

[2 Dec 78 (67.29)] Keech. No witnesses or proofs are brought. Next to propose and the second term to produce.

Keche] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 105v]

[23 Dec 78 (68.26)] Keech. No witnesses or positions are brought. Next to propose and the third term to produce.

Keche] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 106r]

[3 Feb 79 (70.25)] Keech. No other witnesses are produced, but Mabel wants six compelled: Simon vicar of Littleport, William Chaffer, Robert Day, William Jackson, Thomas off [sic] Halle, and Robert Keech of March; decreed with faith given. Next to produce the compelled.

Keche] Partibus ut prius comparentibus, nullis testibus productis sed petita compulsione sex testium videlicet domini Simonis vicarii ecclesie de Lyttelport, Willelmi Chaffar', Roberti Deye, Willelmi Jakkesson', Thome off Halle et Roberti Keche de March, qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsos. [fol. 108r]

[25 Feb 79 (71.22)] Keech. Mabel by proctor; John by said substitute. With their consent, next to produce the compelled with hope of peace.

Keche] Parte actrice per procuratorem suum comparente, parte rea per dictum substitutum, de quarum consensu datur dies in proximo ad idem sub spe pacis. [fol. 110r]

[17 Mar 79 (72.22)] Keech. Next to produce the compelled with hope of peace.

Keche] Partibus ut prius comparentibus, in proximo ad idem sub spe pacis.
[fol. 111v]

[21 Apr 79 (73.24)] Keech. Peace has been restored. John is to be called *ex officio*.

Keche – pax] Pax est, ideo vocetur pars rea ex officio. [fol. 114r]

242. SWAFFHAM (3)¹

[21 Oct 78 (65.36)] Swaffham. Eva Wastnage, prioress of Swaffham convent, OSB, was cited before Thomas Gloucester, commissary general ~~of~~ the bishop, for 19 Oct. 1378 in Swaffham conventual church at the instance of William atte Mead of Bartlow, perpetual vicar of Swaffham Prior, in a case concerning tithes and the administration of sacraments.

Parties appear personally. A written libel is received and given here word for word.

Libel. The present prioress has withheld the greater and lesser tithes received from persons within the boundaries of the priory and other income, which customarily have been handed over to the vicar. The sacraments have been administered to residents of the priory by its own chaplains in the church of the priory. Although the vicar has asked that the tithes be given to him, the prioress has not restored them. The vicar asks that the right to the tithes be restored to him and that the nuns be condemned to pay the money and his lawful costs.

The prioress and convent contest the suit negatively, with the following exception:

Exception. They propose that the claims are untrue and the petitions should not be granted. With the exception of the portion of the vicarage, they hold the use of all rights and appurtenances by legal title; the church has been appropriated to them since time immemorial; the tithes and the administration of sacraments by their own chaplains in the conventual church has pertained to them since antiquity by common law and custom. They receive, hold, and dispose of the tithes and income and administer the sacraments just as the libel states, but not illegally. They want the rights to be judged to pertain to them and not the vicar, and they ask that the vicar and his successors be silenced on this matter and condemned to pay their costs.

Parties swear *de calumpnia* and *de veritate dicenda*. A term is assigned to propose and the first to produce.

No positions are brought, witnesses produced, or proofs exhibited by the vicar. The nuns hand over positions, to which the vicar responds. They produce seven witnesses: John Silverley of Swaffham, Isabel Tonewell, Agnes Kingston, Simon de Acres, Thomas Bircher, and Ellen Ufford and Isabel atte Lathe, two nuns of the priory, who are admitted and sworn. The vicar reserves the right to speak against witnesses and testimony. Afterwards, with the parties' consent, the terms to offer final proof, to speak against witnesses, and to propose anything concerning the matter are renounced. The witnesses are examined in legal form and their testimony is published. With the parties, consent, the case is concluded. 21 Oct. in St Michael's to hear the definitive sentence.

21 Oct. The vicar personally; the nuns by John Wiltshire, proctor. At the parties' request and since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

¹ See *Swaffham* (2), n. 1.

Sentence. Because William has not proved his intention and the nuns have proved their exception, all tithes, offerings, and parish rights mentioned in the exception and the administration of sacraments are judged to pertain to the nuns and their successors. Perpetual silence is imposed on the vicar and his successors concerning these matters and he is condemned to pay the nuns' costs, their estimation reserved to Gloucester.

Suafram] Domina Eva Wasteneye, prioressa domus monialum de Suafram, ordinis Sancti Benedicti, Elien' diocesis et eiusdem loci conventus, citata coram nobis Thoma de Gloucestre, clerico, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissario generali ad cognoscendum, procedendum, statuendum et fine debito terminandum in quibuscumque causis et negociis in consistorio Elien' motis et movendis sufficienter deputato, ad diem martis proximo post festum Sancti Luce evangeliste anno Domini millesimo trecentesimo septuagesimo octavo in ecclesia conventuali de Suafram predicta ad instanciam domini Willelmi atte Mede de Berkelowe, perpetui vicarii ecclesie parochialis de Suafram Bulbek' dicte diocesis, in causa decimarum et administracionis sacrorum^a, partibus personaliter comparentibus, oblato per partem actricem quodam libello in scriptis et a parte rea optento, cuius tenor de verbo ad verbum noscitur esse talis.

libellus] In Dei nomine amen. Coram vobis domino consistorii Elien' presidente quocumque pars domini Willelmi atte Mede de Berkelowe, perpetui vicarii ecclesie parochialis de Suafram Bulbek' Elien' diocesis, contra religiosas mulieres .. priorissam et conventum monialium de Suafram, ordinis Sancti Benedicti, dicte diocesis et contra quemcumque coram vobis in iudicio legitime intervenientem pro eisdem dicit et in iure proponit quod omnes et omnimode decime reales et personales oblaciones et iura parochialia quecumque de quibuscumque rebus et personis scholaribus infra parochiam dicte ecclesie existentibus et presertim lane et agnorum de quibuscumque, quibus seu bidentibus ad quoscumque scholares spectantibus infra dictam parochiam quolibet pascentibus seu cubantibus provenientes ac silve cedue infra eandem parochiam excise seu prostrate et cetere obvenciones ecclesie seu parochiales dicte ecclesie quecumque decimis garbarum et feni dumtaxat exceptis, ac quorumcumque sacramentorum ecclesiasticorum ubilibet infra dictam parochiam administracio ex titulo et auctoritate sufficiente et consuetudine laudabili legitime prescripta hactenus observata et pacifice optenta eciam a tempore et per tempus cuius contrarium memoria hominum non existit seu saltem per tempus legitimum quod sufficere poterit et debeat in hac parte ad vicarios dicte ecclesie qui pro tempore fuerant iure et nomine vicarie sue predictae, et ipsum dominum Willelmum vicarium qui nunc est ipsius vicarie sue nomine suis temporibus successoris solum et insolidum ac integre pertinuerunt, pertinent et in futurum debent pertinere, fueruntque iidem vicarii

^a et administracionis sacrorum] *interlined*.

dicte ecclesie, precessores et predecessores dicti domini Willelmi in eadem quicumque suis successoris temporibus et ipse dominus Willelmus vicarius qui nunc est toto et omni tempore quo vicarius inibi extiterat in possessione iuris seu quasi percipiendus integre et habendus predictas decimas, oblationes, iura et obventiones nomine suo et vicarie sue predictae per tempora supradicta pacifice, continue et quiete, scientibus, tollerantibus et tam tacite quam expresse consensientibus, priorissa de Suafham et eiusdem loci conventu, qui pro tempore fuerant, eorumque officiariis et ministris ac omnibus aliis et singulis quorum scientia, tollerancia seu consensus necessaria fuerant seu opportuna usque ad tempus gravaminum subscriptorum, prefati tamen .. priorissa et conventus qui nunc sunt contra ius et possessionem dicti domini Willelmi vicarii et vicarie sue nequiter molientes, decimas maiores et minores quascumque reales et personales et presertim agnorum et lane de quibuscumque personis scholaribus infra septa dicti prioratus commorantibus, servantibus seu perhendantibus utriusque sexus, oblationes et iura parochiales quecumque qualitercumque provenientes ac decimas silve cedue infra parochiam dicte ecclesie qualitercumque excise et prostrate perceperunt et habuerunt et de eisdem pro sue libito voluntatis disposerunt necnon sacramenta ecclesiastica personis scolaribus in dicto prioratum degentibus in ecclesia eiusdem prioratus per capellanos suos proprios ministrari fecerunt, percipierunt, habuerunt, disposerunt per se et suos et ministrant temere in presenti nec curarunt neque curant predictas decimas eidem vicario hucusque restituere seu de eisdem satisfacere, licet de restituyendo et satisfaciendo per partem dicti vicarii congrue fuerunt requisiti sicque prefatum vicarium possessione iuris seu quasi quam habuit et de iure habere debuit in premissis nequiter spoliarunt, spoliative mandarunt seu huiusmodi spoliacionem nomine suo factam ratam habuerunt pariter et acceptam in animarum suarum grave periculum dicti domini Willelmi vicarii dampnum non modicum et aliorum exemplum pessimum pluriorum super quibus fuit et est publica vox et fama in villa de Suafham predicta et locis aliis convicinis. Quare probatis in hac parte de iure probandis detectis hiis seu declaratis que sufficere debeant in hac parte, petit pars dicti vicarii ius percipiendi et habendi ipsas decimas, oblationes et iura parochie predictae ad dictam vicariam suam et ipsum dominum Willelmum vicarium ipsius vicarie sue nomine ut premittetur pertinuisse et pertinere debere in futurum per vos presidentem predictum sententialiter et diffinitive pronunciari et declarari, ipsumque dominum Willelmum vicarium et vicariam suam predictam ad ius et possessionem sua premissa et statum premissum restituenda et [fol. 100v] reducenda fore decerni et cum effectu restitui et reduci possessionemque suam reintegrari necnon prefatas religiosas mulieres in dictis decimis, oblacionibus et iuribus, si extent vel eo-

rum estimacione si non^b extent quatenus de eis liqueri poterit, in eventum et in expensis legitimis ipsi domino Willelmo vicario persolvendis per vestram diffinitivam sententiam condemnari et ad earum solutionem compellendas fore decerni et cum effectu compelli, uteriusque fieri statim et decerni in premissis et premissa contingentibus quod canonicis in hac parte convenit institutis, premissa coniunctim et divisim proponendo non artans se ad probationem singulorum premissorum sed quatenus liqueri poterit de premissis eatenus sibi fiat iusticie complementum, iuris beneficio in omnibus semper salvo

Liteque ad eundem libellum per dictos .. priorissam et conventum negative contestata cum quadam adieccione sive iustificacione per modum facti contrarii seu exclusorii cuius quidem contestacionis et adieccionis sive iustificacionis tenorum sequitur in hunc modum:

excepcio sive iustificacio] In Dei nomine amen. Ad libellum in causa decimarum seu administracionis sacramentorum pretensa que coram vobis dicto consistorio Elien' presidente vertitur inter dominum Willelmum atte Mede de Berkel',^c perpetuum vicarium ecclesie parochialis de Suafham Bulbek' Elien' diocesis, partem pretensam actricem ex parte una et religiosos mulieres .. priorissam et conventum prioratus monialium de Suafham ordinis Sancti Benedicti dicte diocesis partem pretensam ream ex altera, parti dictarum religiosarum mulierum propositum et porrectum, pars ipsarum religiosarum mulierum animo litem contestandi ad eundem dicit narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere hinc contestacioni adiciendo seu per modum facti contrarii aut exclusorii proponendo dicit, allegat pariter et proponit quod dicte religiose mulieres predictam ecclesiam parochialem de Suafham Bulbek' cum suis iuribus et parcium universis porcione vicarie eiusdem dumtaxat excepta auctoritate et titulo sufficientibus optinuerunt et optinent in proprios usus suos perpetuo possidendam, predictaque ecclesia sibi ut premittitur appropriata cum suis iuribus et parcium predictis excepta porcione predicta auctoritate et titulo appropriacionis huiusmodi tanquam rectores eiusdem a tempore et per tempus cuius contrarii memoria hominum non existit, usi fuerant et gavisi, pacifice et quiete, quodque decimarum maiorum et minorum quarumcumque realium et personalium de quibuscumque personis scholaribus infra septa dicti prioratus nostri commorantibus, servientibus seu perhendinantibus utriusque sexus² oblacionum et iurium parochialium quorumcumque qualitercumque proveniencium ac decime silve cedue infra parochiam dicte ecclesie qualitercumque excise et prostrate percepcio et dispositio necnon quorumcumque sacramentorum ecclesiasticorum administracio in eorum ecclesia conventuali per capellanos

^b non] *interlined.* ^c de Berkel'] *interlined.*

² As Dr Brady suggests, this may indicate that the nuns were teaching boys as well as girls.

suos proprios eisdem facienda tam de iure communi quam de consuetudine laudabili legitime proscrip̃ta et hactenus usitata ad dictas religiosas mulieres ab antiquo pertinuerunt, pertinent et sic in futurum debent pertinere. Et si dicte religiose mulieres predictas decimas oblaciones et iura parochialia per se et suos perceperunt et habuerunt et de eisdem pro sue libito voluntatis disposuerunt et predicta sacramenta predictis servientibus, commorantibus et perhendantibus per suos capellanos proprios ministrarunt prout in libello deducitur memorato, hec non perceperunt nec habuerunt temere nec iniuriose prout in eodem libello minus tam veraciter continetur sed iuste et iure permitte[n]te et in casu quo sibi de iure et consuetudine licuit et licet ius et possessionem suam^d premissis antiqua et moderna continuando et ab omni molestacione, perturbacione seu spoliacione in hac parte deducta se penitus abstinendo, que omnia et singula ante presentem litem motam fuerunt et sunt vera publica, notoria et famosa. Unde facta fide que requiritur in premissis, petit pars dictarum religiosarum ius percipiendi et habendi decimas, oblaciones ac iura parochialia supradicta necnon ministrandi sacramenta [et] sacramentalia personis supradictis prout superius enarratur ad prefatas religiosas mulieres .. priorissam et conventum iure et nomine dicte ecclesie eis appropriate ipsarumque successores cunctis futuris temporibus et non ad ipsum dominum Willelmum vicarium seu ipsius successores pertinuisse, pertinere et pertinere debere, necnon pro iure et possessione dictarum religiosarum mulierum per vos dicti consistorii Elien' presidentem sentencialiter et diffinitive pronunciari et declarari, dictoque domino Willelmo vicario eiusque successoribus perpetuum silencium in hac parte imponendum fore decerni et cum effectu imponi, ipsumque vicarium in expensis legitimis per partem ipsarum religiosarum mulierum in dicta causa factis et faciendis parti dictarum religiosarum mulierum solvendis condemnari et condemnatum ad satisfaccionem debitam faciendam compelli, ulteriusque fieri, statui et decerni in premissis et ea contingentibus quod iustum fuerit et rationis. Premissa proponit et petit pars dictarum religiosarum mulierum coniunctim et divisim, non artatis se ad singula probanda sed quatenus probaverint de premissis eatenus optineant in eisdem iuris beneficio in omnibus semper salvo

Iuratis partibus hincinde de calumpnia et de veritate dicenda, datoque termino partibus predictis hincinde ad ponendum et primo producendum, quo termino adveniend[um] [fol. 101r] partibus ut prius comparentibus, nullis positionibus ministratis nec testibus productis aut aliis probacionibus, exhibitis per partem dicti domini Willelmi vicarii traditisque quibusdam posicionibus per partem dictarum religiosarum mulierum habitis responsionibus ad easdem per dictum vicarium, productis eciam per easdem religiosas mulieres septem testibus videlicet Johanne Silverle de Suafham predicta, Isabella To-

^d suam] *m is interlined, as indicated by a caret.*

newell', Agnete Kyngeston', Simon de Acres, Thoma Bircho, Elena Ufford' et Isabella atte Lathe, duabus monialibus^e eiusdem prioratus, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt. Postea vero de consensu parcium predictarum, renunciato^f hincinde ulteriori produccioni et terminis de dicendo contra testes et eorum dicta et de quicquam proponendo in facto seu iure consistens, predictis testibus examinatis in forma iuris et eorum attestacionibus publicatis, factaque per nos commissarium predictum de consensu expresse parcium predictarum nobiscum concludencium conclusionem in dicta causa, datur dies iovis proximo post festum Sancti Luce evangeliste proximo tunc sequens in ecclesia Sancti Michaelis Cantebr' coram nobis commissario predicto partibus predictis ad audiendum sentenciam in dicta causa diffinitivam.

Quibus die et loco parte dicti domini Willelmi vicarii personaliter comparentibus, predictis religiosis mulieribus per procuratorem suum apud acta constitutum videlicet Johannem de Wiltesshir', clericum, consistorii Elien' procuratorem generalem, comparentibus et sentenciam ferri petentibus auditisque per nos commissarium predictum et intellectis meritis causa decimarum et administracionis sacramentorum ecclesiasticorum que coram nobis inter dominum Willelmum Attemede de Berkelowe, vicarium ecclesie parochialis de Suafham Bulbek' Elien' diocesis, partem actricem ex parte una et religiosas mulieres priorissam et conventus de Suafham predictas ordinis Sancti Benediti dicte diocesis, predictam ecclesiam parochialem in proprios usus optinentes, partem ream ex altera, coram nobis non per viam appellacionis seu querele sed per viam primarie cognicionis, auctoritate nostra ordinaria vertebatur, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iurisperitorum nobis assidencium, Christi nomine primitus invocato, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum dominum Willelmum vicarium intencionem suam in hac parte deductam minus sufficienter fundasse et probasse ymmo in probacione eiusdem penitus defecisse, invenimusque dictas religiosas mulieres materiam in dicta proposicione iustificacionis sive exclusionis iuxta contestacionem in hac parte propositam et deductam ad plenum fundasse et probasse, ideo ius percipiendi et habendi decimas, oblaciones et iura parochialia supradicta omnia et singula de personis scolaribus in dicta iustificacione contentis proveniencia necnon ministrandi sacramenta [et] sacramentalia personis supradictis ad prefatas religiosas

^e Elena Ufford' et Isabella atte Lathe, duabus monialibus] duabus Elena Ufford' et Isabella atte Lathe monialibus. ^frenunciato] *ending unclear; but this corresponds to previous occurrences of the phrase.*

mulieres .. priorissam et conventus iure et nomine dicte ecclesie parochialis sibi appropriate ipsarumque successores cunctis futuris temporibus et non ad ipsius ecclesie vicarios seu ipsius successores pertinuisse, pertinere et pertinere debere necnon pro iure et possessione dictarum religiosarum mulierum sentencialiter et diffinitive pronunciamus et declaramus, dictoque domino Willelmo vicario eiusque successoribus perpetuum silencium in hac parte imponendum fore decernimus et cum effectu imponimus ac ipsum vicarium in expensis legitimis per partem ipsarum religiosarum mulierum in dicta causa factis eisdem religiosis per eundem vicarium solvendis condemnamus, taxacione earum nobis specialiter reservata. [fol. 101v]

243. SUTTON/LINTON

[21 Oct 78 (65.42)] Sutton/Linton. Alexander de Sutton, chaplain celebrating at Linton church, was assigned 1 Dec. 1378, a peremptory term, to exhibit letters of his orders (*litteras ordinum suorum et conversacionis*). Although summoned, he is absent. He is found contumacious and excommunicated; he will be publicly denounced.

Sutton'/Lynton'] Cum nos Thomas de Gloucestr', clericus, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius ad infrascripta sufficienter deputatus, domino Alexandro de Sutton', capellano celebranti in ecclesia de Lynton', diem mercurii proximo post festum Sancti Andree apostoli in ecclesia Sancti Michaelis Cantebr' ad exhibendum coram nobis^a litteras ordinum suorum et conversacionis pro termino peremptorio prefixerimus et assignaverimus, ipsum dominum Alexandrum dictis die et loco fecimus iudicialiter preconizari. Et quia dictus dominus Alexander sic ut premittitur citatus preconizatus nullo modo comparuit, ideo ipsum reputavimus prout erat merito contumacem et pro sua huiusmodi contumacia manifesta, ipsum excommunicavimus in scriptis et excommunicatum denunciavimus et per alios fecimus et mandavimus publice nunciari. [fol. 102r]

[3 Feb 79 (70.41)] Sutton/Linton. Alexander Sutton, excommunicated for contumacy by the court at another time, appealed to the court of Canterbury and inhibited the consistory by pretending to have been grieved. Led by saner counsel, he appears personally on 14 Feb. 1379 and submits himself to the court's grace, humbly seeking absolution. Swearing to complete any penance assigned to him and to uphold church mandates, he is absolved and ordered to stand at the sacred font of Linton church on Sunday dressed in his surplice and to say the seven penitential psalms and the litany. He accepts his penance and shows the letter of his orders; he swears to obey and attend to William Gamelyn, vicar of Linton.

Sutton'/Lynton'] Dominus Alexander Sutton' de Lynton', capellanus, alias per nos excommunicatus pro sua manifesta contumacia pariter et offensa in non comparendo coram nobis contractus et denunciatus, pretendens minus tamen veraciter ipsum per nos fore pregravatum ad curiam Cant' appellavit et

^a coram nobis] *interlined*.

nobis optinuit inhiberi. Sed postea idem dominus Alexander consilio ductus saniori sexto decimo kalendas marcii anno Domini supradicto ad nos personaliter [fol. 108v] accedens, appellacioni sue renunciavit nostrisque gracie et voluntati in omnibus se submitit et beneficium absolucionis a dicta omnia sibi impendi humiliter postulavit. Unde nos commissarius antedictus ipsum dominum Alexandrum iuratum ad sancta Dei evangelia per ipsum corporaliter tacta quod penitenciam faciet sibi infligendam, quodque de cetero non contempnet et stabit mandatis ecclesie atque nostris in forma iuris duximus absolvendum et iniunximus eidem quod stabit ad fontem sacrum in ecclesia de Lynton' dum maior affuerit populi multitudo aliquo die dominico videlicet solempni indutus superpellicio, et dicet pro contumacia et offensa huiusmodi septem psalmos penitenciales cum letania quam penitenciam expresse admisit, exhibuit litteras ordinum suorum et iuravit quod obediet domino Wilhelmo Gamelyn vicario de Lynton' in dicta ecclesia sua in licitis et canonicis mandatis circa ministerium cure sue sibi parebit et intendet ut vicario et vero possessori eiusdem vicarie quantum ad litteras conversacionis et alia sibi obiciendum expectamus usque ad nostre voluntatis beneplacitum sub gestura sua. [fol. 109r]

244. LICHFIELD (3)¹

[10 Nov 78 (66.30)] Lichfield. John [Wiles] servant of Richard Ingham of Cambridge, cobbler (*soutere*) was cited at the instance of Alice wife of John Lichfield of Cambridge, currier (*cunreyor*, i.e. leather-dresser), in a defamation case.

Parties appear personally. The libel is given *sub certa forma*; John contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Alice produces three witnesses: Reginald de Elm of Cambridge, Thomas Keel, and John Bray of Cambridge, who are admitted and sworn. John reserves the right to speak against witnesses and testimony and requests the articles to be used to examine the witnesses; decreed. Next to propose and the second term to produce.

Lycheheld'] Johannes [Wileys]^a famulus Ricardi Ingeham de Cantebr', *Soutere*, citatus ad instanciam Alicie uxoris Johannis Lycheheld' de Cantebr', *Cunreyor*,^b in causa diffamacionis, partibus personaliter comparentibus, libellato sub certa forma per partem actricem, lite per partem ream ad eundem libellum negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda productisque per partem actricem tribus testibus videlicet Reginaldo de Elm de Cant', Thoma Kele et Johanne Bray de eadem, quibus admissis et in forma iuris iuratis, premissa [fol. 102v] protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se depouunt et non alio modo, petitis per partem ream articulis super quibus testes

^a Blank space in ms.; surname supplied from the proxy, 67.39. ^b cunreyor] see OED s.v. *currier*, with link to Middle English Dictionary for the spelling..

¹ See *Lichfield (1)*, n. 1.

debent examinari et decretis, datur dies in proximo ad ponendum et secundo producendum. [fol. 103r]

[2 Dec 78 (67.30)] Lichfield. No witnesses or proofs are brought. Next to propose and the [third] term to produce.

Lychefeld'] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et tercio^c producendum. [fol. 105v]

[23 Dec 78 (68.27)] Lichfield. No witnesses or proofs are brought. Next to publish the testimony.

Lychefeld'] Partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad publicandum attestaciones. [fol. 106r]

[3 Feb 79 (70.26)] Lichfield. No witnesses have been examined. Next to propose everything concerning the matter.

Lychefeld'] Partibus ut prius comparentibus, nullis testibus examinatis, datur dies in proximo ad proponendum omnia in facto seu iure consistencia. [fol. 108r]

[25 Feb 79 (71.24)] Lichfield. Nothing is proposed; the case is concluded. Next to hear the definitive sentence.

Lychefeld'] Partibus ut prius comparentibus, nullo dicto seu proposito sed in dicta causa concluso, datur dies in proximo partibus predictis ad audiendum sententiam in dicta causa diffinitivam. [fol. 110r]

[17 Mar 79 (72.24)] Lichfield. As 71.24.

Lychefeld'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 111v]

[21 Apr 79 (73.26)] Lichfield. Since the entire process has been investigated and deliberation has been held with experienced counsel, John Newton, DCivL and bishop's commissary, proceeds to the definitive sentence.

Sentence. Because Alice has not proved her intention, John is absolved from her suit. She is condemned to pay his costs, the estimation of which is reserved to the commissary.

Lichefeld'] Partibus ut prius comparentibus, auditis et intellectis meritis cause diffamacionis que in consistorio Elien' coram nobis Johanne de Neuton', legum doctore, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissario, non per viam appellacionis seu querele sed per viam primarie et ordinarie iurisdiccione dicti patris vertebatur inter Alicia Lychefeld' de Cantebr' partem actricem ex parte una et Johannem servientem Ricardi Ingeham de eadem partem ream ex altera, partibus coram nobis legitime comparentibus, libellato oretenus et lite contestata negative

^c tercio] secundo.

ad eundem, iuratisque partibus de calumpnia et de veritate dicenda, datus fuit dies ad ponendum et primo producendum quo die adveniente, partibus ut prius comparentibus, productis tribus testibus, quibus admissis, iuratis, nec tamen eorum examinationem dicta pars actrix debite procurare curavit, datus fuit dies ad ponendum et secundo producendum. Quo die nullis testibus productis, datur fuit dies ad ponendum et tercio producendum. Quo die adveniente nullis testibus productis, datus fuit dies ad proponendum omnia in facto et in iure consistencia. Quo die adveniente nullo dicto seu proposito tandem de consensu parcium predictarum fuit in dicta causa conclusum, datus fuit dies predictus partibus predictis ad audiendum sententiam in dicta causa diffinitivam. Quo die adveniente partibus predictis coram nobis legitime comparentibus, rimato per nos et investigato toto processu in dicta causa habito, invocata Spiritus Sancti gracia, de consilio iurisperitorum nobis assidencium ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos commissarius predictus invenimus dictam partem actricem in probacione intencionis sue omnino defecisse, ipsum Johannem partem ream predictam ab impetitione dicte Alicie absolvimus ipsamque Aliciam in expensis in dicta causa per dictum Johannem factis eidem Johanni refundendis condempnamus, taxatione earundem nobis specialiter reservata. [fol. 114r]

245. CHILTERN¹

[10 Nov 78 (66.33)] Chilterne. It has come to the bishop's attention by public fame that Mr William de Rookhawe, former official of the archdeacon, unjustly divorced William de Leverington of Ely and Amy Neve of Ely, even though they had contracted and solemnized marriage and had lived together as husband and wife for many years. The case came before the official at the instance of William, who falsely asserted that he and Joan Spinner of Whittlesey, *al.* Squire of Kirkby, had contracted marriage previously. Without a libel or an article and without proof, the official divorced William and Amy and declared William and Joan husband and wife. After this invalid sentence was given, Joan betrothed another man and had the marriage solemnized, endangering her soul and scandalizing the community.

The bishop, recognizing that no one can separate those joined by God, has ordered Rookhaw's register and other registers of the archdeacon searched. If the marriage was annulled by the official, his predecessors, or his commissary, either *ex officio* or at the instance of a party, the entire process should be sent to Arundel or his commissary at Ely Cathedral, closed under seal, by the next juridical day after 14 Sept. 1378. If the official proceeded unduly or if the church was deceived, the bishop will correct the matter.

Mr William Bridge, rector of Teversham and commissary general of the archdeacon (there being no one yet appointed official of the archdeacon), received the bishop's mandate. He certified by letters patent that although the register had been searched, no acts concerning the

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, 290–1.

case and no sentence given by Rookhawe for or against the marriage were found.

According to Hugh Candlesby, registrar for Rookhawe, about five years ago a certain William Chiltern and Amy Neve of Leverington, his *de facto* wife, were cited before the official in St Andrew of Whittlesey because William had contracted marriage previously with Joan Squire of Whittlesey. The parties appeared personally and swore *de veritate dicenda*. William and Joan claimed to have contracted in present words of mutual consent, followed by intercourse, more than two years prior to any contract between William and Amy. William and Joan were living as husband and wife and had children. Without any proof, Rookhawe orally divorced William and Amy and pronounced William and Joan legally married. The bishop has commissioned John Newton, DCivL, to proceed with and terminate the case. William and Amy were called for a certain day and place.

They appear personally. Sworn *de veritate dicenda* and questioned, they admit that they contracted in present words of mutual consent, solemnized the marriage, and lived as husband and wife, mutually giving the conjugal right. William says that he came before the archdeacon's official, falsely alleging a contract between himself and Joan, which he conceived out of malice toward Amy in collusion with Joan. He now claims that he never contracted with Joan. William and Amy assert that, following William and Joan's confession, Rookhawe divorced William and Amy and ruled in favour of William and Joan's marriage without any proof. Sworn *de calumpnia* and *de veritate dicenda*, they repeat their claims. Two witnesses are produced to give more information: Hugh Candlesby, registrar of archdeacon then and presently, and John de Tattershall, dean of Wisbech. They are admitted, sworn, and questioned. 21 Oct. in St Michael's to hear pronouncement, if everything is clear. Joan will be called to appear personally; if she cannot be found, her citation and a citation for any interested parties should be made publicly.

21 Oct. William and Amy appear personally; Joan and others are absent. Since the commissary has not deliberated fully, 10 Nov. with adjournment of the following days to hear pronouncement.

10 Nov. Next for same. William appoints John Wiltshire his proctor; Amy appoints Walter Sutton her proctor *apud acta*.

Chilterne] Fama publica referente ad aures venerabilis patris domini Thome Dei gracia episcopi Elien' noviter est deductum quod cum Willelmus Chilt'ne de Liveryngton', Elien' diocesis, et Amicia Neve de eadem matrimonium adinvicem in facie ecclesie legitime contraxissent et in matrimonio sic contracto ut vir et uxor diucius cohabitassent obsequia coniugalia inter se mutuo persolventes, quidam tamen magister Willelmus Rookhawe, nuper officialis domini .. archideaconi Elien', dum adhuc officio suo fungeretur ex officio suo vel saltem ad procuracionem seu instanciam dicti Willelmi asserentis licet minus veraciter se [cum] quadam Johanna Spynnere de Wyttlesseye dicte diocesis, alio nomine Squyer de Kirkeby, matrimonium legitime precontraxisse, huiusmodi precontractu seu alia causa legitima quacumque in hac parte coram ipso non probato, prefatum matrimonium inter eosdem Willelmum et Amyciam contractum et notorie solempnizatum de facto dumtaxat cum de iure non potuit, nullo libello seu articulo in hac parte oblato, nullis omnino probacionibus intervenientibus, minus iuste divorciavit ipsumque Willelmum eidem Johanne in virum prefatamque Johannam eidem Willelmo

in uxorem per suam diffinitivam sententiam adiudicavit prefataque Johanna, post sententiam huiusmodi diffinitivam invalidam sive nullam, cuidam alteri viro nupsit et matrimonium cum eo in facie ecclesie solemnizari procuravit in ainarum suarum grave periculum et scandalum vehemens pluriorum. Attendens igitur dictus venerabilis pater quod hii quos Deus coniuxerat nec inviti nec volentes per hominem poterunt separari ac ipsorum in quantum poterit volens occurrere periculis animarum, officialis domini archidiaconi Elien' dederat in mandatis quatinus registrum dicti .. archidiaconi de tempore dicti magistri Willelmi Rookhawe, officialis, et aliis temporibus de quibus crediderit expedire faceret perscrutari et si inveniret dictum matrimonium per dictum officialem seu alium ipsius in officio precessorem vel predecessorem aut commissarium suum sive ex officio sive ad partis instanciam fuisse divorciatum, totum processum super ipso divorcio coram eo habitum sibi in ecclesia sua cathedrali Elien' vel suo in ea parte commissario ad proximum diem iuridicum post festum exaltacionis Sancte Crucis proximo tunc futurum sub sigillo officii sui clausum fideliter et integre transmitteret ut si de nullitate eiusdem vel aliis minus debite ipsum appareat processisse aut ecclesiam invenerit fore deceptam, ipse extunc prout suo incumbit officio ea que correccione seu reformatione digna invenerit corrigerat, singula in melius reformaret. Discretus vir magister Willelmus Brugge', rector ecclesie de Teversham, dicti domini .. archidiaconi commissarius generalis nullo adhuc officialis archidiaconi deputato, mandatum dicti patris suscipiens, ipsum venerabilem patrem per suas patentes litteras certificavit quod registrum dicti domini archidiaconi scrutari fecerat diligenter, aliqua tamen acta dictam causam concernencia in eodem registro invenire non potuit, nec aliquam sententiam diffinitivam per eundem officialem latam pro matrimonio nec contra matrimonium, nec quomodo dictum matrimonium ut asseritur fuerat divorciatum, quodque sibi constituit ex informacione Hugonis de Candelesby tunc temporis registrarii illius magistri Willelmi Rookhawe quod hinc ad quinque annos vel circa quidam Willelmus Chiltern' et Amicia Neve de Lev'ynghon', quam de facto dictus Willelmus duxit in uxorem, fuerunt citati ad comparandum coram dicto officiali in ecclesia Sancti Andree de Wytlesseye super eo quod predictus Willelmus cum quadam Johanna Squyer de Wytlesseye predicta matrimonium diu legitime precontraxisset et iidem Willelmus, Amicia et Johanna ibidem personaliter comparentes et iurati de veritate dicenda, dicti Willelmus et Johanna fatebantur se matrimonium adinvicem legitime precontraxisse per verba de presenti mutuum consensum eorundem exprimentia una cum carnali copula subsecuta bene per duos annos et amplius ante quemcumque contractum matrimonialem et solemnizacionem eiusdem inter dictos Willelmum et Amiciam de facto initos seu habitos et quod similes steterunt ut vir et uxor et suscitavit ex eadem Johanna proles et quod dictus

magister Willelmus officialis absque ulteriori probacione matrimonium inter dictos Willelmum et Amiciam initum, factum et habitum oretenus divorciavit ipsumque Willelmum prefate Johanne Squyer' in virum legitimum et ipsam [fol. 103r] Johannam eidem Willelmo in uxorem legitimam adiudicando. Prefatus insuper reverendus pater ipsam causam nobis Johanni de Neweton', legum doctori, vive vocis sue oraculo commisit audiendum et fine debito terminandum. Nos itaque .. commissarius antedictus prefatos Willelmum et Amiciam ad certos diem et locum congruos et competentes in dicta causa processuros fecimus coram nobis ad iudicium evocari. Quibus die et loco predictis Willelmo et Amicia coram nobis personaliter comparentibus et de veritate dicenda iuratis ac super premissis requisitis, fatebantur quod matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorum exprimentis ipsumque in facie ecclesie fecerunt publice solempnizari et adinvicem diu steterunt ut vir et uxor obsequia coniugalia inter se mutuo persolventes, dictus insuper Willelmus dicit quod ipse alias conventus coram magistro Willelmo de Rookhawe, officiali domini archidiaconi Elien', super precontractu inter ipsum et prefatam Johannam ut pretendebatur inito, idem Willelmus erga dictam Amiciam uxorem suam moleste gerens^a ex malicia quam erga eam conceperat colludendo ut asserit cum eadem Johanna fatebatur se cum^b dicta Johanna matrimonium precontraxisse cum revera ut nunc asserit dicta Johanna nullo umquam tempore contraxerat sed ut prefertur fatebatur coram eo falso tamen et mendaciter ac collusorie huiusmodi matrimonium precontraxisse, dicunt insuper dicti Willelmus et Amicia quod dictus .. officialis ipsorum Willelmi et Johanne confessionem sequens absque aliis probacionibus suam diffinitivam sententiam pro divorcio inter eosdem Willelmum et Amiciam tulit ipsosque abinvicem divorciavit et separavit et pro matrimonio inter eosdem Willelmum et Johannam pronunciavit, iuratisque hincinde de calumpnia et de veritate dicenda idem dicunt sicut prius productisque pro nostra informacione pleniori duobus testibus videlicet Hugone de Candlesby, clerico, dicti officialis registrario, et domino Johanne de Tateshale, decano de Wysebech', quibus admissis et in forma iuris examinatis, datur dies iovis proximo post festum Sancti Luce evangeliste proximo futurum in ecclesia Sancti Michaelis Cantebr' predictis Willelmo et Amicie ad audiendum pronunciacionem si liqueat et decrevimus dictam Johannam fore vocandam ad dictos diem et locum personaliter si valeat inveniri alioquin viis et modis publice citacionis edicto et omnes alios quorum interest in generale dictam pronunciacionem audituros. Quibus die et loco predictis Willelmo et Amicia coram nobis personaliter comparentibus, predicta Johanna et aliis quorum interest in generale publice premunitis et citatis nullo modo tamen comparente, quia non plene deliberavimus, ideo datur dies mercurii proximo

^a moleste gerens] *interlined.* ^b cum] *interlined.*

post festum Sancti Leonardi proximo futurum loco quo supra cum continuacione et prorogacione dierum sequencium ad idem, videlicet ad audiendum pronunciacionem. Quibus die et loco predictis Willelmo et Amicia ut prius comparentibus, datur dies in proximo partibus predictis ad idem, videlicet ad audiendum pronunciacionem.

procuratorium – procuratorium] Et predictus Willelmus constituit Johannem Wiltesshir', clericum, dictaque Amicia constituit apud acta Walterum de Sutton', clericum, procuratores suos, pronunciacionem predictam audituros cum caucione de rato et iudicatum solvendo. [fol. 103v]

[10 Nov 78 (66.38)] Chilterne. Since the entire process has been investigated and deliberation has been held with experienced counsel, John Newton proceeds to the definitive sentence on 4 Dec. 1378.

Sentence. It has been established that Rookhawe divorced William and Amy, based on a collusive confession of William and Joan. Due process was neglected by the official of the archdeacon, who had proceeded without a libel or article, without joining issue, and without legal proof. He gave an invalid and inequitable sentence, which was not put in writing, based on the certification of the present commissary general of the archdeacon and on the depositions of Candlesby and Tittleshall. Since a marriage contracted before God cannot be annulled, the sentence is revoked and the marriage between William and Amy is reconstituted.

Chilterne] In causa seu^c negocio nullitatis seu reformationis sentencie definitive per magistrum Willelmum Rookhawe, nuper officiali domini archidiaconi Elien', in causa matrimoniali et divorcii coram ipso mota inter Johannam de Kirkeby, alio nomine Squyer de Wittlesseye, partem actricem ex parte una et Willelmum Chilterne de Levyngton' et Amyam Neve de eadem, quam in facie ecclesie duxerat in uxorem, partem ream ex altera errone[e] late, que vel quod in consistorii Elien' non per viam appellacionis aut querele sed per modum primarie cognicionis vertebatur, partibus predictis coram nobis Johanne de Neweton', clerico, venerabilis patris domini Thome Dei gracia episcopi Elien' commissario ad infrascripta specialiter deputato, loco quo supra die sabbati proximo post festum Sancti Andree apostoli anno Domini supradicto ut prius comparentibus, rimato per nos et investigato toto processu tam coram predicto .. officiali domini archidiaconi quam coram nobis habito habitaque deliberacione sufficienti super eodem, Christi nomine primitus invocato, de iurisperitorum nobis assidencium consilio ad pronunciacionem in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia constat nobis .. commissario predicto quod magister Willelmus Rookhawe, nuper officialis domini .. archidiaconi Elien', matrimonium inter vos Willelmum Chilterne de Leveryngton' et Amyam Neve de eadem legitime contractum et in facie ecclesie solempnizatum racione precontractus pretensi inter te dictum Willelmum et Johannam

^c causa seu] *interlined*.

de Kirkeby, alio nomine Squyer de Wyttesley, ut dicebatur initi, nullo libello seu articulo in ea parte oblato, nec lite legitime contestata nullisque probationibus legitimis intervenientibus sed solum ad vestri Willelmi et Johanne adinvicem colludencium confessionem, processu legitimo et iuris ordine in ea parte requisitis penitus pretermisissis de facto cum de iure non potuit divorciavit ipsosque abinvicem separavit, suamque sententiam diffinitivam eciam sive scriptis in ea parte tulit iniquam invalidam atque nullam prout tam per litteras certificatorias domini Willelmi rectoris ecclesie de Teversham, domini archidiaconi Elien' qui nunc est commissarius generalis, quam per dicta et deposiciones Hugonis de Candlesby, tunc et nunc registrarii dicti .. archidiaconi, et domini Johannis de Titeshale, decani de Wysebech', in hac parte examinatorum, et alias informaciones legitimas nobis constat manifeste. Nos igitur attendentes quod quos Deus coniunxerat nec inviti nec volentes per hominem poterunt separari, predictam sententiam quatenus de facto processit tanquam erroneam quinpotius nullam revocamus, cassamus et irritamus ac matrimonium inter vos dictos Willelmum et Amyam legitime contractum et in facie ecclesie solempnizatum redintegramus et consolidamus sententialiter et diffinitive in hiis scriptis. [fol. 104r]

246. HALLE

[10 Nov 78 (66.36)] Halle. Thomas Carlton of Bottisham was cited before the court for 19 Nov. 1378 at the instance of Margaret daughter of John de Halle of Bottisham in a defamation case.

Parties appear by proctors. An oral libel is given and requested written. Next to receive it in writing.

Halle] Thomas Carlton' de Bodekesham, Elien' diocesis, citatus coram nobis ad diem veneris proximo post festum Sancti Hugonis anno Domini supradicto loco quo supra ad instanciam Margar' filie Johannis de Halle de eadem in causa diffamacionis, partibus personaliter comparentibus, libellato oretenus per partem actricem petiturque per partem ream in scriptis, datur dies in proximo ad recipiendum. [fol. 103v]

[2 Dec 78 (67.33)] Halle. The written libel is received. Next to respond.

Halle] Partibus ut prius comparentibus, oblato per partem actricem quodam libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum. [fol. 105v]

[23 Dec 78 (68.30)] Halle. Margaret by Peter Caprik, substituted for original proctor; Thomas by John Wiltshire, proctor. Thomas contests the suit negatively, saying the claims are untrue and the petitions should not be granted; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose, articulate, and the first term to produce.

Halle] Parte actrice per Petrum Caprik', clericum, substitutum Johannis Doneham procuratoris sui originalis, parte rea per Johannem Wiltesshir', clericum, procuratorem suum, comparentibus, lite per partem ream negative contestata dicendo videlicet narrata proutarrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis hincinde partibus predictis in personis dictorum substituti et procuratoris de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum articulandum et primo producendum. [fol. 106v]

[3 Feb 79 (70.29)] Halle. No witnesses or positions are produced. Next to propose and the second term to produce.

Halle] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 108r]

[25 Feb 79 (71.27)] Halle. Margaret produces three witnesses: William String of Bottisham, Agnes wife of John Wykes, and Joan wife of John Mitelwey of Bottisham, who are admitted and sworn. Thomas reserves the right to speak against witnesses and testimony. Next to propose and the third term to produce.

Halle] Partibus ut prius comparentibus, productis per partem actricem tribus testibus videlicet Willelmo Strug' de Bodekesham, Agnete uxore Johannis Wykes et Johanna uxore Johannis Mitelwey de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt, datur dies in proximo partibus predictis ad ponendum et tercio producendum. [fol. 110r]

[17 Mar 79 (72.27)] Halle. Next to propose and the second term to produce.

Halle] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad ponendum et secundo producendum. [fol. 111v]

[21 Apr 79 (73.29)] Halle. Peace has been restored. Thomas is to be called *ex officio*.

Halle – [pax]] Pax est, ideo vocetur pars rea ex officio. [fol. 114r]

247. CASTER (4)¹

[2 Dec 78 (67.35)] Caster. The official of the archdeacon was cited at the instance of John Caster of Cambridge in an appeal from an injurious suspension and other grievances caused by the official.

John appears by John Wiltshire, proctor; the official is absent. He is ordered cited next to respond to the libel, which will be attached to the citation and given to him. It is clear from the certification of John Dunham, our mandatary, that the official, John de Pinxton, has insulted the mandatary and inhibited the execution of the mandate. Pinxton suspended Caster contrary to the consistory's inhibition, given to him by the mandatary, in contempt of the bishop's court and jurisdiction. He will be called to respond concerning the contempt and disobedience.

¹ See *Caster* (1), n. 1.

Castre] Officialis domini archidiaconi Elien' citatus ad dictos die et locum ad instancia Johannis Castre de Cantebr' in causa appellacionis a quadam suspensione iniuriosa aliisque gravaminibus in ea parte suggestis per dictum officialem eidem Johanni illatis et factis ad audienciam nostram interiecte, parte appellante per Johannem Wiltesshire, clericum, procuratorem suum comparente, parte appellata nullo modo, ideo decrevimus dictam partem appellatam fore vocandam ad proximum ad respondendum libello partis appellantis citacioni annectendo et eidem interim liberando. Et quia per certificatorium Johannis Doneham clerici mandatarii nostri nobis factum liquet manifeste quod dictus officialis, videlicet magister Johannes de Pynkeston', dictum mandatarium nostrum, in execucione mandati nostri vilipensit pre-textu execucionis sue et alia oppropria sibi intrulit quodque post et contra inhibicionem nostram per dictum mandatarium nostrum sibi factam, idem magister Johannes officialis prefatum Johannem Castre per eum fore suspensum denunciavit aliaque fecit, dixit et exercuit in curie et iurisdiccione dicti domini episcopi contemptum, decrevimus ipsum fore vocandum super contemptu et inobediencia responsurum. [fol. 105v]

[3 Feb 79 (70.9)] Caster. Neither appears.

Castre] Neutra pars comparuit. [fol. 107v]

248. DUNTON

[23 Dec 78 (68.32)] Dunton. Margaret Skinner of Holy Trinity, Cambridge, was cited at the instance of Alice wife of Thomas Dunton of Cambridge, baker (*baxtere*), in a defamation case.

Parties appear personally. An oral libel is given, which is handed over in writing and left in the registry.¹ Margaret contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Alice produces William Clerk of Cambridge, who is admitted and sworn. She asks that three necessary witnesses be compelled: William Milkstreet of Cambridge, baker (*baxtere*), Alice his wife, and Robert Skinner of Cambridge; decreed with faith given. Next to produce the compelled.

Dunton'] Margar' Skynn'e de parochia Sancte Trinitatis Cantebr' citata ad instanciam Alicie uxoris Thome Dunton' de Cantebr', *baxtere*, in causa dif-famacionis, partibus personaliter comparentibus, libellato oretenus sub certa forma per partem actricem quo in scriptis redacto et^a penes registrum dimisso liteque ad eundem libellum per dictam Margar' in propria persona sua negative contestata, iuratis dictis partibus in personis suis propriis de calumpnia et de veritate dicenda productoque per partem actricem unico teste videlicet Willelmo Clerik' de Cantebr', quo admisso et in forma iuris iurato, petita insuper per dictam partem actricem compulsione trium testium sibi ut asse-

^a et] *interlined*.

¹ For this translation, see Introduction.

rit necessariorum videlicet Willelmi Milkstrete de Cant', *baxtere*, et Alicie uxoris sue et Roberti Skynn'e de eadem, qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsos. [fol. 106v]

[3 Feb 79 (70.30)] Dunton. Alice produces two witnesses: William Milkestrete of Cambridge, baker and Robert Skinner of Cambridge, who are admitted and sworn. Alice wife of William Milkestrete will be called. Next to publish.

Dunton'] Partibus ut prius comparentibus, productis per partem actricem duobus testibus videlicet Willelmo Milkstrete de Cantebr', *baxtere*, et Roberto Skynn'e de eadem testibus compulsis, quibus admissis et in forma iuris iuratis, decrevimus Alicam uxorem Willelmi Milkstret, aliam testem compulsam, fore vocandam ad idem daturque dies in proximo ad publicandum. [fol. 108r]

[25 Feb 79 (71.28)] Dunton. Alice produces Alice wife of William Milkestrete, who is admitted and sworn. Next to publish.

Dunton'] Partibus ut prius comparentibus, producta per partem actricem Alicia uxore Willelmi Milkstrete de Cantebr' alias compulsa, qua admissa et in forma iuri iurata, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 110r]

[17 Mar 79 (72.28)] Dunton. Next to publish.

Dunton'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad publicandum et publicari videndum attestaciones. [fol. 111v]

[21 Apr 79 (73.30)] Dunton. Expected next with hope of peace.

Dunton'] Partibus ut prius comparentibus, de quarum expectamus usque proximum sub spe pacis ad idem quod prius. [fol. 114r]

[23 May 79 (74.27)] Dunton. The case is pending with hope of peace.

Dunton'] Pendet sub spe pacis. [fol. 115v]

[10 Jun 79 (75.25)] Dunton. With the parties' consent, the case is pending with hope of peace.

Dunton'] Partibus ut prius comparentibus, se quarum consensu pendet sub spe pacis. [fol. 116v]

[30 Jun 79 (76.26)] Dunton. As 75.25.

Dunton'] Partibus ut prius comparentibus, de quarum consensu pendet sub spe pacis. [fol. 117v]

[21 Jul 79 (77.26)] Dunton. The case is pending with hope of peace.

Dunton'] Pendet sub spe pacis. [fol. 118v]

[22 Sep 79 (78.27), 13 Oct 79 (79.25)] Dunton. As 77.26.

Dunton'] Pendet ad idem sub spe pacis. [fols. 120v, 121v]

[3 Nov 79 (80.17), 24 Nov 79 (81.17)] Dunton. As 77.26.

Dunton'] Pendet sub spe pacis. [fols. 122v, 124r]

[9 Dec 79 (82.17), 12 Jan 80 (83.17)] Dunton. As 77.26.

Dunton'] Pendet ad idem sub spe pacis. [fols. 125r, 126v]

[3 Feb 80 (84.16)] Dunton. As 77.26.

Dunton'] In causa diffamacionis mota inter Aliciam uxorem Thome Dunton' de Cant', *baxtere*, partem actricem ex parte una et Margar' uxorem Willelmi Skynn'e de eadem partem ream ex altera, pendet dicta causa sub spe pacis. [fol. 128r]

[23 Feb 80 (85.13)] Dunton. As 77.26.

Dunton'] In causa diffamacionis mota primarie inter Aliciam uxorem Thome Dunton' de Cantebr', *baxtere*, partem actricem ex parte una et Margar' uxorem Willelmi Skynn'e de eadem partem ream ex altera, pendet dicta causa sub spe pacis. [fol. 130r]

[15 Mar 80 (86.12)] Dunton. As 77.26.

Dunton'] Pendet sub spe pacis. [fol. 134r]

249. *HERD*

Two entries, close but not next to each other, tell us that Richard Herd of Cottenham brought an action for breach of faith against William Gilbert of Kingston and Robert Boyton of Barton. In both cases the defendants appear; John Wiltesshire appears for Richard, offers surety that Richard will ratify acts (in substantially different amounts, 40*d* in the first case, 20*s* in the second), and an oral libel is given. In the first case, the matter is continued to the next session *sub spe pacis*. The second case is set down for the libel to be put in writing. Under the next session there is only one entry, which does not identify which defendant is involved. The *pars rea* does not appear and is suspended from entry into the church. Execution is ordered in the next seven sessions, after which the case disappears from view. The cases are probably related in some way. In addition to the identity of the plaintiff and his proctor, Kingston and Barton are quite close to each other, and Cottenham is not that far way. Whether Richard's case with William was settled, and Foxton forgot to note that fact, or whether Foxton combined the cases in the second entry and *pars rea* refers to both defendants we cannot tell. The former seems more likely.

[23 Dec 78 (68.33)] Herd. William Gilbert of Kingston was cited at the instance of Richard Herd of Cottenham in a breach of faith and perjury case.

Richard appears by John Wiltshire, who claims to be his proctor and offers surety of 40*d*; William appears personally. An oral libel is given. With the parties' consent, the case is expected next with hope of peace.

Herde] Willelmus Gilbert de Kyngeston', citatus ad instanciam Ricardi Herde de Cotenham in causa fide lesionis et periurii, parte actrice per Johannem Wiltesshir', clericum, procuratorem suum se dicentem et de rato caventem

sub pena quadraginta denariorum, parte rea personaliter, libellato oretenus de consensu parcium expectamus dictam causam usque proximum ad idem sub spe pacis. [fol. 106v]

[23 Dec 78 (68.37)] Herd. Robert Boyton of Barton was cited at the instance of Richard Herd of Cottenham in a breach of faith and perjury case.

Richard appears by John Wiltshire, who claims to be his proctor and offers surety for ratification of 20s; Robert personally. An oral libel is given and requested written. Next to receive it in writing.

Herde] Robertus Beyton' de Berton', citatus ad instanciam Ricardi Herde de Cotenham in causa fidei lesionis seu periurii, parte actrice per Johannem Wiltesshir', clericum, procuratorem suum se dicentem et caventem sub pena viginti solidorum de rato, parte rea personaliter, libellato per partem actricem oretenus, petitoque in scriptis, datur dies in proximo ad recipiendum. [fol. 107r]

[3 Feb 79 (70.31)] Herd. Richard by proctor; the defendant is absent and suspended from entering church.

Herde] Parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam partem ream suspendimus ab ingressu ecclesie. [fol. 108r]

[25 Feb 79 (71.29), 17 Mar 79 (72.29), 21 Apr 79 (73.31), 23 May 79 (74.28), 10 Jun 79 (75.26), 30 Jun 79 (76.27), 21 Jul 79 (77.27)] Herd. The execution of the suspension is ordered.

Herde] Fiat execucio. [fols. 110r, 112r, 114r, 115v, 116v, 117v, 118v]

250. GARLAND

[23 Dec 78 (68.34)] Garland. Alice wife of John Chapman of Howe was cited at the instance of Alice wife of John Garland of Histon in a defamation case.

Parties appear personally. An oral libel is given *sub certa forma*, which is handed over in writing and left in the registry.¹ Alice Chapman contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Then Garland by John Wiltshire, who claims to be her proctor and offers surety for ratification; Chapman is absent and found contumacious. Garland produces three witnesses: Agnes Piper, Marion Warwick, and Nicholas Maberly senior, each of Howe. They are admitted and sworn as penalty to Chapman. Next to propose and the second term to produce.

Garlond'] Alicia uxor Johannis Chapman de Howes citata [est] ad instanciam Alicie uxoris Johannis Garlond' de Histon' in causa diffamacionis. Partibus personaliter comparentibus, libellato oretenus sub certa forma per partem actricem, quo in scriptis redacto et penes registrum dimisso, liteque ad eundem libellum per dictam Aliciam Chapman in propria persona negative contestata, iuratis dictis partibus in personis suis propriis de calumpnia et de veritate

¹ For this translation, see Introduction.

dicenda, datus est dies ad ponendum et primo producendum.

Quo die parte actrice per Johannem de Wiltesshir', clericum, procuratorem suum se dicentem et caventem de rato, parte rea nullo modo, comparentibus, ideo ipsam partem ream reputamus contumacem. Productisque per partem actricem tribus testibus, videlicet Agnete Pipere de Howes, Mariona Warrewic de eadem et Nicholao Mabely de eadem seniore, quibus in pena contumacie partis ree admissis et in forma iuris iuratis, datur dies in proximo ad ponendum et secundo producendum. [fol. 106v]

[3 Feb 79 (70.32)] Garland. No other witnesses or positions are brought. Next to propose and the third term to produce.

Garlond'] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 108r]

[25 Feb 79 (71.30)] Garland. Garland by proctor; Chapman by Walter Sutton, substituted for original proctor.² No other witnesses or positions are brought. Next to publish the testimony.

Garlond'] Parte actrice ut prius comparente, parte rea per Walterum de Sutton', substitutum procuratoris originalis, nullis aliis testibus productis nec posicionibus traditis, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 110r]

[17 Mar 79 (72.30)] Garland. As 71.30.

Garlond'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad publicandum et publicari videndum attestaciones. [fol. 112r]

[21 Apr 79 (73.32)] Garland. Peace has been restored. Chapman is dismissed *ab officio*.

Garlond' – pax] In causa diffamacionis mota inter Aliciam uxorem Johannis Garlond' de Histon' partem actricem ex parte una et Aliciam uxorem Johannis Chapman de Howes partem ream ex altera, pax est et pars rea dimittitur *ab officio*. [fol. 114v]

² Something is missing. No original proctor for Chapman has been mentioned.

251. KINGSTON (2)¹

[23 Dec 78 (68.35)] Kingston. John de Podington, rector of Kingston, was cited at the instance of Thomas Gloucester, bishop's commissary, concerning articles given by his parishioners to the bishop.

The rector appears personally and responds to each of the following articles: 1. The rector is supposed to provide two candles at the elevation of the host, which he has never done; John simply denies this. 2. He has not provided the church with divine services, masses, matins, vespers, etc., at the appropriate times; he denies this. 3. The rector has refused to visit the sick

¹ See *Kingston (1)*, n. 1.

and pregnant, and as a result John Seward died without communion and an infant died unbaptized; he denies the accusation. 4. By felling timber in the church cemetery, John broke the cemetery walls, which allowed farm animals to enter and violate the place; John says he legally cut the timber, grown for the use of the rector's residence, but denies that he damaged the walls. The cemetery is badly enclosed, which is the parishioners' fault, and this has allowed pigs and other animals to enter. 5. Because the chancel of the church is inadequately roofed, rain has fallen on the high altar; the rector claims that recently a sudden wind uncovered the chancel and that he ordered it repaired by the parishioners before 2 Feb., under penalty of half a mark, should rain fall. 6. Without his prelate's mandate, he excommunicates every Sunday; John claims he denounces sometimes for unjust tithing and other injuries to himself and his church, according to law and when it seems necessary, but not on every Sunday. 7. The parishioners accuse John of being a public fornicator, having committed the crime with Julianna Cornwall, his parishioner, for four years; he denies the crime since his correction before Mr Richard Scrope. 8. He has fornicated with Julianna the wife of John his servant and many others; John denies this. 9. He is a gossip (*fabulator*), which repels people from devotions; he denies this. The juridical day next after 6 Jan. is assigned for the rector to purge himself concerning the denied articles, his hand the sixth of honorable people from the vicinity.

Then John is absent; Richard Sprotford, Robert Harsent, and Thomas Caldecote, parishioners of Kingston, appear. With their consent, 19 Jan. for the rector to purge himself.

19 Jan. John and parishioners personally. He denies the articles and purges himself with five hands.² Witnesses: Mr's John Newton, DCivL; John de Pinxton, archdeacon's official; and Ralph Selby, archdeacon's commissary general *et al.*

Kyngeston'] Dominus Johannes de Podyngton' rector ecclesie de Kyngeston' citatus [est] coram nobis Thoma de Gloucestr' clerico, venerabilis patris domini episcopi Elien' commissario, super articulis infrascriptis per parochianos suos dicto venerabili patri traditis et delatis. Idem rector comparuit personaliter coram nobis et iuratus de veritate dicenda respondit ad eosdem articulos singillatim prout inferius continetur.

In primis deberet invenire ecclesie predictae de Kyngeston' duos cereos ad elevacionem corporis Christi et in toto tempore suo non invenit; istum articulum negat simpliciter.

Item predictae ecclesie congruis temporibus per predictum rectorem ut in missis, matutinis, vesperis et aliis divinis officiis non servitur; negat quod in sui defectum non servitur.

Item quod predictus rector infirmos, paralyticos, mulieres inpregnantes non vult visitare licet sine communione morerentur. Et in defectum rectoris predicti unus homo vocatus Johannes Siward' sine communione moriebatur. Item in defectum dicti rectoris infans non baptizatus moriebatur. Negat sim-

² The order was to purge himself *cum sexta manu honestarum personarum de vicinis suis*. This purgation is said to be *cum quinta manu*. Both ordinals are spelled out; so simple arithmetical error is unlikely. It may be

that in the first instance Foxton was thinking of the traditional understanding of compurgation, 'his hand the sixth', that is, with five compurgators, whereas in the second he was counting only the hands of the compurgators.

pliciter.

Item predictus rector meremium in cimiterio predictae ecclesie prostravit et cum prostracione muros cimiterii predicti fregit sic quod bestie possunt et intrant predictum cimiterium et illud viliter violant.^a Dicit quod prostravit arbores in dicto cimiterio crescentes ad usum et refeccionem domorum rectoris prout sibi licuit de iure; negat tamen quod fregit muros cimiterii prout deducitur. Dicit tamen quod cimiterium est male clausum in defectum parochianorum ita quod porci et alia animalia ingrediuntur.

Item cancellus predictae ecclesie non est coopertus ita^b quod super summum altare pluit. Dicit quod per ventum subitum fuit iam tarde discoopertus et paratus est reficere. Et monitus est competenter reficere citra festum Purificacionis et interim ita emendetur quod non pluat in eo^c sub pena dimidii marce.

Item idem rector sine mandato sui prelati qualibet die dominica excommunicat. Dicit quod aliquando denunciatur excommunicatos in genere pro iniusta decimacione et aliis iniuriis sibi et ecclesie sue illatis prout sibi licuit ex parte iuris et constitutionum in ea parte editarum, non tamen qualibet die dominica sed cum viderit necessitatem imminere.^d

Item predictus rector publicus fornicator est [fol. 106v] cum suis parochianis et tenet Julianam Cornewaille parochianam suam et tenuit per quatuor annos. Negat a tempore correccionis facte coram magistro Ricardo de Scrop officiali Elien'.

Item cum Juliana uxore Johannis famuli sui fornicatus fuit et cum aliis multis; negat simpliciter.

Item dictus rector communis fabulator est in ecclesia ita quod homines retrahat a devocione; negat simpliciter.

Super omnibus negatis habet proximum diem iuridicum post festum epiphanie Domini ad purgandum se cum sexta manu honestarum personarum de vicinis suis.

Quo die rector non comparuit sed comparentibus parochianis quibusdam de Kyngeston', videlicet Ricardo Sprotford', Roberto Harsent et Thoma Caldecote, de ipsorum consensu expectamus rectorem ad idem faciendum, videlicet ad purgandum se, usque diem mercurii proximo post festum Sancti Hillarii proximo futurum loco quo supra.

^a possunt et intrant predictum cimiterium et illud viliter violant] *sic; although we would expect intrare and violare, we can save what Foxton wrote if we think of English 'can and do enter', etc..* ^b ita] *interlined.* ^c et interim ita emendetur quod non pluat in eo] *perhaps this phrase should be bracketed to make* sub pena dimidii marce *go with* monitus est. ^d imminere.

Quo die dictus rector personaliter comparens, comparentibus eciam dictis parochianis, et super eisdem articulis per eum negatis cum quinta manu se purgavit. Presentibus in dicta purgacione magistris Johanne de Neweton' legum doctore, Johanne de Pynkeston' officiali domini archidiaconi Elien', Radulfo Selby commissario suo generali, et aliis in multitudine copiosa. [fol. 107r]

252. ASTON

[23 Dec 78 (68.36)] Aston. Nicholas Rose of Lolworth was cited at the instance of Mr Thomas de Aston, rector of Warboys, Lincoln diocese, in a breach of faith and perjury case.

Thomas appears by proctor; Nicholas is absent and suspended.

Aston' – suspensio] Nicholaus Rose de Lolleworth', citatus ad instanciam magistri Thome de Aston' rectoris ecclesie de Wardeboys Lincoln' diocesis, in causa fidei lesionis et periurii, comparentis per procuratorem suum, non comparuit. Ideo ipsum Nicholaum suspendimus. [fol. 107r]

Cases Beginning in 1379

253. EDLIN

[3 Feb 79 (70.33)] Edlin. Katherine wife of William Bond of Sutton was cited at the instance of Richard Edlin in a defamation case.

Richard by John Wiltshire, who claims to be his proctor and offers surety for ratification; Katherine is absent and suspended from entering church.

Athelyn] Katerina uxor Willelmi Bonde de Sutton', citata ad instanciam Ricardi Athelyn de eadem, in causa diffamacionis, comparentis per Johannem Wiltesshir' procuratorem suum se dicentem et caventem de rato, non compareret. Ideo ipsam suspendimus ab ingressu ecclesie. [fol. 108r]

[25 Feb 79 (71.41)] Edlin. Richard by Wiltshire, proctor *apud acta*; Katherine by Peter Caprik, proctor by letter. A written libel is received; Katherine contests the suit negatively, saying the claims are untrue and the petitions should not be granted; parties' proctors swear *de calumpnia* and *de veritate dicenda*. 18 March 1379 to propose and the first term to produce.

Athelyn] In causa diffamacionis que coram nobis .. consistorii Elien' presidente non per viam appellacionis seu querele sed per viam primarie cognitionis vertitur inter Ricardum Athelyn de Sutton' partem^a actricem ex parte una et Katerinam uxorem Willelmi Bonde de eadem partem ream ex altera, parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta, parte vero rea per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, comparentibus, oblato per partem actricem quodam libello in scriptis et a parte rea optento, datus fuit dies parti ree ad respondendum eidem.

Quo die adveniente partibus ut prius comparentibus liteque ad eundem libellum per dictum procuratorem partis ree negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus predictis in personis dictorum procuratorum hincinde de calumpnia et de veritate dicenda, datur dies in proximo, videlicet dies veneris proximo post festum Sancti Gregorii pape, ad ponendum et primo producendum. [fol. 110v]

[17 Mar 79 (72.39)] Edlin. Next to propose and the first term to produce.

Athelyn] Partibus ut prius comparentibus, datur dies in proximo ad idem quod prius, videlicet ad ponendum et primo producendum. [fol. 112r]

[21 Apr 79 (73.38)] Edlin. Peace has been restored. Katherine is to be called *ex officio*.

Athelyn – pax] In causa diffamacionis mota inter Ricardum Athelyn de Sutton' partem actricem ex parte una et Katerinam uxorem Willelmi Bonde de eadem partem ream ex altera, pax est, ideo vocetur pars rea ex officio. [fol. 114v]

^a partem] *followed by originaliter crossed out.*

254. TYARS

[3 Feb 79 (70.34)] Tyars. William Witham and William Hunt of Whittlesey were cited at the instance of Stephen Tyars of Whittlesey in a case of breach of faith and perjury.

Stephen appears by John Wiltshire, proctor; Witham and Hunt are absent and suspended from entering church.

Afterwards, peace is restored; the defendants are to be called *ex officio*.

Tyad' – pax] Willelmus Wytheme et Willelmus Hunte de Wytlesseye, alias citati ad instanciam Stephani Tyad' de eadem, in causa fidei lesionis et periurii, comparentis per Johannem Wiltesshir', clericum, procuratorem suum, nullo modo comparet, ideo ipsos suspendimus ab ingressu ecclesie. Postea pax est inter partes, ideo vocetur pars rea ex officio. [fol. 108r]

255. WOODWAY

[3 Feb 79 (70.37)] Woodway. John Burden of Guilden Morden was cited *ex officio* for 27 Jan. 1378 at the promotion of Walter Woodway in a case of breach of faith and perjury.

Walter appears by John Wiltshire, proctor; John is absent, found contumacious, and suspended from entering church. The execution and denunciation are ordered; John is cited for 4 Feb.

4 Feb. John is absent, found contumacious, and excommunicated.

Wodewey – suspensio – excommunicacio] Johannes Burdenne de Gil-den'mordon', citatus ad diem iouis proximo post festum conversionis Sancti Pauli ex officio nostro ad promocionem Walteri Wodewey, super fidei lesione et periurio, comparentis per Johannem Wiltesshir' procuratorem suum, nullo modo comparet. Ideo ipsum Johannem reputamus contumacem et pro sua contumacia ipsum suspendimus ab ingressu ecclesie in hiis scriptis et decernimus execucionem fore faciendam. Factaque denunciacione et citato ipso Johanne ad diem veneris proximo post festum purificationis Beate Marie, non comparet. Ideo ipsum reputamus contumacem et pro sua huiusmodi contumacia ipsum excommunicamus in hiis scriptis. [fol. 108r]

[25 Feb 79 (71.33)] Woodway. John [. . .] of Guilden Morden, chaplain and mandatary of the provincial court of Canterbury, inhibits the consistory, which relinquishes the case. Afterwards, peace is restored because Walter has been paid the money he sought, along with his costs. John Burdene renounces the appeal to Canterbury and requests absolution from the suspension and excommunication. The vicar of Guilden Morden is committed to absolve him.

Wodewey – pax] Parte promovente per dictum procuratorem suum comparente, parte Johannis Burdenne nullo modo comparente, quidam dominus Johannes . . . ^a de Gilden'mordon' capellanus, mandatarius curie Cant', inhibuit nobis auctorite eiusdem curie. Unde a cognitione eiusdem cause duximus

^a . . .] *blank space in ms.*

desistendum. Et postea pace inter partes reformata satisfactoque dicto Waltero Wodewey de tota pecunia per eum petita et expensis in dicta causa factis, dictus Johannes renunciavit appellacioni et peccati a dicta sententia suspensionis et excommunicationis per nos absolvi. Et commisimus vicario de Gilden'mordon ad absolvendum eundem Johannem a dictis sentenciis in forma iuris. [fol. 110r]

256. SLORY/ANGOLD

[3 Feb 79 (70.38)] Slory. John Slory of Chesterton and Joan widow of John de Feltewelle of Chesterton¹ were cited before Thomas Gloucester, commissary of the bishop, for 31 Jan. 1378 to show why they should not be subject to major excommunication according to John Stratford's provincial constitution *Humana concupiscencia*.² Knowing that an impediment existed between them, they solemnized their marriage outside the diocese without banns, at an inappropriate time and place, and without license from their curates; afterwards they returned to live as husband and wife.

They appear personally. Sworn *de veritate dicenda*, they admit that they published their banns on three solemn days before Chesterton church, but no impediment was discovered. Following the banns, the vicar of Chesterton divulged that John Lepper, who was related to John Slory within prohibited degrees, previously had had intercourse with Joan. He and his chaplain delayed solemnization. Because of the delay, John and Joan, knowing of the impediment, went to Muston village in Leicester county, Lincoln diocese, and were married without banns or license. 7 Feb. to hear pronouncement. John and Joan deny the consanguinity, but Joan admits that she and John Lepper had intercourse. The court will administer *ex officio* proof of the impediment.

7 Feb. They are absent. The court produces eight witnesses concerning the impediment: Geoffrey Lepper, Robert Wade, Walter Lepper, Reginald Smyth, John Wicken, Robert Neal, Henry Aylmer, Henry William of Chesterton, who are admitted and sworn as penalty for the contumacy. Next to produce other witnesses; John and Joan will be called to see the production and to hear the pronouncement.

Slory] Johannes Slory de Chestreton' Elien' diocesis et Johanna nuper uxor Johannis de Feltewelle de eadem citati [sunt] coram nobis Thoma de Gloucestre, commissario venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' sufficienter deputato, ad diem lune proximo post festum conversionis Sancti Pauli loco quo supra causam rationabilem si quam habeat quare in sentenciam maioris excommunicationis a constitucione provinciali bone memorie domini Johannis de Stratford' nuper Cantuar' archiepiscopi in ea parte edita latam que incipit *Humana concupiscencia* nominatim et in specie incidisse non debeant pronunciari, pro eo et ex eo quod ipsi sua scientes [fol. 108r] impedimenta nota fore in parochia de Chestreton', bannis publice non editis nec horis nec temporibus opportunis, nulla curatorum suorum licencia petita nec optenta, ad loca remota extra diocesim Elien' se transtulerunt et ibidem matrimonium inter se de facto solempnizari

¹ See *Morris* (1), n. 1.

² See Citations to Canon Law, *Humana*.

procurarunt et fecerunt; et postmodo ad propria redeuntes et ut coniuges cohabitantes hucusque remanserunt et adhuc remanent illicite copulati.

Comparent personaliter coram nobis et iurati de veritate dicenda, fatebantur quod banna fuerant inter eos in facie ecclesie de Chestreton' per tres dies solemnes edita nullumque fuit repertum impedimentum. Dicunt tamen quod post edicionem bannorum fuerat vicario de Chestreton' intimatum et publice divulgatum quod quidam Johannes Lepere predictum Johannem Slory in gradu prohibito attingens ipsam Johannam carnaliter precognovit, propter quod dictus vicarius et eius capellanus matrimonium inter se solempnizare distulerunt, quodque quia ipsi huiusmodi matrimonium solempnizare non curarunt, transtulerunt se ad loca remota extra diocesim Elien', videlicet ad villam de Muscote in comitatu Leyc', Lincoln' diocesis, et ibidem bannis publice non editis^a nullaue petita licencia nec optenta, matrimonium inter se solempnizari procurarunt et fecerunt, scientes de opposicione dicti impedimenti. Unde eisdem Johanni et Johanne diem lune proximo post festum Purificacionis loco quo supra ad audiendum pronunciacionem super confessatis prefigimus et assignamus. Item dicti Johannes et Johanna requisiti de dicto impedimento dictam consanguinitatem negarunt. Dicta tamen Johanna fatebatur quod predictus Johannes Leper' ipsam carnaliter cognovit. Unde eisdem Johanni Slory et Johanne diem lune et locum supradictos ad videndum probaciones ex officio nostro ministrandas super eodem impedimento prefigimus et assignamus.

Quibus die et loco predictis Johanne Slory et Johanna nullo modo comparentibus productisque per nos ex officio nostro super dicto impedimento octo testibus, videlicet Galfrido Lepere, Roberto Wade, Waltero Lepere, Reginaldo Smyth', Johanne Wyken, Roberto Niel, Henrico Aylmer et Henrico Wilm' de Chestreton', quibus in penam contumacie dictorum Johannis Slory et Johanne admissis et in forma iuris iuratis, datur dies in proximo ad videndum produccionem aliorum testium et decernimus dictos Johannem et Johannam fore vocandos ad videndum produccionem eorum et audiendum pronunciacionem super confessatis. [fol. 108v]

[3 Feb 79 (70.39)] Angold. John Angold of Chesterton and John Andre of Chesterton were cited before said commissary at said place for 31 Jan. 1379, a brief and peremptory term, to show why they should not be subject to major excommunication. Knowing there was an impediment, interdiction, and no license, they arranged the solemnization of John Slory and Joan's marriage outside the diocese, where the constitution is also in effect, and were present at it. The general council has established that when a marriage is contracted, this should be announced by priests in church so that there is an adequate term to oppose the marriage with legitimate impediments and so that the priest can investigate whether there is any hindrance. When the conjecture seems probable, the contract should be interdicted until what should be done is established by legal documents. Anyone who contracts, solemnizes, or is present at a

^a editis] followed by *redundant* ibidem.

marriage when an impediment is known or suspected falls subject to major excommunication.

Angold and Andren appear personally. Sworn *de veritate dicenda* and questioned, they admit that they were present at the solemnization in Muston church while knowing of the impediments. Next to hear the pronouncement.

Anegold'] Johannes Anegold' de Chestreton' et Johannes Andreu de eadem citati [sunt] coram nobis .. commissario predicto ad diem lune proximo post festum conversionis Sancti Pauli loco quo supra super eo quod cum in generali concilio proinde sit statutum ut cum matrimonia sint contrahenda, in ecclesiis per presbyteros publice proponatur competenti termino prefinito ut infra illum qui voluerit et valuerit legitimum impedimentum opponat et ipsi presbyteri nichilominus investigent utrum aliquod impedimentum obsistat [et] cum autem apparuerit probabili coniectura contra copulam contrahendam, contractus interdicatur expresse donec quid fieri debeat super eo manifestis constituerit documentis, quodque omnes et singuli matrimonia inter se contrahentes et ea solemnizari facientes impedimenta legitima scientes aut suspicionem habentes verisimilem eorundem, huiusmodique matrimoniorum solemnizationi interessentes, maioris excommunicationis sententia a constitutione provinciali in proximo articulo^b superius recitata fuerint et sint ipso facto dampnaliter involuti; predicti tamen Johannes et Johannes, predicti venerabilis patris et nostri in hac parte subditi et subiecti, sue salutis inmemores, scientes impedimentum predictum fore propositum et propterea huiusmodi contractum expresse interdictum, solemnizationem dicti matrimonii inter eosdem contrahentes extra diocesim Elien' et ecclesiam suam parochialem, in loco tamen ubi dicta constitutio artabat et artat, curatorum suorum licencia non optenta, scientes de huiusmodi impedimento et interdicto, fieri procurarunt et fecerunt seu saltim solemnizationi huiusmodi matrimonii interfuerunt, sententiam maioris excommunicationis predictam ipso facto dampnaliter incurrando, causam rationabilem si quam habeant quare nominatim et in specie in dictam sententiam occasione premissa incidisse non debeant pronunciari, pro termino preciso et peremptorie proposituri et ostensuri. Comparuerunt personaliter et de veritate dicenda iurati et super premissis requisiti, fatebantur quod interfuerunt solemnizationi dicti matrimonii in dicta ecclesia de Muscote, scientes de oppositione dicti impedimenti et interdicto huiusmodi et quod nullam habuerunt curatorum licenciam. Unde habent diem in proximo ad audiendum pronunciacionem nostram super confessatis. [fol. 108v]

[25 Feb 79 (71.34)] Slory. Fearing that they will flee, the court expects John and Joan at all acts through the definitive sentence. The court produces *ex officio* one other witness: William Alderheth of Chesterton, who is admitted and sworn. Next to publish the testimony.

Slory] Partibus personaliter comparentibus, quia de eorum fuga verisimiliter

^b in proximo articulo] *the reference is to entry 70.38.*

timemus, prefigimus eis terminum ad omnes actus in dicta causa consecutivos usque ad sententiam diffinitivam inclusive. Productoque per nos ex officio nostro uno alio teste, videlicet Willelmo Alderheth' de Chestreton', quo admisso et in forma iuris iurato, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 110r]

[25 Feb 79 (71.35)] Angold. They are pronounced excommunicates, which will be announced at an appropriate time and place. At the request of William Dingain, intervening for them, the denunciation is omitted. They are enjoined to circle Chesterton church before the procession, stripped to their shirts and carrying candles; a priest carrying a staff should follow.

Afterwards, the court modifies the penance out of respect for Hugh la Souche, whose servants they claim to be. They are to circle the church on one Sunday with bare heads, carrying a candle. The reason for their penance should be published so that there is no doubt about the cause. The penance was humbly completed on 27 Feb. 1379, as certified by the vicar of Chesterton.

Angold'] Partibus ut prius comparentibus, pronunciamus eos incidisse in sententiam maioris excommunicacionis in dicta constitucione latam et decernimus eos fore denunciandos^c excommunicatos occasione premissa loco et tempore opportunis, sed ad rogatum Willelmi Dengayne pro eis intervenientis dictam denunciacionem duximus omittendam et iniungimus cuilibet eorum quod circueant ecclesiam parochialem de Chestreton' coram processione eiusdem, depositis vestibus suis usque ad camisios,^d deferendo cereos in manibus suis et quod sacerdos ipsos sequatur cum virga in manu sua.

penitencia corporalis facta] Postmodo tamen ob reverenciam domini Hugonis la Souche, cui asserunt se deservire, dictam penitenciam sic duximus moderandam, videlicet quod quilibet eorum uno die dominico circueat^e ecclesiam de Chestreton' nudis capitibus deferendo unam candelam in manu sua et ne de causa huiusmodi penitencie sue revocetur in dubium, volumus quod causa quare dictam facient penitenciam publicetur, quam quidem penitenciam humiliter fecerunt prima die dominica quadragesime prout per certificatorium vicarii de Chestreton' nobis factum constat manifeste. [fol. 110r]

[17 Mar 79 (72.33)] Slory. Next to publish the testimony.

Slory] Partibus personaliter comparentibus, datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 112r]

[21 Apr 79 (73.33)] Slory. Since the witnesses have not yet been examined, the testimony will be published next.

Slory] Partibus ut prius comparentibus, quia testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 114v]

^c denunciandos] *interlined*. ^d camisios] *sic*; see entry 63.31, *n.a.* ^e uno die dominico circueat] *sic*.

[23 May 79 (74.29)] Slory. As 73.33.

Slory] Partibus ut prius comparentibus, in proximo ad idem quia testes nondum sunt examinati. [fol. 115v]

[10 Jun 79 (75.27)] Slory. As 73.33.

Slory] Partibus ut prius comparentibus, quia testes nondum sunt examinati, datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 116v]

[30 Jun 79 (76.28)] Slory. As 73.33.

Slory] Partibus ut prius comparentibus, in proximo ad idem, videlicet publicandum quia testes nondum sunt examinati. [fol. 117v]

[21 Jul 79 (77.28)] Slory. As 73.33.

Slory] Partibus ut prius comparentibus, ad idem in proximo quia testes nondum sunt examinati. [fol. 118v]

[22 Sep 79 (78.28)] Slory. As 73.33.

Slory] Ad idem in proximo quia testes nondum sunt examinati. [fol. 120v]

[13 Oct 79 (79.26)] Slory. As 73.33.

Slory] Ad idem. [fol. 121v]

[3 Nov 79 (80.21)] Slory. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Slory] Partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 122v]

[24 Nov 79 (81.21)] Slory. Nothing is proposed and the term ends. Next to propose everything concerning the matter.

Slory] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum cedat terminus, datur dies in proximo ad proponendum omnia in facto seu iure consistencia. [fol. 124r]

[9 Dec 79 (82.21)] Slory. Nothing is proposed by either; the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Slory] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum sed in dicta causa concluso, datur dies in proximo partibus predictis cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 125r]

[12 Jan 80 (83.21)] Slory. Next to hear the definitive sentence.

Slory] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 126v]

[3 Feb 80 (84.20)] Slory. As 83.21.

Slory] In causa matrimoniali et divorcii ex officio nostro mota contra Johannem Slory de Chestreton' et Johannam Feltwell' de eadem, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 128r]

[23 Feb 80 (85.17)] Slory. John personally; although expected at all acts, Joan is absent. She is found contumacious. As penalty to Joan and since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. The court has found that William Lepper [called John in 70.38] and John Slory are related within the third degree of consanguinity and that William and Joan had intercourse prior to the marriage between John and Joan. John and Joan's marriage cannot exist, obstructed by the impediment. The marriage is annulled and they are separated. Since, according to their confessions, John and Joan knew about the impediment and procured their solemnization outside their parish without banns or license of their curate, they are excommunicated based on John Stratford's provincial constitution *Humana concupiscencia*.³ They are ordered publicly denounced.

Slory] In negocio matrimoniali et divorcii ex officio nostro moto primarie contra Johannem Slory de Chestreton' et Johannam Feltewell' de eadem, predicto Johanne personaliter comparente, predicta Johanna habente diem ex prefixione nostra ad audiendum sententiam in eodem negocio diffinitivam nullo modo comparente, ipsam reputamus contumacem. Auditis et intellectis meritis cause seu negotii divorcii que vel quod in consistorio Elien' non per viam appellacionis seu querele sed primarie iurisdiccioni coram nobis officiali Elien' vertitur et diucius vertebatur inter nos et officium nostrum ex parte una et Johannem Slory de Chestreton, Elien' diocesis et Johannam Feltewell' de eadem [fol. 130r] quam de facto duxit in uxorem ex parte altera, predicto Johanne coram nobis personaliter comparente, predicta Johanna habente diem ex prefixione ad audiendum sententiam nullo modo comparente ipsam reputamus contumacem,^f rimato per nos et investigato toto processu in dicto negocio habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, premissis iuris ordine et in omnibus observato omnibusque rite peractis, ad sententiam diffinitivam in hac parte ferendam in penam contumacie dicte Johanne procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus consanguinitatem inter Willelmum Lepere de Chestreton' et Johannem Slory predictum, videlicet in tercio et tercio gradibus^g consanguinitatis, ac eciam carnalem copulam inter dictum Willelmum et eandem Johannam ante omnem contractum ma-

^f ipsam reputamus contumacem] *sic*; Foxton seems to have forgotten that he had already said this on the previous page. ^g tercio et tercio] *sic*, i.e. they were 'second cousins'.

³ See Citations to Canon Law, *Humana*.

rimoniam inter eosdem Johannem Slory et Johannam initum seu habitum aut solempnizacionem eiusdem ac matrimonium inter eosdem Johannem et Johannam postea de facto solempnizatum fuisse et esse sufficienter^h probatum, ideo ipsum matrimonium inter eosdem Johannem Slory et Johannam Feltewell' de facto dumtaxat contractum et solempnizacionem eiusdem pronunciamus et declaramus in hiis scriptis non posse subsistere nec subsistere debere obstantibus impedimentis supradictis, ipsaque contractum et solempnizacionem quatenus de facto processerunt cassamus, irritamus et annullamus, cassa, irrita et nulla pronunciamus et declaramus, eosque abinvicem divorciamus et separamus sentencialiter et diffinitive in hiis scriptis. Et quia dicti Johannes et Johanna huiusmodi impedimentum scientes notum fore in parochia de Chesterton' non invenerunt curatum suum ad solempnizandum matrimonium huiusmodi paratum nec volentem, transtulerunt se ad loca remota extra diocesim Elien', videlicet ad villam de Muscote in comitatu Leycestr' Lincoln' diocesis, ubi dicti impedimenti non habebatur noticia et ibidem bannis debite non editis, nulla ipsorum curatorum petita licencia nec optenta, matrimonium inter se solempnizari procurarunt et fecerunt, prout ex confessione ipsorum Johannis et Johanne coram nobis iudicialiter emissa nobis constat, sentenciam maioris excommunicationis a constitutione bone memorie domini Johannis de Stratford' nuper Cantuar' archiepiscopi in ea parte edita, debite publicata et admissa que incipit *Humana concupiscencia* latam ipso facto dampnabiliter incurrando. Ideo ipsos Johannem et Johannam dictam maioris excommunicationis sentenciam occasione premissa incidisse et excommunicatos fuisse et esse pronunciamus et declaramus, decernentes ipsos pro sic excommunicatis publice et solempniter nominatim et in specie fore denunciandos occasione premissa locis et temporibus opportunis. [fol. 130v]

[24 May 81 (103.24)] Slory. John Slory of Chesterton and Joan Feltwell were cited before the official for said day and place. They have continued to live together as husband and wife after they had been legally divorced in ecclesiastical court because of affinity.

They appear personally. They claim to have received a dispensation from the cardinal of Ravenna which allows them to remain married, the affinity notwithstanding. Next to exhibit the dispensation.

Slory] Johannes Slory de Chesterton' et Johanna Feltewell', citati [sunt] coram nobis ad dictos diem et locum super eo quod ipsi morantur insimul et sibi invicem adherent ut vir et uxor postquam fuerant per nos propter affinitatem iudicio ecclesie separati et divorciati. Comparent personaliter coram nobis; allegant quod fuit et est cum eis dispensatum per dominum cardinalem Raven' quod dicta affinitate non obstante possunt adinvicem ut coniuges rema-

^h fuisse et esse sufficienter] *followed by* fuisse et esse *repeated*.

nere, unde habent diem proximo ad exhibendum. [fol. 151v]

[10 Oct 81 (106.23)] Slory. Both are absent and found contumacious. They will be cited to proceed next.

Slory] Neutra pars comparuit, ideo denunciatur excommunicati et citentur ad proximum ad idem. [fol. 153r]

[30 Oct 81 (107.22)] Slory. They will be denounced as excommunicates and cited to proceed according to past acts.

Slory] Neutra pars comparuit, ideo denunciatur excommunicati et citentur ad proximum. [fol. 154v]

[12 Nov 81 (108.18)] Slory. As 107.22.

Slory] Neutra pars compauit, ideo denunciatur excommunicati et citentur ut supra. [fol. 156r]

[28 Nov 81 (109.15)] Slory. John appears personally and exhibits the dispensation. Because it is insufficient, the execution of the court's sentence of divorce is ordered.

Slory] Johannes Slory de Chestreton comparuit personaliter; exhibet quamdam dispensacionem a cardinali Raven' sibi factam, sed quia dicta dispensacio non est sufficiens, ideo demandetur sententia divorcii per nos diffinitive lata execucioni. [fol. 158r]

[12 Dec 81 (110.14), 16 Jan 82 (111.14), 6 Feb 82 (112.12), 27 Feb 82 (113.12)] Slory. The execution of the sentence is ordered.

Slory] Fiat execucio sentencie diffinitive alias per nos late. [fols. 159r, 160r, 160v, 162r]

257. *CARLTON (2)*

[3 Feb 79 (70.40)] Carlton. Richard Herteshull of Carlton, chaplain, was cited at the instance of William atte Brook, rector of Carlton church and chaplain,¹ in a case of violence.

William appears by John Wiltshire, proctor; although cited and summoned, Richard is absent. He is found contumacious and suspended from celebrating divine services.

Carlton' – suspensio] Dominus Ricardus Herteshull' de Carlton' capellanus, citatus ad instanciam domini Willelmi Attebrok' rectoris ecclesie de Carlton' capellani,^a in causa violencie, comparentis per Johannem Wiltesshir', clericum, procuratorem suum, nullo modo comparuit. Ideo ipsum dictum Ricardum citatum, preconizatum, nullo modo comparentem reputamus contuma-

^a See *n. 1*.

¹ If William was rector of Carlton, he was, of course, more than a chaplain. This word is not included in any subsequent description of William. Either Foxton included it by mistake or William was also chaplain of something else (like a chantry) that Foxton failed to include. The former seems more likely.

cem et pro sua contumacia, ipsum a celebracione divinorum suspendimus in hiis scriptis. [fol. 108v]

[25 Feb 79 (71.36)] Carlton. Richard is excommunicated for not appearing when cited.

Carlton' – excommunicacio] In causa violencie inter dominum Willelmum Attebrok' rectorem ecclesie de Carlton' partem actricem ex parte una et dominum Ricardum Herteshull' presbyterum partem ream ex altera alias suspensum, parte actrice ut prius comparente, parte rea^b denunciata suspensa iteratoque citata non comparuit,^c ideo ipsam partem ream excommunicamus in hiis scriptis. [fol. 110v]

[17 Mar 79 (72.34)] Carlton. William by proctor; Richard by William Leverton, proctor by letter. Richard requests absolution from suspension. An oral libel is given and requested written. Next to receive it in writing.

Carlton'] Parte actrice ut prius comparente, parte rea per Willelmum Leverton', clericum, procuratorem suum litteratorie constitutum, dictus procurator peciit dominum suum in persona sua absolvi in forma iuris, quo absoluto a dicta sententia suspensionis, libellato per partem actricem oretenus petitoque per partem ream in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 112r]

[21 Apr 79 (73.34)] Carlton. The libel is received in writing. Next to respond to it.

Carlton'] Partibus ut prius comparentibus, oblato libello in scriptis per partem actricem et a parte rea optento, datur dies in proximo ad respondendum. [fol. 114v]

[23 May 79 (74.30)] Carlton. Richard contests the suit negatively, saying the claims are untrue and the petitions should not be granted; parties swear *de calumpnia* and *de veritate dicenda*.

Next to propose and the first term to produce.

Carlton'] Partibus ut prius comparentibus, lite per dictam partem ream negative contestata dicendo narrata proutarrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies [fol. 115v] in proximo ad ponendum et primo producendum. [fol. 116r]

[10 Jun 79 (75.28)] Carlton. No witnesses or positions are brought. Next to propose and the second term to produce.

Carlton'] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 116v]

[30 Jun 79 (76.29)] Carlton. No witnesses or positions are brought. Next to propose and the third term to produce.

^b rea] followed by ?rea crossed out. ^c comparuit] sic; emend to comparente or emend parte rea to pars rea.

Carlton'] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 117v]

[21 Jul 79 (77.29)] Carlton. William produces two witnesses: John Litwin of Carlton and John Bridgeman of Carlton, who are admitted and sworn. Richard reserves the right to speak against witnesses and testimony; he requests the articles, declaring that he will administer interrogatories. The rector wants a *missio* sent to Alice Bridgeman of Carlton, a necessary witness; decreed. Next to publish the testimony.

Carlton'] Partibus ut prius comparentibus, productis per partem actricem duobus testibus, videlicet Johanne Lyghtwyne de Carlton' et Johanne Bridgeman de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt, petitis eciam per partem ream articulis, protestatur se velle ministrare interrogatoria, petita eciam per partem actricem missione ad Aliciam Briggeman de Carlton' mulierem, testem necessariam, qua decreta, datur dies in proximo ad publicandum. [fol. 118v]

[22 Sep 79 (78.29)] Carlton. The *missio* has not been made yet nor have the witnesses been examined. Next to publish the testimony.

Carlton'] Partibus ut prius comparentibus, ad idem in proximo quia missio non est facta nec testes examinati. [fol. 120v]

[13 Oct 79 (79.27)] Carlton. Next to publish the testimony.

Carlton'] Partibus ut prius comparentibus, in proximo ad idem, videlicet ad publicandum. [fol. 121v]

[3 Nov 79 (80.22)] Carlton. Since the witnesses have not yet been examined, nor is that the producing party's fault, next to publish the testimony.

Carlton'] Partibus ut prius comparentibus, quia testes nondum sunt examinati nec per partem producentem stetit, datur dies in proximo ad idem, videlicet ad publicandum. [fol. 122v]

[24 Nov 79 (81.22)] Carlton. Since the witnesses have not yet been examined, next to publish the testimony.

Carlton'] Ad idem in proximo quia testes nondum sunt examinati. [fol. 124r]

[9 Dec 79 (82.22)] Carlton. Since the witnesses have not yet been examined, next to publish the testimony. Mr Ed[war]d Alderford, rector of Weston, is commissioned to admit women and other necessary witnesses not yet admitted, to examine them and others already admitted, and to collate their testimony.

Carlton'] Partibus ut prius comparentibus, ad idem in proximo, videlicet ad publicandum quia testes nondum sunt examinati et committimus magistro Ed[ward]o Alderford' rectori ecclesie de Weston' ad admittendum mulieres et alios testes necessarios non^d dum admissos et examinandum eosdem et

^d non] *interlined*.

alios prius admissos in partibus cum potestate concordandi dicta testium. [fol. 125r]

[12 Jan 80 (83.22)] Carlton. Next to publish the testimony.

Carlton'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad publicandum attestaciones, et interim procuret pars actrix testium examinacionem sub pena finalis preclusionis eorumdem. [fol. 126v]

[3 Feb 80 (84.21)] Carlton. William by proctor; Richard is absent and found contumacious. As penalty, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony; Richard will be called.

Carlton'] In causa violencie mota inter dominum Willelmum rectorem ecclesie de Carlton' partem actricem ex parte una et dominum Ricardum Herteshull', presbyterum partem ream ex altera, parte actrice ut prius comparente, parte rea nullo modo, ideo ipsam partem ream pronunciamus contumacem. Et in pena contumacie sue publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta et decernimus dictam partem ream fore vocandam ad idem. [fol. 128r]

[23 Feb 80 (85.18)] Carlton. Parties by proctors. Nothing is proposed. With the parties' consent, next to speak against witnesses and testimony.

Carlton'] In causa violencie mota primarie^e inter Willelmum rectorem ecclesie de Carlton' partem actricem ex parte una et dominum Ricardum Herteshull' presbyterum partem ream ex altera, partibus per procuratores suos comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum sed de ipsarum consensu expresso, datur dies in proximo ad idem, videlicet ad dicendum contra testes et eorum dicta. [fol. 130v]

[15 Mar 80 (86.16)] Carlton. William by proctor; Richard absent. Next to speak against witnesses and testimony; Richard will be called.

Carlton'] Parte actrice ut prius comparente, parte rea nullo modo, datur dies in proximo ad idem, videlicet ad dicendum contra testes et eorum dicta, et decernimus dictam partem ream fore vocandam ad idem. [fol. 134v]

[5 Apr 80 (87.11)] Carlton. Next to speak against witnesses and testimony.

Carlton'] Ad idem, videlicet ad dicendum contra testes et eorum dicta in proximo. [fol. 136r]

[26 Apr 80 (88.11), 25 May 80 (89.11)] Carlton. As 87.11.

Carlton'] Ad idem, videlicet ad dicendum contra testes et eorum dicta. [fols. 137r, 138r]

[14 Jun 80 (90.11), 23 Jul 80 (92.11), 25 Oct 80 (94.8), 10 Jan 81 (97.2)] Carlton. For the same.

Carlton'] Ad idem. [fols. 140v, 142v, 144v, 146v]

^e primarie] *interlined*.

[31 Jan 81 (98.2), 28 Feb 81 (99.3), 14 Mar 81 (100.3), 5 Apr 81 (101.3), 2 May 81 (102.3)] Carlton. For the ?same, to publish the testimony.²

Carlton'] Ad idem, videlicet ad publicandum attestaciones. [fols. 147r, 147v, 148r, 148v, 149v]

[24 May 81 (103.3)] Carlton. For the ?same, to speak against witnesses and their testimony.³

Carlton'] Ad idem, videlicet ad dicendum contra testes et eorum dicta. [fol. 150v]

[10 Oct 81 (106.3)] Carlton. For the same.

Carlton'] Ad idem. [fol. 152v]

[30 Oct 81 (107.3)] Carlton. For the ?same, to publish.

Carlton'] Ad idem, videlicet ad publicandum. [fol. 154r]

[12 Nov 81 (108.2)] Carlton. For the same, to publish the testimony.

Carlton'] Ad idem, videlicet ad publicandum attestaciones. [fol. 155r]

[28 Nov 81 (109.2)] Carlton. For the same, to publish the testimony, and let Hugh Candlesby, Richard's proctor, be cited for the same.

Carlton'] Ad idem, videlicet ad publicandum attestaciones, et citetur magister Hugo Candelesby procurator partis ree ad idem. [158r]

[12 Dec 81 (110.2), 16 Jan 82 (111.2)] Carlton. For the same.

Carlton'] Ad idem. [fols. 159r, 159v]

[6 Feb 82 (112.1), 27 Feb 82 (113.1)] Carlton. For the same, to publish the testimony.

Carlton'] Ad idem, videlicet ad publicandum. [fols. 160v, 161v]

² There seems to be some confusion as to what stage of the *ordo* we have reached.

³ See n. 2 and the following entries.

258. JACK/JOHNSON¹

The jurisdictional posture of this brace of cases is odd. Both cases begin with a citation to appear before the vicar of Elm in his capacity as commissary general of the bishop in the deanery of Wisbech. The entries are tucked in without date at the end of the acta for the session of 3 February, 1379, but after the profession of obedience of the archdeacon's official, which is dated 25 February, and the judge is not named. The following entries are all part of regular sessions of the consistory, beginning with those on 25 February. On 25 May, the vicar of Elm is commissioned to take testimony in the case and resolve it, so before that point he had clearly not been the judge. It seems likely that the original jurisdiction of the bishop's commissary was based on the fact that Wisbech is in the Isle and was not subject to the jurisdiction of the archdeacon, to which we might add the fact that Emneth, from which the parties came, was a peculiar of the bishop in the county of Norfolk (and within the diocese of Norwich). How the case made it from the court of the commissary to the consistory is not stated, but one can see

¹ On the second element in this case name, see n. 4.

how the commissary might have found himself incapable of dealing, or unwilling to deal, with what seems to have been a quite complex three-party marriage case. Support for this speculation may be found in the fact that once he is commissioned to hear the case, the vicar never reports back what he did.²

[3 Feb 79 (70.43)] Jack. William Alcock of Emneth was cited for a certain day and place before John de Congresbury, vicar of Elm and commissary general of the bishop in Wisbech deanery, at the instance of Agnes daughter of Henry Jack of Emneth in a marriage case.

Parties appear personally. Agnes orally petitions that William be judged her husband because they contracted marriage in present words of mutual consent, or in future words followed by intercourse. The petition is 'annexed' to the register;³ parties swear *de calumpnia*, *de veritate dicenda*, and *de collusione et malicia*. Agnes produces three witnesses: Isabel wife of Henry Jack of Emneth; Katherine wife of Lawrence Jack; Agnes wife of John Redhead of Emneth, who are admitted and sworn. Next to publish the testimony.

Jake] Willelmus Alcoke de Enemeth' citatus [est] ad certos diem et locum congruos et competentes ad instanciam Agnetis filie Henrici Jake de eadem in causa matrimoniali coram domino Johanne de Cungesbury vicario ecclesie de Elm, venerabilis patris domini Thome Dei gracia episcopi Elien' commissario generali in decanatu de Wysebech' sufficienter deputato.

Partibus personaliter comparentibus, proposita petitione oretenus per partematricem qua peciit dictum Willelmum sibi in virum adiudicari eo quod matrimonium adinvicem per verba de presenti mutuum consensum eorum exprimencia seu per verba de futuro carnali copula subsecuta [contraxerunt], ipsaque petitione registro annexa, lite per dictum Willelmum ad eundem articulum affirmative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusione et malicia productisque per dictam partematricem tribus testibus, videlicet Isabella uxore Henrici Jake de Enemeth', [fol. 109r] Katerina uxore Laurencii Jake et Agnete uxore Johannis Redheved de eadem, quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 109v]

[3 Feb 79 (70.44)] Johnson. William Alcock of Emneth was cited for a certain day and place before John de Congresbury, vicar of Elm and commissary general of the bishop in Wisbech deanery, at the instance of Agnes daughter of John de Emneth⁴ in a marriage case.

Parties appear personally. Agnes orally petitions that William be judged her husband because they contracted marriage in present words of mutual consent, or in future words followed by intercourse. The petition is 'annexed' to the register;³ William contests the suit af-

² Commissioning the vicar of Elm to take testimony also occurs in *Drew/Pope* and *Foxton/Snow*. Both of these cases are also three-party marriage cases, but in neither case is the vicar asked to resolve the case, but simply to take the testimony, something that he seems to have no difficulty doing.

³ For this translation, see Introduction.

⁴ Agnes is consistently so described in

the Latin, leading one to wonder why Foxton gave the surname as 'Johnesson' in the marginalia. The patronymic 'Johnsdaughter' is found in English in this period, particularly in areas that had formerly been Danish-speaking. It is also possible that Agnes's father called himself 'John son of John' and that Foxton forgot to include *filius Johannis* in the couple of places that would have called for it.

firmatively; parties swear *de calumpnia*, *de veritate dicenda*, and *de collusione et malicia*. Agnes produces eight witnesses: Matilda wife of John and mother of Agnes; John son of John and brother of Agnes; William Elgey; Katherine wife of William Elgey; Isabel daughter of John and sister of Agnes; Agnes Donne; Agnes Crane; and Thomas former chaplain of Emneth, who are admitted and sworn. Next to publish the testimony.

Johnesson^a] Willelmus Alcock de Enemeth citatus [est] ad certos diem et locum congruos et competentes ad instanciam Agnetis filie Johannis de eadem in causa matrimoniali coram domino Johanne de Cungesbury vicario ecclesie de Elm, venerabilis patris domini Thome Dei gracia episcopi Elien commissario generali in decanatu de Wysebech sufficienter deputato.

Partibus personaliter comparentibus, proposita petitione oretenus per partem actricem qua peccit ipsum Willelmum sibi in virum legitimum adiudicari eo quod matrimonium adinvicem per verba de presenti mutuum consensum eorum exprimentia seu per verba de futuro carnali copula subsequuta contraxerunt, ipsaque petitione registro annexa, lite ad eandem petitionem per dictum Willelmum affirmative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusione et malicia, productisque per partem actricem octo testibus, videlicet Matilde uxore Johannis [et] matre dicte Agnetis, Johanne filio Johannis fratre eiusdem Agnetis, Willelmo Helegye, Katerina uxore eiusdem, Isabella filia Johannis sorore eiusdem Agnetis, Agnete Donne, Agnete Crane et domino Thoma nuper capellano parochiali de Enemeth, quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum et publicari videndum attestaciones. [fol. 109v]

[25 Feb 79 (71.37)] Jack. Neither appears. It is clear from the transmitted testimony that the witnesses were examined inadequately. They are cited to undergo full examination next; the parties will be cited to proceed.

Jake] Neutra pars comparuit sed quia transmissis attestacionibus testium predictorum in partibus examinatorum liquet quod nimis diminute fuerant examinati. Ideo decernimus eos fore citandos ad proximum ad subeundum pleniorum examinationem et partes predictas fore vocandas ad dictum diem ad procedendum et procedi videndum in dicta causa prout de iure fuerit faciendum. [fol. 110v]

[25 Feb 79 (71.38)] Johnson. Agnes by John Wiltshire, proctor *apud acta*; William is absent. It is clear from the transmitted testimony that the witnesses were examined inadequately. They are cited *ex officio* to undergo full examination next; William will be cited to proceed.

Johnesson] Parte actrice per Johannem Wiltesshir, clericum, procuratorem suum apud acta constitutum, comparente, parte rea nullo modo, et quia transmissis attestacionibus testium predictorum in partibus examinatorum liquet manifeste quod nimis diminute fuerant examinati, ideo decernimus

^a Johnesson] Joh'nesson, *perhaps to be extended here to Johanesson, but later it is clearly Johnesson.*

dictos testes fore repetendos ex officio nostro et citandos ad proximum plenior examinationem subituros et predictam partem ream eciam fore vocandam ad procedendum et procedi videndum in dicta causa prout de iure fuerit faciendum. [fol. 110v]

[17 Mar 79 (72.35)] Jack. Both expected next to proceed.

Jake] Neutra pars comparuit, ideo expectamus utramque partem usque proximum ad idem quod prius. [fol. 112r]

[17 Mar 79 (72.36)] Johnson. Both expected next to proceed.

Johnesson'] Parte actrice ut prius comparente, parte rea nullo modo, ideo expectamus absentem cum presente usque proximum ad idem quod prius. [fol. 112r]

[21 Apr 79 (73.35)] Jack. As 72.35.

Jake] Neutra pars comparuit, ideo expectamus utramque partem usque proximum ad idem quod prius. [fol. 114v]

[21 Apr 79 (73.36)] Johnson. As 72.36.

Johnesson'] Neutra pars comparuit, ideo expectamus utramque partem usque proximum ad idem quod prius. [fol. 114v]

[23 May 79 (74.31)] Jack/Johnson. Neither party appears. To spare labour and expense, the vicar of Elm is commissioned to examine the witnesses, to proceed and terminate the case, and to certify to us what he has done.

Jake/Johnesson'] Neutra pars comparet sed ad parcendum eorum laboribus et expensis committimus vicario de Elm ad examinandum testes et ad cognoscendum, procedendum, statuendum et fine debito terminandum in eisdem causis in partibus et ad certificandum nos de facto et processu suo in premisis dicto negocio expedito. [fol. 116r]

[10 Jun 79 (75.29), 30 Jun 79 (76.30), 21 Jul 79 (77.30), 22 Sep 79 (78.35), 13 Oct 79 (79.33)] Jack/Johnson. The vicar of Elm has not yet certified.

Jake/John'son] Vicarius de Elm nondum certificavit. [fols. 116v, 117v, 118v, 121r, 121v]

[3 Nov 79 (80.28), 24 Nov 79 (81.28)] Jack/Johnson. Since the vicar has not certified yet, the parties are expected once he has certified.

Jakke/Jonesson'] Vicarius de Elm nondum certificavit, ideo expectantur quousque certificaverit. [fols. 122v, 124r]

[9 Dec 79 (82.27), 12 Jan 80 (83.27)] Jack/Johnson. As 80.28.

Jakke/Jonesson'. Vicarius de Elm nondum certificavit, ideo expectantur. [fols. 125r, 126v]

Jake] In causa matrimoniali mota inter Agnetem filiam Henrici Jake de Ene-

meth' partem actricem ex parte una et Willelmum Alcock' de eadem partem ream ex altera, ac eciam inter Agnetem filiam Johannis de eadem partem actricem sive competitricem ex parte una et eundem Willelmum partem ream ex altera, expectantur quia vicarius de Elm nondum certificavit. [fol. 128r]

[23 Feb 80 (85.21)] Jack/Johnson. As 73.33.

Jake] In causa matrimoniali primarie mota inter Agnetem filiam Henrici Jake de Enemeth' partem actricem ex parte una et Willelmum Alcock' de eadem partem ream ex altera, ac eciam inter Agnetem filiam Johannis de eadem partem actricem sive competitricem ex parte una et eundem Willelmum partem ream ex altera, expectantur quia vicarius de Elm nondum certificavit. [fol. 130v]

[15 Mar 80 (86.19), 5 Apr 80 (87.14)] Jack/Johnson. The parties are expected for the same.

Jake] Expectantur ad idem. [fols. 134v, 136v]

[26 Apr 80 (88.14), 25 May 80 (89.14), 14 Jun 80 (90.14), 23 Jul 80 (92.14), 25 Oct 80 (94.11)] Jack/Johnson. For the same.

Jake] Ad idem. [fols. 137r, 138r, 140v, 142v, 144v]

259. FINCHINGFIELD (2)¹

[25 Feb 79 (71.40)] Finchingfeld. Joan wife of Simon tenant of Richard Finchingfeld of Cambridge was cited at the instance of Margaret wife of Richard in a defamation case.

Margaret appears by Richard Feriby, proctor *apud acta*; Joan by Peter Caprik, proctor *apud acta*. An oral libel is given and requested written. Next to receive it in writing.

Fynchingfeld'] Johanna uxor Simonis tenentis Ricardi Fynchingfeld' de Cantebur' citata [est] ad instanciam Margarete uxoris dicti Ricardi in causa diffamacionis. Parte actrice per Ricardum Feriby, clericum, procuratorem suum apud acta constitutum, parte rea per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, comparentibus, libellato oretenus per partem actricem petitoque per partem ream in scriptis, datus est dies in proximo ad recipiendum libellum in scriptis. [fol. 110v]

[17 Mar 79 (72.38)] Finchingfeld. The written libel is received. Next to respond.

Fynchingfeld'] Partibus ut prius comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 112r]

[21 Apr 79 (73.37)] Finchingfeld. Peace has been restored. Joan is to be called *ex officio*.

Finchingfeld' – pax] In causa diffamacionis mota inter Margaretam uxorem Ricardi Finchingfeld' de Cant' partem actricem ex parte una et Johannam

¹ See *Finchingfeld (1)*, n. 1.

uxorem Simonis tenentis dicti Ricardi partem ream ex altera, pax est, ideo vocetur pars rea ex officio. [fol. 114v]

260. *CHESEMAN* (3)¹

[17 Mar 79 (72.40)] Cheseman. Ellen wife of John Bracer of Trumpington Street was cited at the instance of John Cheseman of Cambridge in a defamation case.

Parties appear personally. An oral libel is given and requested in writing. Next to receive it in writing.

Cheseman] Elena uxor Johannis Brasier' de Trumpitonstrete citata [est] ad instanciam Johannis Cheseman de Cantebr' in causa diffamacionis. Partibus personaliter comparentibus, libellato per partem actricem oretenus petitoque in scriptis per partem ream, datur dies in proximo ad recipiendum in scriptis. [fol. 112r]

[21 Apr 79 (73.41)] Cheseman. Peace has been restored. Ellen is to be called *ex officio*.

Cheseman – pax] In causa diffamacionis mota inter Johannem Cheseman de Cant' partem actricem ex parte una et Elenam uxorem Johannis Brasiere de Cant' partem ream ex altera, pax est, ideo vocetur pars rea ex officio. [fol. 114v]

¹ See *Cheseman* (1), n. 1.

261. *BRIGHAM*

[17 Mar 79 (72.42)] Brigham. William Beardfield of Cambridge and Juliana Spenser, executors of the testament of John Brigham of Newnham, were cited because they had administered Brigham's goods badly.

Parties appear personally. before John Newton, said commissary. 5 April is assigned for them to show the administration and inventory and to account for the administration since, for the sake of their souls, the court intends to proceed against them *ex officio*.

Brigham] Willelmus Berdefeld' de Cantebr' et Juliana Spens', executores testamenti Johannis Brigham de Neunham defuncti, citati super eo quod ipsi male administrarunt in bonis dicti defuncti, comparent personaliter coram nobis Johanne de Neuton' commissario predicto et habent diem martis proximo^a post dominicam in Ramis Palmarum ad exhibendum testamentum et inventarium bonorum dicti defuncti et ad computandum super administracione facta quia ex officio ad meram animarum suarum [correccionem] procedere intendimus contra eos. [fol. 112r]

^a proximo] *followed by fut' crossed out.*

262. JOCELYN

[17 Mar 79 (72.46)] Jocelyn. Thomas Frobisher of Cambridge was cited at the instance of Anastasia widow of John Jocelyn of Cambridge in an appeal from a brief and final term and from other grievances caused by the archdeacon's official.

Anastasia is absent; Thomas appears personally. Anastasia is called to proceed with the appeal under penalty of final dismissal.

Gosselyn] Thomas Furblisho' de Cantebr' citatus [est] ad instanciam Anastasie nuper uxoris Johannis Gosselyn de eadem in causa appellacionis ab officio domini archidiaconi Elien' ad nos ut asseritur interiecte occasione citacionis ad terminum nimis brevem et peremptorium aliorumque gravaminum in hac parte suggestorum. Parte appellante nullo modo comparente, parte vero appellata personaliter, decernimus partem appellantem fore vocandam ad proximum causam appellacionis sue prosecuturam sub pena finalis dimissionis. [fol. 112r]

[17 Mar 79 (72.49)] Jocelyn. Mr John de Pinxton, archdeacon's official, was cited for 17 March 1379 at the instance of Anastasia, widow of John Jocelyn of Cambridge, in an appeal from an unjust and final citation and other grievances. An inhibition was sent to the archdeacon's court so that nothing could be done while the appeal was pending undecided and so that Anastasia could proceed with the appeal. In contempt of the bishop's jurisdiction and in prejudice to Anastasia, the official had her cited, found her contumacious, suspended her, and ordered her suspension announced publicly.

Anastasia appears by Peter Caprik, proctor; John is absent. Both are expected next by the court's good will.

Gosselyn] Magister Johannes de Pynkeston' officialis domini archidiaconi Elien' citatus [est] ad diem iouis proximo post festum Sancti Gregorii ad instanciam Anastasie nuper uxoris Johannis Gosselyn de Cant' in causa appellacionis, super eo videlicet quod quamquam ex parte eiusdem Anastasie a quadam citacione iniusta et peremptoria aliisque legitimis gravaminibus auctoritate et de mandato dicti magistri Johannis officialis sibi illatis et factis ab eodem magistro Johanne officiali pretenso ad audienciam venerabilis patris domini .. episcopi Elien' nuper fuisset legitime appellatum huiusmodique appellacio per nos vice et auctoritate dicti patris sufficienter auctorizata, accepta et recepta ac subsequenter dicto magistro Johanne officiali debite notificata eidemque ex parte nostra legitime inhibitum ne pendente in audientia dicti patris dicte appellacionis causa indecisa quicquam ea occasione in ipsius partis appellantis preiudicium attemptaret seu faceret aliquialiter attemptari quominus eidem parti appellante libera pateret appellacionem suam huiusmodi prosequendi facultas prout iustum foret utriusque; idem tamen magister Johannes officialis pretensus erga prefatam Anastasiam spiritu indignacionis concepto, predictae appellacioni sue sufficienter notificate et inhibitioni sibi facte ut preferatur non deferens reverenter ut debuit quinocius eas

expresse spernens et contempnens, prefatam Anastasiam post et contra appellacionem suam legitimam eidem notificatam ac inhibicionem sibi factam iudicialiter preconizari mandavit et prefatam Anastasiam prefate appellacioni sue firmaliter inherentem contumacem cum non fuerat reputavit et pronunciavit, perperam per decretum ipsamque pro huiusmodi contumaciam ab hoc ingressu ecclesie suspendebat, sicque suspensam per suas litteras iniuriosam in ea parte directas mandavit et fecit publice nunciari, in omnibus minus iuste in dicti venerabilis patris iurisdiccione et curie contemptum manifestum ipsiusque Anastasie preiudicium non modicum et gravamen. Unde ex parte eiusdem Anastasie, sciens se ex premissis gravaminibus et eorum quolibet et precipue ex dictis preconizacione, reputacione, pronunciacione fecte contumacie, necnon suspensione et mandato huiusmodi post predictam legitimam appellacionem legitime interpositam, debite notificatam, et inhibicionem nostram sibi in ea parte canonice factam ut prefertur et contra eas per eundem magistrum Johannem officialem pretensum facta et temere attemptata iteratis vicibus indebite pregravari, ab eisdem gravaminibus ominibus et singulis et propter ea et eorum quodlibet a prefato magistro Johanne officiali pretenso ad audienciam dicti patris extitit ut asseritur iterato legitime appellatum.

Parte appellante per Petrum Caprik, clericum, procuratorem suum, comparente, parte vero appellata nullo modo, ideo de benignitate nostra expectamus absentem cum presente usque proximum. [fol. 113r]

[21 Apr 79 (73.10)] Jocelyn. Anastasia by Peter Caprik, proctor; Thomas by John Wiltshire, proctor. An oral libel concerning the appeal and grievances is given by Anastasia; Thomas admits the grievances and the subsequent appeal. With the parties' consent, the court finds in favour of the appeal and its own jurisdiction. Anastasia gives an oral libel concerning the principal case of marriage which Thomas intends to bring against her *sub certa forma*; she contests the suit negatively. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Gosselyn] Parte appellante per Petrum Caprik', clericum, procuratorem suum, parte appellata, videlicet Thoma Furblissho', per Johannem Wiltesshir' procuratorem suum, comparentibus, libellato oretenus per partem appellantem super appellacione et gravaminibus suggestis, procurator partis appellate fatetur dicta gravamina suggesta et appellacionem subsecutam. Unde de ipsarum parcium expresso consensu pronunciamus pro voce appellacionis et pro iurisdiccione nostra. Libellatoque per partem Thome predicti^a oretenus super causa principali, videlicet causa matrimoniali quam contra eandem Anastasiam movere intendit, sub certa forma, lite per procuratorem dicte Anastasie negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 113v]

^a Thome predicti] Anastasie predicte.

[21 Apr 79 (73.11)] Jocelyn. Anastasia by proctor; John by William Leverton, who claims to be his proctor. With the parties' consent, next for John to respond personally.

Gosselyn] Parte appellante ut prius comparente, parte vero appellata, videlicet .. officialis domini archidiaconi Elien', per Willelmum Leverton', clericum, procuratorem suum se dicentem, de quarum consensu expectamus usque proximum ut dictus officialis personaliter respondeat. [fol. 113v]

[23 May 79 (74.10)] Jocelyn. Anastasia produces three witnesses concerning the principal case: John Yutte of Cambridge, Roger Frere butcher, and William Penrith of same, who are admitted and sworn. Thomas reserves the right to speak against witnesses and testimony. Next to propose and the second term to produce.

Gosselyn] Partibus ut prius comparentibus, productis per dictam Anastasiam in causa principali tribus testibus, videlicet Johanne Yutte de Cantebr', Rogero Frere bucherum^b et Willelmo Penreth de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta, datur est dies in proximo ad ponendum et secundo producendum. [fol. 115r]

[23 May 79 (74.11)] Jocelyn. As 73.11.

Gosselyn] Parte appellante ut prius comparente, parte appellata, videlicet officiali domini archidiaconi Elien', per dictum procuratorem suum se dicentem, de quarum consensu expectamus usque proximum ut^c dictus .. officialis personaliter respondeat. [fol. 115r]

[10 Jun 79 (75.9)] Jocelyn. No other witnesses or positions are brought. Next to publish the testimony.

Gosselyn] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis, datur dies in proximo ad publicandum attestaciones. [fol. 116v]

[10 Jun 79 (75.10)] Jocelyn. As 75.9.

Gosselyn] Partibus ut prius comparentibus, de quarum consensu expectamus usque proximum ut officialis archidiaconi pars appellata personaliter respondeat dicto libello. [fol. 116v]

[30 Jun 79 (76.10)] Jocelyn. Since the witnesses have not yet been examined, next to publish the testimony.

Gosselyn] Partibus ut prius comparentibus, quia testes nondum sunt examinati, datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 117v]

[30 Jun 79 (76.11)] Jocelyn. Since the official has not been cited to respond personally about the contempt, he will be called to respond personally to the libel.

Gosselyn] Partibus ut prius comparentibus, quia officialis nondum est citatus

^b bucherum] Boch'. ^c ut] usque; *emendation based on* 73.11.

ad personaliter respondendum libello, eo quod concernit contemptum curie, ideo decernimus eum fore vocandum ad proximum ad idem, videlicet ad personaliter respondendum dicto libello. [fol. 117v]

[21 Jul 79 (77.10)] Jocelyn. Of their own volition, Anastasia and Thomas have solemnized their marriage without further procedure. The case is finished.

Gosselyn] Matrimonium est inter eos solempnizatum sua spontanea voluntate, absque alio processu ulteriori et sic finitur lis in dicta causa. [fol. 118v]

[21 Jul 79 (77.11)] Jocelyn. Since the official has not yet been personally apprehended by means of the citation as decreed, he will be called to respond personally to the libel.

Gosselyn] Partibus ut prius comparentibus, sed quia officialis nondum potuit apprehendi personaliter citacione iuxta decretum, ideo expectamus usque proximum ad idem et vocetur ad personaliter respondendum dicto libello ut prius. [fol. 118v]

[22 Sep 79 (78.11)] Jocelyn. As 77.11.

Gosselyn] Partibus ut prius comparentibus, quia officialis non potuit personaliter apprehendi, ideo expectamus usque proximum ad idem. [fol. 120r]

263. *PETERHOUSE*

[17 Mar 79 (72.48)] Peterhouse Cambridge. Roger Toller of Cambridge was cited at the promotion of the master and scholars of Peterhouse, Cambridge. He has not paid tithes for fish caught in Milnedam river, located within the parish of St Mary the Less. Peterhouse has the use of the parish.

31 March 1379 before John Newton, DCivL and bishop's commissary. The master and scholars appear by Thomas de Goldyngton, chaplain; Roger appears personally. Sworn *de veritate dicenda*, Roger is asked whether he caught the fish in that river, what was their value, and whether the river is within and originates from the parish. He admits that he caught fish valuing 6s 8d, from which a tenth part is 8d; he says he is a farmer (*firarius*) of the river, which he believes is within the parish. He had been asked by the master and scholars, who are rectors of the church, to pay the tithes, but he had not paid. He is ordered to pay or compensate the actor within three days.

2 April. After the term has lapsed, Peterhouse produces two witnesses to prove that the river is within and originates from St Mary's parish: William Beardfield of Cambridge and John Sare of Cambridge, who are admitted and sworn. They are examined individually and privately. A pronouncement will be made at the second bell after lunch in St Mary's the Less.

Pronouncement. At the request of the actors, the court proceeds to the pronouncement. Based on the information from the witnesses that the river is within and originates from the parish and based on Roger's confession, Roger is warned peremptorily to pay 8d tithes to the actors within thirty days, in three ten-day installments, under penalty of major excommunication. Witnesses: Mr's William de Irby, William de Ockham, MA; Hugh Candlesby, public notary; and William de Revere, of Lincoln and Chichester dioceses.

After the thirty days had lapsed, Roger was called for 10 May to show why he should not

be excommunicated. He appears personally and says that he did not pay or compensate for the sum because tithes were never paid for fish caught there. The court assigns 2 June in St Michael's, Cambridge, to make the pronouncement.

Petri Cant'] Rogerus Tollere de Cantebr' citatus super detencione decimarum piscium captorum in ripa communi vocata "Milnedam" in parochia Sancte Marie extra Trumpiton' gates Cantebr' ad promocionem magistri et sociorum domus scolarium Sancti Petri Cant', predictam ecclesiam Sancte Marie in proprios usus optinencium, per dominum Thomam^a de Goldyngton' capellanium procuratorem suum comparencium, comparuit personaliter coram nobis Johanne de Neweton' legum doctore, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissario ad infrascripta sufficienter deputato, die iovis proximo ante dominicam in Ramis Palmarum anno Domini supradicto. Iuratus de veritate dicenda ac requisitus si pisces cepit in dicta ripa et ad quem valorem et an dicta ripa sit^b in et de parochia dicte ecclesie Sancte Marie, fatetur quod cepit ibidem pisces ad valorem sex solidorum et octo denariorum de quibus decima pars se extendebat ad octo denarios. Fatetur eciam quod est firmarius illius aque et quod illa aqua est in parochia Sancte Marie predictae ut credit et quod fuit requisitus ex parte dictorum magistri et sociorum dicte domus rectorum eiusdem ecclesie de solvendo decimas de dictis piscibus perceptis^c et quod non decimavit de eisdem piscibus. Unde monuimus ipsum Rogerum quod solvat dictas decimas eisdem magistro et sociis nomine dicte ecclesie vel eisdem competenter satisfaciat infra triduum pro eisdem.

Quo termino, videlicet triduo, adveniente et elapso, videlicet secundo die mensis aprilis, magistro et scholaribus predictis per dictum dominum Thomam de Goldyngton' procuratorem suum, predicto Rogero personaliter, coram nobis commissario predicto comparentibus productisque coram nobis per partem dictorum magistri et sociorum ex habundante duobus testibus, ad probandum videlicet quod dicta ripa vocata "le Milnedam" est infra et de parochia dicte ecclesie Sancte Marie extra Trumpiton' gates Cantebr', videlicet Willelmo Berdefeld de Cantebr' et Johanne Sare de eadem, quibus admissis et in forma iuris iuratis, pro informacione consciencie nostre ac secrete et singillatim examinatis, datur terminus in secunda pulsaciaone post prandium istius diei secundi, videlicet mensis aprilis, in ecclesie Sancte Marie extra Trumpiton' gates Cantebr' ad audiendum pronunciacionem nostram.

Quibus loco et termino partibus predictis ut prius comparentibus, ad instantem petitionem dictorum magistri et sociorum ad pronunciacionem in hac parte ferendam, habita prius per nos informacione per testes supradictos quod dicta ripa est infra et de parochia dicte ecclesie Sancte Marie process-

^a Thomam] *interlined*. ^b sit] *repeated*. ^c perceptis] *both p's have descenders crossed*.

mus in hunc modum:

In Dei nomine amen. Nos Johannes de Neuton' legum doctor, venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissarius in hac parte specialiter deputatus, monemus te Rogerum Tollere de Cantebr' Elien' diocesis laicum, dicti venerabilis patris et nostrum in hac parte notorie subditum, summaria cognitione per nos prehibita diligenti, primo, secundo et tercio ac peremptorie quod octo denarios magistro et sociis domus Sancti Petri Cant' ecclesiam parochiam Sancte Marie extra Trumpiton' gates Cantebr' in proprios usus optinentibus solvas vel solvi facias nomine decimarum piscium in ripa vocata "Milnedam" in et infra parochia dicte ecclesie patenter et notorie constituta per te captorum, prout ex confessione tua coram nobis iudicialiter emissa et alias per facti notorietatem nobis constat, infra triginta dies a tempore monicionis nostre continue numerandos quorum decem dies pro primo, decem pro secundo et reliquos decem pro tercio et peremptorio termino ac monicione canonica assignamus sub pena excommunicationis maioris quam in personam tuam lapso dicte monicionis nostre termino, dolo, mora et culpa tuis precedentibus sub forma exnunc ut extunc et extunc ut exnunc ferimus in hiis scriptis. Lata fuit dicta^d sententia et dicta monicio facta in dicta ecclesia Sancte Marie secundo die mensis aprilis anno Domini millesimo trecentesimo septuagesimo nono indiccione secunda pontificatus domini Urbani pape sexti anno primo computando a coronacione. Presentibus magistris Willelmo de Irby, Willelmo de Okham, magistros in artibus, Hugone de Candelesby notario publico et Willelmo de Revere, Lincoln' et Cicestren' diocesum, testibus ad premissa vocatis specialiter et rogatis.

Subsequenter vero lapsis dictis triginta diebus, de dictis decimis minime satisfacto^e prout ex parte dictorum magistri et sociorum nobis est conquestum, dictum Rogerum ad diem martis proximo post festum Sancti Johannis ante portam latinam, videlicet decimum diem mensis maii, coram nobis fecimus evocari, causam rationabilem si quam habeat quare^f nominatim et in specie in dictam excommunicationis sententiam ratione non solucionis dictarum decimarum incidisse non debeat pronunciari et declarari proponiturum et ostensurum. Comparuit personaliter; fatetur quod non solvit dictas [fol. 112v] decimas nec pro eis satisfecit sed allegat quod nunquam solebat decimas dari pro piscibus ibidem captis. Unde expectamus dictam pronunciacionem et declaracionem in hac parte faciendas usque ad diem iovis proximo ante festum Pentecostes in ecclesia Sancti Michaelis Cantebr'. [fol. 113r]

[23 May 79 (74.37)] Peterhouse. 26 May 1379 in St Michael's John Newton, said commissary, pronounces Roger Toller of Cambridge contumacious *sub certa forma* because he did not appear to show why he should not be excommunicated. As penalty he is precluded from

^d dicta] followed by *monc* crossed out. ^e satisfacto] *the construction would seem to be impersonal*. ^f quare] followed by *excommunicat*' crossed out.

proposing why, and he is denounced.

Pet' Cant' – pronunciacio] Vicesimosexto die mensis maii, videlicet die iouis proximo ante festum Pentecostes anno Domini supradicto adveniente, in ecclesia Sancti Michaelis Cantebr', nos Johannes de Neuton' commissarius antedictus, Rogerum Tollere de Cantebr' habentem istos diem et locum ad proponendum causam rationabilem quare non debeat pronunciari nominatim et in specie incidisse in sententiam excommunicacionis in ipsum per nos latam sub certis modo et forma superius contentam nullo modo comparentem pronunciamus contumacem et in pena contumacie sue viam ulterius quicquam in hac parte proponendi precludimus eidem per decretum. Ipsumque Rogerum in dictam sententiam nominatim et in specie incidisse occasione premissa pronunciamus et declaramus in hiis scriptis. [fol. 116r]

264. SWAFFHAM (4)

Two sessions after the entry of this appeal from the archdeacon's official another case, apparently also an appeal from the same archdeacon's official, brought by the same appellant receives a parallel entry. The parallel entries continue for four sessions, after which the two appeals are combined. Since Foxton did not include the first entry in this second appeal, we cannot be sure what it was about, but it may, as in *Jocelyn*, have concerned the official's failure to defer to the first appeal.

[17 Mar 79 (72.50)] Swaffham. Mr John de Pinxton, archdeacon's official, was cited for 17 March 1379 at the instance of Margaret Swaffham, residing with Margaret Tavern of Cambridge, in an appeal from an unjust and final citation and other grievances suggested in the rescript.

Margaret appears by John Wiltshire, proctor; John is absent. Both are expected next.

Suafham] Magister Johannes de Pynkeston' officialis domini archidiaconi Elien' citatus [est] ad dictum diem iouis ad instanciam Margarete Suafham commorante cum Margareta Tavern' de Cant' in causa appellacionis a quadam citacione iniusta et peremptoria aliisque legitimis gravaminibus sibi illatis et factis in ea parte suggestis, prout in rescripto per ipsam Margaretam a nobis impetrato plenius continetur, a dicto officiali pretenso ad audienciam nostram ut asseritur interiecte. Parte appellante per Johannem de Wiltesshir', clericum, procuratorem suum, comparente, parte vero appellata nullo modo, ideo de benignitate nostra expectamus absentem cum presente usque proximum. [fol. 113r]

[21 Apr 79 (73.12)] Swaffham. Margaret by proctor; John by William Leverton, who claims to be her proctor. An oral libel is given *sub certa forma* and requested in writing. Next to receive it in writing.

Suafham] Parte appellante ut prius comparente, parte appellata per Willelmum Leverton', clericum, procuratorem suum se dicentem, libellato per par-

tem appellantem oretenus sub certa forma, petitoque per partem appellatam in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 113v]

[23 May 79 (74.12)] Swaffham. With the parties' consent, next to receive the libel in writing.

Suafram] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad dandum et recipiendum libellum in scriptis. [fol. 115r]

[23 May 79 (74.13), 10 Jun 79 (75.11), 10 Jun 79 (75.12)] Swaffham. With the parties' consent, next to receive the libel in writing.

Suafram] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad dandum et recipiendum libellum in scriptis. [fols. 115r, 116v, 116v]

[30 Jun 79 (76.12)] Swaffham. The libel is given; John contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Proctors swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Suafram] Partibus ut prius comparentibus, oblato libello,^a lite per partem appellatam negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde in personis dictorum procuratorum de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 117v]

[30 Jun 79 (76.13)] Swaffham. A written libel is received; [John]¹ contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Proctors swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Suafram] Partibus ut prius comparentibus, oblato libello in scriptis et optento, liteque ad eundem per partem appellatam negative contestata, dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde in personis dictorum procuratorum de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 117v]

[21 Jul 79 (77.12)] Swaffham. With the parties' consent, next to propose and the first term to produce.

Suafram] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad ponendum et primo producendum. [fol. 118v]

[21 Jul 79 (77.13)] Swaffham. With the parties' consent, next to propose and the first term to produce.

Suafram] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad ponendum et primo producendum. [fol. 118v]

[22 Sep 79 (78.12)] Swaffham. In both appeal cases between Margaret Swaffham and Mr John

^a oblato libello] *interlined*.

¹ See the introduction to this case.

Pinxton, parties appear by proctors. Margaret exhibits a public instrument and John requests a copy; decreed. Margaret produces William Leverton, cleric, who is admitted and sworn.² She requests the compulsion of three witnesses: Mr Ralph Selby, John vicar of Holy Sepulchre of Cambridge, and Hugh Candlesby; decreed with faith given. Next to produce compelled, to propose, and the second term to produce.

Suafram] In utraque causa appellacionis mota inter Margaretam Suafram de Cant' partem appellantem ex parte una et magistrum Johannem Pynkeston' officialem domini archidiaconi Elien' partem appellatam ex altera, partibus per procuratores suos comparentibus, exhibito per partem appellantem quodam instrumento publico, petita copia eiusdem per partem adversam et decreto, productoque Willelmo Leverton' clerico per dictam partem appellantem, quo admisso et in forma iuris iurato, petita insuper compulsione [fol. 120r] trium testium, videlicet magistri Radulphi Selby, domini Johannis vicarii ecclesie Sancti Sepulchri Cant' et Hugonis Candelesby, qua decreta, facta fide que requiritur, datur dies in proximo ad producendum compulsos et ad ponendum et secundo producendum. [fol. 120v]

[13 Oct 79 (79.10)] Swaffham. The compulsion of the witnesses is not yet made, but Hugh Candlesby is admitted and sworn. Next to propose, the third term to produce, and the final term to produce the compelled; John will be called to respond personally to the positions.

Suafram] Partibus ut prius comparentibus, nulla compulsione adhuc facta sed producto in secundo termino Hugone Candelesby, quo admisso et in forma iuris iurato, datur dies in proximo ad ponendum et tercio producendum et ad producendum compulsos pro termino peremptorio et decernimus partem ream fore vocandam ad personaliter respondendum posicionibus. [fol. 121v]

[3 Nov 79 (80.10)] Swaffham. Margaret produces John Dunham, who is admitted and sworn. Next to publish the testimony; John will be called to respond personally concerning contempt.

Suafram] Partibus ut prius comparentibus, producto per partem dicte Margarete Johanne Doneham, quo admisso et in forma iuris iurato, datur dies in proximo ad publicandum et vocetur pars rea ad personaliter respondendum super contemptu ut prius. [fol. 122v]

[24 Nov 79 (81.10)] Swaffham. Margaret by Peter Caprik, substituted for original proctor; John by proctor. Next to publish the testimony.

Suafram] Parte appellante per Petrum Caprik', clericum substitutum Johannis Wiltesshir' procuratoris originalis, parte appellata ut prius [comparentibus, datur dies] in proximo ad idem. [fol. 123v]

[9 Dec 79 (82.10)] Swaffham. Parties by proctors. Next to publish the testimony.

Suafram] Partibus per dictos procuratores suos comparentibus, datur dies in proximo ad idem. [fol. 125r]

[12 Jan 80 (83.10), 3 Feb 80 (84.10)] Swaffham. As 82.10.

² The appellant is here getting testimony from the proctor of the appellee.

Suafham] Ad idem. [fols. 126r, 127v]

265. CANDLESBY (4)¹

[17 Mar 79 (72.51)] Candlesby. John Sare junior of Cambridge and Joan his wife were cited for 31 March 1379 at the instance of Mr Hugh Candlesby, public notary and proctor general of the consistory, in a case of salary owed for his service.

Parties appear personally. With their consent, the case is adjourned until 2 April with hope of peace.

2 April. Hugh absent; John and Joan personally. Candlesby's work is ordered examined so John and Joan can hear the estimation of the salary next.

Candelesby] Johannes Sare de Cantebr' iunior et Johanna uxor eius citati [sunt] ad diem iouis proximo post festum Annunciacionis dominice ad instanciam magistri Hugonis de Candelesby notarii publici, in consistorii Elien' procuratoris generalis, in causa salarii ratione suffragii sui prestiti. Partibus personaliter comparentibus de quarum consensu continuamus usque [ad] diem sabbati proximo futurum ad idem sub spe pacis.

Quo die adveniente parte actrice nullo modo comparente, parte rea personaliter, decernimus laborem dicti magistri Hugonis fore inspiciendum citra proximum, datur dies in proximo dicte parti ree ad audiendum taxationem dicti salarii. [fol. 113r]

[21 Apr 79 (73.45)] Candlesby. Parties appear personally. Based on the inspection of Hugh's labour, the court estimates a salary of 4s John and Joan are ordered to pay this within eight days under penalty of excommunication.

Candelesby] Partibus personaliter comparentibus, inspecto labore taxamus salarium suum ad quattuor solidos, ipsosque Johannem et Johannam in eisdem quattuor solidis dicto Hugoni solvendis condemnamus et monemus quod solvant infra octo dies proximo futuros sub pena excommunicationis. [fol. 114v]

¹ See *Sare*, n. 1.

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This case is a good example of the uncertain line between office and instance cases. It begins with a reclamation of banns in the passive voice. The rector of Little Shelford makes the initial citation, and he is commissioned to examine the witnesses as to the affinity by illicit intercourse between the parties. By the time it reaches the sentence stage the case is styled as if it were an instance case brought by John against Margery.¹

[17 Mar 79 (72.52)] Page. During the publication of banns for John Page of Little Shelford and

¹ See Donahue, *Law, Marriage, and Society*, 238, 574.

Margery Chapman of Little Shelford a reclamation was made that they could not contract marriage de iure because John had had intercourse with Matilda daughter of John Welles and wife of William Taylor of Harlton. Matilda is related to Margery within the prohibited degrees of consanguinity. The rector of Little Shelford is commissioned to examine the witnesses about the impediment; he is to certify his acts and findings.

Cited by the rector, John, Margery, and Matilda appear personally. Sworn *de veritate dicenda* and questioned, John and Margery admit that they contracted by saying, "I accept you as my husband and to this I give you my faith" and "I receive you as my wife and to this I give you my faith." John placed a ring on Margery's finger and they had intercourse; this happened around the feast of the Ascension in 1377 [7 May]. A year or more prior to the contract, John had had intercourse with Matilda. They say they do not know whether Margery and Matilda are related within the prohibited degrees. Three witnesses are produced: William le Taillour of Shelford, Alice wife of John Chapman, and Isabel Webbe of Shelford, who are admitted and sworn. They are examined; the testimony is put in writing. Next to proceed before whoever is presiding at the consistory in St Michael's; the nature of the case requires that the rector certify the court more fully.

Page] In edicione bannorum inter Johannem Page de Schelford' Parva et Margeriam Chapma' de eadem detectum fuit et compertum per reclamacionem in ea parte factam quod dicti Johannes et Margeria matrimonium adinvicem contrahere non possunt et si forte de facto contraxerint illud matrimonium subsistere non potest de iure pro eo et ex eo quod dictus Johannes quamdam Matildem filiam Johannis Welles, que nunc est uxor Willelmi Taillo' de Harleston', predictam Margeriam in gradu consanguinitatis prohibito attingentem carnaliter precognovit. Ad inquirendum igitur super dicto impedimento per testes fidedignos ipsosque testes admittendos et examinandos in forma iuris discreto viro rectori ecclesie de Schelford' Parva nosque certificandum quid in hac parte fecerit et invenerit commisimus vices nostras. Idem quoque rector, commissarius noster in hac parte specialiter deputatus, vocatis coram eo predictis Johanne et Margeria ac Matilde^a et personaliter comparentibus, de veritate dicenda iuratis ac super premissis requisitis, predicti Johannes et Margeria fatentur quod contraxerunt adinvicem matrimonium per ista verba, "Accipio te in virum et ad hoc do tibi fidem meam," et "Ego accipio te in uxorem et ad hoc de tibi fidem meam," et quod posuit dicte Margerie anulum in digito et postmodo eam carnaliter cognovit et quod dictus contractus fuit initus circiter festum [fol. 113r] ascencionis Domini anno Domini millesimo trecentesimo septuagesimo septimo et quod per annum et amplius ante ipsam Matildem carnaliter precognovit, an dicte Margeria et Matildis se attingant in gradu consanguinitatis prohibito dicunt se nescire. Productisque coram dicto rectore commissario tribus testibus, videlicet Willelmo le Taillour de Schelford', predicta Alicia uxore Johannis Chapman et Isabella Webbe de eadem, quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus in scriptis redactis, datus fuit dies in proximo consistorio in ecclesia Sancti

^a ac Matilde] *interlined*.

Michaelis Cant' coram consistorii Elien' presidente ad procedendum ulterius et procedi videndum in dicta causa prout de iure fuerit faciendum et ipsius causa qualitas exigit et natura prout idem rectori nos plenius certificavit. [fol. 113v]

[21 Apr 79 (73.39)] Page. Parties by proctors. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Page] In negocio reclamacionis in edicione bannorum inter Johannem Page de Schelford' Parva et Margeriam Chapma' de eadem, partibus per procuratores suos comparentibus, publicatis attestacionibus decreta copia partibus, datur dies in proximo ad dicendum contra testes et dicta. [fol. 114v]

[23 May 79 (74.32)] Page. Nothing is proposed. Next to propose everything concerning the matter.

Page] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 116r]

[10 Jun 79 (75.30)] Page. No witnesses or positions are brought; the case is concluded. Next to hear the definitive sentence.

Page] Partibus ut prius comparentibus, nullo dicto seu proposito sed in dicta causa concluso, datur dies in proximo ad audiendum sentenciam diffinitivam. [fol. 116v]

[30 Jun 79 (76.31)] Page. Next to hear the definitive sentence.

Page] Partibus ut prius comparentibus, datur dies in proximo ad idem quod prius, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 118r]

[21 Jul 79 (77.31)] Page. With the parties' consent, next to hear the definitive sentence.

Page] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 119r]

[22 Sep 79 (78.30)] Page. Next to hear the definitive sentence.

Page] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam diffinitivam. [fol. 120v]

[13 Oct 79 (79.28)] Page. As 78.30.

Page] Ad idem. [fol. 121v]

[3 Nov 79 (80.23), 24 Nov 79 (81.23), 9 Dec 79 (82.23), 12 Jan 80 (83.23)] Page. As 78.30.

Page] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 122v, 124r, 125r, 126v]

[3 Feb 80 (84.22)] Page. Since the entire process has been investigated and deliberation has

been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because the consanguinity between Margery and Matilda and the intercourse between John Page and Matilda prior to John and Margery's contract have been proved, John and Margery's marriage cannot exist *de iure*. It is pronounced invalid; Margery is dismissed from John's suit.

Page] In causa matrimoniali mota inter Johannem Page de Schelford' Parva partem actricem ex parte una et Margeriam Chapman de eadem partem ream ex altera, partibus predictis coram nobis .. officiali Elien' non per viam appellacionis seu querele sed primarie iurisdiccioni cognoscente ut prius comparantibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus consanguinitatem inter ipsam Margeriam et Matildem filiam Johannis Welles ac carnalem copulam inter dictum Johannem Page et eandem Matildem ante omnem contractum inter eosdem Johannem et Margeriam initum seu habitum, sufficienter fuisse et esse probatum, matrimonium inter eosdem Johannem et Margeriam de facto contractu non posse subsistere de iure nec valere pronunciamus et declaramus. Dictamque Margeriam ab impetitione et instancia predicti Johannis in hac parte dimittimus et absolvimus sentencialiter et diffinitive in hiis scriptis. [fol. 128r]

267. MARTIN

[21 Apr 79 (73.9)] Martin. Clarisa Edmond of Melbourn was cited at the instance of Hugh Martin of Melbourn in an appeal *ab iniqua* from the definitive sentence given by the archdeacon's official in a marriage case, favouring Clarisa, original plaintiff.

Parties appear personally. Hugh gives an oral libel. With the parties' consent, the article of appeal is omitted and the court pronounces in favour of the appeal. The process is ordered sent from the archdeacon's court. Next to see its transmission.

Martyn] Claricia Edmond' de Meldebourn' citata [est] ad instanciam Hugonis Martyn de eadem in causa appellacionis ad nos interiecta a quadam sententia diffinitiva per officialem domini archidiaconi Elien' in quadam causa matrimoniali que coram eo movebatur inter ipsam Clariciam partem actricem ex parte una et prefatum Hugonem partem ream ex altera, pro dicta Claricia et contra prefatum Hugonem lata tanquam ab iniqua. Partibus personaliter comparantibus, libellato oretenus per partem dicti Hugonis appellantis omissoque de expreso consensu parcium articulo appellacionis pronunciamus pro voce appellacionis et pro iurisdiccione nostra, decernimus fore scribendum pro transmissione processus coram dicto .. officiali in dicta causa habiti. Datur

dies in proximo ad videndum transmissionem eiusdem. [fol. 113v]

[23 May 79 (74.9)] Martin. Hugh absent; Clarisa by John Wiltshire, proctor. Since the process has not been sent, next to see its transmission; Hugh will be called.

Martyn] Parte appellante nullo modo comparente, parte appellata per Johannem Wiltesshir' procuratorem suum, nullo processu adhuc transmissio, datur dies in proximo ad videndum transmissionem eiusdem et decernimus partem appellantem fore vocandam ad idem. [fol. 115r]

[10 Jun 79 (75.8), 30 Jun 79 (76.9)] Martin. As 74.9.

Martyn] Parte appellante nullo modo comparente, parte appellata ut prius, nullo processu adhuc transmissio, datur dies in proximo ad idem. [fols. 116v, 117v]

[21 Jul 79 (77.9)] Martin. Hugh personally; Clarisa by proctor. Since no process has been sent, it is expected next Saturday [30 July].

30 July. The process is exhibited and published. Next to speak against it.

Martyn] Parte appellante personaliter comparente, parte appellata ut prius, nullo processu adhuc transmissio expectamus usque diem sabbati proximo futurum ad idem.

Quo die partibus ut prius comparentibus, exhibito processu per officialem domini archidiaconi Elien' coram eo habito, quo publicato datur dies in proximo ad dicendum contra dictum processum. [fol. 118v]

[22 Sep 79 (78.10)] Martin. Hugh personally; Clarisa by John Dunham, proctor. Nothing is proposed by either; with the parties' consent, the case is concluded. Next to hear the definitive sentence.

Martyn] Parte actrice ut prius comparente, parte rea per Johannem Doneham, clericum, procuratorem suum, nichil dicto seu proposito per alterutram partem parcium predictarum sed de ipsarum consensu in causa concluso, datur dies in proximo ad audiendum sententiam diffinitivam. [fol. 120r]

[13 Oct 79 (79.9), 3 Nov 79 (80.9)] Martin. For the same.

Martyn] Ad idem. [fols. 121r, 122v]

[24 Nov 79 (81.9)] Martin. Hugh proposes an exception ?concerning an error of fact; admitted. Next to prove precisely.

Martyn] Partibus ut prius comparentibus, propositis per partem originaliter ream quibusdam excepcionibus errorem facti continentibus,^b quibus admissis eatenus quatenus, datur dies in proximo ad precise probandum. [fol. 123v]

[9 Dec 79 (82.9)] Martin. No witnesses are produced, but a *missio* is requested to admit and examine Agnes Ferrer and Isabel Horneswold of Melbourn; decreed. Mr John Potton is commissioned to admit and examine them and to collate their testimony. Next to publish the testi-

^b continentibus] *sic, perhaps concernentibus is meant.*

mony.

Martyn] Partibus ut prius comparentibus, nullis testibus productis sed petita missione ad admittendum et examinandum in partibus Agnetem Fero' et Isabellam Horneswold' de Meldebourn', qua decreta, committimus magistro Johanni de Potton' ad admittendum in forma iuris et examinandum easdem in partibus cum potestate concordandi dicta testium daturque dies in proximo ad publicandum. [fol. 125r]

[12 Jan 80 (83.9)] Martin. With the parties' consent, next to publish the testimony since the witnesses have not yet been examined.

Martyn] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad publicandum quia testes non sunt examinati. [fol. 126r]

[3 Feb 80 (84.9)] Martin. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Martyn] Partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 127v]

[23 Feb 80 (85.9)] Martin. Clarisa by proctor; Hugh is absent and found contumacious. Nothing is proposed; as Hugh's penalty, the case is concluded. Next to hear the definitive sentence.

Martyn] In causa matrimoniali mota inter Clariciam Edmond de Meldebourn' partem originaliter actricem ex parte una et Hugonem Martyn de eadem partem originaliter ream ex altera, parte actrice ut prius comparente, parte rea nullo modo, ipsam partem ream reputamus contumacem. Nichil dicto seu proposito sed in pena contumacie partis ree in dicta causa concluso, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 129v]

[15 Mar 80 (86.8)] Martin. Clarisa is ordered called to respond personally to the positions.

Martyn] Ad idem et decernimus dictam Clariciam fore vocandam ad proximum ad personaliter respondendum posicionibus pro informacione consciencie nostre. [fol. 134r]

[5 Apr 80 (87.6)] Martin. Hugh as before; Clarisa personally. She responds personally to the positions. Next to hear the definitive sentence.

Martyn] Predicto Hugone ut prius comparente,^c predicta Claricia personaliter, habita responsione ad posiciones per dictam Clariciam in propria persona, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 136r]

[26 Apr 80 (88.6), 25 May 80 (89.6), 14 Jun 80 (90.6)] Martin. For the same.

^c comparente] comparentibus.

Martyn] Ad idem. [fols. 137r, 138r, 140v]

[23 Jul 80 (92.6)] Martin. Parties personally. They request that the sentence be given. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Based on new proofs, confessions, and allegations made before the court, the sentence of the archdeacon's official is annulled. Because Clarisa has not proved the marriage contract with Hugh, he is dismissed from her suit and absolved. She is condemned to pay his costs, their estimation to be determined by the court.

Clarisa personally and immediately appeals *apud acta ab iniqua*.

Martyn] Partibus personaliter comparentibus et sentenciam diffinitivam ferri petentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Auditis et intellectis causis^d appellacionis que coram nobis .. officiali Elien' vertitur et diu vertebatur racione cuiusdem sentencie diffinitive late in quadam causa matrimoniali per officialem domini .. archidiaconi Elien' pro matrimonio inter Hugonem Martyn de Meldebourn', iam partem appellantem ex parte una, et Clariciam Edmond' de eadem, iam partem appellatam ex altera, rimatis et investigatis processibus tam coram dicto .. officiali archidiaconi in causa principali quam eciam in causa appellacionis coram nobis habitis, quia invenimus ex quibusdam novis probacionibus, confessionibus et allegacionibus coram nobis habitis predictam sentenciam per .. officialem domini .. archidiaconi Elien' latam fore merito retractandam et infirmandam, dictam sentenciam diffinitivam revocamus, [fol. 141v] irritamus, et annullamus, irritam et nullam fore pronunciamus et declaramus nullumque matrimonium inter eosdem fuisse contractum vel esse ex parte dicte Claricie probatum pronunciamus. Unde predictum Hugonem ab impetitione dicte Claricie dimittimus et absolvimus per decretum, condemnantes dictam Clariciam parti dicti Hugonis in expensis legitimis in dicta causa factis, taxacione earundem nobis specialiter reservata.

appellacio] A qua quidem sententia tanquam ab iniqua dicta Claricia personaliter appellavit tunc ibidem apud acta. [fol. 142r]

^d causis] cause.

268. TAYLOR (2)

[21 Apr 79 (73.40)] Taylor. John Folville of Cambridge was cited at the instance of Geoffrey Taylor of Cambridge in a defamation case.

Geoffrey appears by John Wiltshire, proctor; John by William Leverton, proctor. A written

libel is received. Next to respond.

Taillo'] Johannes Folvyle de Cantebr' *taillor* citatus [est] ad diem et locum supradictos ad instanciam Galfridi Taillo' de eadem in causa diffamacionis. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum, parte rea per Willelmum Leverton', clericum, procuratorem suum, comparentibus, oblato libello in scriptis per partem actricem et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 114v]

[23 May 79 (74.33)] Taylor. John contests the suit negatively, saying the claims are untrue and the petitions should not be granted; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Taillo'] Partibus ut prius comparentibus, lite per partem ream negative contestata dicendo videlicet narrata proutarrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 116r]

[10 Jun 79 (75.31)] Taylor. No witnesses or positions are brought. Next to propose and the second term to produce.

Taillo'] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 116v]

[30 Jun 79 (76.32)] Taylor. No witnesses or positions are brought. Next to propose and the third term to produce.

Taillo'] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 118r]

[21 Jul 79 (77.32)] Taylor. No witnesses are produced, but Geoffrey wants three compelled: Robert Swanton of Cambridge, John Colchester, and Amy Shipdam of Cambridge; decreed with faith given. Next to produce compelled.

Taillo'] Partibus ut prius comparentibus, nullis testibus productis sed petita compulsione trium testium videlicet Roberti Swanton' de Cantebr', Johannis Colchestre et Amye Shipdam de eadem, qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsos. [fol. 119r]

[22 Sep 79 (78.31)] Taylor. Next to produce the compelled.

Taillo'] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad producendum compulsos. [fol. 120v]

[13 Oct 79 (79.29)] Taylor. Although the compelled witnesses were cited, they are absent. They are suspended and called. Next to produce them.

Taillo'] Partibus ut prius comparentibus, citatis dictis testibus compellendis

non comparuerunt, ideo suspendimus et vocentur ad proximo ad idem. [fol. 121v]

[3 Nov 79 (80.24)] Taylor. Geoffrey produces two witnesses: Robert Swanton of Cambridge and John Colchester of Cambridge, who are admitted and sworn. John reserves the right to speak against witnesses and testimony and requests the articles so he can administer interrogatories. Next to publish the testimony.

Taillo'] Partibus ut prius comparentibus, productis per partem actricem duobus testibus, videlicet Roberto Swanton' de Cantebr' et Johanne Colchestr' de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt petitisque articulis ut ministrare poterit interrogatoria, datur dies in proximo ad publicandum. [fol. 122v]

[24 Nov 79 (81.24)] Taylor. Geoffrey requests a *missio* to admit and examine Amy Shipdam: decreed. Next to publish the testimony; Mr John Epperston, advocate of the consistory, is commissioned to admit and examine Amy and collate the evidence.

Taillo'] Partibus ut prius comparentibus, petita missione ad admittendum et examinandum Amyam Shipdam, qua decreta, datur dies in proximo ad publicandum et committimus magistro Johanni Epperston' consistorii nostri advocato ad admittendum et examinandum eandem cum potestate concordandi dicta testimonia. [fol. 124r]

[9 Dec 79 (82.24)] Taylor. Since the witnesses have not yet been examined, nor is that the plaintiff's fault, next to publish the testimony.

Taillo'] Ad idem in proximo, videlicet ad publicandum quia testes nondum sunt examinati nec per partem actricem stetit. [fol. 125r]

[12 Jan 80 (83.24)] Taylor. Peace has been restored. John is to be called *ex officio*.

Taillo' – pax] In causa diffamacionis mota inter Galfridum Taillo' de Cant' partem actricem ex parte una et Johannem Folvile de eadem partem ream ex altera, pax est inter partes, ideo vocetur pars rea ex officio. [fol. 126v]

269. WESTLEY (1)¹

[21 Apr 79 (73.47)] Westley Waterless. William Ingham of Cambridge was cited at the instance of Richard vicar of Westley Waterless in a case of violence.

Neither appears. The case is discontinued.

Westlee] Willelmus Ingram de Cantebr' citatus [est] ad instanciam domini Ricardi vicarii ecclesie de Westlee in causa violencie. Neutra parte comparente, discontinuata est causa. [fol. 114v]

¹ The plaintiff in this case is the same as not seem to be related. the plaintiff in *Westley (2)*, but the cases do

270. KINGSTON (3)¹

[21 Apr 79 (73.48)] Kingston. Mr John de Pinxton, archdeacon's official, was cited before the commissary for 12 May 1379 at the instance of John de Podington, rector of Kingston, in an appeal from an unjust excommunication, denunciation, injurious citation, and other grievances.

Podington appears by John Wiltshire, proctor *apud acta*; Pinxton is absent. Both are expected next for same.

Kyngeston'] Magister Johannes de Pynkeston', officialis domini archidiaconi Elien' se pretendens, citatus [est] coram nobis ad diem iouis proximo post festum Sancti Johannis ante portam latinam ad instanciam domini Johannis de Podyngton' rectoris ecclesie^a de Kyngeston', in causa appellacionis occasione iniuste excommunicacionis et denunciacionis ac citacionis iniuriose aliorumque gravaminum in ea parte suggestorum ad audienciam nostram interiecte Parte appellante per Johannem Wiltesshire, clericum, procuratorem suum apud acta constitutum, comparente, parte vero appellata nullo modo, ideo expectamus absentem cum presente usque proximum consistorium ad idem. [fol. 114v]

[23 May 79 (74.14)] Kingston. Pinxton is found contumacious, his penance reserved to the commissary.

Kyngeston'] Parte appellante ut prius comparente, parte vero appellata nullo modo, ideo ipsam partem appellatam reputamus et pronunciamus contumacem, pena nobis reservata. [fol. 115r]

[10 Jun 79 (75.14)] Kingston. Podington asks that Pinxton be punished for contumacy.

Kyngeston'] Parte appellante ut prius, parte appellata nullo modo comparente, pars appellans petit partem adversam puniri pro sua contumacia. [fol. 116v]

[30 Jun 79 (76.15), 21 Jul 79 (77.15)] Kingston. The execution is ordered.

Kyngeston'] Fiat executio. [fols. 117v, 118v]

[22 Sep 79 (78.15)] Kingston. After John de Podington, rector of Kingston church, had appealed from Mr John de Pinxton, archdeacon's official, because of an injurious sequestration of profits of the church, an inhibition was sent to the lower court and the official was ordered cited.

Podington appears by Walter Sutton, proctor; Pinxton was not cited because he could not be found. He has quit his office and left the area, as certified by the court's mandatory. The rector's proctor declares that he is prepared to proceed with the appeal when he can obtain access to the appellee (*cum dicte partis appellate copiam poterit optinere*).²

^a ecclesie] followed by ecc crossed out.

¹ See *Kingston (1)*, n. 1

to be based on the archaic meaning of *copia*

² This phrase, which also occurs in *Chandler (2)* in the same circumstances would seem as 'access to' a person. See Lewis and Short, s.v., meaning II.B.2.

Kyngeston'] Cum a quadam iniuriosa sequestracione fructuum, reddituum et proventuum ecclesie parochialis de Kyngeston' ac citacione peremptorie nimis brevi et iniusta aliisque gravaminibus pretensis per magistrum Johannem de Pynkeston officialem domini archidiaconi Elien' domino Johanni de Podyngton' rectori eiusdem ecclesie illatis et factis ab eodem magistro Johanne officiali per dictum rectorem ad audienciam nostram fuerit et sit legitime appellatum et subsequenter per consistorii nostri presidentem inhibitum et ad citandum dictum magistrum Johannem officialem pretensum partem appellatam legitime demandatum; parte appellante per Walterum de Sutton' procuratorem suum comparente et ad proseguendum causam appellacionis sue predictae effectualiter offerente, pars appellata non citata nullo modo comparuit, sed mandatarius noster nos certificavit quod personali citacione apprehendi non potest eo quod officio suo cessit et de partibus istis recessit. Ideo pars appellans protestatur se fore paratam dictam appellacionis sue causam prosecuturam cum dicte partis appellate copiam poterit optinere. [fol. 120v]

[13 Oct 79 (79.13)] Kingston. Podington is prepared to proceed with the case. Since it is not known where John has gone, the case pends until he can be apprehended. Appellant declares that it is not his fault that the appeal does not proceed.

Kyngeston'] Parte appellante ut prius comparente et ad proseguendum causam appellacionis se paratam offerente, quia pars appellata divertit se ad partes remotas ad quas ignoratur, ideo pendeat dicta causa quousque dicta pars appellata poterit apprehendi. Pars appellans protestatur quod non stat per eam quominus proseguatur. [fol. 121v]

271. *TRINITY (1)*¹

[21 Apr 79 (73.49)] Trinity. Simon Williamson of Cambridge was cited before John Newton, DCivL and bishop's commissary, for 4 May 1379. Simon, a layman and householder of Holy Trinity, Cambridge, has not paid tithes and other offerings owed to the church from his curtilage located within the parish, and owed by custom and law from the profits of his brewing business, as contained in the bishop's letter of commission.

26 May before Newton. Thomas the vicar of Holy Trinity appears personally; Simon appears by Mr James de Waltham, who claims to be his proctor by letter. Thomas exhibits the letter of his institution into the vicarage because his title is doubted. The article of the matter is ordered administered. Considering the proximity and the nature of the matter, the court assigns 28 May to receive the article and the next session to respond to it. Simon requests copies of the citation, certification, commission, judicial acts, and the letter of institution; decreed, *excepto die et consule* (?omitting the purely formal parts; see Glossary).

Trinitatis] Simon Williamesson' de Cantebr' citatus [est ad promocionem

¹ *Trinity (2)* and *Trinity (3)* are brought by as Wiggshall, but the cases do not seem to the same vicar, whose surname is later given be otherwise related.

domini Thome vicarii ecclesie sancte Trinitatis Cantebr'^a] coram nobis Johanne de Neweton' legum doctore, venerabilis in Christo patris et domini Thome dei gracia episcopi Elien' commissario in hac parte specialiter deputato, ad diem mercurii proximo post festum apostolorum Phillippi et Jacobi loco quo supra,^b super eo quod idem Simon mere laicus in et infra parochiam ecclesie Sancte Trinitatis Cantebr' continue cubans et larem fovens, decimas de curtilagio suo infra dictam parochiam patenter et notorie constituto ac de lucro negociacionis sue et artificii, videlicet pandoxatorum, proveniente oblacionesque et alia iura parochialia eidem ecclesie debita de consuetudine et de iure subtraxit et detinuit ceteraque fecit, que in littera commissionis dicti patris nobis facta ad quam se refert et que hic inserta vult haberi^c plenius continentur.^d

Predicto domino Thoma vicario ecclesie sancte Tri-[fol. 114v]nitatis Cantebr' personaliter comparente, parte dicti Simonis per magistrum Johannem de Waltham, clericum, procuratorem suum se dicentem litteratorie constitutum comparente coram nobis .. commissario predicto die iovis proximo post festum ascensionis Domini anno Domini supradicto, exhibita coram nobis littera institutionis sue in dicta vicaria sua eo quod de titulo suo vertebatur dubium, decernimus articulum in isto negocio fore ministrandum. Daturque dies sabbati in vigilia Pentecostes ad recipiendum articulum et in proximo consistorio ad respondendum eidem, attentis loci vicinitate et negotii qualitate petitisque per partem dicti Simonis copiis citacionis, certificatorii, commissionis et actorum iudicialium ac littere institutionis et decreto, excepto die et consule. [fol. 115r]

[23 May 79 (74.34)] Trinity. The written article is received. Next to respond to it.

Trinitatis] Partibus ut prius comparentibus, oblato per partem dicti vicarii quodam articulo in scriptis et a parte adversa optento, datur dies in proximo ad respondendum eidem. [fol. 116r]

[10 Jun 79 (75.32)] Trinity. Simon proposes some exceptions. Next to propose all (exceptions).

Trinitatis] Partibus ut prius comparentibus, propositis quibusdam excepcionibus per partem ream, datur dies in proximo ad proponendum omnes. [fol. 116v]

[30 Jun 79 (76.33)] Trinity. Simon proposes other exceptions. Next to act on them; if they do not obstruct, to respond to the article.

^a ad instanciam domini Thome vicarii ecclesie sancte Trinitatis Cantebr'] *that this was left out by mistake is suggested both by the fact that Thomas is later called predictus and by the fact that the last clause requires a subject that cannot be Simon.* ^b supra] *followed by ?quia crossed out.* ^c ad quam se refert et ?que hic inserta vult haberi] *interlined.* ^d plenius continentur] *with the caret for interlining placed between the two words.*

Trinitatis] Partibus ut prius comparentibus, propositis quibusdam aliis excepcionibus, datur dies in proximo ad faciendum super eisdem et si proposita non obsistant, ad respondendum articulo. [fol. 118r]

[21 Jul 79 (77.33)] Trinity. A dispute is held over the exceptions. Next to act fully on these.

Trinitatis] Partibus ut prius comparentibus, habita disputatione super dictis excepcionibus, datur dies in proximo ad plenius faciendum super eisdem. [fol. 119r]

[22 Sep 79 (78.32)] Trinity. Next to act fully on these.

Trinitatis] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad plenius faciendum super excepcionibus. [fol. 120v]

[13 Oct 79 (79.30)] Trinity. As 78.32.

Trinitatis] Partibus ut prius comparentibus, in proximo ad idem, videlicet ad plenius faciendum super excepcionibus. [fol. 121v]

[3 Nov 79 (80.25)] Trinity. There is an argument about the exceptions, which are rejected. Simon reserves the right to add to the contest and contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Trinitatis] Partibus ut prius comparentibus, habita altercacione super dictis excepcionibus, tandem procurator partis ree reiectis prius dictis excepcionibus respondet dicto articulo salvis protestacionibus et defensionibus de adiciendo contestacionem et eam declarando negative, dicendo videlicet narrata prout narrantur vera non esse, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 122v]

[24 Nov 79 (81.25)] Trinity. Thomas personally; Simon is absent and found contumacious. Thomas produces three witnesses: Simon Glover of Cambridge, John Gaysle, and Thomas Shuman senior of Cambridge, who are admitted and sworn as penalty for Simon's contumacy. Thomas brings some propositions and articles and requests that Simon respond to them personally, since he best knows the truth. The propositions and articles are admitted; Simon is called to respond personally. Next the second term to produce.

Trinitatis] Parte actrice ut prius comparente, parte rea nullo modo, ideo ipsam reputamus contumacem. Productisque per partem actricem tribus testibus, videlicet Simone Glovere de Cantebr', Johanne Gaysle et Thoma Schuman seniore de eadem, quibus in pena contumacie partis ree admissis et in forma iuris iuratis, traditisque per dictam partem actricem quibusdam posicionibus et articulis, peccit dicta pars actrix quod pars rea principalis personaliter respondeat eisdem posicionibus cum sit legalior persona et melius noverit veritatem. Quibus posicionibus et articulis admissis eatenus quatenus et non alio modo, decernimus dictam partem ream principalem fore vocandam ad

personaliter respondendum posicionibus, daturque dies in proximo ad secundo producendum. [fol. 124r]

[9 Dec 79 (82.25)] Trinity. As 81.25.

Trinitatis] Partibus ut prius comparentibus, in proximo ad idem quod prius. [fol. 125r]

[12 Jan 80 (83.25)] Trinity. Thomas produces two witnesses: Thomas Coneston of Cambridge and John Brewster, who are admitted and sworn. Next the third term to produce and to respond to the positions personally.

Trinitatis] Partibus ut prius comparentibus, productis per partem actricem Thoma Coneston' et Johanne Breustere^a de Cant', quibus admissis et in forma iuris iuratis, datur dies in proximo ad tercio producendum quo ad responsionem ad posiciones, datur dies in proximo ad idem. [fol. 126v]

[3 Feb 80 (84.23)] Trinity. Before John Newton, bishop's commissary, Thomas personally; Simon by John Wiltshire, substituted for Mr William Waltham, alleged original proctor. Next to propose and the third term to produce; Simon will be called to respond personally.

Trinitatis] In causa decimarum mota coram Johanne de Neuton' commissario dicti patris in hac parte specialiter deputato inter dominum Thomam vicarium ecclesie Sancte Trinitatis Cantebr' partem actricem ex parte una et Simonem Williamesson' de eadem partem ream ex altera, parte actrice ut prius comparente, parte rea per Johannem Wiltesshir', clericum substitutum magistri Willelmi Waltham, procuratoris originalis pretensi, datur dies in proximo ad idem, videlicet ad tercio producendum et parti ree ad personaliter respondendum posicionibus. [fol. 128r]

[23 Feb 80 (85.19)] Trinity. As 84.23.

Trinitatis] In causa decimarum mota primarie coram nobis Johanne de Neuton, legum doctore dicti venerabilis patris commissario speciali supradicto inter dominum Thomam vicarium ecclesie Sancte Trinitatis Cant' partem actricem ex parte una et Simonem Williamesson' de eadem partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem quod prius. [fol. 130v]

[15 Mar 80 (86.17)] Trinity. As 84.23.

Trinitatis] Partibus ut prius comparentibus, datur dies in proximo ad idem quod prius. [fol. 134v]

[5 Apr 80 (87.12)] Trinity. As 84.23.

Trinitatis] Partibus ut prius comparentibus, in proximo ad idem quod prius. [fol. 136v]

[5 Apr 80 (87.23)] Trinity. Parties appear as before. The master and scholars of King's Hall

^a et Johanne Breustere] *interlined*.

make a proposition in writing, which is admitted in such a way that the proofs will be no more valid than what is proposed.² Next to prove.

Trinitatis] Partibus ut prius comparentibus, proposita quadam propositione in scriptis per partem magistri et scolarium aule regis, qua admissa eatenus quatenus ita quod non valeant probaciones nisi quatenus valent proposita, datur dies in proximo ad probandum. [fol. 136v]

[26 Apr 80 (88.12)] Trinity. Next to prove.³

Trinitatis] Ad idem, videlicet ad probandum. [fol. 137r]

[25 May 80 (89.12), 14 Jun 80 (90.12), 23 Jul 80 (92.12), 25 Oct 80 (94.9)] Trinity. For the same.

Trinitatis] Ad idem. [fols. 138r, 140v, 142v, 144v]

[12 Dec 81 (110.25)]⁴ Trinity. Next to publish.

Trinitatis] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad publicandum. [fol. 159r]

[16 Jan 82 (111.22)] Trinity. As 110.25.

Trinitatis] In causa decimarum vicarii ecclesie Sancte Trinitatis Cant' mota contra Simonem Jonesson, partibus ut prius [comparentibus], ad idem, videlicet ad publicandum. [fol. 160r]

² The master and scholars are not previously mentioned. The patron of the church was the abbey of West Dereham in Norfolk (VCH, *Cambridgeshire*, 3:123–132), so the master and scholars may be intervening on the side of the defendant. The somewhat cryptic entry probably means the the official is not committing himself to the legal validity of the propositon but will decide whether it is once it has been proven as a factual matter.

³ This may have reference to 87.23 rather than 87.12, which, in turn, refers back to

84.23.

⁴ These pieces of *acta* appear after a long gap, and one has to wonder whether they belong to the same case. That they do is suggested by the fact that the next *actum* tells us that this is a tithes case and name of the defendant is sufficiently close to that of the defendant in this case, that it is probably simply an error (Johnson for Williamson). Even if this is not the same case, it is probably related to it. It does not seem to be a part of either *Trinity* (2) or *Trinity* (3).

272. CAPRIK (3)¹

[23 May 79 (74.35)] Caprik. John Frost junior of Wilburton was cited for 24 May 1379 at the instance of Peter Caprik, proctor general of Ely consistory, and John Dunham, cleric and mandatary of the consistory, in a salary case.

Peter and Dunham appear personally; Frost is absent and suspended from entering church.

Caprik' – suspensio] Johannes Frost de Wilberton' iunior, citatus ad diem

¹ See *Caprik* (1), n. 1. Peter Caprik represented John Frost in *Fisher/Frost* (at n. 1).

martis proximo post festum ascencionis Domini ad instanciam Petri Caprik' procuratoris generalis consistorii Elien' et Johannis Doneham clerici dicti consistorii mandatarii in causa salarii personaliter comparencium, non comparuit. Ideo ipsum suspendimus ab ingressu ecclesie. [fol. 116r]

[10 Jun 79 (75.33)] Caprik. Peace has been restored. The execution is ordered; John Frost is to be called *ex officio*.

Caprik'] Pax est inter partes, ideo fiat executio et vocetur pars rea ex officio. [fol. 116v]

273. CATTEL

[23 May 79 (74.36)] Cattel. Margery Denis of Duxford was cited at the instance of Clarisa Cattel of Duxford in a defamation case.

Clarisa appears by proctor; Margery is absent and suspended from entering church.

Catel – suspensio] Margeria Denys de Dokesworth' citata ad instanciam Claricie Catel de eadem in causa diffamacionis comparentis per procuratorem suum non comparuit.^a Ideo ipsam Margeriam suspendimus ab ingressu ecclesie. [fol. 116r]

[10 Jun 79 (75.34)] Cattel. Peace has been restored. Margery was absolved after she had satisfied the office.

Catel] Pax est inter partes; pars rea est absoluta et satisfecit officio. [fol. 116v]

^a comparuit] *sic*.

274. VIRLEY

[10 Jun 79 (75.36)] Virley. Peter Taylor of St Michael's, Cambridge, was cited at the instance of Alice Virley, servant of John Wimbush of St Michael's, in a defamation case.

Parties appear personally. An oral libel is given *sub certa forma*. Peter contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Virly] Petrus Taillo' de Cantebr' de parochia Sancti Michaelis citatus [est] ad instanciam Alicie Virly servientis Johannis Wymbyssch' de eadem in causa diffamacionis. Partibus personaliter comparentibus, libellato per partem actricem oretenus sub certa forma, lite per partem ream negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 117r]

[30 Jun 79 (76.35)] Virley. Alice by Peter Caprik, proctor; Peter by Richard Ferriby, proctor. No witnesses or positions are brought. Next to propose and the second term to produce.

Virly] Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum,

parte rea per Ricardum Feriby, clericum, procuratorem suum [comparentibus], nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 118r]

[21 Jul 79 (77.35)] Virley. Alice produces one witness: John Dunham of Cambridge, who is admitted and sworn. Peter reserves the right to speak against witnesses and testimony. Next to propose and the third term to produce.

Virly] Partibus ut prius comparentibus, producto unico teste per partem actricem videlicet Johanne Doneham de Cant', quo admissio et in forma iuris iurato, premissa protestacione per partem adversam de dicendo contra eum et eius dicta, quatenus contra se deponit, datur dies in proximo ad ponendum et tercio producendum. [fol. 119r]

[22 Sep 79 (78.34)] Virley. Alice produces two witnesses: John Taylor and William Legat of Cambridge, who are admitted and sworn. Peter reserves the right to speak against witnesses and testimony. Alice requests the compulsion of Alice wife of John Taylor; decreed with faith given. Next to produce the compelled. Peter requests a copy of all judicial acts of the case.

Virly] Partibus ut prius comparentibus, productis per partem actricem duobus testibus, videlicet Johanne Taillo' et Willelmo Legat [fol. 120v] de Cantebr', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam ut prius, petita compulsione Alicie uxoris dicti Johannis Taillo', qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsam, petitur eciam copia^a per partem ream omnium actorum iudicialium in dicta causa habitorem et decreta.^b [fol. 121r]

[13 Oct 79 (79.32)] Virley. Alice Taylor is absent, suspended, and called.

Virly] Partibus ut prius comparentibus, dicta Alicia testis compulsa non comparet, ideo suspendimus et vocetur. [fol. 121v]

[3 Nov 79 (80.27)] Virley. The execution of the suspension is ordered. Next to produce Alice Taylor.

Virly] Partibus ut prius comparentibus, fiat executio contra Aliciam testem compulsam alias suspensam daturque dies in proximo ad producendum eam. [fol. 122v]

[24 Nov 79 (81.27)] Virley. Since Alice could not be found, no other witnesses are produced.

Virly] Partibus ut prius comparentibus, nullis aliis testibus productis quia dicta Alicia non potuit inveniri, datur dies in proximo ad idem. [fol. 124r]

[9 Dec 79 (82.26)] Virley. Alice Taylor is produced, absolved of suspension, and admitted. Peter reserves the right to speak against witnesses and testimony. Next to publish the testimony.

Virly] Partibus ut prius comparentibus, producta dicta Alicia uxore Johannis Taillo' teste compellenda, qua absoluta a sententia suspensionis quam alias

^a copia] copiam. ^b decreta] sic.

incurrerat, admissa in forma iuris, premissa protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad publicandum. [fol. 125r]

[12 Jan 80 (83.26)] Virley. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Virly] Partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 126v]

[3 Feb 80 (84.24)] Virley. Nothing is proposed. Next to propose everything concerning the matter.

Virly] In causa diffamacionis mota inter Aliciam Virly de Cant' partem actricem ex parte una et Petrum Taillo' de eadem partem ream ex altera, partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto seu iure consistencia. [fol. 128r]

[23 Feb 80 (85.20)] Virley. Alice by proctor; Peter is absent and found contumacious in so far as this stage of the process is concerned (*quo ad hunc actum*).¹ Nothing is proposed. As a penalty to Peter and at Alice's petition, the case is concluded. Next to hear the definitive sentence.

Virly] In causa diffamacionis primarie mota inter Aliciam Virly de Cantebr' partem actricem ex parte una et Petrum Taillo' de eadem partem ream ex altera, parte actrice ut prius comparente, parte rea nullo modo, ideo ipsam quo ad hunc actum reputamus contumacem. Nichil dicto seu proposito per alterutram partem parcium predictarum sed in penam contumacie partis ree non comparentis et ad petitionem partis actricis nobiscum concludentis in causa concluso, datur dies in proximo ad audiendum sentenciam diffinitivam. [fol. 130v]

[15 Mar 80 (86.18)] Virley. Next to hear the definitive sentence.

Virly] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 134v]

[5 Apr 80 (87.13), 26 Apr 80 (88.13), 25 May 80 (89.13), 14 Jun 80 (90.13), 23 Jul 80 (92.13), 25 Oct 80 (94.10)] Virley. For the same.

Virly] Ad idem. [fols. 136v, 137r, 138r, 140v, 142v, 144v]

¹ This phrase, which occurs only here, in *Dalling/Savage*, and in *Foxton/Snow*, is not a standard one. The word is *actus*, the noun, not the past participle, and we take it in the sense of 'this stage of the process', rather than 'something done'. What leads Foxton

to say this is what follows in all three cases. He wants to treat the absent party as having been present and having done nothing. In both cases, this brings us to the next stage of the *ordo*. Hence, our suggested translation "in so far as this stage of the process is concerned."

275. GLOVER¹

[10 Jun 79 (75.37)] Glover. Alexander Skinner of Bottisham was cited at the instance of Ralph Glover of Cambridge in a defamation case.

Ralph appears by John Wiltshire, proctor; Alexander is absent and suspended from entering church.

Afterwards Alexander appears personally, is absolved, and as penalty is beaten round the church three times. An oral libel is given and requested written. Next to receive it in writing.

Glovere] Alexander Skynnere de Bodekesham citatus [est] ad instanciam Radulphi Glovere de Cantebr' in causa diffamacionis. Parte actrice per Johannem Wiltesshire, clericum, procuratorem suum, comparente, parte rea nullo modo, ideo ipsam partem ream suspendimus ab ingressu ecclesie in scriptis. Postmodo dictus Alexander comparens personaliter absolutus est a dicta sententia in forma iuris et pro contumacia fustigatus [est] ter circa ecclesiam. Libellatoque per partem actricem oretenus petitoque per partem ream in scriptis, datur dies in proximo ad recipiendum. [fol. 117r]

[30 Jun 79 (76.36)] Glover. Ralph by proctor; Alexander is absent and suspended from entering church.

Glovere] Parte actrice ut prius comparente, parte rea nullo modo, ideo ipsam partem ream suspendimus ab ingressu ecclesie. [fol. 118r]

[21 Jul 79 (77.36)] Glover. The execution of Alexander's suspension is ordered.

Glovere] Fiat executio suspensionis contra partem ream alias suspensam ab ingressu ecclesie. [fol. 119r]

¹ The defendant here is probably the plaintiff in *Skinner*, but the cases do not seem to be otherwise related.

276. SHREWSBURY

[10 Jun 79 (75.38)] Shrewsbury. John Shrewsbury of St Edward's, Cambridge, cordwainer, and Joan Curtis, servant of John Caley of St Botolph's, Cambridge, were cited about a marriage contract known to the court by public fame.

They appear personally. Sworn *de veritate dicenda*, John claims that they contracted marriage in present words of mutual consent, or in future words followed by intercourse; he wants Joan judged his wife. Joan contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. John produces one witness: William Monstone, who is admitted and sworn. Next to propose and the second term to produce.

Schrovesbury] Johannes Schrovesbury de parochia Sancti Edwardi Cant', cordewaner et Johanna Curteys serviens Johannis Cailly de parochia Sancti Botulphi Cant' citati [sunt] super contractu matrimoniali inter eosdem ut asseritur inito fama publica referente. Utrique comparentes personaliter et de veritate dicenda iurati, dictus Johannes fatetur et allegat quod ipse et prefata

Johanna matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum exprimencia, seu per verba de futuro carnali copula subsecuta. Unde peccit dictam Johannam^a sibi in uxorem adjudicari. Dicta vero Johanna omnem contractum inter eos initum fore expresse negavit. Iuratis partibus hincinde de calumpnia et de veritate dicenda, productoque per partem dicti Johannis uno teste, videlicet Willelmo Monston', quo admissio et in forma iuris iurato, datur dies in proximo ad ponendum et secundo producendum. [fol. 117r]

[30 Jun 79 (76.37)] Shrewsbury. John produces one witness: Thomas Caster of Cambridge, who is admitted and sworn. Next Saturday [2 July] to propose and the third term to produce; otherwise, to publish the testimony.

2 July. No other witnesses or positions are brought. The testimony is published; a copy is ordered for the parties. 6 July to speak against witnesses and testimony. Fearing the parties will flee, the court expects them to appear at all acts including the definitive sentence.

Shrovesbury] Partibus ut prius comparentibus, producto per partem actricem uno teste, videlicet Thoma Castre de Cantebr', quo admissio et in forma iuris iurato, datur dies sabbati proximo futurus ad ponendum et tercio producendum alioquin ad publicandum.

Quo die adveniente partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis sed publicatis attestacionibus testium productorum decretaque copia partibus, datus est dies mercurii proximo futurus loco quo supra ad dicendum contra testes et eorum dicta et prefigimus utrique parti diem ad omnes actus consecutivos in dicta causa usque ad sententiam diffinitivam inclusive cum de ipsorum^b fuga verisimiliter timeamus.

Quibus die et loco parte actrice ut prius comparente, parte rea nullo modo sed contumace reputata, nullo dicto seu proposito contra testes seu eorum dicta per alterutram partem parcium predictarum sed in dicta causa concluso, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 118r]

[21 Jul 79 (77.37)] Shrewsbury. Before Thomas Gloucester, said commissary of the consistory, John appears personally; Joan is absent. Since she was cited to all acts including the definitive sentence, she is found contumacious. As her penalty and since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Since John has proved his intention, John and Joan are judged husband and wife. Their marriage is ordered solemnized at an appropriate time and place.

Shrovesbury] In causa matrimoniali coram nobis Thoma de Glouc' commissario predicto in consistorio Elien', non per viam appellacionis seu querele sed per viam primarie cognicionis, mota inter Johannem Shrovesbury de

^a Johannam] Johannem. ^b ipsorum] followed by unidentifiable word crossed out.

Cantebr', *cordewaner* partem actricem ex parte una et Johannam Curteys commorantem cum Johanne Cailly de Cant' partem ream ex altera, parte actrice personaliter comparente, parte rea habente terminos ex prefixione nostra ad omnes actus in dicta causa consecutivos et ad audiendum sententiam nullo modo comparente, ideo ipsam partem ream reputamus contumacem et in pena contumacie sue decernimus fore procedendum ad prolacionem sentencie diffinitive et ad eandem sententiam in dicta causa ferendam. Auditis primitus et intellectis meritis cause predictae, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, de consilio iuris peritorum nobis assidencium, invocato Christi nomine, procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum Johannem intencionem suam ad plenum fundasse et probasse, ipsum Johannem eidem Johanne in virum legitimum ipsamque Johannam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis decernentes matrimonium inter eos fore in facie ecclesie solempnizandum pro loco et tempore opportunis. [fol. 119r]

277. ERNEST

[10 Jun 79 (75.39)] Ernest. John Ernest of Cambridge, cordwainer, and Etheldreda daughter of Nigel Salman of Trumpington were cited about a marriage contract.

John appears personally; Etheldreda by John Wiltshire, proctor *apud acta*. John claims that they contracted marriage in present words of mutual consent, or in future words followed by intercourse; he wants her judged his wife. Etheldreda contests the suit negatively, with the qualification or exception that John had contracted with Amy former servant of John Barker and also Alice Hingestone, both still living, prior to any contract with her (if there was one, which the proctor does not admit). Parties swear *de calumpnia* and *de veritate dicenda* and *de malicia*. John produces two witnesses: John vicar of St Edward's, Cambridge, and Thomas Kydecete, cleric, who are admitted and sworn. Etheldreda reserves the right to speak against witnesses and testimony. Next to propose and the second term to produce; Etheldreda to propose the addition or exception *in forma*.

Arneys] Johannes Arneys de Cantebr' *cordewaner* et Etheldreda filia Nigelli Salman de Trumpiton' citati [sunt] super contractu matrimoniali inter eos inito. Dictus Johannes comparuit personaliter, dicta vero Etheldreda per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum. Dictus Johannes allegat quod ipse et prefata Etheldreda matrimonium adinvicem per verba de presenti mutuum consensum exprimentia seu per verba de futuro carnali copula subsecuta contraxerunt, unde peciit dictus Johannes ipsam Etheldredam sibi in uxorem legitimam adiudicari. Lite per procuratorem dicte Etheldrede negative contestata cum quadam adieccione sive excepcionem, videlicet quod predictus Johannes cum quadam Amya nuper serviente

Johannis Barker' ac etiam cum Alicia Hingeston', adhuc superstitibus, ante omnem contractum matrimonialem inter prefatos Johannem et Etheldredam, si quis fuerat, initum, quod non fatetur dictus procurator; iuratis partibus hincinde de calumpnia et de veritate dicenda ac de malicia productisque per partem dicti Johannis duobus testibus, videlicet domino Johanne vicario ecclesie Sancti Edwardi Cantebr' et Thoma Kydecete clerico, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad ponendum et secundo producendum et parti dicte Etheldrede ad proponendum adieccionem sive excepcionem in forma. [fol. 117r]

[30 Jun 79 (76.38)] Ernest. John produces two witnesses: Thomas Stowe and Reginald de Elm of Cambridge, who are admitted and sworn. Etheldreda reserves the right to speak against witnesses and testimony. Next to propose and the third term to produce and for Etheldreda to prove her exception to the contestation.

Arneys] Partibus ut prius comparentibus, productis per partem actricem duobus testibus, videlicet Thomas Stowe et Reginaldo de Elm de Cant', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad ponendum et producendum tercio et parti excipienti ad probandum suam excepcionem sive adieccionem iuxta contestacionem propositam. [fol. 118r]

[21 Jul 79 (77.38)] Ernest. John absent; Etheldreda by proctor. No other witnesses are produced in the principal case. Next to publish the testimony. No witnesses are produced concerning the exception, but the compulsion of Simon Barker of Cambridge is requested; decreed with faith given. Next to produce the compelled.

Arneys] Parte actrice nullo modo comparente, parte rea ut prius, nullis aliis testibus in principali causa productis, datur dies in proximo ad publicandum et publicari videndum attestaciones. Nullis testibus productis super adieccione iuxta contestacionem proposita sed petita compulsione Simonis Barker' de Cant', qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsum. [fol. 119r]

[22 Sep 79 (78.36)] Ernest. John absent; Etheldreda by proctor. No witnesses are produced concerning the precontract. Since the witnesses in the principal case have not yet been examined, next to publish the testimony and to produce the compelled.

Arneys] Parte actrice nullo modo comparente, parte rea ut prius comparente, nullis testibus productis super precontractu nec testes sunt examinati in principali, datur dies in proximo ad idem ut prius hincinde. [fol. 121r]

[13 Oct 79 (79.34)] Ernest. John absent; Etheldreda by proctor. No other witnesses are produced. Since the compelled were not cited, next to produce the compelled and other witnesses.

Arneys] Parte actrice nullo modo comparente, parte rea ut prius, nullis aliis

testibus productis nec citatis testibus compellendis, datur dies in proximo ad producendum testes compulsos et alios. [fol. 121v]

[3 Nov 79 (80.29)] Ernest. John absent; Etheldreda by proctor. John is cited to prosecute and to respond personally to Etheldreda's exception of precontract.

Arneys] Parte actrice nullo modo comparente, parte rea ut prius, citetur pars actrix ad prosequendum causam et ad personaliter respondendum partis adverse posicionibus super excepcione precontractus predicti alias proposita. [fol. 122v]

[24 Nov 79 (81.29)] Ernest. John was not cited because he could not be apprehended. Cited next for same.

Arneys] Quia Johannes Arneys nondum est citatus nec potest apprehendi, ideo citetur ad proximum ad idem. [fol. 124r]

[9 Dec 79 (82.28)] Ernest. John will be cited to proceed with the case.

Arneys] Ad idem et citetur dictus Johannes ad prosequendum causam. [fol. 125r]

[12 Jan 80 (83.28)] Ernest. As 82.28.

Arneys] Ad idem et citetur dictus Johannes ad prosequendum causam. [fol. 126v]

[3 Feb 80 (84.26)] Ernest. As 82.28.

Arneys] In causa matrimoniali mota inter Johannem Arneys de Cant' partem actricem ex parte una et Etheldredam Salman de eadem partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, vocetur dicta pars actrix ad prosequendum dictam causam ut prius. [fol. 128r]

[23 Feb 80 (85.22)] Ernest. As 82.28.

Arneys] In causa matrimoniali primarie mota inter Johannem Arneys de Canteb' partem actricem ex parte una et Etheldredam Salma' de eadem partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, ideo decernimus dictam partem actricem fore vocandam ad prosequendum dictam causam. [fol. 130v]

[15 Mar 80 (86.20), 5 Apr 80 (87.15)] Ernest. As 82.28.

Arneys] Vocetur pars actrix ad prosequendum ut prius. [fols. 134v, 136v]

[26 Apr 80 (88.15), 25 May 80 (89.15), 14 Jun 80 (90.15)] Ernest. As 82.28.

Arneys]. Vocetur pars actrix ad prosequendum. [fols. 137r, 138r, 140v]

[23 Jul 80 (92.15), 25 Oct 80 (94.12)] Ernest. For the same.

Arneys] Ad idem. [fols. 142v, 144v]

278. SAFFREY (2)¹

[10 Jun 79 (75.40)] Saffrey. Robert Thurrock of Cambridge at the instance of John Saffrey in a breach of faith and perjury case.

John appears by John Wiltshire, proctor; Robert is absent and excommunicated.

Subsequently, he appears and is absolved. Next to receive the libel.

Saffrey] Robertus Thurrok' de Cantebr' citatus [est] ad instanciam Johannis Saffrey in causa fidelesionis seu periurii. Parte actrice per Johannem Wyltesshir', procuratorem suum comparente, parte rea nullo modo, ideo excommunicatus fuit. Postea comparuit, absolutus fuit in forma iuris, datur dies in proximo ad libellandum in dicta causa. [fol. 117r]

[30 Jun 79 (76.39)] Saffrey. Parties by proctors. A written libel is received. Next to respond.

Saffrey] Partibus per procuratores suos comparentibus, oblato per partem actricem quodam libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 118r]

[21 Jul 79 (77.39)] Saffrey. Robert contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties' proctors swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Saffrey] Partibus ut prius comparentibus, lite per procuratorem partis ree negative contestata dicendo videlicet narrata prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde in personis dictorum procuratorum de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 119r]

[22 Sep 79 (78.37)] Saffrey. No witnesses or positions are brought. Next to propose and the second term to produce.

Saffrey] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 121r]

[13 Oct 79 (79.35)] Saffrey. Peace has been restored. Robert is to be called *ex officio*.

Saffrey – pax] Pax est, ideo vocetur pars rea ex officio. [fol. 121v]

¹ See *Saffrey (1)*, n. 1. The defendant in the cases do not seem to be otherwise related. this case may be the defendant in *Pardon*, but

279. TRUKKE (2)¹

[21 Jul 79 (77.40)] Trukke. John Brundish of Cottenham was cited for said day and place at the instance of Richard Trukke of Cambridge in a defamation case.

Richard appears personally; John by John Wiltshire, proctor *apud acta*. An oral libel is

¹ See *Trukke (1)*, n. 1.

given and requested written. Next to receive it in writing.

Trukke] Johannes Brundyssh' de Cotenham citatus ad diem et locum supradictos ad instanciam Ricardi Trukke de Cant' in causa diffamacionis personaliter comparentis comparuit per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum. Libellato per partem actricem oretenus petitoque per partem ream in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 119r]

[22 Sep 79 (78.38)] Trukke. No libel is given. Next to receive it in writing.

Trukke] Partibus ut prius comparentibus, nullo libello adhuc oblato, datur dies in proximo ad idem, videlicet ad dandum libellum in scriptis. [fol. 121r]

[13 Oct 79 (79.36)] Trukke. Next to receive the written libel.

Trukke] In proximo ad idem, videlicet ad dandum libellum in scriptis. [fol. 121v]

[3 Nov 79 (80.30)] Trukke. Richard by Richard Feriby, proctor; John by proctor. Next to receive the written libel.

Trukke] Parte actrice per Ricardum Feriby, clericum, procuratorem suum, parte rea ut prius [comparentibus], datur dies in proximo ad libellandum in scriptis ut prius. [fol. 122v]

[24 Nov 79 (81.30)] Trukke. With the parties' consent, next to receive the written libel.

Trukke] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad libellandum in scriptis. [fol. 124r]

[9 Dec 79 (82.29)] Trukke. The written libel is received. Next to respond.

Trukke] Partibus ut prius comparentibus, oblato libello in scriptis et optento, datur dies in proximo ad respondendum eidem. [fol. 125r]

[12 Jan 80 (83.29)] Trukke. Neither appears. Both are expected next for John to respond.

Trukke] Parte actrice nullo modo comparente, parte rea nullo modo, ideo expectamus usque proximum ad idem. [fol. 126v]

[3 Feb 80 (84.27)] Trukke. Richard claims that an inadvertent error was made in the libel, which referred to the defendant as William when his name is John, but the person meant is sufficiently clear. The court orders the appropriate name added to the libel. Next to respond.

Trukke] In causa diffamacionis mota inter Ricardum Trukke de Cant' partem actricem ex parte una et Johannem Brundyssh' partem ream ex altera, partibus ut prius comparentibus, pars actrix allegat quod ex inadvertencia erravit de nomine partis ree vocando ipsum Willelmum in libello cum vocetur Johannes. Et de persona satis liquet. Decernimus dictum proprium nomen fore addendum et corrigendum in libello et datur dies in proximo ad respondendum eidem libello. [fol. 128r]

[23 Feb 80 (85.23)] Trukke. Richard by Peter Caprik, substituted for original proctor; John as before [absent?]. John contests the suit negatively, saying the claims are untrue and the petitions should not be granted. He orally proposes a qualification to the contest. Next to swear *de calumpnia*, to propose, the first term to produce, and to propose the qualification in writing.

Trukke] In causa diffamacionis primarie mota inter Ricardum Trukke de Cantebr' partem actricem ex parte una et Johannem Brundyssh' partem ream ex altera, parte actrice per Petrum Caprik', clericum substitutum Ricardi Feriby procuratoris originalis, parte rea ut prius, comparentibus, lite per dictam partem ream negative contestata dicendo videlicet narrata prout narrantur vera non esse [fol. 130v] et ideo petita prout petuntur fieri non debere, cum quadam adieccione iuxta litis contestacionem oretenus proposita, datur dies in proximo ad iurandum de calumpnia et ad ponendum et primo producendum et proponendum adieccionem in scriptis. [fol. 131r]

[15 Mar 80 (86.21)] Trukke. Richard produces three witnesses: Ed[war]d Forster of Bot-tisham; John Saffrey of Stow; and John Cornwall of Cambridge, who are admitted and sworn. John reserves the right to speak against witnesses and testimony; he proposes the qualification in writing. Next to act on it. John requests the articles, from which he will compose the interrogatories. Next for Richard to propose and the second term to produce.

Trukke] Partibus ut prius comparentibus, productis per partem actricem tribus testibus videlicet Ed[ward]o Forst' de Bodekesham, Johanne Safrey de Stowe et Johanne Cornewaille de Cantebr', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt, proposita eciam quadam adieccione in scriptis per partem ream iuxta contestacionem, datur dies in proximo ad faciendum super eadem. Pars rea petit articulos super quibus concipiet interrogatoria que protestabatur ministrare daturque dies in proximo parti actrici ad ponendum et secundo producendum. [fol. 134v]

[5 Apr 80 (87.16)] Trukke. No other witnesses or positions are brought. Next the third term to produce. John produces two witnesses for his qualification: Robert Foxton and John Hostler. They are admitted, but their testimony is limited to what was proposed. Since the articles were requested and ordered, next for John to propose and the second term to produce concerning the exception. He wants two witnesses compelled: John vicar of Holy Sepulchre, Cambridge, and Hugh Candlesby of Cambridge; decreed with faith given. Next to produce the compelled.

Trukke] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus aliis traditis, datur dies in proximo ad tercio producendum. Productis per partem ream super iustificacione sive excepcione alias proposita duobus testibus, videlicet Roberto de Foxton' et Johanne Hostiler, quibus admissis sub ea protestacione quod non valeant eorum dicta nisi quatenus valent proposita petitisque articulis et decreto, datur dies in proximo dicte parti ree ad ponendum et secundo producendum super dicta excepcione. Petita insuper per eandem partem ream super eadem excepcione compulsione duorum testium, videlicet domini Johannis vicarii ecclesie Sancti Sepulchri

Cant' et Hugonis Candelesby de eadem, qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsos. [fol. 136v]

[26 Apr 80 (88.16)] Trukke. No witnesses are produced for the principal case or the exception; the term ends for the principal case. Next to publish in the principal. Meanwhile John should produce the compelled for examination concerning the exception.

Trukke] Partibus ut prius comparentibus, nullis testibus productis nec in principali nec super excepcione, cessit terminus in principali. Datur dies in proximo ad publicandum in principali et super excepcione et interim producat testes compellendos et examinentur. [fol. 137r]

[25 May 80 (89.16)] Trukke. John produces Mr Hugh Candlesby, who is admitted and sworn. Next to produce the other compelled.

Trukke] Partibus ut prius comparentibus, producto per partem excipientem uno teste, videlicet magistro^a Hugone Candelesby, quo admisso et in forma iuris iurato, datur dies in proximo ad producendum alios compulsos. [fol. 138r]

[14 Jun 80 (90.16)] Trukke. Peace has been restored. John is to be called *ex officio*.

Trukke – pax] Pax est, ideo vocetur pars rea ex officio. [fol. 140v]

^a magistro] *followed by Johanne deleted.*

280. TOWESLOND

[21 Jul 79 (77.41)] Toweslond. Henry Kembtheved of Lolworth was cited for said day and place at the instance of Cecilia Toweslond of Elsworth in a marriage case.

Parties appear by proctors. A written libel is received. Next to respond; the court declares that it will proceed summarily.

Toweslond] Henricus Kembthed de Lolleworth' citatus [est] ad dictos diem et locum ad instanciam Cecilie Toweslond de Ellesworth' in causa matrimoniali. Partibus per procuratores suos comparentibus, oblato per partem actricem quodam libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem et protestamus quod in isto negocio procedere intendimus summarie et de plano. [fol. 119r]

[22 Sep 79 (78.39)] Toweslond. Henry contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Toweslond'] Partibus per procuratores suos comparentibus, lite per partem ream negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 121r]

[13 Oct 79 (79.37)] Toweslond. Cecil produces four witnesses: William Kembthened of Lolworth, Richard Howlett of Elsworth, John Russel of Knapwell, and William Toweslond of

Elsworth, who are admitted and sworn. Henry reserves the right to speak against witnesses and testimony. Next to propose and the second term to produce. Henry proposes orally that he and Joan daughter of John Watson of Lolworth contracted marriage in present words of mutual consent prior to any contract between himself and Cecilia. Cecilia responds by replication that Henry and Joan cannot be husband and wife because they are related within the prohibited degrees of consanguinity. Two witnesses are produced in common concerning the precontract and the consanguinity: William Kembthened of Lolworth and John Watson of Lolworth, who are admitted and sworn. 20 Oct. to produce more witnesses.

20 Oct. Two witnesses are produced in common concerning the precontract and the consanguinity: Thomas Kembthened of Lolworth and John Lovechild of Lolworth, who are admitted and sworn. Next to publish the testimony.

Toweslond] Partibus ut prius comparentibus, productis per partem actricem quatuor testibus, videlicet Willelmo Kembtheved de Lolleworth', Ricardo Houlet de Ellesworth', Johanne Russel de Knapwell' et Willelmo Toweslond de Ellesworth', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt et non alio modo, datur dies in proximo ad ponendum et secundo producendum. Predicta vero pars rea proposuit oretenus quod dictus Henricus et Johanna filia Johannis Wattesson' de Lolleworth' matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorumdem exprimencia ante omnem contractum inter dictos Henricum et Ceciliam initum et habitum; replicaturque^a per partem adversam quod dicti Henricus et Johanna in gradu consanguinitatis ad contrahendum prohibito invicem se attingunt quare matrimonium predictum [fol. 121v] inter eosdem Henricum et Johannam si quod contractum fuerat subsistere non potest quod petit pronuncari dicta pars proponens et ulterius fieri etc. Productisque hincinde tam super precontractu predicto quam super consanguinitate duobus testibus communibus videlicet Willelmo Kembthened de Lolleworth' et Johanne Wattesson' de eadem, quibus admissis et in forma iuris iuratis, datur dies iouis proximo post festum Sancti Luce evangeliste proximo futurum loco quo supra ad producendum plures.^b

Quibus die et loco partibus ut prius comparentibus, productis per dictas partes proponentes hincinde duobus aliis testibus communibus tam super precontractu quam super consanguinitate predicto, videlicet Thoma Kembtheved de Lolleworth' et Johanne Lovechild' de eadem, quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum et publicari videntum attestaciones. [fol. 122r]

[3 Nov 79 (80.31)] Toweslond. With the parties' consent, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Toweslond] Partibus ut prius comparentibus, de quarum consensu publicatis attestacionibus decretaque copia partibus, datur dies in proximo [fol. 122v]

^a replicaturque] replicat'q'. ^b plures] prolures.

ad dicendum contra testes et eorum dicta. [fol. 123r]

[24 Nov 79 (81.31)] Toweslond. Nothing is proposed. With the parties' consent, the case is concluded. Next 29 Nov. to hear the definitive sentence.

29 Nov. [Cecilia c. Henry and Joan, *competitrix*, c. Henry.] Cecilia by Peter Caprik, substitute of Wiltshire, original proctor; Henry by proctor; Joan as before. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Henry contracted marriage with Joan prior to any contract with Cecilia and because Cecilia has not proved her proposed impediment of consanguinity between Henry and Joan, Henry is absolved and dismissed from Cecilia's suit. Henry and Joan are judged husband and wife; they are to solemnize their marriage at an appropriate time and place.

Cecilia's proctor expressly accepts the decision.

Toweslond'] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum sed de earum consensu in dicta causa concluso, datur dies iovis proximo futurus loco quo supra partibus predictis ad audiendum sententiam in dicta causa diffinitivam.

Quibus die et loco, in causis matrimonialibus que in consistorio Elien' non per viam appellacionis seu querele sed per viam primarie et immediate cognicionis vertebantur coram nobis .. officiali Elien', auctoritate ordinaria cognoscentibus, inter Ceciliam Toweslond' de Ellesworth' partem actricem ex parte una et Henricum Kembtheved de Lolleworth' partem ream ex altera, ac eciam inter Johannam filiam Johannis Wattesson' de Lolleworth' aliam partem actricem sive competitricem ex parte una et prefatum Henricum partem ream ex altera, parte Cecilie per Petrum Caprik', clericum substitutum Johannis Wiltesshir' procuratoris originalis, comparente, partibus aliis ut prius, rimato per nos .. officialem Elien' et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, de consilio iuris peritorum nobis assidencium, invocata Spiritus Sancti gracia, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum Henricum cum prefata Johanna matrimonium precontraxisse ante omnem contractum inter ipsos Henricum et Ceciliam initum, nullumque impedimentum seu obstaculum inter eosdem Henricum et Johannam ratione consanguinitatis per partem dicte Cecilie proposita fuisse aut esse probatum, ipsum Henricum ab impetitione et instancia dicte Cecilie sentencialiter et diffinitive absolvimus et dimittimus in hiis scriptis. Ipsumque Henricum eidem Johanne in virum legitimum ac ipsam Johannam eidem Henrico in uxorem legitimam sentencialiter et diffinitive [fol. 124r] adiudicamus in hiis scriptis, decernentes matrimonium inter eosdem fore in facie ecclesie solempnizandum pro loco et tempore opportunis, cui quidem sentencie diffinitive Petrus Caprik' substitu-

tus predictus expresse acquievit. [fol. 124v]

281. TYDD

[21 Jul 79 (77.43)] Tydd. Walter Quernepekkere of Cambridge was cited at the instance of Matilda widow of John Tydd in an appeal from the definitive sentence given by the archdeacon's official in a marriage case between Walter, original plaintiff, and Matilda, original defendant.

Parties appear personally. An oral libel is given, *sub certa forma* contained in the suggestion, requesting that the sentence be revoked. Walter admits that the sentence was given by the official and that the appeal immediately followed. With the parties' consent, the court rules in favour of the appeal and will proceed in the principal case. The transmission of the process held before the official will be requested. Next juridical day after 25 July to see the transmission.

25 July. The process is published; a copy is ordered for the parties. Next to speak against it.

Tyd] Walterus Quernepekker' de Cant' citatus [est] ad instanciam Matilde relicte Johannis Tyd, portitoris, in causa appellacionis ad audienciam nostram interiecte ratione sentencie diffinitive per officialem domini archidiaconi Elien' nuper late in causa matrimoniali coram eo mota inter ipsum Walterum actorem ex parte una et eandem Matildem ream ex altera. Partibus personaliter comparentibus, libellato oretenus per partem appellansem sub certa forma in suggestione contenta cum quadam petitione, videlicet quod dicta sententia infirmetur et penitus revocetur, pars appellata fatetur sententiam in dicta causa latam per dictum officialem et appellacionem incontinenti secutam. Unde de consensu parcium predictarum pronunciamus pro voce appellacionis et decernimus fore procedendum in principali et scribendum fore officiali pro transmissione processus coram eo habita in dicta causa datusque est dies proximus iuridicus post festum Sancti Jacobi apostoli ad videndum transmissionem processus loco quo supra. [fol. 119r]

Quo die adveniente partibus ut prius comparentibus, exhibito processu transmissio per officialem domini archidiaconi coram eo habito, quo per nos publicato, decreta copia partibus, datur dies in proximo ad dicendum contra dictum processum. [fol. 119v]

[22 Sep 79 (78.13)] Tydd. Matilda by proctor; Walter is absent. Matilda proposes exceptions against the process of the principal case. Next to act on them.

Tyd] Parte appellante per procuratorem suum, parte vero appellata nullo modo, comparentibus, propositis quibusdam exceptionibus per partem appellansem contra processum in causa principali habitum, datur dies in proximo ad faciendum super eisdem. [fol. 120v]

[13 Oct 79 (79.11)] Tydd. Parties personally. The exceptions are admitted; Matilda produces three witnesses: Hugh Candlesby, Peter Caprik, and Richard Somner, who are admitted and sworn. Next to offer final proof.

Tyd] Partibus personaliter comparentibus, admissis excepcionibus predictis eatenus quatenus, productis per partem proponentem tribus testibus, videlicet Hugone Candelesby, Petro Caprik' et Ricardo Somenor, quibus admissis et in forma iuris iuratis, datur dies in proximo ad peremptorie probandum. [fol. 121v]

[3 Nov 79 (80.11)] Tydd. Matilda produces Walter Sutton, who are admitted and sworn. Next to publish the testimony.

Tyd] Partibus personaliter comparentibus, productoque per partem dicte Matilde alio teste, videlicet Waltero de Sutton', quo admissio et in forma iuris iurato, datur dies in proximo ad publicandum attestaciones. [fol. 122v]

[24 Nov 79 (81.11)] Tydd. Next to publish the testimony.

Tyd] Ad idem, videlicet ad videndum publicacionem attestacionum. [fol. 124r]

[9 Dec 79 (82.11)] Tydd. As 81.11.

Tyd] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad videndum publicacionem attestacionum. [fol. 125r]

[12 Jan 80 (83.11)] Tydd. The testimony is published; a copy is ordered for the parties. With the parties' consent, the case is concluded. 18 Jan. in St Mary [the Less], Cambridge, to hear the definitive sentence.

18 Jan. before the official. The parties appear personally. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Based on the process sent to the consistory from the archdeacon's official, witnesses produced in the consistory, and other legal information, the court finds that the definitive sentence was given unjustly by an incompetent judge, without legal proof, in prejudice of the proved marriage between Matilda and John Alderford, in unwritten form, and contrary to due process. The sentence is revoked; the official of the archdeacon is found to have proceeded unjustly. Walter's claim that he had contracted with Matilda, obstructing her marriage to John, is not proved. Matilda is dismissed from Walter's suit, the matter being left to their consciences.¹

Tyd] Partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus et de consensu parcium predictarum in dicta causa concluso, datur dies mercurii proximo post festum Sancti Hillarii proximo futurum in ecclesia Sancte Marie Cantebr' partibus predictis ad audiendam sententiam in dicta causa diffinitivam.

Quibus die et loco in causa matrimoniali que in consistorio Elien' coram nobis officiali Elien' ratione appellacionis ad audienciam nostram interiecte a quadam sententia diffinitiva per officialem domini archidiaconi Elien' in causa matrimoniali coram eo mota inter Walterum Quernepekker' de Cant'

¹ For the phrase *eorum conscienciis relinquentes*, see Introduction.

partem originaliter actricem ex parte una et Matildem nuper Johannis Tyd de eadem partem originaliter ream ex altera, lata tanquam ab iniqua vertitur et diucius vertebatur inter dictam Matildem partem appellantem et modo partem originaliter ream et prefatum Walterum partem appellatam et originaliter partem actricem, partibus predictis coram nobis personaliter comparentibus, rimato per nos et investigato toto processu tam in causa principali coram officiali domini archidiaconi Elien' quam in causa appellacionis coram nobis habito habitaque deliberacione sufficienti super eodem, invocata Spiritus Sancti gracia, de consilio iuris peritorum nobis assidencium ad sententiam diffinitivam in hac parte ferendam de consensu parcium predictarum procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia per processum coram dicto officiali domini archidiaconi Elien' in causa principali inter partes predictas habitum et nobis transmissum ac testes in hac parte coram nobis productos et alias informaciones legitimas, invenimus dictam sententiam diffinitivam temere et inique et a non competente iudice latam, utpote non habente protestatem de iure ac sine probacionibus legitimis, necnon contra ius et in preiudicium alterius matrimonii inter ipsam Matildem et Johannem Alderford', initi et sufficienter probati, ac sine scriptis et alias contra iuris debitum^a processum, ipsam sententiam diffinitivam tanquam erroneam et nullam [fol. 126r] utpote a non competenti iudice et alias contra debitum iuris processum temere et inique latam, revocamus et infirmamus. Ipsumque officialem domini archidiaconi Elien' perperam et inique processisse et iniquam ac iniustam sententiam tulisse pronunciamus et declaramus, et quia invenimus dictum Walterum contractum matrimonialem inter ipsum et dictam Matildem minus sufficienter fundasse et probasse, obstante matrimonio inter predictos Johannem et Matildem inito et clare probato, ipsam Matildem ab impetitione et instancia dicti Walteri per hanc nostram diffinitivam sententiam dimittimus et absolvimus per presentes, eorum conscienciis relinquentes. [fol. 126v]

^a debitum] *followed by redundant iuris.*

282. CHAPMAN (2)

[21 Jul 79 (77.44)] Chapman. John Cheney of Bourn was cited at the instance of Agnes servant of John Chapman of Bourn in a marriage case.

Parties appear personally. A written article is received instead of a libel. John contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Positions, given to John in writing, are explained to him orally. 3 Aug. the first term for Agnes to produce and for John to respond to the positions.

3 Aug. No witnesses are produced; John responds. Next to propose and the second term to

produce.

Chapman] Johannes Cheney de Brunne citatus [est] ad instanciam Agnetis servientis Johannis Chapman de eadem in causa matrimoniali. Partibus personaliter comparentibus, oblato per partem actricem quodam articulo in scriptis loco libelli et a parte rea optento liteque ad eundem per dictam partem ream negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda factisque dicto Johanni quibusdam posicionibus in scriptis et oretenus sibi expositis, datur dies mercurii proximo post festum Sancti Petri ad vincula parti actrici ad primo producendum et dicte parti ree ad respondendum posicionibus antedictis.

Quibus die et loco partibus ut prius comparentibus, nullis testibus productis per partem actricem, habitis responsionibus ad posiciones per partem ream, datur dies in proximo ad secundo producendum. [fol. 119v]

[22 Sep 79 (78.40)] Chapman. Agnes by proctors; John absent. Next to propose and the second term to produce; John will be called.

Chapman] Parte actrice per procuratores suos comparente, parte rea nullo modo, nullis testibus productis, datur dies in proximo ad secundo producendum et decernimus Johannem Chenyn partem ream fore vocandum ad proximum ad idem. [fol. 121r]

[13 Oct 79 (79.38)] Chapman. No witnesses are produced, but Agnes requests a *missio* to admit and examine Margaret Dye of Bourn and Alice Cook of Bourn; decreed with faith given. John will be warned to be present at the admission. Next to transmit the testimony and to publish it. John is warned to pay 2s to the Agnes, as ordered by the court, under pain of excommunication.

Chapman] Parte actrice ut prius comparente, parte rea nullo modo, nullis testibus productis sed petita missione ad partes ad admittendum et examinandum Margaretam Deye de Brunne et Aliciam Crok' de eadem, qua decreta facta fide que requiritur, decernimus Johannem Chenyn partem ream fore premuniendum ad interessendum admissioni et ad proximum^a ad videndum transmissionem attestacionum. Datur dies in proximo ad transmittendum attestaciones et publicandum et moneatur dictus Johannes Chenyn quod solvat duos solidos dicte parti actrici, in quibus per nos extitit condempnatus sub pena excommunicacionis. [fol. 122r]

[3 Nov 79 (80.32)] Chapman. Agnes by John Wiltshire, proctor; John by William Leverton, proctor. The vicar of Bourn is commissioned to admit and examine the witnesses. Next to transmit the testimony.

Chapman] Parte actrice per Johannem Wiltesshire procuratorem suum, parte rea per Willelmum Leverton' procuratorem suum, comparentibus, datur dies in proximo ad idem et committitur vicario de Brunne ad admittendum et

^a ad proximum] *sic; we would expect proximo consistorio.*

examinandum dictos^b testes. Datur dies in proximo ad transmittendum attestaciones. [fol. 123r]

[24 Nov 79 (81.32)] Chapman. Agnes wants to produce two more witnesses necessary to her case: Mr's John Potton and Hugh Candlesby. Next to produce them and to see the transmission of the women's testimony.

Chapman] Partibus ut prius comparentibus, quia procurator partis actricis dicit quod habet duos testes necessarios quos nondum produxit, videlicet magistros Johannem de Potton' et Hugonem de Candelesby, datur dies in proximo ad producendum eosdem et videndum transmissionem attestacionum mulierum in partibus admissarum et examinatarum. [fol. 124v]

[9 Dec 79 (82.30)] Chapman. Agnes produces John Potton, who is admitted and sworn. The testimony of witnesses examined by the vicar of Bourn is exhibited. Next to publish the testimony.

Chapman] Partibus ut prius comparentibus, producto per partem actricem magistro Johanne de Potton', quo admisso, exhibitisque attestacionibus testium per vicarium de Brunne in partibus examinatarum, datur dies in proximo ad publicandum. [fol. 125r]

[12 Jan 80 (83.30)] Chapman. Nothing is proposed. Next to propose everything concerning the matter.

Chapman] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia. [fol. 126v]

[3 Feb 80 (84.28)] Chapman. Next to propose everything concerning the matter.

Chapman] In causa matrimoniali mota inter Agnetem servientem Johannis Chapma' de Brunne partem actricem ex parte una et Johannem Chenyn de eadem partem ream ex altera, in proximo ad idem. [fol. 128r]

[23 Feb 80 (85.24)] Chapman. Parties by proctors. Nothing is proposed, the case is concluded. Next to hear the definitive sentence.

Chapman] In causa matrimoniali primarie mota inter^c Agnetem servientem Johannis Chapman de Brunne partem actricem ex parte una et Johannem Chenyn de eadem partem ream ex altera, parte actrice per Johannem Wiltesshir' procuratorem suum, parte rea ut prius [comparentibus], nullo dicto seu proposito per alterutram partem parcium predictarum sed in dicta causa concluso, datur dies in proximo ad audiendum sentenciam. [fol. 131r]

[15 Mar 80 (86.22)] Chapman. Next to hear the definitive sentence.

Chapman] Datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 134v]

[5 Apr 80 (87.17), 26 Apr 80 (88.17), 25 May 80 (89.17), 14 Jun 80 (90.17), 23 Jul 80 (92.16),

^b dictos] dictis. ^c inter] *interlined*.

25 Oct 80 (94.13)] Chapman. For the same.

Chapman] Ad idem. [fols. 136v, 137r, 138r, 140v, 142v, 144v]

283. *BRADENHO*

[21 Jul 79 (77.45)] Bradenho. Joan daughter of William Taylor of March was cited at the instance of Philip son of Richard Bradenho of Doddington before Edward Lacey, vicar of Sutton and commissary of the bishop in the deanery of Ely, in a marriage case. Members of the community had informed the vicar about the contract.

30 April 1379. Parties appear personally in March chapel. Philip proposes orally that they contracted in present words of mutual consent by saying, "I will have you as my wife" and "I will have you as my husband." He asks that she be judged his wife. Joan contests the suit saying the marriage was conditional upon her parents' consent. Parties swear *de calumpnia*, *de veritate dicenda*, and *de malicia*. Philip produces three witnesses: John son of Thomas of March, Alice his wife, and Matilda Ryder of March, who are admitted and sworn. 14 May was assigned in Holy Trinity, Ely, to propose and the second term to produce.

14 May. Philip personally; Joan by Peter Caprik, who claims to be her proctor. No witnesses or positions are brought. 10 June to propose and the third term to produce.

10 June. No witnesses or positions are brought. With all legal formality, Philip requests a fourth term to produce; decreed after he swears that the request is not made with malice. The vicar remits the case to the consistory as instructed, with the acts described above and the witnesses' testimony.

Bradenho] Johanna filia Willelmi Taillo' de March' citata [est] coram domino Ed[ward]o Lasty vicario ecclesie de Sutton' venerabilis patris domini episcopi Elien' in decanatus de Ely commissario sufficienter deputato, ad certos diem et locum congruos et competentes ad instanciam Philippi filii Ricardi Bradenho de parochia de Dodyngton' in causa matrimoniali inter eos contractum prout per viros fidedignes dicto .. commissario extitit denunciatum et delatum.

Partibus coram dicto .. commissario personaliter comparentibus, die sabbati proximo post festum Sancti Marci evangeliste anno Domini millesimo trecentesimo septuagesimo nono, in capella de March', dictus Philippus proposuit oretenus quod ipse et prefata Johanna matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorum exprimentia, videlicet per ista verba "Ego volo habere te in virum." Quare peciit dictam Johannam sibi in uxorem adiudicari. Predicta vero Johanna contestando litem fatebatur contractum matrimonialem inter eos initum sub ista condicione si parentes illius Johanne consenserint. Iuratis partibus predictis hincinde de calumpnia et de veritate dicenda ac de malicia productisque per partem dicti Philippi tribus testibus, videlicet Johanne filio Thome de March', Alicia uxore dicti^a Johannis et Matilde Rydere de March', quibus admissis et in forma iuris

^a dicti] *interlined*.

iuratis, datus est utrique parti dies sabbati proximo post festum Sanctorum Gordiani et Epimachii in ecclesia Sancte Trinitatis de Ely ad ponendum et secundo producendum.

Quibus die et loco parte actrice personaliter comparente, parte vero rea per Petrum Caprik' dicentem se procuratorem suum nullis testibus productis nec posicionibus traditis, datus est dies veneris proximo post festum corporis Christi proximo futurum loco quo supra ad ponendum et tercio producendum.

Quibus die et loco partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis sed petita quarta produccionem per partem dicti Phillippi cum solempnitate iuris et decreto, iuratoque quod ex malicia non peciit predictam quartam produccionem – In isto termino, dictus vicarius, commissarius, remisit nobis dictam causam sic instructam et acta eiusdem superius descripta una cum attestacionibus et dictis dictorum testium superius nominatorum ut in ea ulterius secundum iuris exigenciam procedamus. [fol. 119v]

[22 Sep 79 (78.41)] Bradenho. Philip absent; Joan by Peter Caprik, proctor by letter. The process, transmitted from the vicar of Sutton, is published; a copy is ordered for the parties. Next to speak against witnesses, testimony, and process.

Bradenho] Parte actrice nullo modo comparente, parte rea per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, transmissio nobis processu habito coram vicario de Sutton', commissario domini .. episcopi Elien' in decanatu de Ely, quo per nos publicato, petita copia eiusdem hincinde et decreto, datur dies in proximo ad dicendum contra processum ac testes et eorum dicta. [fol. 121r]

[13 Oct 79 (79.39)] Bradenho. Philip by John Dunham, substitute of original proctor, Walter Sutton; Joan by proctor. Joan brings written exceptions. Next to prove them.

Bradenho] Parte actrice per Johannem Doneham, substitutum Walteri Sutton' procuratoris originalis, parte rea per Petrum Caprik' procuratorem suum, comparentibus, propositis per partem ream quibusdam excepcionibus in scriptis, quibus admissis eatenus quatenus, datur dies in proximo ad probandum. [fol. 122r]

[3 Nov 79 (80.33)] Bradenho. Parties by original proctors. Philip proposes replications; admitted. Next, Joan to prove her exception, John his replication.

Bradenho] Partibus per procuratores suos comparentibus, propositis quibusdam repplicacionibus per partem originaliter actricem, quibus admissis eatenus quatenus, datur dies in proximo parti proponenti excepciones ad peremptorie probandum et parti proponenti repplicacionem ad probandum. [fol. 123r]

[24 Nov 79 (81.33)] Bradenho. Concerning the exception to the commission of Edward Lacey, it is determined by the official that he was sufficiently deputized the bishop's commissary. Next to propose everything concerning the matter.

Bradenho] Partibus ut prius comparentibus, quantum ad excepcionem de commissione constat nobis ut iudici quod fuit commissarius dicti venerabilis patris sufficienter deputatus, datur dies in proximo utrique parti ad proponendum omnia in facto consistencia. [fol. 124v]

[9 Dec 79 (82.31)] Bradenho. Nothing is proposed; the case is concluded. Next to hear the definitive sentence with adjournment of the following days.

Bradenho] Partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum sed in dicta causa concluso, datur dies in proximo cum continuacione et prorogacione dierum sequencium ad audiendum sentenciam in dicta causa diffinitivam. [fol. 125r]

[12 Jan 80 (83.31)] Bradenho. Next to hear the definitive sentence.

Bradenho] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 126v]

[3 Feb 80 (84.29)] Bradenho. As 83.31.

Bradenho] In causa matrimoniali mota inter Philippum filium Ricardi Bradenho de parochia de Dodyngton' partem actricem ex parte una et Johannam filiam Willelmi Taillo' de March' partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad audiendum sentenciam. [fol. 128v]

[23 Feb 80 (85.25)] Bradenho. [Ms. calls it a defamation case] With the parties' consent, next to hear the definitive sentence.

Bradenho] In causa matrimoniali^b primarie mota inter Philippum filium Ricardi Bradenho de parochia de Dodyngton' partem actricem ex parte una et Johannam filiam Willelmi Taillo' de March partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad audiendum sentenciam in dicta causa diffinitivam. [fol. 131r]

[15 Mar 80 (86.23)] Bradenho. This marriage case was heard by Mr Ed[war]d Lacy, perpetual vicar of Sutton, and now is before the official. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Philip has proved his intention, he and Joan are judged husband and wife; their marriage should be solemnized at an appropriate time and place.

Joan's proctor appeals *apud acta ab iniqua* immediately.

Bradenho] In causa matimoniali coram nobis primarie mota inter Philippum filium Ricardi Bradenho de parochia de Dodyngton' partem actricem ex parte

^b matrimoniali] diffamacionis.

una et Johannam filiam Willelmi Taillo' de March' partem ream ex altera, partibus per procuratores suos comparentibus, auditis et intellectis meritis cause matrimonialis que coram magistro Ed[ward]o Lacy, vicario perpetuo ecclesie parochialis de Sutton' venerabilis patris domini Thome Dei gracia episcopi Elien' commissario deputato sufficienter, vertebatur et nunc coram nobis officiali Elien' vertitur inter Phillipum filium Ricardi Bradenho de parochia de Dodynton' ex una parte et Johannam filiam Willelmi Taillo' de March' ex parte alia; partibus predictis coram nobis legitime comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, invocata Spiritu Sancte gracia, ad diffinitivam sentenciam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum Philippum intencionem suam in hac parte deductam sufficienter fundasse et probasse, dictum Philippum prefate Johanne in virum legitimum ipsamque Johannam eidem Philippo in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium inter eos in facie ecclesie solemnizandum pro loco et tempore opportunis.

appellacio] A qua sentenciam tanquam ab iniqua Petrus Caprik' clericum procuratorem dicte Johanne apud acta incontinenti appellavit viva voce. [fol. 134v]

284. CHANDLER (2)

[22 Sep 79 (78.16)] Chandler. After Bartholomew Chandler of Cambridge and Katherine Hostler had appealed from Mr John de Pinxton, archdeacon's official, because of an excessive number of compurgators required for their purgation for the crime of adultery and other grievances, an inhibition was sent to the lower court and the official was ordered cited.

Bartholomew and Katherine appear by Walter Sutton, proctor; John was not cited because he could not be apprehended with a personal citation. He has quit his office and left the area, as certified by the court's mandatary. The proctor declares that he is prepared to proceed with the appeal when he can obtain access to the appellee (*cum dicte partis appellate copiam poterit optinere*).¹

Chaundeler] Cum occasione iudicacionis purgacionis super crimine adulterii pretensi inter Bartholomeum Chaundeler de Cant' et Katerinam Hostiler ut dicebatur commissum eidem Bartholomeo per magistrum Johannem de Pynkeston officialem domini archidiaconi Elien' facte cum numero purgatorum suorum excessivo aliorumque gravaminum in ea parte suggestorum ab eodem officiali ad audienciam nostram per eundem Bartholomeum fuerit

¹ This phrase, which also occurs in *Kington (3)* in the same circumstances would seem to be based on the archaic meaning of *copia* as 'access to' a person. See Lewis and Short, s.v., meaning II.B.2.

et sit legitime appellatum et subsequenter per consistorii nostri presidentem inhibatum et ad citandum ipsum magistrum Johannem officialem partem appellatam legitime demandatum; parte appellante per Walterum de Sutton¹ procuratorem suum, comparente, parte appellata nullo modo nec citata eo quod officio suo cessit et de partibus istis ad alia loca remota se divertebat, nec potest apprehendi, pars appellans protestatur se fore paratam dictam appellacionis sue causam prosecuturam cum dicte partis appellate copiam poterit optinere. [fol. 120v]

[13 Oct 79 (79.14)] Chandler. Bartholomew and Katherine are prepared to prosecute the case. Since it is not known where John has gone, the case pends until he can be apprehended. Appellants declare that it is not their fault if the appeal does not proceed (*quod non stat per eam quominus prosequitur*).²

Chaundeler] Parte appellante ut prius comparente et ad prosequendum causam appellacionis se paratam offerente, pars appellata nullo modo sed quia divertit se ad partes remotas ad quas ignoratur, pendeat quousque poterit apprehendi et pars appellans protestatur quod non stat nec stabit per eam quominus prosequitur etc. [fol. 121v]

[15 Mar 80 (86.48)] Candlesby. Hugh Candlesby, registrar and minister of the archdeacon, was cited before the official for contempt and disobedience. Following an appeal to the consistory by Bartholomew Chaundeler of Cambridge from grievances caused by the archdeacon's official, Hugh publicly called Bartholomew to perform public penance for adultery allegedly committed with Katherine Hostler. Hugh cited him despite the pending appeal and an inhibition.

Hugh appears personally. Sworn *de veritate dicenda*, Hugh responds to each article, as they are contained [in a document] that remains in the registry,³ after they are explained to and charged against him. Because Bartholomew could not prove the articles or the contempt, Hugh is ordered to purge himself, which he does solemnly. Since the court suspects he has been disobedient otherwise, he is made to swear that he has not been contemptuous but has obeyed canonical mandates.

Candelesby – contemptus – purgacio – obediencia] Hugo de Candelesby clericus, registrarius et minister archidiaconi Elien¹, citatus [est] coram nobis super contemptu et inobediencia eo quod ipsum Bartholomeum Chaundeler de Cantebr² a certis gravaminibus per officialem domini archidiaconi Elien¹ sibi ut suggeritur illatis et factis ad audienciam nostram appellantem et appellacioni sue firmiter inherentem, appellacione sua predicta et eius causa coram nobis pendente eciam post et contra inhibitionem nostram sibi in ea parte factam ad penitenciam publicam ratione adulterii per ipsum commissi ut dicebatur cum quadam Katerina Hostiler publice evocavit, in nostre iurisdiccioni et curie^a illusionem et contemptum manifestum. Comparuit personaliter coram nobis et iuratus de veritate dicenda super articulis ex eadem

^a et curie] *interlined*.

² See *Kingston* (3), n. 1.

³ For this translation, see Introduction.

materia elicitis et extractis et sibi singillatim expositis et obiectis, respondebat ad eos singillatim prout in eisdem articulis penes registrum remanentibus continetur. Et quia dictus Barthelmeus non insistit in eorum probacione nec alio modo convinci poterit ad probandum contemptum, ideo eidem Hugoni super eodem contemptu purgacionem canonicam duximus imponendam super quo idem Hugo coram nobis solempniter se purgavit, sed quia habemus eum suspectum de aliquali inobediencia, fecimus eum iurare quod de cetero non contempnet sed mandatis nostris licitis et canonicis obediet et parebit. [fol. 136r]

285. KINGSTON (4)¹

[22 Sep 79 (78.43)] Kingston. John de Podington, rector of Kingston, was cited before Bishop Arundel at the instance of Robert Gilbert, Robert Plumbery, Robert Harsent atte Wood, and William Hykeney, lay parishioners of Kingston, in a case of deprivation.

The parishioners appear before the bishop by Hugh Candlesby, registrar of the archdeacon and proctor; John by Walter Sutton, proctor. Instead of a libel, a written article is received. Next juridical day after 29 Sept. in St Michael's before the official to respond.

The parishioners by William Leverton, proctor; John by proctor. Dilatory exceptions are proposed against the article. Next to propose all [dilatory exceptions] and to act on the above. John asks the bishop to assign to him a counsel of experts; Mr's Thomas Gloucester and John Potton, advocates of the consistory, are assigned his advocates.

Kyngeston'] Dominus Johannes de Podyngton' rector ecclesie de Kyngeston' Elien' diocesis citatus [est] coram venerabili in Christo patre et domino domino Thoma Dei gracia episcopo Elien' ad instanciam Roberti Gilbert, Roberti Plumbery, Roberti Harsent Attewode et Willelmi Hykeney laicorum parochianorum ecclesie de Kyngeston' in causa privacionis que coram eo vertitur non per viam appellacionis seu querele sed primarie cognicionis ordinarie. Parte actrice per Hugonem Candelesby, clericum domini archidiaconi Elien' registrarium procuratorem suum, parte rea per Walterum de Sutton' procuratorem suum, comparentibus coram dicto patre, oblatoque dicte parti ree quodam articulo loco libelli in scriptis et optento, datur proximo dies iuridicus post festum Sancti Michaelis in ecclesia Sancti Michaelis Cant' coram nobis .. officiali Elien' ad respondendum eidem.

Quibus die et loco parte actrice per Willelmum Leverton' procuratorem suum, parte rea ut prius, propositis quibusdam excepcionibus dilatoriis contra dictum articulum, datur dies in proximo ad proponendum omnes et faciendum super premissis. Pars vero rea petivit consilium peritorum sibi per nos assignari, unde magistros Thomam de Glouc' et Johannem de Potton' consistorii nostri advocatos sibi in advocatos assignamus. [fol. 121r]

¹ See *Kingston (1)*, n. 1.

[13 Oct 79 (79.40)] Kingston. With the parties' consent, next to propose all [dilatatory exceptions].

Kyngeston'] Partibus per dictos procuratores suos comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad proponendum omnes. [fol. 122r]

[3 Nov 79 (80.34)] Kingston. With the parties' consent, the case is pending with hope of peace.

Kyngeston'] Partibus ut prius comparentibus, de quarum consensu pendet ad proximum ad idem sub spe pacis. [fol. 123r]

[24 Nov 79 (81.34)] Kingston. As 80.34.

Kyngeston'] Partibus ut prius comparentibus, de quarum consensu in proximo ad idem. [fol. 124v]

[9 Dec 79 (82.32)] Kingston. As 80.34.

Kyngeston'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem quod prius. [fol. 125v]

[12 Jan 80 (83.32)] Kingston. As 80.34.

Kyngeston'] Partibus ut prius comparentibus, in proximo ad idem quod prius. [fol. 126v]

[3 Feb 80 (84.30)] Kingston. Parishioners absent; John by proctor. John asks to be dismissed. They are expected next for proof of the actor's malice.

Kyngeston'] In negocio privacionis moto inter Robertum Gilbert, Robertum Plumbury, Robertum Harsent Attewode et Willelmum Hykemy de Kyngeston partem actricem ex parte una et dominum Johannem de Podyngton' rectorem ecclesie de Kyngeston' partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, pars rea petit se dimitti. Unde ad convincendum ipsius partis actricis maliciam expectamus usque proximum. [fol. 128v]

[23 Feb 80 (85.26)] Kingston. The case is pending.

Kyngeston'] In negocio privacionis moto primarie inter Robertum Gilbert, Robertum Plumbury, Robertum Harsent Attewode et Willelmum Hikeney de Kyngeston' partem actricem ex parte una et dominum Johannem de Podyngton' rectorem ecclesie de Kyngeston' partem ream ex altera, pendeat dicta causa. [fol. 131r]

286. TAYLOR (3)

[22 Sep 79 (78.44)] Taylor. John Lopham of Chesterton was cited at the instance of John Taylor of Cambridge¹ in breach of faith and perjury case.

¹ The plaintiff in this case could be the defendant in either *Caster (3)* or *Hertecoumbe*.

Taylor appears personally; Lopham is absent, suspended from entering church, and called.

Taillo' – suspensio] Johannes Lopham de Chestreton' citatus [est] ad instanciam Johannis Taillo' de Cantebr' in causa fide lesionis et periurii. Parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam partem ream suspendimus et vocetur. [fol. 121r]

287. CRISP

[13 Oct 79 (79.41)] Crisp. Lawrence Taylor of Cambridge and Katherine his wife were cited at the instance of Juliana daughter of Walter Crisp of Abington Pigotts in a case of marriage and divorce.

Parties appear personally. A written libel is received. Next to respond.

Crisp'] Laurencius Taillo' de Cantebr' et Katerina uxor sua citati [sunt] ad instanciam Juliane filie Walteri Crisp' de Abyngton' in causa matrimoniali et divorcii. Partibus personaliter comparentibus, libellato per partem actricem in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 122r]

[3 Nov 79 (80.35)] Crisp. Lawrence and Katherine contest the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Crisp'] Partibus personaliter comparentibus, lite per partem ream negative contestata, iuratisque partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 123r]

[24 Nov 79 (81.35)] Crisp. Juliana personally; Lawrence by Richard Feriby, proctor *apud acta*; Katherine absent. Juliana proposes positions and articles; she produces three witnesses: Walter Crisp, John Crisp, and Thomas Crisp, who are admitted and sworn as penalty for Katherine's contumacy. Lawrence reserves the right to speak against witnesses and testimony. Next the second term to produce; Juliana wants Lawrence called to respond personally.

Crisp'] Parte actrice ut prius comparente, predicto Laurencio per Ricardum Feriby, clericum, procuratorem suum apud acta constitutum, predicta Katerina nullo modo, propositis per partem actricem quibusdam posicionibus et articulis productisque tribus testibus videlicet Waltero Crisp', Johanne Crisp' et Thoma Crisp', quibus in pena contumacie dicte Katerine admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad secundo producendum et pars actrix petit dictum Laurencium fore vocandum ad personaliter respondendum dictis posicionibus. [fol. 124v]

[9 Dec 79 (82.33)] Crisp. Juliana produces two witnesses: Adam vicar of St Clement's, Cambridge, and Thomas Osebern, who are admitted and sworn. Lawrence reserves the right to speak against witnesses and testimony. Next the third term to produce; since Lawrence has not been cited, he will be cited to respond personally next.

^a Ade] Adam.

Crysp'] Partibus ut prius comparentibus, productis per partem actricem duobus testibus videlicet domino Ade^a vicario ecclesie Sancti Clementis Cantebr' et Thoma Osebern', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad tercio producendum. Et quia dictus Laurencius non est citatus ad personaliter respondendum posicionibus, ideo citetur ad proximum ad idem. [fol. 125v]

[12 Jan 80 (83.33)] Crisp. Juliana personally; Lawrence and Katherine are absent and found contumacious. Juliana produces two witnesses: Henry servant of Lawrence Taylor of Cambridge and Agnes daughter of Walter Cook of Cambridge, who are admitted and sworn as penalty for contumacy. Next to publish the testimony.

Crisp'] Parte actrice ut prius comparente, parte rea nullo modo, ideo ipsam reputamus contumacem. Productis per partem actricem duobus testibus, videlicet Henrico famulo Laurencii Taillo' de Cant' et Agneta filia Walteri Cook' de eadem, quibus admissis et in forma iuris iuratis,^b in pena contumacie partis ree datur dies in proximo ad publicandum attestaciones. [fol. 126v]

[3 Feb 80 (84.31)] Crisp. Since the witnesses were not examined yet, next to publish the testimony.

Crisp'] In causa matrimoniali et divorcii mota inter Julianam filiam Walteri Crisp' de Abyngton' partem actricem ex parte una et Laurencium Skirbek' de Cantebr' *taillo* et Katerinam quam de facto duxit in uxorem partem ream ex altera, partibus ut prius comparentibus, quia omnes testes nondum sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 128v]

[23 Feb 80 (85.27)] Crisp. As 84.31.

Crisp'] In causa matrimoniali et divorcii mota primarie inter Julianam filiam Walteri Crisp' de Abyngton' partem actricem ex parte una et Laurencium Skirbek' de Cant' *taillo* et Katerinam quam de facto duxit in uxorem partem ream ex altera, partibus ut prius comparentibus et quia testes non sunt omnes examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 131r]

[15 Mar 80 (86.24)] Crisp. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony; Lawrence will be called to respond personally to the positions.

Crisp'. Partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta et decernimus dictum Laurencium fore vocandum ad personaliter respondendum posicionibus. [fol. 134v]

[5 Apr 80 (87.18)] Crisp. Next to speak against witnesses and testimony.

^b iuratis] *followed by dat' crossed out.*

Crisp'] Parte actrice ut prius comparente, parte rea nullo modo, ideo expectamus usque proximum ad idem, videlicet ad dicendum contra testes et eorum dicta. [fol. 136v]

[26 Apr 80 (88.18)] Crisp. With the parties' consent, next to speak against witnesses and testimony.

Crisp'] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad dicendum contra testes et eorum dicta. [fol. 137r]

[25 May 80 (89.18)] Crisp. Nothing is proposed. Next to propose everything concerning the matter.

Crisp'] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 138r]

[14 Jun 80 (90.18)] Crisp. Nothing is proposed. With the parties' consent, the case is concluded. Next to hear the definitive sentence.

Crisp'] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed de earum consensu in causa concluso, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 140v]

[23 Jul 80 (92.17), 25 Oct 80 (94.14),] Crisp. For the same.

Crisp'] Ad idem. [fols. 142v, 144v]

[10 Jan 81 (97.9), 31 Jan 81 (98.9)] Crisp. Next for the same, to hear the sentence.

Crisp'] Ad idem in proximo, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fols. 146v, 147r]

[28 Feb 81 (99.8), 14 Mar 81 (100.8), 5 Apr 81 (101.8)] Crisp. For the same, to hear the sentence.

Crisp'] Ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fols. 147v, 148r, 148v]

[2 May 81 (102.8)] Crisp. As 92.17.

Crisp'] Partibus ut prius comparentibus, ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 149v]

[24 May 81 (103.8)] Crisp. For the same, to hear the sentence.

Crisp'] Ad idem, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fol. 150v]

[10 Oct 81 (106.8)] Crisp. For the same.

Crisp'] Ad idem. [fol. 152v]

[30 Oct 81 (107.8)] Crisp. Next for the same, to hear the sentence..

Crisp'] Ad idem, videlicet ad audiendum sentenciam diffinitivam in proximo. [fol. 154r]

[12 Nov 81 (108.6)] Crisp. Next to hear the definitive sentence. Meanwhile the witnesses who were children should be reexamined because of the defect of age.

Crisp'] Ad idem, videlicet ad audiendum sentenciam diffinitivam et interim repetantur testes inpuberes propter defectum etatis. [fol. 155r]

[28 Nov 81 (109.5)] Crisp. Next to hear the definitive sentence; the witnesses should be reexamined.

Crisp] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam et repetantur testes inpuberes. [fol. 158r]

[12 Dec 81 (110.5)] Crisp. As 109.5.

Crisp] Ad idem, videlicet ad repetendum testes inpuberes tempore admissionis. [fol. 159r]

[16 Jan 82 (111.5)] Crisp. For the court's information, the child-witnesses will be reexamined after there has been a *restitutio in integrum*.

Crisp'] Decernimus testes inpuberes fore repetendos pro informacionem consciencie nostre facta prius restitutione in integrum. [fol. 159v]

[6 Feb 82 (112.4)] Crisp. The child-witnesses are ordered reexamined.

Crisp] Repetantur inpuberes ut prius. [fol. 160v]

[27 Feb 82 (113.4)] Crisp. As 112.4.

Crisp] Repetantur testes inpuberes ut prius. [fol. 161v]

288. SAWSTON (3)¹

[13 Oct 79 (79.42)] Sawston. Thomas Smyth of Haslingfield² was cited at the instance of John vicar of Sawston in a case of tithes.

John appears by proctor; Thomas is absent and suspended from entering church.

Sauston'] Thomas Smyth' de Haselyngfeld', citatus ad instanciam domini Johannis vicarii ecclesie de Sauston' in causa decimarum per procuratorem suum comparentis, non comparuit. Ideo ipsum ab ingressu ecclesie suspendimus in scriptis. [fol. 122r]

¹ See *Sawston (1)*, n. 1.

tithes case, *Kingston/Gissing*.

² Thomas is also the defendant in another

289. BONALEYN/EXNING

[13 Oct 79 (79.45)] Bonaleyn. Henry Martin of Wilbraham was cited at the instance of Joan Bonaleyn of Wilbraham in a marriage case.

Joan appears by John Wiltshire, proctor; Henry personally. Joan orally proposes a petition that Henry be judged her husband since they contracted in present words, or were betrothed in future words followed by intercourse. The contract has been recognized by them and acknowledged by public fame. Henry contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Bonaleyn] Henricus Martyn de Wilburgham citatus [est] ad instanciam Johanne Bonaleyn de eadem in causa matrimoniali. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, parte rea personaliter, comparentibus, proposita per partem actricem quadam petitione oretenus qua peciit ipsum Henricum sibi in virum adiudicari eo quod matrimonium adinvicem contraxerunt per verba de presenti seu sponsalia per verba de futuro carnali copula subsecuta, quem quidem contractum uterque eorum fatebatur et recognovit et super quibus laborat publica vox et fama, lite per partem ream negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 122r]

[13 Oct 79 (79.46)] Exning. Henry Martin of Wilbraham was cited at the instance of Agnes Taylor of Exning [Suff] in a marriage case.

Agnes appears by Peter Caprik, proctor by letter; Henry personally. Agnes orally proposes a petition that Henry be judged her husband since they contracted in present words, or were betrothed in future words followed by intercourse. The contract has been recognized by them and acknowledged by public fame. Henry contests the suit affirmatively; parties swear *de calumpnia*, *de veritate dicenda*, and *de collusionione et malicia*. Next to propose and the first term to produce.

Ixenyng'] Idem Henricus citatus [est] ad instanciam Agnetis Taillo' de Ixenyng' in causa matrimoniali. Parte actrice per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, parte rea personaliter, comparentibus, proposita per partem actricem quadam petitione oretenus qua peciit ipsum Henricum sibi in virum adiudicari eo quod matrimonium adinvicem contraxerunt per verba de presenti seu sponsalia per verba de futuro carnali copula subsecuta, quem quidem contractum uterque eorum fatebatur et recognovit et super quibus laborat publica vox et fama; lite per partem ream affirmative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusionione et malicia, datur dies in proximo ad ponendum et primo producendum. [fol. 122r]

[3 Nov 79 (80.36)] Bonaleyn. No witnesses or positions are brought. Next to propose and the second term to produce.

Bonaleyn] Partibus ut prius comparentibus, nullis testibus productis nec po-

sicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 123r]

[3 Nov 79 (80.37)] Exning. No witnesses or positions are brought. Next to propose and the second term to produce.

Ixenyng'] Partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 123r]

[24 Nov 79 (81.36)] Bonaleyn. Joan produces John Freeborn of Wilbraham, who is admitted and sworn. Henry reserves the right to speak against witnesses and testimony. Next to propose and the third term to produce.

Bonaleyn] Partibus ut prius comparentibus, producto per partem actricem unico teste, videlicet Johanne Frebern' de Wilburgham, quo admissio et in forma iuris iurato, premissa protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad ponendum et tercio producendum. [fol. 124v]

[24 Nov 79 (81.37)] Exning. Agnes produces three witnesses: John Freeborn of Wilbraham, Henry Mayne, and Henry of Lord of Wilbraham. Henry reserves the right to speak against witnesses and testimony. Next to propose and the third term to produce.

Ixenyng'] Partibus ut prius comparentibus, productis per partem actricem tribus testibus, videlicet Johanne Frebern' de Wilburgham, Henrico Mayn' et Henrico Lord de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicto quatenus contra se deponunt, datur dies in proximo ad ponendum et tercio producendum. [fol. 124v]

[9 Dec 79 (82.34)] Bonaleyn. No other witnesses or positions are brought. With the parties' consent, next to propose and the third term to produce.

Bonaleyn] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis, datur dies in proximo ad idem, videlicet ad ponendum et tercio producendum de consensu parcium predictarum. [fol. 125v]

[9 Dec 79 (82.35)] Exning. No other witnesses or positions are brought. With the parties' consent, next to propose and the third term to produce.

Ixenyng'] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis, datur dies in proximo ad idem, videlicet ad ponendum et tercio producendum de consensu parcium predictarum. [fol. 125v]

[12 Jan 80 (83.34)] Bonaleyn. No other witnesses or positions are brought. Next to propose and the third term to produce; Henry will be called to respond to the positions personally.

Bonaleyn] Partibus ut prius comparentibus, nullis aliis testibus productis nec posicionibus traditis, datur dies in proximo ad idem et vocetur pars rea ad personaliter respondendum posicionibus. [fol. 126v]

[12 Jan 80 (83.35)] Exning. No other witnesses or positions are brought. Next to propose and the third term to produce.

Ixenynge'] Partibus ut prius comparentibus, nullis aliis testibus productis, datur dies in proximo ad idem, videlicet ad tercio producendum. [fol. 126v]

[3 Feb 80 (84.32)] Bonaleyn. Joan by proctor; Henry personally. He responds to the positions negatively; the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony; Henry is ordered to assist Joan with alimony for feeding their child.

Bonaleyn] In causa matrimoniali mota inter Johannam Bonaleyn de Wilburgham partem actricem ex parte una et Henricum Martyn de eadem partem ream ex altera, parte actrice ut prius comparente, parte rea personaliter, habitis per partem ream responsionibus ad posiciones partis actricis negative, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta et iniungimus dicto Henrico quod subveniat dicte Johanne pro alimentacione prolis inter eos procreate. [fol. 128v]

[3 Feb 80 (84.33)] Exning. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Ixenynge] In causa matrimoniali mota inter Agnetem Ixenynge de Wilburgham partem actricem ex parte una et Henricum Martyn de eadem partem ream ex altera, partibus ut prius comparentibus, publicatis attestacionibus decretaque copia earundem partibus supradictis, datur dies in proximo eisdem partibus ad dicendum contra testes et eorum dicta. [fol. 128v]

[23 Feb 80 (85.28)] Bonaleyn. Nothing is proposed; the term ends. Next to propose everything concerning the matter.

Bonaleyn] In causa matrimoniali mota primarie inter Johannam Bonaleyn de Wilburgham partem actricem ex parte una et Henricum Martyn de eadem partem ream ex altera, partibus ut prius comparentibus, nullo dicto seu proposito, cedat terminus; daturque dies in proximo ad proponendum omnia in facto seu iure consistencia. [fol. 131r]

[23 Feb 80 (85.29)] Exning. Nothing is proposed; the term ends. Next to propose everything concerning the matter.

Ixenynge] In causa matrimoniali mota primarie inter Agnetem Ixenynge de Wilburgham partem actricem ex parte una et Henricum Martyn de eadem partem ream ex altera, partibus ut prius comparentibus, nullo dicto seu proposito per alterutram partem parcium predictarum, cedat terminus; datur dies in proximo ad proponendum omnia in facto seu iure consistencia. [fol. 131r]

[15 Mar 80 (86.25)] Bonaleyn/Exning. Parties by proctors. Nothing is proposed by either; with the parties' consent, the case is concluded. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Joan has not proved her intention and Agnes has proved hers, Henry is absolved and dismissed from Joan's suit. Henry and Agnes are judged husband and wife; their marriage should be solemnized at an appropriate time and place.

Joan's proctor appeals *apud acta ab iniqua* immediately.

Bonaleyn] In causa matrimoniali coram nobis primarie mota inter Johannam Bonaleyn de Wilburgham partem actricem ex parte [fol. 134v] una et Henricum Martyn de eadem partem ream ex altera ac eciam inter Agnetem Taillo' de Ixenyng' de Wilburgham aliam partem actricem sive competitricem ex parte una et predictum Henricum partem ream ex altera, partibus per procuratores suos comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed de earum consensu in causa concluso rimatoque per nos et investigato toto processu in dictis causis habito habitaque deliberatione sufficienti super eodem, Christi nomine primitus invocato, de consilio iurisperitorum nobis assidencium ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Johannam intentionem suam in hac parte deductam minus sufficienter fundasse et probasse, sed in probacione eiusdem penitus defecisse ac eciam dictam Agnetem intentionem suam in hac parte deductam ad plenum fundasse et probasse, ipsum Henricum ab impetitione et instancia ipsius Johanne in hac parte sententialiter et diffinitive absolvimus et dimittimus. Eundemque Henricum eidem Agneti in virum legitimum et ipsamque Agnetem eidem Henrico in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium fore in facie ecclesie inter eosdem Henricum et Agnetem solempnizandum pro loco et tempore opportunis.

appellacio] A qua quidem sententiam tanquam ab iniqua Johannes Wiltesshir', clericum, procuratorem dicte Johanne incontinenti apud acta appellavit dicens, "Ab ista sententia tanquam ab iniqua appello." [fol. 135r]

290. SWAFFHAM (5)¹

[3 Nov 79 (80.38)] Swaffham. John Fisher of Swaffham was cited at the instance of the vicar of St Mary's, Swaffham Prior, in a case of tithes.

The vicar appears personally; John is absent and suspended in writing.

Suafham – suspensio] Johannes Fysscher' de Suafham citatus ad instanciam .. vicarii ecclesie Sancte Marie de Suafham Prio' in causa decimarum personaliter comparentis non comparet, ideo ipsum Johannem ab ingressu ecclesie suspendimus in scriptis. [fol. 123r]

¹ See *Swaffham* (2), n. 1.

[24 Nov 79 (81.38)] Swaffham. The execution of the suspension is ordered.

Suafham] Fiat executio. [fol. 124v]

291. WESTLEY (2)¹

[3 Nov 79 (80.46)] Westley. The prior and convent of Bynham priory [Norwich], having the use of Westley Waterless church, were cited at the instance of Richard Winchcomb, vicar of that church, in a case for the increase of his portion of the vicarage.

Richard appears personally; the prior and convent are absent. With Richard's consent, next for the same.

Westlee] Prior et conventus de Bynham ecclesiam parochialem de Westle Elien' diocesis in proprios usus optinentes citati [sunt] ad instanciam domini Ricardi Wynchecoumbe, vicarii eiusdem ecclesie, in causa augmentacionis porcionis vicarie sue. Parte actrice personaliter comparente, predictis priore et conventu nullo modo, ideo de consensu dicti vicarii expectamus eosdem usque proximum consistorii ad idem. [fol. 123r]

[24 Nov 79 (81.40)] Westley. Peace has been restored; Richard is called to inform the court about the agreement.

Westlee] Pax^a est inter partes, ideo vocetur vicarius ad informandum nos de fine dicte concordie inter eos. [fol. 124v]

^a pax] pars.

¹ See *Westley (1)*, n. 1.

292. SIGER (1)

[3 Nov 79 (80.47)] Siger. John Halden of Cottenham was cited at the instance of Isabel widow of John Siger of Cottenham,¹ William Siger, and Thomas Siger of Histon, executors of John Siger's testament in a testamentary case.

Executors appear personally; John by Walter Sutton, proctor. An oral libel is given and requested written. Next to receive it in writing.

Sygar] Johannes Halden' de Cotenham citatus [est] ad instanciam Isabelle nuper uxoris Johannis Sygar de eadem, Willelmi Sygar et Thome Sygar de Hyston', executorum testamenti Johannis Sygar predicti, in causa testamentaria. Parte actrice personaliter comparente, parte rea per Walterum de Sut-

¹ Cf. *Siger (2)*. Siger is not a common name. It seems extraordinary that two women named Isabell, one described as the widow of John Siger and the other as the servant of a man of same name should be involved in litigation in the court of Ely within months of each other. There is no obvious connection between the two cases, however. In this case John Siger, who is described as of Cottenham, is clearly deceased; in *Siger (2)* he is described as of Lolworth (about five miles to the west of Cottenham) and seems to be alive.

ton', clericum, procuratorem suum, libellato per partem actricem oretenus petitoque in scriptis per partem ream, datus est dies in proximo ad recipiendum libellum in scriptis. [fol. 123r]

[24 Nov 79 (81.41)] Siger. A written libel is received. Next to respond.

Sygar] Partibus ut prius comparentibus, oblato libello in scriptis per partem actricem et a parte rea optento, datur dies in proximo dicte parti ree ad respondendum eidem et parti actrici ad videndum et audiendum responsionem eiusdem et utrique parti ad faciendum quod est iuris. [fol. 124v]

[9 Dec 79 (82.36)] Siger. Executors absent; John by proctor. Both are expected next.

Sygar] Parte actrice nullo modo comparente, parte rea ut prius, ideo expectamus absentem cum presente usque proximum ad idem. [fol. 125v]

[12 Jan 80 (83.36)] Siger. Next to respond to the libel.

Sygar] In proximo ad idem, videlicet ad respondendum libello. [fol. 126v]

[3 Feb 80 (84.34)] Siger. Parties by proctors. John proposes dilatory exceptions in writing. Next to propose all [dilatory exceptions] and to act on the proposed.

Sygar] In causa testamentaria mota inter Isabellam nuper uxorem Johannis Sygar de Cotenham, Willelmum Sygar et Thomam Sygar de Histon', executores testamenti dicti Johannis Sygar, partem actricem ex parte una et Johannem Halden' de Cotenham partem ream ex altera, partibus per procuratores suos predictos comparentibus, propositis per partem ream quibusdam excepcionibus dilatoriis in scriptis, datur dies in proximo ad proponendum omnes et ad faciendum super propositis. [fol. 128v]

[23 Feb 80 (85.30)] Siger. Executors by Peter Caprik, substitute of R. Feriby, original proctor; John by proctor. With the parties' consent, next to propose all dilatory exceptions and to act on the proposed.

Sygar] In causa testamentaria mota primarie inter Isabellam nuper uxorem Johannis Sigar de Cotenham, Willelmum Sigar et Thomam Sigar de Histon' executores testamenti dicti Johannis Sigar, partem actricem ex parte una et Johannem Halden' de Cotenham partem ream ex altera, parte actrice per Petrum Caprik', clericum substitutum Ricardi Feriby procuratoris sui originalis, parte rea ut prius, comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad proponendum omnes excepciones dilatorias et faciendum super propositis. [fol. 131r]

[15 Mar 80 (86.31)] Siger. No other exceptions are proposed. Next to respond to the libel if the proposed do not inhibit.

Sygar] In causa testamentaria mota primarie inter Isabellam nuper uxorem Johannis Sigar de Cotenham, Willelmum Sigar et Thomam Sigar de Histon', executores testamenti dicti Johannis Sigar, partem actricem ex parte una et

Johannem Haldene de Cotenham partem ream ex altera, partibus ut prius comparentibus, nullis aliis excepcionibus propositis, datur dies in proximo ad respondendum libello si proposita non obsistant. [fol. 135r]

[5 Apr 80 (87.19)] Siger. With the parties' consent, next to respond to the libel.

Sigar] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad respondendum eidem. [fol. 136v]

[26 Apr 80 (88.19)] Siger. William contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Sigar] Partibus ut prius comparentibus, lite per partem ream negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 137r]

[25 May 80 (89.19)] Siger. No witnesses or positions are brought. Next to propose and the second term to produce.

Sigar] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 138r]

[14 Jun 80 (90.19)] Siger. No witnesses or positions are brought. Next to propose and the third term to produce.

Sigar] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 140v]

[23 Jul 80 (92.18)] Siger. No witnesses or positions are brought. The executors want six witnesses compelled: John Dobbin of Histon, William *al.* Kyne Siger, Henry Siger, Ralph Arnold, Simon Crust of Histon, and John Frost of Oakington; decreed with faith given. Next to produce them.

Sigar] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, sed petita compulsione sex testium, videlicet Johannis Dobyn de Histon', Willelmi alias Kyne Sigar, Henrici Sigar, Randulfi Arnold', Simonis Crostes de eadem et Johannis Frost de Hokyton', qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsos. [fol. 142v]

[4 Oct 80 (93.9)] Siger. Executors as before; John by substitute of Richard Pitts, original proctor. Executors produce three compelled witnesses: Henry Siger, Simon Crust of Cottenham, and John Frost, who are admitted and sworn. Next to produce the others.

Sigar] Parte actrice ut prius comparente, parte rea per substitutum Ricardi Pyttes, procuratoris originalis, comparente,^a productis per partem actricem tribus testibus compulsis videlicet Henrico Sigar, Simone Crost de Cotenham et Johanne Frost de Hokyton', quibus admissis et in forma iuris iuratis, datur dies in proximo ad producendum alios testes compellendos pro quibus est

^a comparente] comparentibus.

decreta compulsio. [fol. 144r]

[25 Oct 80 (94.15)] Siger. Next to produce.

Sigar] Ad idem. [fol. 144v]

[5 Dec 80 (96.2)] Siger. Executors are absent; John by proctor. No other witnesses are brought. Next to produce the compelled under penalty of loss of their admission.

Sigar] Parte actrice nullo modo comparente, parte rea per procuratorem, nullis aliis testibus productis, datur dies in proximo ad idem, videlicet ad producendum testes compellendos sub pena amissionis eorundem. [fol. 146r]

[10 Jan 81 (97.3)] Siger. Executors by Caprik, substituted for Richard Ferriby, original proctor; John by proctor. No other witnesses are brought; the produced witnesses have not yet been examined. Next to publish the testimony.

Sigar] Parte actrice per Petrum Caprik', substitutum Ricardi Feriby procuratoris originalis, parte rea ut prius, comparentibus, nullis aliis testibus productis nec testes producti adhuc sunt examinati, ideo datur dies in proximo ad idem, videlicet ad publicandum. [fol. 146v]

[31 Jan 81 (98.3), 28 Feb 81 (99.4), 14 Mar 81 (100.4)] Siger. Next to publish the testimony.

Sigar] Ad idem videlicet ad publicandum attestaciones. [fols. 147r, 147v, 148r]

[5 Apr 81 (101.4)] Siger. Executors are absent; John by proctor. Since the executors have not procured the examination, the case is concluded. Next to hear the definitive sentence; the executors will be called.

Sigar] Parte actrice nullo modo comparente, parte rea ut prius, quia pars actrix non curat procurare examinacionem diucius expectatam, ideo concludimus in causa daturque dies in proximo ad audiendum sentenciam in dicta causa diffinitivam et vocetur pars actrix ad idem. [fol. 148v]

[2 May 81 (102.4)] Siger. Next to hear the definitive sentence.

Sigar] Partibus ut prius comparentibus, ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 149v]

[24 May 81 (103.4)] Siger. As 102.4.

Sigar] Ad idem videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 150v]

[10 Oct 81 (106.4)] Siger. As 102.4.

Sigar] Ad idem. [fol. 152v]

[30 Oct 81 (107.4)] Siger. Parties by proctors. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because the executors have not proved their intention, John is absolved and

dismissed from their suit. The executors are ordered to pay the costs, which will be estimated by the court.

Siger –] In causa testamentaria que coram nobis .. officiali Elien' vertitur et diucius vertebatur inter Isabellam relictam Johannis Siger de Cotenham defuncti, Willelmum Sig' et Thomam Sig' de Histon', executores testamenti seu ultime voluntatis dicti Johannis defuncti, partem actricem ex parte una et Johannem Halden' de Cotenham partem ream ex altera, partibus predictis coram nobis per procuratores suos comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, invocata Spiritus Sancti gracia, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos .. officialis antedictus invenimus dictos Isabellam, Willelmum et Thomam, executores predictos, intencionem suam in hac parte deductam minus sufficienter fundasse et probasse, ipsum Johannem ab impetitione predictorum executorum absolvimus et dimittimus et in expensis hac occasione factis sentencialiter et diffinitive condempnamus in hiis scriptis, taxacione earundem nobis specialiter reservata. [fol. 154r]

[12 Dec 81 (110.32)] Siger. John Siger's executors were cited to hear the court's estimation of John Haldeyn's costs resulting from the testamentary case, which they had been condemned to pay by the court.

The executors are absent; John appears by proctor. They are expected at the request of William de Thorp, with the hope of peace.

Sigar] Isabella relictam Johannis Sig' de Cotonham defuncti, Willelmus Sig' et Thomas Sig' de Histon', executores testamenti dicti Johannis Sig', citati [sunt] ad instanciam Johannis Haldeyn de Cotenham, taxacionem expensarum per ipsum Johannem Halden' in causa testamentaria in consistorio Elien' mota per ipsos executores contra eundem Johannem factarum, in quibus per nos extiterant reservata taxacione sentencialiter condempnati per nos faciendam, visuri et audituri.^b Partibus dictorum executorum nullo modo comparentibus, parte Johannis per procuratorem, unde expectamus ad rogatum domini Willelmi de Thorp' sub spe pacis. [fol. 159v]

^b audituri] *followed by* partibus null *crossed out*.

293. TEVERSHAM (5)¹

This case begins as an action brought by the parishioners of Teversham for breach of faith against John Bowl of the same. After five entries, the case is charactized as one for tithes brought by the rector of the church against the same John, but it seems to be in the same pro-

¹ See *Allain*, n. 1.

cedural posture as the actions brought by the parishioners. Unfortunately, it ends with a string of continuances *sub spe pacis* without giving more detail as to what is at stake.

[3 Nov 79 (80.48)] Teversham. John Bowl of Teversham was cited at the instance of the parishioners of Teversham in a case of breach of faith and perjury.

The parishioners appear by William Taylor, *yconomus*² of the church of Teversham; John personally. An oral libel is given and requested written. Next to receive it in writing.

Teversham] Johannes Bole de Teversham citatus [est] ad instanciam parochiorum ecclesie de Teversham in causa fideilesionis et periurii. Parte actrice per Willelmum Taillo' yconomum dicte ecclesie comparente, parte rea personaliter, libellato per partem actricem oretenus petitoque per partem ream in scriptis, datur dies in proximo ad recipiendum libellum in scriptis. [fol. 123r]

[24 Nov 79 (81.42)] Teversham. Next to receive the libel in writing.

Tev'sham] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad libellandum in scriptis. [fol. 124v]

[9 Dec 79 (82.37)] Teversham. A written libel is received. Next to respond.

Teversham] Partibus ut prius comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum. [fol. 125v]

[12 Jan 80 (83.37)] Teversham. With the parties' consent, next to respond to the libel.

Teversham] Partibus ut prius comparentibus, de quarum consensu in proximo ad idem, videlicet ad respondendum libello. [fol. 126v]

[3 Feb 80 (84.35)] Teversham. As 83.37.

Teversham] In causa decimarum mota inter magistrum Willelmum Brugg' rectorem ecclesie de Teversham partem actricem ex parte una et Johannem Bole de eadem laicum partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad respondendum libello. [fol. 128v]

[23 Feb 80 (85.31)] Teversham. As 83.37.

Teversham] In causa decimarum mota primarie inter magistrum Willelmum Brugg' rectorem ecclesie de Teversham, partem actricem ex parte una et Johannem Bole de eadem laicum partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datus est dies in proximo ad idem, videlicet ad respondendum libello. [fol. 131r]

[15 Mar 80 (86.27)] Teversham. With the parties' consent, next to respond to the libel with hope of peace.

Teversham] In causa decimarum mota primarie inter rectorem ecclesie de

² The word can mean patron or church-warden in this context, but it has a technical meaning of agent or proctor of a corporate body.

Teversham partem actricem ex parte una et Johannem Bole de eadem partem ream ex altera, de quarum consensu datur dies in proximo ad idem sub spe pacis videlicet ad respondendum libello. [fol. 135r]

[5 Apr 80 (87.20), 26 Apr 80 (88.20), 25 May 80 (89.20), 14 Jun 80 (90.20), 23 Jul 80 (92.19)] Teversham. The case is pending with hope of peace.

Teversham] Pendet sub spe pacis. [fols. 136v, 137r, 138r, 140v, 142v]

294. LAVENDER

[3 Nov 79 (80.49)] Lavender. Henry Russel of Croyden was cited at the instance of Joan Lavender of Cambridge in a case of breach of faith and perjury.

Parties appear personally. An oral libel is given and requested written. Next to receive it in writing.

Lavender] Henricus Russel de Crauden' citatus est ad instanciam Johanne Lavender de Cantebr' in causa fideilesionis et periurii. Partibus personaliter comparentibus, libellato per partem actricem oretenus petitoque per partem ream libello in scriptis sibi dare, datur dies in proximo ad recipiendum libellum in scriptis. [fol. 123r]

[24 Nov 79 (81.43)] Lavender. Joan absent; Henry personally. Since Joan has not pursued the case, Henry is dismissed, protesting his costs.

Lavender – dimissio] Parte actrice nullo modo comparente, parte rea ut prius, ideo ipsam partem ream in non prosecucione dicte partis actricis dimittimus cum protestacione expensarum. [fol. 124v]

295. TOWNSEND

[9 Dec 79 (82.38)] Townsend. The archdeacon's official was cited for 15 Dec. 1379 before the official at the instance of Joan wife of Henry atte Townsend of Bourn in an appeal from an injurious citation to a brief and final term, the imposition of excessive penance, and other grievances.

Neither appears. Joan will be called to proceed with the appeal.

Tounesende] Officialis domini archidiaconi Elien' citatus [est] coram nobis .. officiali Elien' ad diem iovis proximo post festum Sancte Lucie virginis ad instanciam Johanne uxoris Henrici Attetounesende de Brunne Elien' diocesis in causa appellacionis ab eodem officiali, occasione iniuriouse citacionis ad terminum nimis brevem et peremptorium ac excessive penitencie imposicionis aliorumque gravaminum in hac parte suggestorum per dictum officialem domini archidiaconi ut pretenditur illatorum, ad audienciam nostram interiecte. Neutra parte comparente, decernimus dictam partem appellansem fore vocandam ad prosequendum appellacionis sue causam supradictam. [fol.

125v]

296. LONDON

[9 Dec 79 (82.39)] London. Mr Ralph de Selby, archdeacon's official, was cited for 15 Dec. 1379 before the official at the instance of Alice wife of John London of Chesterton in an appeal from an injurious citation to a brief and final term and from an unjust excommunication.

Neither appears. Alice will be called to proceed with the appeal.

London'] Magister Radulphus de Selby officialis domini archidiaconi Elien', citatus [est] coram nobis officiali Elien' ad diem iovis proximo post festum Sancte Lucie virginis ad instanciam Alicie uxoris Johannis London' de Chesterton' Elien' diocesis in causa appellacionis ab eodem officiali, occasione citacionis ad terminum nimis brevem et peremptorium ac excommunicacionis iniuste aliorumque gravaminum in hac parte suggestorum per dictum magistrum Radulphum officialem pretensum illatorum, ad audienciam nostram interiecte. Neutra parte comparente, decernimus dictam partem appellantem fore vocandam ad proseguendum causam appellacionis sue supradictam. [fol. 125v]

297. COGGESFORD

[9 Dec 79 (82.40)] Coggesford. Richard Raine of Milton was cited for 9 Dec. 1379 at the instance of Robert Coggesford of Cambridge in a breach of faith and perjury case.

Robert appears by proctor; Richard is absent and suspended in writing.

Coggesford' – suspensio] Ricardus Reyne de Midelton', citatus ad diem veneris proximo post festum Concepcionis ad instanciam Roberti Coggesford' de Cantebr' in causa fidei lesionis et periurii comparentis per procuratorem suum, non comparet: ideo ipsum Ricardum suspendimus ab ingressu ecclesie in scriptis. [fol. 125v]

[12 Jan 80 (83.38)] Coggesford. The execution is ordered.

Coggesford'] Fiat execucio. [fol. 126v]

[3 Feb 80 (84.36)] Coggesford. As 83.38.

Coggesford'] In causa fideilesionis et periurii mota inter Robertum Coggesford de Cantebr' partem actricem ex parte una et Ricardum Reyne de Milton' partem ream ex altera, pars rea fuit alias suspensa; fiat execucio. [fol. 128v]

298. MEPAL

The procedural posture of this case is complicated, and what happened is not completely

recoverable from what Foxton wrote. The first entry tells us that the vicar of Sutton and John Wimpole, a layman of Sutton, were cited *ex officio* at the promotion of the rector of Mepal. So far as the vicar is concerned, the case immediately goes pending with hope of peace. The court, however, brings an article *ex officio mero*, i.e., not at the promotion of the rector, against John for having withheld a mortuary from the rector. John denies the charge and is to purge himself out of session at Ely, but if those proceedings took place, they are not recorded. The next substantive entry tells us that the case is pending “so far as the rector is concerned.” This may be a mistake for “vicar,” because we are then immediately told that the *pars actrix*, introduced a witness in the mortuary case against John. The *ex officio* proceedings seem to have been transmuted into an instance case for the recovery of a mortuary. Two sessions later the case is settled.

Mepal and Sutton are right next to each other, about five miles west of Ely. The parochial status of both of them seems unquestioned, so the issue may have been whether the place of John’s residence (or that of his father for whom the mortuary was owed) put him in the parish of Sutton, as he seems to have claimed, or in the parish of Mepal. The fact that we hear nothing more of *ex officio* proceedings after John was supposed to have purged himself suggests either that he did so successfully or that he was able to persuade the court that he was caught in the middle of a dispute between the rector and the vicar that was in the process of being settled. It is even possible that John Newton, the official, withdrew his *ex officio* article when he realized that this was not a brazen attempt to avoid paying a mortuary but a genuine dispute about to whom it was owed.

[9 Dec 79 (82.41)] Mepal. Ed[war]d vicar of Sutton and John Wimpole of Sutton were cited for 9 Dec. 1379 concerning objections made *ex officio*, at the promotion of Robert rector of Mepal.

Parties appear personally. The matter concerning the vicar is pending with hope of peace. The court administers an article *ex officio mero* against John Wimpole that he withheld a mortuary owed to the rector for John’s father. John denies the article. 16 Dec. at Ely to purge himself, his hand the sixth.

Mephale] Dominus Ed[ward]us vicarius ecclesie de Sutton’ et Johannes Wynepol de eadem citati [sunt] ad dictum diem veneris super sibi obiciendis ex officio ad promocionem domini Roberti rectoris ecclesie de Mephale. Partibus personaliter comparentibus, quantum ad vicarium de Sutton’ pendet usque proximum sub spe pacis. Articulado per nos ex officio mero contra Johannem Wynpol super subtraccione cuiusdam mortuarii eidem rectori debiti pro patre eiusdem Johannis, dictus Johannes negat dictum articulum, unde habet diem veneris proximo post festum Sancte Lucie apud Ely ad purgandum se cum sexta manu. [fol. 125v]

[12 Jan 80 (83.39)] Mepal. The case is pending with hope of peace.

Mephale] Pendet sub spe pacis. [fol. 126v]

[3 Feb 80 (84.37)] Mepal. Parties by said proctors. In the matter concerning the rector,¹ the case is pending with hope of peace; in the matter concerning John, Robert produces John Fycheler of Mepal, who is admitted and sworn. Next to propose and the second term to produce.

¹ See the introduction to this case.

Mephale] In causa mortuarii mota inter dominum Robertum rectorem ecclesie de Mephale partem actricem ex parte una et dominum Ed[wardu]m vicarium ecclesie de Sutton' et Johannem Wynepol de eadem partem ream ex altera, partibus per dictos procuratores suos comparentibus, quo ad rectorem pendet sub spe pacis. Quo ad Johannem Wynepol producto per partem actricem unico teste, videlicet Johanne Fytheler' de Mephale, quo admissio et in forma iuris iurato, datur dies in proximo ad ponendum et secundo producendum. [fol. 128v]

[23 Feb 80 (85.32)] Mepal. With the parties' consent, the case is pending with hope of peace.

Mephale] In causa mortuarii mota primarie inter dominum Robertum rectorem ecclesie de Mephale partem actricem ex parte una et dominum Ed[wardu]m vicarium ecclesie de Sutton' et Johannem Wynepol de eadem partem ream ex altera, partibus ut prius comparentibus, de quarum consensu pendet ad proximum ad idem sub spe pacis. [fol. 131r]

[15 Mar 80 (86.28)] Mepal. Peace has been restored.

Mephale – pax] In causa mortuarii mota primarie inter dominum Robertum rectorem ecclesie de Mephale partem actricem ex parte una et dominum Ed[wardu]m vicarium de Sutton' et Johannem Wynepol de eadem partem ream ex altera, pax est reformatata inter partes. [fol. 135r]

299. TAYLOR (4)

[9 Dec 79 (82.42)] Taylor. Robert son of Peter Hitchcock of Swaffham was cited at the instance of Isabel wife of Nicholas Taylor of Swaffham in a defamation case.

Isabel appears by Walter Sutton, proctor; Robert by Peter Caprik, proctor. An oral libel is given and requested written. Next to receive it in writing.

Taillo'] Robertus filius Petri Hichecok' de Suafram citatus [est] ad instantiam Isabelle uxoris Nicholai Taillo' de eadem in causa diffamacionis. Parte actrice per Walterum de Sutton' procuratorem suum, parte rea per Petrum Caprik', clericum, procuratorem suum [comparentibus], libellato per partem actricem oretenus, petito in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 125v]

[12 Jan 80 (83.40)] Taylor. The written libel is received. Next to respond.

Taillo'] Partibus ut prius comparentibus, oblato libello per partem actricem et a parte rea optento in scriptis, datur dies in proximo ad respondendum. [fol. 126v]

[3 Feb 80 (84.38)] Taylor. Robert contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Taillo'] In causa diffamacionis mota inter Isabellam uxorem Nicholai Taillo' de Suafham partem actricem ex parte una et Robertum filium Petri Hichecok' de eadem partem ream ex altera, partibus ut prius comparentibus, lite per partem ream negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 128v]

[23 Feb 80 (85.33)] Taylor. No witnesses or positions are brought. Next to propose and the second term to produce.

Taillo'] In causa diffamacionis mota primarie inter Isabellam uxorem Nicholai Taillo' de Suafham partem actricem ex parte una et Robertum filium Petri Hichecok' de eadem partem ream ex altera, partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 131r]

[15 Mar 80 (86.29)] Taylor. No witnesses or positions are brought. Next to propose and the third term to produce.

Taillo'] In causa diffamacionis mota primarie inter Isabellam uxorem Nicholai Taillo' de Suafham partem actricem ex parte una et Robertum filium Petri Hichecok' de eadem partem ream ex altera, partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 135r]

[5 Apr 80 (87.21)] Taylor. Robert is dead.

Taillo'] Pars rea est mortua. [fol. 136v]

300. PICKERELL

[9 Dec 79 (82.44)] Pickerell. Thomas Bacon of Wisbech was cited at the instance of Isabel Pickerell of Wisbech for 16 Dec. 1379 in Holy Trinity, Ely, in a marriage case.

Parties appear personally. Isabel proposes that on 19 Jan. 1379 in the chapel of St Edmund, Emneth, Thomas contracted marriage with her in the form prescribed by constitution.¹ He said, "I accept you as my wife if I know you physically" and she said, "I accept you as my husband if you know me physically." Since they had intercourse after this promise, she wants Thomas judged her husband. Thomas admitted the contract but denied the intercourse. Parties swear *de calumpnia* and *de veritate dicenda*. The vicar of Elm is commissioned to admit and examine as many witnesses as Isabel wants to produce. Next consistory to see the transmission of the testimony; warned of the day and place, Thomas is to appear before the vicar to see the admittance, so that each is spared labour and expense.

Pikerel] Thomas Bacon' de Wysebech' citatus [est] coram nobis officiali Elien' ad diem veneris proximo post festum Sancte Lucie virginis in ecclesia

¹ The fact that both this case and *Rous/Smyth* cite a constitution suggests that there was an Ely diocesan constitution on the topic of abjuration *sub pena nubendi* that has not survived. See Donahue, *Law, Marriage and Society*, T&C no. 445.

Sancte Trinitatis civitatis Elien' ad instanciam Isabelle Pykerell' de eadem in causa matrimoniali. Partibus personaliter comparentibus, proponitur per dictam Isabellam quod dictus Thomas cum prefata Isabella matrimonium contraxit sub forma constitutionis,^a videlicet "Accipio te in uxorem si de cetero cognoscam te carnaliter," et ipsa dicente, "Et ego accipio te in virum si de cetero cognoscas me carnaliter." Die iovis proximo post festum Sancti Hillarii anno Domini millesimo trecentesimo septuagesimo octavo in capella Sancti Edmundi de Enemeth' et postmodo ipsam carnaliter cognovit, quare peccavit ipsum sibi in virum adiudicari etc. Predictus Thomas iuratus de veritate dicenda fatetur dictum contractum inter eosdem initum sub eadem forma die et loco supradictis, negat tamen se predictam Isabellam ab illo tempore carnaliter cognovisse. Iuratis partibus hincinde de calumpnia et de veritate dicenda, committimus vicario ecclesie de Elm ad admittendum et examinandum in partibus testes quotquot et quos dicta Isabella coram eo producere voluerit daturque dies in proximo consistorio Cantabr' partibus predictis ad videndum transmissionem attestacionum testium predictorum et prefigimus predicto Thome diem ad comparendum coram dicto vicario, die et loco per ipsum premuniendum ad videndum admissionem eorumdem ut utriusque partis parcatur laboribus et expensis. [fol. 125v]

[12 Jan 80 (83.41)] Pickerell. Since the testimony has not yet been sent, both expected next to see its transmission.

Pykerel] Quia attestaciones nondum sunt transmissæ, ideo expectamus utramque partem usque proximum ad idem. [fol. 126v]

[3 Feb 80 (84.39)] Pickerell. Parties personally. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Pykerell'] In causa matrimoniali mota inter Isabellam Pykerell' de Wysebech' partem actricem ex parte una et Thomam Bacon de eadem partem ream ex altera, partibus personaliter comparentibus, transmissis attestacionibus testium in partibus examinatorum, quibus publicatis decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 128v]

[23 Feb 80 (85.34)] Pickerell. Nothing is proposed by either; with the parties' consent, the case is concluded. Next to hear the definitive sentence.

Pikerell'] In causa matrimoniali mota primarie inter Isabellam Pykerell' de Wysebech' partem actricem ex parte una et Thomam Bacon de eadem partem ream ex altera, partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum sed de consensu parcium in dicta causa concluso, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 131r]

[15 Mar 80 (86.30)] Pickerell. Parties by proctors. Since the entire process has been inves-

^a constitutionis] constōis, *see n. 1.*

tigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Isabel has not proved her intention, Thomas is absolved and dismissed from her suit.

Her proctor appeals *apud acta ab iniqua* immediately and requests *apostoli*.

Pikerell'] In causa matrimoniali mota primarie inter Isabellam Pikerell' de Wysebech' partem actricem ex parte una et Thomam Bacon' de eadem partem ream ex altera, partibus predictis per procuratores suos comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, Christi nomine primitus invocato, de consilio iuris peritorum nobis assidencium, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Isabellam intencionem suam in hac parte deductam minus sufficienter fundasse et probasse sed in probacione eiusdem penitus defecisse, ipsam partem ream ab impetitione et instancia ipsius partis actricis sentencialiter et diffinitive absolvimus et dimittimus in hiis scriptis.

A qua sententia tanquam ab iniqua Johannes Wiltesshir' clericus procurator dicte Isabelle apud acta appellavit incontinenti et apostolos peccit dicens, "Ab ista sententia tanquam ab iniqua appello et apostolos peto." [fol. 135r]

301. WARDALE

[9 Dec 79 (82.45)] Wardale. Richard Bittering of Wisbech, chaplain, was cited at the instance of Robert Wardale of Wisbech for 16 Dec. 1379 in Holy Trinity, Ely, in a case of usury.

Parties appear personally. Robert proposes orally that Richard lent to him 18 pounds, for which Robert paid to Richard 20s each year for three years. After three years the 18 pounds were repaid in full. Although Robert had requested repeatedly that Richard restore the 60s received beyond the principal, Richard would not return the sum. Robert wants Richard pronounced a manifest usurer and declared excommunicate. Richard contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Wardale] Dominus Ricardus Bytering' de Wysebech' capellanus citatus [est] coram nobis ad diem et locum immediate supradictos ad instanciam Roberti Wardale de eadem in negocio usurarie pravitatis. Partibus personaliter comparentibus, propositum per partem actricem oretenus quod ipse Ricardus capellanus eidem Roberto mutuavit duodeviginti libras quibus solvit eidem Ricardo quolibet anno trium annorum viginti solidos et post tres annos dictas duodeviginti libras integre, et licet dictus Robertus ipsum dominum Ricardum cum instancia requisivit ut dictos sexaginta solidos quos ultra sortem recepit ab eodem nomine usurarum restitueret. Dictus tamen dominus Ri-

cardus dictam summam restituere non curavit, usurariam pravitatem committendo ac sententiam excommunicationis maioris ea occasione latam in iure dampnaliter incurrendo. Quare peccit dictus Robertus ipsum dominum Ricardum probatis probandis usurarium^a manifestum pronunciari, et in dictam sententiam ea occasione incidisse^b declarari ulteriusque fieri etc. Lite per dictum dominum Ricardum negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo consistorio Cantebr' ad ponendum et primo producendum. [fol. 126r]

[12 Jan 80 (83.42)] Wardale. Robert personally; Richard by John Wiltshire, proctor *apud acta*. Robert produces three witnesses: John vicar of Elm church, Thomas Bytham, and Joan Wardale of Wisbech, who are admitted and sworn. Richard reserves the right to speak against witnesses and testimony. Robert requests a *missio* to admit and examine *egregias personas*, women, and other necessary witnesses; the rector of Newton, Ely diocese, and the rector of Wells, Norwich diocese, are commissioned to admit and examine them and to collate their testimony. They are to send the testimony by the next session, closed with their seals and unseen by the parties, along with the entire process done by them. Next to see the transmission of the testimony, which will be published.

Wardale] Parte actrice personaliter comparente, parte rea per Johannem Wiltesshire, clericum, procuratorem suum apud acta constitutum, productis per dictam partem actricem tribus testibus videlicet domino Johanne vicario ecclesie de Elm, Thoma Bytham et Johanna Wardale de Wysebech', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes [fol. 126v] et eorum dicta petitaque per dictam partem actricem missione ad partes ad admittendum et examinandum in partibus egregias personas, mulieres ac alios testes necessarios, quotquot et quos dicta pars actrix producere voluerit et decreto. Committimus rectoribus ecclesiarum de Neuton', Elien' et Welle, Norcen' diocesis ad admittendum et examinandum eosdem coniunctim et divisim cum potestate concordandi dicta testium et mandavimus eis quod attestaciones eorum clausas sub sigillis suis et neutri parti ostensas cum toto processu per ipsos habito nobis ad proximum transmittant. Datur dies in proximo partibus predictis ad videndum transmissionem et publicacionem eorundem et ulterius faciendum quod est iuris. [fol. 126v]

[3 Feb 80 (84.40)] Wardale. Peace has been restored concerning the suit, but because the proof against Richard is not clear, he must purge himself with four priests and four other honorable people. Nicholas Tittleshall of Wisbech, chaplain, is committed to receive the purgation and to certify us.

Wardale] In negocio usurarie pravitatis mota inter Robertum Wardale de Wysebech' partem actricem ex parte una et dominum Ricardum Byteryng' de eadem capellanum partem ream ex altera, pace inter partes reformata quatenus concernit instanciam. Et quia non est clare probatum contra dictum

^a usurarium] *sic*. ^b incidisse] indidisse.

dominum Ricardum, ideo indicta est eidem purgacio cum quattuor presbyteris et quattuor aliis honestis, et committimus domino Nicholao Titeshale de eadem capellano ad recipiendum dictam purgacionem et certificandum nos de eadem. [fol. 128v]

Cases Beginning in 1380

302. MANCIPLE

[12 Jan 80 (83.43)] Manciple. John Popelyngton of Cambridge was cited at the instance of Thomas Manciple of Cambridge in a defamation case.

Parties appear personally. An oral libel is given and requested written. Next to receive it in writing.

Maunciple] Johannes Popelyngton' de Cantebr' citatus [est] ad instanciam Thome Maunciple de eadem in causa diffamacionis. Partibus personaliter comparentibus, libellato per partem actricem oretenus, petito in scriptis per partem ream, datur dies in proximo ad recipiendum in scriptis. [fol. 127r]

[3 Feb 80 (84.41)] Manciple. Thomas absent; John by John Wiltshire, proctor *apud acta*. John wants to be dismissed. Next to receive the libel in writing.

Maunciple] In causa diffamacionis mota inter Thomam Maunciple de Cant' partem actricem ex parte una et Johannem Popelyngton' de eadem partem ream ex altera, parte actrice nullo modo comparente, parte rea per Johannem Wiltesshir', clericum, procuratorem suum apud acta, petentem se dimitti, datur dies in proximo ad idem, videlicet ad recipiendum libellum. [fol. 128v]

[23 Feb 80 (85.35)] Manciple. John is dismissed from the suit, protesting his costs.

Maunciple] In causa diffamacionis mota primarie inter Thomam Maunciple de Cant' partem actricem ex parte una et Johannem Popelyngton' de eadem partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, ideo ipsam partem ream ab impetitione partis actricis dimittimus cum protestacione expensarum. [fol. 131r]

303. SIGER (2)

[12 Jan 80 (83.44)] Siger. William French of Lolworth was cited at the instance of Isabel servant of John Siger¹ of Lolworth in a marriage case.

The parties appear personally. Isabel proposes an oral petition that William be judged her husband since they contracted marriage and then had intercourse. The marriage has been acknowledged by public fame. Sworn *de veritate dicenda*, William admits to the intercourse but denies any contract of marriage between them. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Siger] Willelmus Frenssh' de Lolleworch' citatus [est] ad instanciam Isabelle servientis Johannis Siger de eadem in causa matrimoniali. Partibus personaliter comparentibus, proposita quadam petitione oretenus per dictam Isabelam qua peciit dictum Willelmum sibi in virum adiudicari eo quod matrimonium ad invicem contraxerunt carnali copula subsequuta, super quibus laborat publica vox et fama. Dictus Willelmus iuratus de veritate dicenda carnalem

¹ See *Siger (1)*, n. 1.

copulam inter eos fatebatur, omnem tamen contractum matrimonialem inter eosdem initum expresse negavit. Iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 127r]

[3 Feb 80 (84.42)] Siger. Isabel absent; William personally. No witnesses or positions are brought. Next to propose and the second term to produce; Isabel will be called.

Siger] In causa matrimoniali mota inter Isabellam servientem Johannis Siger de Lolleworth' partem actricem ex parte una et Willelmum Frenssh' de eadem partem ream ex altera, parte actrice nullo modo comparente, parte rea personaliter, nullis testibus productis nec posicionibus traditis, datus est dies in proximo ad ponendum et secundo producendum et vocetur dicta pars actrix ad idem. [fol. 128v]

[23 Feb 80 (85.36)] Siger. Parties personally. No witnesses or positions are brought; Isabel says she has no witnesses. Because of fear of collusion, the court has her swear that she will diligently search for witnesses. Next to produce them.

Siger] In causa matrimoniali mota primarie inter Isabellam servientem Johannis Siger de Lolleworth' partem actricem ex parte una et Willelmum Frenssh' de eadem partem ream ex altera, partibus personaliter comparentibus, nullis testibus productis nec posicionibus traditis [fol. 131r] sed dicta Isabella dicit se non habere testes. Ideo propter timorem collusionis mulier iurata est quod diligenter instabit pro testibus si haberi poterint et datur dies in proximo ad producendum eosdem. [fol. 131v]

[15 Mar 80 (86.26)] Siger. Isabel by Peter Caprik, proctor; William by John Wiltshire, proctor. No other witnesses are produced; Isabel says she has no witnesses. With the parties' consent, the case is concluded. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Isabel has not proved her intention, William is dismissed from her suit and absolved.

Isabel's proctor appeals *apud acta ab iniqua* immediately and requests *apostoli*.

Sigar] In causa matrimoniali mota primarie inter Isabellam servientem Johannis Siger de Lolleworth' partem actricem ex parte una et Willelmum Frenssh' de eadem partem ream ex altera, parte actrice per Petrum Caprik', clericum, procuratorem suum, parte rea per Johannem Wiltesshir', clericum, procuratorem suum, comparentibus, nullis aliis testibus productis sed pars actrix dixit se non habere testes. Ideo de consensu parcium predictarum nobiscum concludimus in causa. Rimatoque per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, Christi nomine primitus invocato, de consilio iurisperitorum nobis assidencium, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Isabellam inten-

cionem suam in hac parte deductam minus sufficienter fundasse et probasse sed in probacione eiusdem penitus defecisse, ideo ipsum Willelmum ab impetitione predictae Isabelle dimittimus et absolvimus sentencialiter et diffinitive in hiis scriptis.

appellacio] A qua sententia tanquam ab iniqua Petrus Caprik', clericus, procurator dicte Isabelle appellavit apud acta incontinenti et apostolos peciit dicens, "Ab ista sententia tanquam ab iniqua appello et apostolos peto." [fol. 135r]

304. HANKIN/LESSING

Two actions of breach of faith, in one of which Richard Lessing is defendant and in the other plaintiff, have overlapping entries. In *Brackley*, Richard is once more defendant in a case of breach of faith. The first two actions are probably related (though we cannot say quite how), and we have combined them. *Brackley* may be related, but we have left it separate.

[12 Jan 80 (83.53)] Hankin. Richard Lessing of Conington was cited at the instance of John Hankin of Gidding [Hunts] in a case of breach of faith and perjury.

John appears by John Dunham; Richard personally. An oral libel is given and requested written. Next to receive it in writing.

Hankin] Ricardus Lessing de Conyton' citatus [est] ad instanciam Johannis Hankin de Gidding in causa fideilesionis seu periurii. Parte actrice per Johannem Doneham procuratorem suum [comparente], parte rea personaliter, libellato per partem actricem oretenus, petito in scriptis per partem ream, datur dies in proximo ad recipiendum. [fol. 127v]

[3 Feb 80 (84.43)] Hankin. With the parties' consent, next to receive the libel in writing.

Hankin] In causa fidei lesionis seu periurii mota inter Johannem Hankin de Giddyng' partem actricem ex parte una et Ricardum Lessing de Conyton' partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad recipiendum libellum in scriptis. [fol. 129r]

[23 Feb 80 (85.37)] Hankin. Next to receive the written libel.

Hankin] In causa fideilesionis seu periurii mota primarie inter Johannem Hankin de Giddyng' partem actricem ex parte una et Ricardum Lessing de Conyton' partem ream ex altera, partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad recipiendum libellum in scriptis. [fol. 131v]

[23 Feb 80 (85.67)] Lessing. William Andre of Swavesey was cited for 24 Feb. 1380 at the instance of Richard Lessing of Conington in a breach of faith and perjury case.

Richard appears by Peter Caprik, proctor; William by John Wiltshire, proctor. An oral libel is given and requested written. Next to receive it in writing.

Lessing] Willelmus Andreu de Suaveseye citatus [est] ad diem veneris proximo post festum Sancti Petri in cathedra ad instanciam Ricardi Lessing de Conyton' in causa fideilesionis et periurii coram nobis primarie mota. Parte actrice per Petrum Caprik', clericum, procuratorem suum, parte rea per Johannem Wiltesshir', clericum, procuratorem suum [comparentibus], libellato oretenus petitoque in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 132v]

[15 Mar 80 (86.32)] Hankin. With the parties' consent, next to receive the written libel.

Hankin] In causa fidei lesionis seu periurii mota primarie inter Johannem Hankin de Giddyng' partem actricem ex parte una et Ricardum Lessing de Conyton' partem ream ex altera, partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad recipiendum libellum in scriptis. [fol. 135v]

[15 Mar 80 (86.42)] Lessing. Richard is absent; William by proctor. William is dismissed and absolved from the suit.¹

Lessing – dimissio] In causa fideilesionis et periurii mota primarie inter Ricardum Lessing de Conyton' partem actricem ex parte una et Willelmum Andreu de Suaveseye partem ream ex altera, parte actrice nullo modo comparente, parte rea ut prius, ideo ipsam partem ream ab impetitione dicte partis actricis et instancia diei dimittimus et absolvimus in hiis scriptis. [fol. 135v]

[5 Apr 80 (87.22)] Hankin. Parties by proctors. The written libel is received. Next to respond.

Hankin] Partibus per procuratores suos comparentibus, oblato libello in scriptis et optento, datur dies in proximo ad respondendum eidem. [fol. 136v]

[26 Apr 80 (88.21)] Hankin. Richard proposes dilatory exceptions. Next to propose everything.

Hankin] Partibus ut prius comparentibus, propositis per partem ream quibusdam excepcionibus dilatoriis, datur dies in proximo ad proponendum omnes. [fol. 137r]

[25 May 80 (89.21)] Hankin. No other exceptions are proposed. Next to act on the proposed.

Hankin] Partibus ut prius comparentibus, nullis aliis excepcionibus propositis, datur dies in proximo ad faciendum super propositis. [fol. 138r]

[14 Jun 80 (90.21)] Hankin. The exceptions are admitted. Next to prove them.

Hankin] Partibus ut prius comparentibus, admissis excepcionibus eatenus quatenus, datur dies in proximo ad probandum. [fol. 140v]

[12 Jul 80 (91.2)] Hankin. No witnesses or positions are brought. Next to offer final proof.

Hankin] Partibus ut prius comparentibus, nullis testibus productis nec proba-

¹ Richard probably deliberately took a nonsuit here, because the previous entry shows that he was present at this session.

cionibus ministratis, datur dies in proximo ad peremptorie probandum. [fol. 141v]

[23 Jul 80 (92.20)] Hankin. No positions are administered concerning the exceptions; Richard contests the suit negatively. Parties swear *de calumpnia* and *de veritate dicenda*. John requests a *missio* for the official of the archdeacon of Huntingdon to admit and examine witnesses residing in his jurisdiction; decreed. Next to publish the testimony.

Hankin] Partibus ut prius comparentibus, nullis probacionibus ministratis super excepcionibus predictis sed contestata lite per partem ream ad libellum negative, iuratis partibus hincinde de calumpnia et de veritate dicenda petitaque per partem actricem missione ad officialem domini archidiaconi Hunt' ad admittendum et examinandum testes quotquot et quos coram eo producere voluerit in sua iurisdiccione commorantes, qua decreta, datur dies in proximo ad videndum publicacionem attestacionum testium predictorum. [fol. 142v]

[25 Oct 80 (94.16)] Hankin. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Hankin] Partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 144v]

[15 Nov 80 (95.1)] Hankin. Peace has been restored.

Hankin] Pax est. [fol. 145v]

305. *WRONG*

[3 Feb 80 (84.50)] Wrong. John Hankin of Barnwell and Margaret daughter of John Wrong of Barnwell were cited before the official concerning a contract of marriage.

5 Feb. 1380. They appear personally in Chesterton church. Having sworn *de veritate dicenda*, they admit that they contracted in present words of mutual consent, but they deny intercourse. John is charged with having contracted marriage with Marion Foot of Trumpington prior to his contract with Margaret, which was brought to the court's attention by public fame. He denies the precontract. Marion is called for 24 Feb. in St Mary the Less, Cambridge, to respond.

Wronge] Johannes Hankin de Bernewell' et Margareta filia Johannis Wrongee de eadem citati [sunt] coram nobis officialis Elien' super contractu matrimoniali inter eosdem inito. Uterque comparuit personaliter coram nobis in ecclesia de Chestreton' quinto die februarii anno Domini supradicto et iuratus de veritate dicenda, fatebantur contractum matrimonialem inter eosdem initum per verba de presenti mutuum consensum eorundem exprimentia, carnalem copulam inter eosdem negaverunt expresse. Sed quia fama referente ad nos pervenit quod dictus Johannes precontraxit cum quadam Mariona Foot de Trumpiton', dictum precontractum eidem Johanni obiecimus. Idem Johannes omnem contractum cum dicta Mariona per eundem initum expresse

negavit, unde decernimus dictam Marionam fore vocandam ad diem veneris proximo post festum Sancti Petri in cathedra proximo futurum in ecclesia Sante Marie extra Trumpiton' gates Cant' ad respondendum super dicto pre-contractu daturque dies dicto Johanni loco quo supra ad audiendum respon-
sionem eiusdem. [fol. 129r]

[23 Feb 80 (85.40)] Wrong. Neither appears. The parties are suspended.

Wrong] In causa matrimoniali mota primarie inter Margaretam filiam Johannis Wronge de Bernewell' partem actricem ex parte una et Johannem Hankin de eadem partem ream ex altera, neutra pars comparuit, ideo suspendantur. [fol. 131v]

[15 Mar 80 (86.34)] Wrong. The execution of the suspension of both parties is ordered.

Wrong] In causa matrimoniali mota primarie inter Margaretam filiam Johannis Wronge de Bernewell' partem actricem ex parte una et Johannem Hankin de eadem partem ream ex altera, utraque pars suspensa pro contumacia, fiat executio. [fol. 135v]

[5 Apr 80 (87.25)] Wrong. As 86.34.

Wrong] Fiat executio. [fol. 136v]

[5 Apr 80 (87.35)] Wrong. Parties personally. Marion (now called Mariot) Foot appears personally and asserts that she has no witnesses to prove the marriage contract between John and herself, nor can she prove it in any way. She gives her faith that she has not omitted proof maliciously or collusively. John is dismissed from her suit, and the matter is left to their consciences.¹

Wrong – dimissio] Partibus personaliter comparentibus, Mariota Foot de Trumpiton' personaliter comparuit, asseruit quod non habet testes ad probandum contractum matrimonialem inter ipsam et prefatum Johannem Hankin initum, nec alio modo potuit dictum contractum probare. Ideo facta fide per dictam Mariotam quod non maliciose nec collusionem omittit dictum contractum probare, ipsum Johannem ab impetitione dicte Mariote dimittimus, eorum conscienciis relinquendo. [fol. 136v]

¹ For the phrase *eorum conscienciis relinquendo*, see Introduction.

306. KIRKBY¹

[3 Feb 80 (84.51)] Kirkby. William Kirkby of Barnwell and Margaret Pocket of Barnwell were cited before the official concerning a contract of marriage.

5 Feb. 1380. They appear personally in Chesterton church. Having sworn *de veritate dicenda*, they admit that they contracted in present words of mutual consent, followed by inter-

¹ This case is discussed in Donahue, *Law*, nos. 424–5. *Marriage, and Society*, at 244–6 and T&C

course. It has come to the court's attention by public fame that Margaret contracted marriage with Thomas Swon prior to the contract with William. When questioned, Margaret admits that Thomas promised to marry her six years before her contract with William. She gave her consent to Thomas so that he would be faithful (*quod ipsa consensit eidem ita quod esset fidelis*);² intercourse followed. 24 Feb. in said place for William to prove the contract with Margaret and for Margaret to prove the contract with Thomas.

Kirkby] Willelmus Kirkby de Bernewell' et Margareta Poket de eadem citati [sunt] coram nobis officiali Elien' super contractu matrimoniali inter eosdem inito. Uterque comparuit personaliter coram nobis die, loco et anno Domini supradictis, et iurati de veritate dicenda fatebantur contractum matrimoniale inter eosdem initum per verba de presenti mutuum consensum eorundem exprimencia carnali copula subsecuta. Sed quia fama referente ad nos pervenit quod quidam Thomas Swon et ipsa Margareta matrimonium adinvicem contraxerunt ante omnem contractum inter eosdem Willelmum et Margaretam initum, dicta Margareta super eodem precontractu requisita, dicit iurata quod predictus Thomas Swon eidem Margarete promisit ducere in uxorem sex annis elapsis eciam diu ante contractum inter eosdem Willelmum et Margaretam initum et quod ipsa consensit eidem ita quod esset fidelis^a et quod post promissionem et consensum huiusmodi se invicem carnaliter cognoverunt. Unde datur dies veneris supradictus loco quo supra dicto Willelmo ad probandum contractum inter ipsum et dictam Margaretam et eidem Margarete ad probandum precontractum inter prefatum Thomam et ipsam initum. [fol. 129r]

[23 Feb 80 (85.41)] Kirkby. Neither appears. The parties are suspended.

Kirkby] In causa matrimoniali mota primarie inter Willelmum Kirkby de Bernewell' et Margaretam Poket de eadem, neutra pars comparuit, ideo suspendantur. [fol. 131v]

[15 Mar 80 (86.35)] Kirkby. The execution of the suspension of both parties is ordered.

Kirkby] In causa matrimoniali mota primarie inter Willelmum Kirkby de Bernewell' et Margaretam Poket de eadem alias suspensos pro sua contumacia fiat executio. [fol. 135v]

[5 Apr 80 (87.26)] Kirkby. Parties personally. No witnesses are produced. Next to produce.

Kirkby] Partibus personaliter comparentibus, nullis testibus productis, datur dies in proximo ad producendum. [fol. 136v]

[26 Apr 80 (88.23)] Kirkby. Neither appears. They are called to proceed according to past acts.

Kirkby] Neutra pars comparuit, ideo vocentur ad procedendum iuxta retro-

^a ita quod esset fidelis] *interlined*.

² While the Latin could mean 'so that she would be faithful', it seems much more likely that Margaret was trying to ensure Thomas's fidelity. In this she was disappointed. *Id.*, T&C no. 424.

acta. [fol. 137r]

[25 May 80 (89.23)] Kirkby. As 88.23.

Kirkby] Neutra pars comparuit, ideo vocentur partes ad procedendum iuxta retroacta. [fol. 138r]

[14 Jun 80 (90.23), 23 Jul 80 (92.22), 25 Oct 80 (94.17)] Kirkby. As 88.23.

Kirkby] Vocentur partes ut prius. [fols. 140v, 142v, 144v]

307. *FOXTON (2)*

[23 Feb 80 (85.38)] Foxton. Humphrey Fielding of Witchford was cited at the instance of Robert Foxton, registrar of the consistory, in a salary case.

Robert appears personally; Humphrey is absent, suspended, and to be called.

Foxton' – suspensio] Humfridus Feldyng' de Wychford' citatus ad instanciam Roberti de Foxton' registrarii nostri in causa salarii personaliter comparentis non comparet, ideo ipsum suspendimus et vocetur. [fol. 131v]

308. *SUTTON (4)*

The initial entry in this case gives the defendant's name as 'John'; later he becomes 'William'. 'Matilda', the plaintiff in the initial and most of the subsequent entries is at one point called 'Margaret'. There seems little doubt, however, that all of these entries deal with the same case.

[23 Feb 80 (85.39)] Sutton. Because John Reynold of Arrington has been hiding, he is ordered cited by all means at the instance of Matilda Sutton, servant of Robert Baylham of Cambridge, in a marriage case.

Sutton'] Decernimus Johannem Reynold' de Arnyngton' fore citandum viis et modis, eo quod latitat ne personaliter apprehendatur, ad instanciam Matildis Sutton' servientis Roberti Beilham de Cant' in causa matrimoniali. [fol. 131v]

[15 Mar 80 (86.33)] Sutton. William Reynold of Arrington was cited at the instance of Matilda Sutton of Cambridge in a marriage case.

Matilda appears by proctor; William is absent and suspended from entering church.

Sutton'] Willelmus Reynold de Arnyngton citatus [est] ad instanciam Matildis Sutton' de Cant' in causa matrimoniali primarie mota. Parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam suspendimus ab ingressu ecclesie. [fol. 135v]

[5 Apr 80 (87.24)] Sutton. Matilda by proctor; William personally. He is absolved from the suspension. Matilda wants William judged her husband because he contracted marriage with her and intercourse followed. William contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Sutton'] Parte actrice per procuratorem suum comparente, parte rea personaliter, qua absoluta a sententia suspensionis in eam lata, dicta Matildis^a petit dictum Willelmum sibi in virum adiudicari eo quod cum ea matrimonium adinvicem contraxit seu sponsalia carnali copula subsecuta. Lite per dictum Willelmum negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 136v]

[26 Apr 80 (88.22)] Sutton. Parties by proctors. No witnesses or positions are brought. Next to propose and the second term to produce.

Sutton'] Partibus per procuratores suos comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 137r]

[25 May 80 (89.22)] Sutton. No witnesses or positions are brought. Next to propose and the third term to produce.

Sutton'] Partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 138r]

[14 Jun 80 (90.22)] Sutton. No witnesses are produced, but three are requested compelled: Simon Hostler, Margaret atte Hull, and Alice Reynold of Arrington; decreed with faith given. Next to produce the compelled.

Sutton'] Partibus ut prius comparentibus, nullis testibus productis sed petita compulsione trium testium, videlicet Simonis Hostiler, Margarete atte Hull' et Alicie Reynold' de Arnyngton', qua decreta facta fide, datur dies in proximo ad producendum compulsos. [fol. 140v]

[12 Jul 80 (91.3)] Sutton. Although cited, the compelled witnesses fail to appear. They are suspended and called for next.

Sutton'] Partibus ut prius comparentibus, citatis testibus compellendis non comparent,^b ideo suspendantur et vocentur ad proximum ad idem. [fol. 141v]

[23 Jul 80 (92.21)] Sutton. The compelled witnesses are produced, admitted, sworn, and examined; their testimony is published. With the parties' consent, the case is concluded. 31 July to hear the definitive sentence.

31 July before Thomas Gloucester, commissary general of the official. Matilda by proctor; William absent and found contumacious. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Since Matilda has not proved her intention, William is dismissed from her suit and absolved.

Sutton'] In causa matrimoniali in consistorio Elien' primarie mota inter Matildem Sutton', commorantem in Cantebr', partem actricem ex parte una, et

^a Matildis] Margareta. ^b citatis testibus compellendis non comparent] *sic*.

Willelmum Reynold de Arnyngton' partem ream ex altera, partibus ut prius comparentibus, productis dictis testibus compulsis, quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus publicatis factaque de consensu parcium predictarum conclusione in dicta causa, datur dies martis proximo post festum Sancti Jacobi proximo futurum loco quo supra ad audiendum sententiam in dicta causa diffinitivam.

Quibus die et loco parte actrice coram nobis Thoma de Glouc' reverendi viri domini officialis Elien' commissario generali ut prius comparente, parte rea nullo modo, ideo ipsam partem ream reputamus contumacem. Rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iurisperitorum nobis assidencium, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos commissarius predictus invenimus dictam Matildem intencionem suam in hac parte deductam minus sufficienter fundasse et probasse sed in probacione eiusdem penitus defecisse, ideo ipsum Willelmum ab impeticione dicte Matilde sentencialiter et diffinitive dimittimus et absolvimus in hiis scriptis. [fol. 142v]

309. SKINNER¹

[23 Feb 80 (85.42)] Skinner. Alice wife of Thomas Mortimer of Bottisham was cited at the instance of Alexander Skinner of Bottisham in a defamation case.

Alexander appears by John Wiltshire, proctor *apud acta*; Alice by Peter Caprik, proctor by letter. A written libel is received. Next to respond.

Skinner] Alicia uxor Thome Mortym' de Bodekesham citata [est] ad instantiam Alexandri Skinner de eadem in causa diffamacionis in consistorio Elien' primarie mota. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum, parte rea per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum [comparentibus], oblato libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum. [fol. 131v]

[15 Mar 80 (86.36)] Skinner. Alice contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Skinner] In causa diffamacionis mota primarie inter Alexandrum Skinner de Bodekesham partem actricem ex parte una et Aliciam uxorem Thome Mortym' de eadem partem ream ex altera, partibus per procuratores suos comparentibus, lite per partem ream negative contestata, dicendo narrata

¹ See *Glover*, n. 1.

prout narrantur vera non esse et ideo petita prout petuntur fieri non debere, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 135v]

[5 Apr 80 (87.27)] Skinner. No witnesses or positions are brought. Next to propose and the second term to produce.

Skinner] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 136v]

[26 Apr 80 (88.24)] Skinner. No witnesses or positions are brought. Next to propose and the third term to produce.

Skinner] Partibus ut prius comparentibus, nullis testibus productis nec positionibus traditis, datur dies in proximo ad ponendum et tercio producendum. [fol. 137r]

[25 May 80 (89.24)] Skinner. Alexander produces John Dunham, who is admitted and sworn. Alice reserves the right to speak against witnesses and testimony. Next to publish.

Skinner] Partibus ut prius comparentibus, producto unico teste videlicet Johanne Doneham, quo admissio et in forma iuris iurato, premissa protestacione per partem adversam de dicendo in testes et eorum dicta, datur dies in proximo ad publicandum. [fol. 138r]

[14 Jun 80 (90.24)] Skinner. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Skinner] Partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 140v]

[12 Jul 80 (91.4)] Skinner. With the parties' consent, the case is pending with hope of peace.

Skinner] Partibus ut prius comparentibus, de quarum consensu pendet usque proximum ad idem quod prius sub spe pacis. [fol. 141v]

[23 Jul 80 (92.23)] Skinner. The case is pending with hope of peace.

Skinner] Pendet sub spe pacis. [fol. 142v]

[25 Oct 80 (94.18)] Skinner. Peace has been restored. Alice is to be called *ex officio*.

Skinner] Pax est, ideo vocetur pars rea ex officio. [fol. 144v]

[5 Dec 80 (96.5)] Skinner. As 94.18.

Skinner – pax] Pax est et vocetur pars rea ex officio. [fol. 146r]

310. LEVERTON

[23 Feb 80 (85.44)] Interdict of Leverton, proctor. William Leverton, cleric exercising the of-

fice of proctor general in the consistory, has been warned but has refused to swear to observe the customs and statutes of the court. John Newton, official of the court, interdicts him from exercising the office and pronounces him a rebel and manifest offender.¹

Interdictum procuratoris Leverton'] Cum quidam Willelmus Leverton' clericus officium procuratoris generaliter et publice exercens, in consistorio nostro recusans subire admissionem nostram ad dictum officium in eodem consistorio exercendum monitusque per nos ad iurandum de observando consuetudines et statuta dicti consistorii et curie nostre.^a Et quia hoc facere recusavit, ideo nos officialis Elie' officium procuratoris in dicto consistorio nostro amodo exercendum interdiximus sub hac forma.

In Dei nomine amen. Nos Johannes de Neuton', officialis Elie', te Willelmum de Leverton', clericum, officium procuratoris generalis in consistorio nostro Elie' generaliter occupantem, iussum et monitum legitime ad iurandum de observando statuta dicti consistorii nostri iusta, legitima, rationabilia et hactenus usitata et hoc facere recusantem pronunciamus nobis et dicte curie rebellem et manifestum offensorem et tibi, tanquam nobis et curie nostre rebelli et manifesto offensori, officium procuratoris in dicta curia de cetero gerendum et exercendum pro rebellione et offenso huiusmodi interdiximus in hiis scriptis. [fol. 131v]

^a Cum [. . .] nostre] *The absence of a main verb for the cum clause is noticeable, but this is the way that Foxton punctuated this entry and the meaning is clear enough.*

¹ This judgment was enforced. Leverton, proctor prior to this entry, does not appear who had appeared a number of times as a again in the register.

311. COMBERTON (2)

[23 Feb 80 (85.48)] Crisp probate. 6 March 1380 the testament of John Crisp of Comberton is proved before the official, who commits the administration of his goods to John Wilmyn and reserves the right to commit the administration to William vicar of Comberton, executor.

Crisp' probacio testamenti] Item die et anno predictis coram nobis .. officiali et commissario predicto probatum fuit testamentum Johannis Crisp' de Cumberton'. Commissa est administracio bonorum eiusdem Johanni Wilmyn, reservata potestate committendi dicto vicario executori nominato. [fol. 131v]

[27 Feb 82 (113.25)] Comberton. William vicar of Comberton and John Willmin, executors of John Crisp of Comberton, were cited to account for the administration of the testament.

The vicar appears personally and is prepared to give an account. John is absent, suspended from entering church, and called.

Cumberton'] Dominus Willelmus vicarius ecclesie de Cumberton' et Johannes Wilmyn, executores testamenti Johannis Crisp' de Cumberton', citati [sunt] reddituri compotum super eorum administracione. Vicarius comparens personaliter optulit se paratum; dictus Johannes non comparuit, ideo suspen-

dimus et vocetur. [fol. 162r]

312. *BRANCH*

[23 Feb 80 (85.62)] Branch. John son of Thomas Delhay of Elm was cited before the commissary of the official in Holy Trinity, Ely, at the instance of Joan Branch of Lynn [Norfolk], residing in Elm, in a marriage case.

Parties appear personally. Joan proposes orally that they contracted marriage in present words of mutual consent, followed by intercourse; she wants John judged her husband. John admits that he had intercourse with her for 15 days before Lent past; he denies any contract with her. They swear *de calumpnia* and *de veritate dicenda* and repeat their statements. Joan produces three witnesses: Nicholas Makesake of Elm, Thomas Brown chaplain of Elm, and John Congresbury vicar of Elm, who are admitted and sworn. With the parties' consent, the vicar and chaplain will be examined about matters revealed in confession. In order to discover the truth, Joan requests a *missio* to admit and examine witnesses, including chaplains who should be allowed to reveal matters confessed to them in private. With the parties' consent, the *missio* is ordered and Robert Goddington, rector of Newton church, Nicholas de Tittleshall, and the chaplain of Wisbech are commissioned to admit, examine, certify, and transmit the testimony by 15 March. 15 March to publish the testimony in St Mary the Less.

Braunche] Johannes filius Thome Dellay de Elm citatus [est] coram nobis .. commissario domini officiali Elien' in ecclesia parochiali Sancte Trinitatis civitatis Elien' ad instanciam Johanne Braunche de Lynne, commorantis in Elm, in causa matrimoniali. Partibus ut prius comparentibus, proposito per partem dicte Johanne oretenus quod predictus Johannes et ipsa matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorundem exprimencia carnali copula subsecuta, quare peccit ipsum Johannem sibi in virum legitimum adiudicari etc. Dictus Johannes fatetur quod cognovit eam carnaliter per quindenam ante carniprivium ultimo preteritum; omnem tamen contractum matrimonialem inter eos habitum expresse negavit. Iuratis partibus hincinde de calumpnia et de veritate dicenda, idem dixerunt quod prius. Productisque ibidem per partem actricem tribus testibus videlicet Nicholao Makesake de Elm, domino Thoma Bron' capellano parochiali de Elm et domino Johanne Cungesbury vicario de Elm, quibus admissis et in forma iuris iuratis, partes predictae consenciant quod predicti vicarius et capellanus examinentur et deponant in dicta materia eciam super confessatis sibi in foro anime. Petita eciam per partem dicte Johanne missione ad admittendum et examinandum in partibus testes quotquot et quos producere voluerit, eciam capellanos si qui sint necessarii super confessatis sibi in foro anime tangentibus dictum contractum cum non speretur aliter veritatem eruere; huiusmodi missionem de consensu parcium predictarum decrevimus^a faciendam. Et committimus domino Roberto Godyngton' rectori ecclesie de Neuton', domino Nicholao de Titeshale et capellano parochiali de Wysebech' ad ad-

^a decrevimus] *sic*.

mittendum et examinandum testes huiusmodi et certificandum nos die iouis proximo post festum Sancti Gregorii pape proximo tunc^b futurum in ecclesia Sancte Marie extra Trumpiton'gates Cant' et ad transmittendum nobis attestaciones et dicta testimonia examinerum specialiter potestatem. Daturque dies iouis predictus loco quo supra eisdem partibus ad videndum publicacionem. [fol. 132r]

[15 Mar 80 (86.37)] Branch. The parties agree to solemnize the marriage before the church.

Braunche] In causa matrimoniali mota primarie inter Johannam Braunche de Lynne commorantem in Elm partem actricem ex parte una et Johannem filium Thome Dellay de Elm partem ream ex altera, partes sunt concordēs de matrimonio inter eos in facie ecclesie solempnizando. [fol. 135v]

^b tunc] *interlined*.

313. COLCHESTER

[23 Feb 80 (85.64)] Colchester. Margaret wife of Richard Finchingfeld of Cambridge¹ was cited for 24 Feb. 1380 at the instance of Joan wife of John Colchester of Cambridge in a defamation case.

Joan appears by John Wiltshire, proctor *apud acta*; Margaret personally. A written libel is received. Next to respond.

Colchester] Margareta uxor Ricardi Finchingfeld' de Cantebr' citata [est] ad diem veneris proximo post festum Sancti Petri in cathedra ad instanciam Johanne uxoris Johannis Colchester de eadem in causa diffamacionis primarie mota.^a Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum comparente, parte rea personaliter, oblato libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum. [fol. 132v]

[15 Mar 80 (86.39)] Colchester. By the court's authority, some words are added to the libel: that she was ordered to undergo purgation (presumably as a result of the defamation). Joan proposed some dilatory exceptions against the libel; admitted. Next to propose all [dilatory exceptions].

Colchester] In causa diffamacionis mota primarie inter Johannam uxorem Johannis Colchester de Cant' partem actricem ex parte una et Margaretam uxorem Ricardi Fynchingfeld' partem ream ex altera, partibus ut prius comparentibus, additis quibusdam verbis ad libellum, videlicet quod indicta sibi fuit purgacio, quibus insertis nostra auctoritate, propositis per partem actricem quibusdam excepcionibus dilatoriis contra libellum, quibus admissis eatenus quatenus, datur dies in proximo ad proponendum omnes. [fol. 135v]

^a primarie mota] *interlined*.

¹ See *Finchingfeld (1)*, n. 1.

[5 Apr 80 (87.28)] Colchester. Peace has been restored. Margaret is to be called *ex officio*.

Colchester] Pax est, ideo vocetur pars rea ex officio. [fol. 136v]

314. CURTIS (2)

[23 Feb 80 (85.65)] Curtis. Ralph Webstere of Stretham was cited for 23 Feb. 1380 at the instance of Margaret wife John Curtis of Stretham in a defamation case.

Margaret appears personally; Ralph by Peter Caprik, proctor by letter. An oral libel is given and requested written. 24 Feb. to receive it in writing.

24 Feb. A written libel is received. Next to respond.

Curteys] Radulphus Webstere de Stretham citatus [est] ad diem iovis proximo post festum Sancti Petri in cathedra ad instanciam Margararete uxoris Johannis Curteys de eadem in causa diffamacionis coram nobis primarie mota. Parte actrice personaliter comparente, parte rea per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum, libellato oretenus per partem actricem petitoque per partem ream in scriptis, datur dies crastinus ad recipiendum.

Quo die partibus ut prius comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 132v]

[15 Mar 80 (86.40)] Curtis. Ralph contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Curteys] In causa diffamacionis mota primarie inter Margaretam uxorem Johannis Curteys de Stretham partem actricem ex parte una et Radulphum Webstere de eadem partem ream ex altera, partibus ut prius comparentibus, lite negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 135v]

[5 Apr 80 (87.29)] Curtis. Margaret produces two [sic] witnesses: John Taylor of Stretham, [. . .] his wife, and John Dymock of Stretham. Ralph reserves the right to speak against witnesses and testimony. Next to propose and the second term to produce.

Curteys] Partibus ut prius comparentibus, productis per partem actricem duobus testibus videlicet Johanne Taillo' de Stretham, . . .^a uxore sua et Johanne Dynmek' de eadem, quibus admissis in forma iuris, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta, datur dies in proximo ad ponendum et secundo producendum. [fol. 136v]

[26 Apr 80 (88.25)] Curtis. No other witnesses are produced. Next to propose and the third term to produce.

^a *Blank space in ms.*

Curteys] Partibus ut prius comparentibus, nullis aliis testibus productis, datur dies in proximo ad tercio producendum. [fol. 137r]

[25 May 80 (89.25)] Curtis. Another witness is produced: John Curtis of Stretham, who is admitted and sworn. Next to publish the testimony.

Curteys] Partibus ut prius comparentibus, producto uno alio teste videlicet Johanne Curteys de Stretham, quo admisso et in forma iuris iurato, datur dies in proximo ad publicandum. [fol. 138r]

[14 Jun 80 (90.25)] Curtis. Next to publish the testimony.

Curteys] Partibus ut prius comparentibus, in proximo ad idem. [fol. 140v]

[23 Jul 80 (92.24)] Curtis. The case is pending with hope of peace.

Curteys] Pendet sub spe pacis. [fol. 142v]

[25 Oct 80 (94.19)] Curtis. The case is pending with hope of peace.

Curteys] Pendet sub spe pacis. [fol. 144v]

[5 Dec 80 (96.6)] Curtis. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Curteys] Partibus ut prius comparentibus, publicatis attestacionibus decreta-que copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 146r]

[10 Jan 81 (97.6)] Curtis. Nothing is proposed. Next to propose everything concerning the matter.

Curteys] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, datur dies in proximo ad proponendum omnia in facto consistencia. [fol. 146v]

[31 Jan 81 (98.6)] Curtis. Nothing is proposed; the case is concluded. Next to hear the definitive sentence.

Curteys] Partibus ut prius comparentibus, nullo dicto seu proposito sed in dicta causa concluso, datur dies in proximo ad audiendum sentenciam. [fol. 147r]

[28 Feb 81 (99.5)] Curtis. Next to hear the definitive sentence.

Curteys] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 147v]

[14 Mar 81 (100.5), 5 Apr 81 (101.5)] Curtis. As 99.5.

Curteys] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 148r, 148v]

[2 May 81 (102.5)] Curtis. As 99.5.

Curteys] Partibus ut prius comparentibus, ad idem, videlicet ad audiendum

sentenciam in dicta causa diffinitivam. [fol. 149v]

[24 May 81 (103.5)] Curtis. As 99.5.

Curteys] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 150v]

[10 Oct 81 (106.5)] Curtis. As 99.5.

Curteys] Ad idem. [fol. 152v]

[30 Oct 81 (107.5)] Curtis. As 99.5.

Curteys] Ad idem, videlicet ad audiendum sentenciam in hac parte diffinitivam in proximo. [fol. 154r]

[12 Nov 81 (108.3), 28 Nov 81 (109.3), 12 Dec 81 (110.3), 16 Jan 82 (111.3), 6 Feb 82 (112.2), 27 Feb 82 (113.2)] Curtis. As 99.5.

Curteys] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 155r, 158r, 159r, 159v, 160v, 161v]

315. REEVE

[23 Feb 80 (85.66)] Reeve. Henry Larke of Madingley was cited for 23 Feb. 1380 at the instance of John le Reeve of Madingley in a defamation case.

John appears by John Wiltshire, proctor; Henry by Peter Caprik, proctor. An oral libel is given and requested written. Next to receive it in writing.

Reeve] Henricus Larke de Maddyngle citatus [est] ad diem iovis proximo post festum Sancti Petri in cathedra ad instanciam Johannis le Reeve de eadem in causa diffamacionis coram nobis primarie mota. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum, parte rea per Petrum Caprik', clericum, procuratorem suum [comparentibus], oblato libello oretenus petitoque in scriptis, datur dies in proximo ad recipiendum. [fol. 132v]

[15 Mar 80 (86.41)] Reeve. The written libel is received. Next to respond.

Reeve] In causa diffamacionis mota primarie inter Johannem le Reeve de Maddyngle partem actricem ex parte una et Henricum Larke de eadem partem ream ex altera, partibus ut prius comparentibus, oblato per partem actricem libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 135v]

[5 Apr 80 (87.30)] Reeve. John absent; Henry by proctor. Henry is dismissed from John's suit.

Reeve] Parte actrice nullo modo comparente, pars rea comparet ut prius, ideo ipsam partem ream ab instancia dicte partis actricis dimittimus. [fol. 136v]

316. LOLWORTH

[23 Feb 80 (85.68)] Lolworth. John Boyden senior of Lolworth was cited for 23 Feb. 1380 at the instance of Richard chaplain of Lolworth in a defamation case.

Richard appears by John Wiltshire, proctor *apud acta*; John is absent and suspended.

Lolleworth' – suspensio] Johannes Boydon' de Lolleworth' senior citatus [est] ad diem iouis proximo post festum Sancti Petri in cathedra ad instanciam domini Ricardi capellani parochiali de Lolleworth' in causa diffamacionis coram nobis primarie mota. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum apud acta constitutum [comparente], parte rea nullo modo, ideo ipsam partem ream suspendimus ab ingressu ecclesie. [fol. 132v]

[15 Mar 80 (86.43)] Lolworth. Peace has been restored. John appears personally before the office, is absolved, and submits to the court. He has completed corporal penance for his defamation.

Lolleworth'] Pax est inter partes quo ad officium dictus Johannes Boydon' comparuit personaliter, absolutus est et submitit se gracie nostre. Et pro huiusmodi diffamacione subiit penitenciam corporalem sibi per nos iniunctam et perfecit. [fol. 135v]

317. LITTLEPORT (1)

[23 Feb 80 (85.69)] Littleport. William Warboys and John Emmison of Littleport were cited at the instance of the master and brothers of St John of Ely, who have for their use Littleport church, in a tithe case.

St John's appears by the master; William and John are absent and suspended.

Lyttelport' – suspensio] Willelmus Wardeboys et Johannes Emmesson' de Lyttelport citati [sunt] ad instanciam magistri et fratrum domus Sancti Johannis de Ely ecclesiam parochialem de Lyttelport in proprios usus optinencium in causa decimarum coram nobis primarie mota. Parte actrice per magistrum dicte domus comparente, parte rea nullo modo, ideo ipsos Willelmum et Johannem suspendimus. [fol. 132v]

[15 Mar 80 (86.44)] Littleport. St John's by proctor; William and John personally. They are absolved of the suspension. An oral libel is given and requested written. Next to receive it in writing.

Lyttelport] In causa decimarum primarie mota inter magistrum domus Sancti Johannis de Ely ecclesiam parochialem de Lyttelport in proprios usus optinentem partem actricem ex parte una et Willelmum Wardeboys et Johannem Emmesson' de eadem partem ream ex altera, parte actrice per procuratorem suum comparente, parte rea personaliter, qua absoluta a sententia suspensio- nis predicta, libellato oretenus per partem actricem, petito per partem ream in

scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 135v]

[5 Apr 80 (87.31)] Littleport. The written libel is received. Next to respond.

Lyttelport] Partibus ut prius comparentibus, oblato libello in scriptis et a parte rea optento, datur dies in proximo ad respondendum eidem. [fol. 136v]

[26 Apr 80 (88.26)] Littleport. William and John contest the suit negatively, with the qualification that the tithes pertained to the vicarage and not to the master and brothers. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce in the principal case; the qualification should be proposed *in forma*.

Lyttelport] Partibus ut prius comparentibus, lite negative contestata cum quadam adieccione sive iustificacione, videlicet quod dicte decime ad vicarium dicte ecclesie pertinent et non ad ipsos magistrum et fratres etc., iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum super principali et parti ree ad proponendum dictam iustificacionem in forma. [fol. 137r]

[25 May 80 (89.26)] Littleport. By mandate of the bishop and with the parties' consent, the case is pending with hope of peace.

Lyttelport] Partibus ut prius comparentibus, de quarum consensu pendet dicta causa ad mandatum domini .. episcopi sub spe pacis. [fol. 138r]

318. *DEPDEN*

[23 Feb 80 (85.70)] Depden. William Muriel of Melbourn was cited for 29 Feb. 1380 at the instance of Robert Skinner of Depden [Norwich] and John Rich of the same in a breach of faith and perjury case.

Robert appears by John Wiltshire, proctor; William personally. An oral libel is given and requested written. Next to receive it in writing.

Depeden'] Willelmus Muriel de Meldebourn' citatus [est] ad diem mercurii proximo post festum Sancti Mathie apostoli^a ad instanciam Roberti Skinner de Depeden' et Johannis Riche de eadem in causa fideilesionis et periurii coram nobis primarie mota. Parte actrice per Johannem Wiltesshir', clericum, procuratorem suum, parte rea personaliter [comparentibus], libellato oretenus per partem actricem petitoque per partem ream in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 132v]

[15 Mar 80 (86.45)] Depden. The written libel is received. Next to respond.

Depeden'] In causa fideilesionis et periurii mota primarie inter Robertum Skinner de Depeden' et Johannem Riche de eadem partem actricem ex parte una et Willelmum Muriel de Meldebourn' partem ream ex altera, partibus ut prius comparentibus, oblato libello in scriptis et a parte rea optento, datur

^a apostoli] *followed by citatus repeated.*

dies in proximo ad respondendum eidem. [fol. 135v]

[5 Apr 80 (87.32)] Depden. Peace has been restored.

Depeden'] Pax est. [fol. 136v]

319. WAKE

[15 Mar 80 (86.46)] Wake. Agnes wife of William Watte of Sutton was cited at the instance of John Wake junior of Sutton in a defamation case.

John appears personally; Agnes is absent and suspended from entering church.

Wake – suspensio] Agnes uxor Willelmi Watte de Sutton' citata [est] ad instanciam Johannis Wake de eadem iunioris in causa diffamacionis coram nobis primarie mota. Parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam partem ream suspendimus ab ingressu ecclesie. [fol. 135v]

[5 Apr 80 (87.33)] Wake. Peace has been restored. Agnes is absolved from the suspension and dismissed.

Wake] Pax est et pars rea absoluta est a sententia suspensionis et dimittitur. [fol. 136v]

320. ROUS/SMYTH

[15 Mar 80 (86.47)] Rous. Adam servant of John Smyth of Barnwell was cited at the instance of Rose Rous of Barnwell in a marriage case.

Parties appear personally. Rose orally proposes that Adam and she recently confessed in court to the crime of fornication and contracted marriage then, according to the constitution.¹ They said in turn, "I accept you as my wife if, from now on, I know you physically" and "I accept you as my husband if, from now on, you know me physically." Later they had intercourse. Rose wants Adam judged her husband. Adam admits that they contracted and later had intercourse, but he alleges by exception that before they had intercourse, he had declared that he did not want to make her his wife.² Parties swear *de calumpnia* and *de veritate dicenda*, and *de malicia*; they repeat their statements. Tomorrow to hear the pronouncement. Mr Thomas Gloucester is commissioned to proceed and to pronounce.

Then Rose personally; Adam is absent and found contumacious. As penalty to Adam and at Rose's petition, the official's commissary proceeds to the pronouncement.

Sentence. Because Rose has proved her intention and no impediment obstructs, Adam and Rose are judged husband and wife.

John Wiltshire, who then first claims to be Adam's proctor, appealed *apud acta ab iniqua* immediately, to the Ely official.

¹ The fact that both this case and *Pickerel* cite a constitution suggests that there was an Ely diocesan constitution on this topic that has not survived. See Donahue, *Law, Mar-*

riage and Society, T&C no. 445.

² This defence was either quite naïve or quite sophisticated. See *id.*, p. 261 and T&C no. 444.

Rous] Adam famulus Johannis Smyth' de Bernewell' citatus coram nobis primarie ad instanciam Roisie Rous de eadem in causa matrimoniali, partibus personaliter comparentibus, dicta Roisia proposuit oretenus quod nuper ipsi Adam et Roisia super crimine fornicacionis [fol. 135v] inter eos commissa iudicialiter confessi iuxta formam constitutionis in ea parte edite matrimonium adinvicem contraxerunt dicendo videlicet "Hic accipio te in uxorem meam si de cetero cognoscam te carnaliter," et "Ego accipio te in maritum meum si de cetero cognoscas me carnaliter." Quodque post huiusmodi contractum inter se sponte initum et factum, prefatus Adam ipsam Roisiam sepius ex certa sciencia carnaliter cognovit, quare peciit dicta Roisia ipsum Adam in virum legitimum sibi per nos adiudicari ulteriusque fieri quod est iuris. Dictus Adam fatetur quod sic ut premittitur adinvicem contraxerunt. Fatetur eciam quod post huiusmodi contractum ipsam Roisiam carnaliter cognovit. Excipiendo tamen allegat quod antequam ipsam carnaliter cognovit, protestabatur se nolle ipsam habere in uxorem. Iuratis igitur partibus predictis de calumpnia et veritate dicenda ac de malicia, idem dixerunt sicut prius. Unde eisdem partibus diem crastinum loco quo supra ad audiendum pronunciacionem super confessatis coram nobis vel nostro commissario prefigimus et assignamus. Et committimus magistro Thome de Gloucestre ad cognoscendum, procedendum et pronunciandum in dicto negotio specialiter potestatem.

Quibus die et loco predicto Ada nullo modo comparente, predicta Roisia personaliter, ipsum Adam reputamus contumacem et in pena contumacie sue et ad instantem petitionem ipsius Roisie ad pronunciacionem in hac parte faciendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia nos Thomas de Glouc', reverendi viri domini officialis Elien' commissarius in hac parte specialiter deputatus, invenimus dictam Roisiam intencionem suam sufficienter fundasse et probasse nec invenimus aliquid canonicum ob stare; ipsum Adam eidem Roisie in virum legitimum ipsamque Roisiam eidem Ade in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis.

appellacio] A qua sententia tanquam ab iniqua Johannes Wiltesshir' clericus tunc primo asserens se procuratorem dicti Ade appellavit apud acta tunc ibidem statim post prolacionem dicte sentencie ad audienciam domini .. officialis Elien'. [fol. 136r]

[26 Apr 80 (88.30)] Smyth/Rous. Rose Rous of Barnwell was cited at the instance of Adam servant of John Smyth of Barnwell in an appeal from the definitive sentence given by Mr Thomas Gloucester, in a marriage case committed to him.

Adam is absent; Rose appears personally. With her consent and as penalty to Adam, the court rules in favour of the appeal and its own jurisdiction. Next to resume the case according

to the process before Gloucester, which will be published.

Smyth'/Rous] Roisia Rous de Bernewell' citata [est] ad instanciam Ade servantis Johannis Smyth' de eadem in causa appellacionis ad nos interponente a quadam sententia diffinitiva per magistrum Thomam de Glouc' commissarium nostrum in ea parte specialiter deputatum in quadam causa matrimoniali coram eo vertente lata. Parte appellante nullo modo comparente, parte vero appellata personaliter, de cuius consensu et in pena contumacie partis appellantis pronunciamus pro voce appellacionis et pro iurisdiccione nostra. Unde datur dies in proximo ad resumendum causam iuxta processum coram dicto commissario habitum et ad videndum publicacionem eiusdem. [fol. 137v]

[25 May 80 (89.30)] Smyth/Rous. Parties personally. The process of the principal case is published; a copy is ordered for the parties. Next to speak against it.

Smyth'/Rous] Partibus ut prius comparentibus, publicato processu in principali causa habito, decreta copia partibus, datur dies in proximo ad dicendum contra [dictum processum]. [fol. 138r]

[14 Jun 80 (90.29)] Rous. Exceptions against the process are proposed and admitted. Next to prove.

Rous] Partibus ut prius comparentibus, propositis quibusdam excepcionibus contra processum, quibus admissis, datur dies in proximo ad probandum. [fol. 140v]

[12 Jul 80 (91.5)] Rous. No proofs are brought. Next to offer final proof.

Rous] Partibus ut prius comparentibus, nullis probacionibus ministratis, datur dies in proximo ad peremptorie probandum. [fol. 141v]

[23 Jul 80 (92.28)] Rous. Adam personally; Rose is absent. Adam produces John Smyth of Barnwell, who is admitted and sworn as penalty to Rose. Next to offer final proof.

Rous] Parte Ade ut prius comparente, parte Roisie Rous nullo modo, producto per dictum Adam unico teste, videlicet Johanne Smyth' de Bernwell', quo in pena contumacie dicte Roisie non comparentis admissio et in forma iuris iurato, datur dies in proximo ad peremptorie probandum. [fol. 143r]

[25 Oct 80 (94.22)] Rous. No other witnesses are produced; the term ends; the case is concluded. Next to hear the definitive sentence.

Rous] Partibus ut prius comparentibus, nullis aliis testibus productis, ideo cedat terminus. Factaque conclusionem in causa, datur dies in proximo ad audiendum sententiam in dicta causa diffinitivam. [fol. 144v]

[10 Jan 81 (97.7), 31 Jan 81 (98.7)] Rous. Next to hear the definitive sentence.

Rous] Ad idem in proximo, videlicet ad audiendum sententiam in dicta causa diffinitivam. [fols. 146v, 147r]

[28 Feb 81 (99.6), 14 Mar 81 (100.6), 5 Apr 81 (101.6)] Rous. As 97.7.

Rous] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 147v, 148r, 148v]

[2 May 81 (102.6)] Rous. As 97.7.

Rous] Partibus ut prius comparentibus, ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 149v]

[24 May 81 (103.6)] Rous. As 97.7.

Rous] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 150v]

[10 Oct 81 (106.6)] Rous. As 97.7.

Rous] Ad idem. [fol. 152v]

[30 Oct 81 (107.6)] Rous. Parties will be called to hear the definitive sentence next.

Rous] Ad idem, videlicet ad audiendum sentenciam diffinitivam et vocentur partes ad idem. [fol. 154r]

[12 Nov 81 (108.4)] Rous. The marriage case first came before the official and then Mr Thomas Gloucester, who found in favour of marriage between Rose, plaintiff, and Adam, defendant. Adam appealed to the official from the sentence.

Adam is absent and found contumacious; called to all acts, Rose appears personally. As penalty to Adam, the court proceeds to the definitive sentence.

Sentence. The court finds that Gloucester proceeded legitimately and that the sentence is just; it is confirmed. The marriage is ordered solemnized at an appropriate time and place.

Rous] In causa matrimoniali que primo coram nobis .. officiali Elien' in consistorio Elien' et postmodo coram magistro Thoma de Glouc' clerico nostro in hac parte commissario specialiter deputato vertebatur inter Roisiam Rous de Bernewell' partem actricem ex parte una et Adam famulum Johannis de Smyth' de eadem partem ream ex altera, et nunc per viam appellacionis a sententia diffinitiva pro dicta Roisia et contra dictum Adam pro matrimonio adiudicatorio^a per ipsum commissarium nostrum specialem diffinitive lata coram nobis vertitur inter ipsum Adam partem appellantem ex parte una et prefatam Roisiam partem appellatam ex altera; predicto Adam famulo Johannis Smyth' nullo modo comparente, predicta Roisia habente diem ad omnes actus personaliter comparente, ipsum Adam^b reputamus contumacem et in penam contumacie ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum magistrum Thomam de Gloucestr' commissarium nostrum in hac parte specialiter deputatum iuste, rite et legitime processisse iustamque tulisse sentenciam, ideo ip-

^a adiudicatorio] *sic*. The word is not classical and very rare. It ought to mean 'pertaining to an adjudicator,' but here it seems to mean *sub iudice*. ^b Adam'] *interlined*.

sam sentenciam tanquam iustam ac rite et legitime prolatam approbamus et confirmamus sentencialiter et diffinitive in hiis scriptis decernentes matrimonium inter eosdem fore in facie ecclesie solempnizandum pro loco et tempore opportunis. [fol. 155r]

321. BILEY

As in *Page*, this case begins in the form of an office case brought against Thomas and Alice and ends with a sentence that describes Alice as the moving party against Thomas. The case is discussed in Donahue, *Law, Marriage, and Society*, pp. 270–1, 570, and T&C nos. 399, 511, 1200.

[5 Apr 80 (87.36)] Biley. When the banns were published for Thomas Biley of Cambridge and Alice Burwell of Barnwell, it was discovered by reclamation that Thomas Clerk of Barnwell was related to Biley within the prohibited degrees of consanguinity, and that Clerk and Alice had had intercourse prior to her contract with Biley.

They appear personally. Sworn *de calumpnia* and *de veritate dicenda* and questioned, Biley and Alice admit that they contracted and had intercourse. Clerk and Alice admit that they had intercourse. Clerk says he and Biley are related as said; Biley believes they are related by blood. Three witnesses are produced concerning the consanguinity: Brother William Castellacre, order of Carmelites, who appears with his prior's permission; Ralph Castellacre, scholar; and Isabel Biley, mother of Thomas Biley, who are admitted and sworn. Next to prove the contract and intercourse between Alice and Clerk.

Byleye] In edicione bannorum inter Thomam Biley de Cantebr' et Aliciam Borewell' de Bernewell' compertum est per reclamacionem in ea factam, quod Thomas Clerk' de Bernewell, prefatum Thomam Biley in gradu consanguinitatis prohibito attingens, ante omnem contractum matrimonialem inter prefatos Thomam Biley et Aliciam initum ipsam Aliciam carnaliter precognovit. Predictis Thoma Clerk', Thoma Biley et Alicia personaliter comparentibus et de veritate dicenda iuratis ac super premissis requisitis, [fol. 136v] dicti Thomas Biley et Alicia fatentur contractum matrimonialem inter eos initum et carnalem copulam subsecutam. Dicti vero Thomas Clark' et Alicia fatentur quod ante dictum contractum se invicem carnaliter cognoverunt. Dictus eciam Thomas Clerk' fatetur quod ipse et prefatus Thomas Biley attingunt se in gradu consanguinitatis prohibito. Prefatus insuper Thomas Biley dictam consanguinitatem asserit se credere. Productisque ex habundanti super consanguinitate predicta tribus testibus, videlicet fratre Willelmo Castellacre ordinis Carmelite a suo priore licenciato in hac parte, Radulpho Castellacr' scolari et Isabella Biley matre dicti Thome Biley, quibus admissis et in forma iuris iuratis, datur dies in proximo ad probandum predictum contractum et carnalem copulam inter ipsam et Thomam Clerk'. [fol. 137r]

[26 Apr 80 (88.28)] Biley. No other witnesses are produced. Next the second term to produce.

Biley] Partibus ut prius comparentibus, nullis aliis testibus productis, datur

dies in proximo ad secundo producendum super contractu et carnali copula predictis. [fol. 137v]

[25 May 80 (89.28)] Biley. Parties are absent and found contumacious. No witnesses are produced. As penalty for the contumacy, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony; the parties will be called.

Biley] Partibus nullo modo comparentibus, ideo ipsas reputamus contumaces. Nullis testibus productis sed in pena contumacie non comparencium publicatis attestacionibus et decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta et vocentur partes ad idem. [fol. 138r]

[14 Jun 80 (90.27)] Biley. Parties personally. Nothing is proposed against the witnesses and testimony. 19 June to propose everything concerning the matter.

19 June. Thomas proposes that prior to his contract of marriage with Alice, she had contracted with Richard Webster, unmarried then and still living. Alice admits that she had contracted with Richard as if he were free, but at the time of the contract he was married and his wife is still living. Alice claims that after this contract, she accepted Richard's child from the baptismal font. Next to prove her claims; otherwise, to hear pronouncement in the principal case.

Byley] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem contra testes seu eorum dicta, datur dies martis proximo futurus ad proponendum omnia in facto consistencia.

Quo die partibus personaliter comparentibus, proposito per dictum Thomam quod ante omnem contractum inter prefatos Thomam et Aliciam initum, prefata Alicia precontraxit cum quodam Richardo Webster', tunc soluto et adhuc superstite; dicta Alicia fatetur quod precontraxit matrimonium cum dicto Richardo ita tamen quod fuisset solutus, sed allegat quod tempore dicti contractus ante et post fuit et adhuc est coniugatus, uxorem habens superstitem. Allegat insuper dicta Alicia quod post dictum contractum, ipsa Alicia suscepit de sacro fonte prolem dicti Richardi. Unde datur dies in proximo dicte Alicie ad probandum allegata per eam, alioquin ad audiendum pronunciacionem in principali. [fol. 140v]

[23 Jul 80 (92.26)] Biley. No proofs are brought concerning Alice's allegations. With the parties' consent, 28 July to hear the definitive sentence.

28 July before Thomas Gloucester, commissary general of the official. Parties personally. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Although Alice does not want to be separated from Thomas Biley, whom she wants judged her husband, it has been established, based on the confessions of Thomas Clerk and Alice, the *fama* of the area, and legal proofs, that Clerk is related to Biley within the fourth degree of consanguinity, and that Clerk and Alice had intercourse prior to the contract of marriage between Biley and Alice. The solemnization of marriage between Biley and Alice is impeded by consanguinity and copulation.

Byley] In causa matrimoniali in consistorio Elien' primarie mota inter Aliciam Borewell' de Bernewell', partem actricem ex parte una et [fol. 142v] Thomam Biley partem ream ex altera, partibus ut prius comparentibus, nullis probacionibus ministratis super allegata per dictam Aliciam, sed de consensu parcium predictarum datur dies sabbati proximo post festum Sancti Jacobi apostoli proximo futurum loco quo supra ad audiendum pronunciacionem sive sentenciam diffinitivam in dicta causa.

Quibus die et loco partibus predictis coram nobis Thoma de Glouc,' reverendi viri domini .. officialis Elien' commissario generali, personaliter comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, invocata Spiritus Sancti gracia, de consilio iuris peritorum nobis assidencium, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

In Dei nomine amen. Quia per confessionem Thome Clerk' et Alicie predictorum coram nobis iudicialiter emissam, licet dicta Alicia nollet a dicto Thoma Biley separari sed summe affectat ipsum habere in virum, ac per famam vicinie et aliis legitimis probacionibus coram nobis ministratis luculenter constat predictum Thomam Clerk' esse consanguineum predicti Thome Biley in quarto gradu vel infra consanguinitatis attingentem, ac ipsum Thomam Clerk', ante omnem contractum matrimonialem seu sponsalia inter prefatos Thomam Biley et Aliciam initum, predictam Aliciam precognovisse carnaliter; nos, que dicta sunt plene rimantes et intelligentes, presertim cum predicta non dicantur occulta sed quia predicantur a pluribus manifeste, sentencialiter et diffinitive in hiis scriptis decernimus et declaramus ipsos Thomam Biley et Aliciam ex predictis causis matrimonialiter coniungi non posse, decernentes solempnizacionem matrimonii in facie ecclesie inter predictos Thomam Biley et Aliciam quovismodo fieri non debere, predictis consanguinitate et carnali copula ut premittitur impedimentum notorium prestantibus.^a [fol. 143r]

^a prestantibus] *sic, in the sense of 'furnishing'.*

322. LOVECHILD¹

[26 Apr 80 (88.29)] Lovechild. John Lovechild of Littleport and Tilla Taylor of Littleton were cited before the official concerning a contract of marriage.

They appear personally and swear *de veritate dicenda*. Tilla admits that they contracted on the feast of the translation of St Etheldreda in 1379 [17 Oct] by saying in turn, "I accept you as my wife" and "I accept you as my husband." She wants John and herself judged married. John claims that he said, "I wish to have you as my wife" and Tilla consented. He admits that

¹ This case is discussed in Donahue, *Law*, nos. 452, 485–6, 510. *Marriage, and Society*, pp. 274–6 and T&C

they published the banns, but denies the other things (*alia*). Next to pronounce and to prove the contract.

Lovechild'] Johannes Lovechild de Lyttelpport et Tilla Taillo' de eadem citati coram nobis super contractu matrimoniali inter eos inito comparent personaliter et de veritate dicenda iurati. Mulier fatetur quod contraxerunt adinvicem matrimonium per ista verba, "Ego accipio te in uxorem meam," et "Ego accipio te in virum meum," ad festum translacionis Sancte Ethedrede anno Domini millesimo trecentesimo septuagesimo nono;^a quare peciit pro matrimonio adiudicari etc. Dictus Johannes fatetur quod ipse dixit eidem Tille ista verba, "Volo te habere in uxorem meam," et quod ipsa consenciit. Fatetur eciam quod procuravit banna edi inter eos in facie ecclesie; alia negat.^b Unde habent diem in proximo ad audiendum pronunciacionem super confessatis et ex habundanti ad probandum dictum contractum. [fol. 137v]

[25 May 80 (89.29)] Lovechild. Tilla by John Wiltshire, proctor; John absent. Tilla produces John Wyberd, chaplain, who is admitted and sworn. Next to hear the pronouncement.

Lovechild'] Parte actrice per Johannem Wiltesshir' procuratorem suum comparente, parte rea nullo modo, producto per partem actricem uno teste videlicet domino Johanne Wyberd' capellano, quo admisso et in forma iuris iurato, datur dies in proximo ad^c audiendum pronunciacionem. [fol. 138r]

[14 Jun 80 (90.28)] Lovechild. John is suspended for his absence.

Lovechild'] Ad idem; dictus Johannes Lovechild' suspensus quia non comparet. [fol. 140v]

[23 Jul 80 (92.27)] Lovechild. The execution is ordered.

Lovechild'] Fiat executio. [fol. 143r]

[25 Oct 80 (94.21)] Lovechild. Parties personally. Robert Smerles of Little Downham appears personally and asserts that he and Tilla contracted marriage, followed by intercourse. She contests the suit affirmatively. Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusionem et malicia*. 29 Oct. in the chapel of Downham Manor to propose and the second term to produce. John Lovechild will be called to be present if he wishes.

29 Oct. John, Robert, and Tilla personally. Robert produces four witnesses: John Taylor of Littleport, Katherine his wife, John Estcroft, and Agnes his wife, who are admitted and sworn. With the parties' consent, the case is concluded. 7 Nov. in the manor chapel to publish the testimony.

7 Nov. Since the entire process has been investigated and deliberation has been held with experienced counsel, the official proceeds to the definitive sentence.

Sentence. Because it has been proved that John and Tilla contracted marriage prior to a contract between Robert and Tilla, the court rules in favour of her marriage to John. They are judged husband and wife; their marriage is ordered solemnized at an appropriate time and place.

^a ad festum translacionis Sancte Ethedrede anno domini millesimo trecentesimo septuagesimo nono] *interlined*. ^b alia negat] *interlined*. ^c ad] *repeated*.

Robert appeals *apud acta* immediately.

Lovechild'] Partibus personaliter comparentibus, quidam Robertus Smerles de Dounham personaliter comparens asserit et proponit se cum dicta Tilla matrimonium contraxisse carnali copula subsecuta. Dicta Tilla contestatur litem affirmative; iuratis partibus de calumpnia et de veritate dicenda, ac de collusionione et malicia, datur dies lune proximo futurus in capella manerii de Dounham ad ponendum et primo producendum et dicto Johanni Lovechild' ad interessendum si voluerit.

Quibus die et loco predictis Johanne, Roberto et Tilla personaliter comparentibus, productis per dictum Robertum quatuor testibus, videlicet Johanne Taillo' de Lyttelport, Katerina uxore sua, Johanne Estcroft et Agnete uxore sua, quibus admissis et in forma iuris iuratis factaque postmodo conclusione in dicta causa de consensu parcium predictarum, datur est dies mercurii proximo post festum Omnium Sanctorum in capella manerii de Dounham ad audiendum sententiam in dicta causa diffinitivam.

Quibus die et loco partibus predictis coram nobis .. officiali Elien' personaliter comparentibus, auditis et intellectis meritis cause predictae que inter Tillam Taillo' de Lyttelport partem actricem ex parte una et Johannem Lovechild' de eadem partem ream ex altera ac etiam inter Robertum Sm'les de Dounham partem actricem ex parte una et dictam Tillam partem ream ex altera [vertitur], rimato et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

In Dei nomine amen. Quia invenimus matrimonium inter predictos Johannem Lovechild' et Tillam contractum et ante omnem contractum inter prefatos Robertum et Tillam initum seu habitum ad plenum fuisse et esse probatum, pro matrimonio inter eosdem Johannem et Tillam pronunciamus et declaramus; ipsumque Johannem eidem Tille in virum legitimum ipsamque Tillam eidem Johanni in uxorem legitimum sententialiter et diffinitive adiudicamus in hiis scriptis, decernentes matrimonium fore in facie ecclesie sollempnizandum pro loco et tempore opportunis.

A qua sententia dictus Robertus incontinenti apud acta appellavit. [fol. 144v]

323. CHESTERTON (3)

[26 Apr 80 (88.31)] Chesterton. Boniface de Castelleto, John Santer, John Lucas, and Reginald Felice of Chesterton were cited before the official because they have withheld money received by them from the common chest in Chesterton church.

They appear personally. They admit that they owe 47s 5d to the church, which they were ordered to return before 1 Aug 1380.

Chestreton'] Bonifacius de Castelleto, Johannes Sautre, Johannes Lucas et Reginaldus Felys de Chestreton' citati coram nobis super detencione bonorum ecclesie, videlicet pecunie per ipsos recepte de communi pixide in ecclesia de Chestreton', comparent personaliter et fatentur quod debeant dicte ecclesie septem et quadraginta solidos, quinque denarios et condempnati sunt restituere citra festum Sancti Petri ad vincula proximo futurum. [fol. 137v]

324. MYNTEMOR

[26 Apr 80 (88.32)] Myntemor. During the publication of banns for Robert Myntemor of Trumpington and Alice Northern of Grantchester, John Rolf of Grantchester opposed the banns by reclamation. They were cited for 10 May 1380.

They appear personally. Sworn *de veritate dicenda*, Robert and Alice admit that they contracted marriage in present words, followed by intercourse; they want to be judged husband and wife. John claims that he and Alice had contracted. She denies the contract with John and intercourse. Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusione et malicia*. Robert produces Roger Northern of Grantchester, Lawrence Chapman of Shelford, Henry Veysey of Trumpington, John Harger, John Neve, and Agnes Gibben of same; John produces William Termynor of Grantchester and John Lawrence of Grantchester. Both sets of witnesses are admitted and sworn; both parties reserve the right to speak against witnesses and testimony. 13 May to publish the testimony.

13 May. The testimony is published; a copy is ordered for the parties. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because John has not proved his intention and Robert has proved his, Alice is absolved and dismissed from John's suit. Robert and Alice are judged husband and wife.

Myntemor] In edicione bannorum inter Robertum Myntemor de Trumpiton' et Aliciam Northern' de Granceste, Johannes Rolf de Granceste' senior opposuit dicta banna reclamando. Citatus [est] super reclamacione huiusmodi ad diem iovis proximo post festum ascencionis Domini anno Domini predicto. Predictis Roberto, Johanne et Alicie personaliter comparentibus et de veritate dicenda iuratis, predicti Robertus et Alicia fatentur quod contraxerunt matrimonium adinvicem per verba de presenti mutuum consensum eorumdem exprimencia carnali copula subsequuta; quare petunt ipsos in virum et uxorem adinvicem adiudicari. Dictus Johannes allegat pro causa reclamacionis quod ipse et dicta Alicia matrimonium adinvicem contraxerunt. Dicta Alicia omnem contractum matrimonialem inter ipsam et prefatum Johannem initum ac carnalem copulam negat. Iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusione et malicia, productisque per dictum Robertum Rogero Northern' de Granceste, Laurencio Chapman de Schelford', Henrico

Veysi de Trumpiton', Johanne Harg', Johanne Neve et Agnete Giban' de eadem, productis eciam per dictum Johannem Rolf' duobus testibus, videlicet Willelmo Termyno' de Granceste et Johanne Laurence de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione hincinde per utramque partem, datur dies sabbati proximo^a futurus ad publicandum.

Quo die partibus personaliter comparentibus, publicatis attestacionibus decreta copia partibus et de consensu parcium in causa [concluso], auditisque et intellectis meritis predictarum causarum, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eisdem, Christi nomine primitus invocato, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictum Johannem intencionem suam minus sufficienter fundasse et probasse sed in probacione eiusdem defecisse dictumque Robertum intencionem suam ad plenum fundasse et probasse, ideo ipsam Aliciam ab impeticione et instancia dicti Johannis sentencialiter et diffinitive absolvimus et dimittimus dictumque Robertum eidem Alicie in virum legitimum ipsamque Aliciam eidem Roberto in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis. [fol. 137v]

^a proximo] followed by redundant px crossed out.

325. *BALDWIN*

[25 May 80 (89.31)] Baldwin. Henry Souter of Over was cited at the instance of the executors of the testament of John Baldwin of Cambridge.

The executors appear by proctor; Henry is absent, suspended, and called.

Baldwine – suspensio] Henricus Soutere de Overe citatus ad instancia executorum testamenti Johannis Baldwine de Cant' comparencium per procuratorem suum non comparet, ideo suspendimus et vocetur. [fol. 138r]

[14 Jun 80 (90.30)] Baldwin. Peace has been restored. The execution is ordered *ex officio*.

Baldwine – pax] Pax est; fiat execucio ex officio. [fol. 140v]

[14 Mar 81 (100.22)] Baldwine. John Blauncpayn, Richard Martin, and John Whithobbe were cited for the next juridical day after 25 March 1381 at the instance of the executors of the testament of John Baldwin of Cambridge, deceased, in a testamentary case.

The executors appear by proctor; John, Richard, and John personally. With the parties' consent, expected next with hope of peace.

Baldwine] Johannes Blauncpayn, Ricardus Martyn et Johannes Whithobbe citati [sunt] ad instanciam executorum testamenti Johannis Baldwine de Cant', defuncti, ad proximum diem iuridicum post festum Annunciacionis

dominice in causa testamentaria. Parte actrice per procuratorem suum, parte vero rea personaliter [comparentibus], de quarum consensu expectamus usque proximum sub spe pacis. [fol. 148v]

326. GIDDING

[25 May 80 (89.35)] Gidding. Mr Geoffrey de Gidding, commissary of the archdeacon's official, was cited before the official for contempt and disobedience because, despite an inhibition from the consistory and an appeal pending there, he excommunicated and denounced Walter Bilney¹ of Cambridge, who had appealed from grievances caused by the official.

Geoffrey appears personally. He is charged with the articles contained [in a document] that remains in the registry;² each is explained to him and he responds to each of them. Because his response and the proof administered contain words which seem contemptuous, the court pronounces him in contempt and orders him punished. The commissary submits himself to the court's grace, promising not to be contemptuous from now on. At the supplication of Mr Richard le Scrope, John Christchurch, archdeacon of Ely, and the archdeacon's official, who are present, the court releases him from the charge of contempt *sub sua gestura*.

Gidding – contemptus] Magister Galfridus de Gidding, commissarius .. officialis domini .. archidiaconi Elien', citatus coram nobis super contemptu et inobediencia eo quod ipse Walterum Bilney de Cant', a certis gravaminibus per .. officialem domini archidiaconi Elien' sibi ut suggeritur illatis et factis ad audienciam nostram appellantem et appellacioni sue firmiter inherentem, appellacione sua predicta et eius causa coram nobis pendente eciam post et contra inhibitionem nostram sibi factam, per ipsum fuisse et esse excommunicatum publice et solempniter denunciavit in nostre iurisdiccioni et curie illusionem et contemptum manifestum, comparet personaliter coram nobis. Obiectis sibi quibusdam articulis ex eadem materia elicitis et extractis et sibi singillatim expositis, singillatim ad eos respondebat prout in eisdem articulis penes registrum remanentibus continetur. Et quia per ipsius responsionem et probationes in ea parte ministratas invenimus dictum commissarium aliqua verba dixisse que in contemptu sapere videantur, ideo ipsum contemptorem pronunciamus, decernentes ipsum fore puniendum pro huiusmodi contemptu. Idem quoque commissarius in hac parte nostre gracie se submitit promittens prestito iuramento de cetero non contempnet. Unde ad supplicacionem magistri Ricardi le Scrop', domini Johannis Crischirch' archidiaconi Elien' et officialis sui tunc presencium et pro eo rogancium, dictum contemptum sub gestura sua sibi duximus remittendum. [fol. 138v]

¹ See *Bilney*, n. 1. Curiously, there seems to be no record of the basic appeal.

² For this translation, see Introduction.

327. BAKEWHYT¹

[25 May 80 (89.36)] Bakewhyt. Hugh Mayhew of Trumpington and Isabel Loot of Trumpington, his wife, were cited at the instance of Alice Bakewhyt of Malmesbury, Salisbury diocese, in a case of marriage and divorce.

Parties appear personally. Alice proposes orally that, although she and Hugh contracted and solemnized marriage before the church, their marriage cannot exist *de iure*. Prior to her contract, Hugh and Isabel had contracted and solemnized marriage before Trumpington church, consummated the marriage, and lived as husband and wife. Alice wants her marriage to Hugh annulled. Hugh contests the suit, affirming Alice's statements. Isabel admits that she and Hugh married thirty years ago in Trumpington church. They swear *de calumpnia*, *de veritate dicenda*, and *de collusione et malicia*. Alice produces five witnesses: William Bernard of Trumpington, Katherine wife of John Thresher, Margery wife of Thomas Serle of Trumpington, Richard Benethewode of Malmesbury, and Alice wife of John atte Halle of Malmesbury, who are admitted and sworn. They are examined and the testimony is published. The conclusion is made with the parties' consent. 26 May to hear the definitive sentence. Alice appoints William Horbery, priest, her proctor to hear the sentence.

26 May before Thomas Gloucester. Alice by proctor; Hugh and Isabel personally. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Alice has proved her intention, the contract and solemnization of marriage between Alice and Hugh are annulled and they are separated. The marriage and solemnization of Hugh and Isabel are valid; their marriage is reintegrated and they are to live as spouses, treating each other with marital affection.

Bakewhyt] Hugo Mayheu de Trumpiton' et Isabella Loot de eadem, quam duxit in uxorem, citati [sunt] ad instanciam Alicie Bakewhyt de Malmesbury Sar' diocesis in causa matrimoniali et divorcii. Partibus personaliter comparantibus, dicta Alicia pars actrix proponit oretenus quod licet ipsi Hugo et Alicia matrimonium adinvicem contraxerunt illudque in facie ecclesie de facto solempnizari procurarunt et fecerunt, illud tamen matrimonium subsistere non potest de iure pro eo quod ante omnem contractum inter dictos Hugonem et Aliciam initum et solempnizacionem eiusdem, predicti Hugo et Isabella matrimonium adinvicem contraxerunt illudque in facie ecclesie de Trumpiton' solempnizari et approbari procurarunt et fecerunt illudque matrimonium postea carnali copula subsecuta consummarunt et ut vir et uxor se mutuo possederunt. Quare peciit dicta Alicia matrimonium inter ipsam et prefatum Hugonem de facto contractum et solempnizacionem eiusdem, quatenus de facto processerunt, cassari et annullari ipsosque ab invicem divorciari et separari etc., lite per dictum Hugonem affirmative ad omnia supradicta contestata. Dicta eciam Isabella fatetur quod triginta annos elapsos duxit eam in uxorem in ecclesia de Trumpiton'. Iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusione et malicia productisque per dictam Aliciam partem actricem quinque testibus, videlicet Willelmo Ber-

¹ This case is discussed in Donahue, *Law, Marriage, and Society*, pp. 264–5.

nard' de Trumpiton', Katerina uxore Johannis Thresschere, et Margeria uxore Thome Serle de eadem, Richardo Benethewode de Malmesbury et Alicia uxore Johannis atte Halle de eadem, quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus publicatis factaque conclusione in causa predicta de consensu parcium in eadem concludencium, datur dies sabbati proximo futurus videlicet post festum Sancti Dunstani partibus predictis ad audiendum sentenciam in dicta causa diffinitivam. [fol. 138v] Et predicta Alicia constituit apud acta dominum Willelmum Horbery presbyterum procuratorem suum ad audiendum in dicta causa sentenciam diffinitivam etc.

Quo die adveniente, parte actrice per procuratorem suum predictum comparente, parte rea personaliter, rimato per nos et investigato toto processu in dicta causa habito, habita deliberacione sufficienti super eodem, invocata Spiritus Sancti gracia, de consilio iuris peritorum nobis assidencium, nos Thomas de Gloucestr' clericus, reverendi viri domini .. officialis Elien' commissarius generalis, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam Aliciam intencionem suam in hac parte deductam ad plenum fundasse et probasse, ideo matrimonium inter prefatos Hugonem et Aliciam de facto contractum et solempnizacionem eiusdem, quatenus de facto processerunt, cassamus, irritamus et annullamus, cassa, irrita et nulla pronunciamus et declaramus eosque abinvicem separamus et divorciamus. Ac matrimonium inter eosdem Hugonem et Isabellam et solempnizacionem eiusdem subsistere et valere eosque ut coniuges cohabitare et maritali affectione de mutuo pertractare debere pronunciamus et decernimus ac declaramus ipsumque matrimonium consolidamus et redintegramus sentencialiter et diffinitive in hiis scriptis. [fol. 139r]

328. STURBRIDGE

[25 May 80 (89.37)] Sturbridge. John Mulshe, keeper of Sturbridge hospital of Ely diocese, was called before John Newton, DCivL and bishop's commissary, for 12 Jan 1380. He was called to exhibit his title to the hospital, if he has one, and to show an account of his administration of the goods of the hospital, according to the canon *Quia contingit interdum*.¹ This was certified by John Wiltshire, our mandatary.

12 Jan. The certification is read; John Mulshe is summoned, but he fails to appear. He will be cited and warned again to see the witnesses produced for the court's information concerning the articles.

25 May in St Mary the Less. Although warned and summoned, John does not appear. He

¹ See Citations to Canon Law, *Quia contingit*. Interlined before the reference to *Quia contingit* is a reference to *Saepe contingit*. As discussed in Citations to Canon Law, this latter reference seems to be a mistake.

is found contumacious. The court produces witnesses: Hugh Smyth of Barnwell, John Smyth, John Thriplow, Alan Redhead, William Day, Mr Thomas Cook, Simon Day, Brice Pocket, and William Cook of Barnwell. As penalty to John, they are admitted and sworn. A *missio* is ordered for Roger Harston, an old man and necessary witness; John will be warned so he can be present. 1 June to publish and to proceed according to the citation; John will be cited.

1 June. Roger has not been admitted, nor has John been cited. Expected 14 June for same.

Steresbr'] Dominus Johannes Mulshe, custos hospitalis de Steresbrugg' Elien' diocesis, citatus [est] coram nobis Johanne de Neuton' legum doctore venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissario in hac parte specialiter deputato, ad diem iovis proximo post festum epiphanie Domini, anno Domini millesimo trecentesimo septuagesimo nono, titulum, si quem habeat, in dicto hospitali exhibiturus, necnon calculum sive compotum super administracione sua in bonis hospitalis predicti coram nobis ut tenetur iuxta [constitucionem] Clementinam illam *Sepe contingit* alias^a *Quia contingit interdum*^b in omnibus redditurus prout per certificatorium Johannis Wiltesshir' clerici mandatarii nostri liquet manifeste.

Quibus die et loco, lecto certificatorio, preconizato dicto Johanne Mulsho nullo modo comparente, ex habundancia et ad convincendum ipsius maliciam decernimus ipsum iterato fore vocandum seu premuniendum ut prius ac eciam ad videndum produccionem testium coram nobis producendorum super quibusdam articulis dictam materiam concernentibus pro informacione consciencie nostre.

Adveniente igitur die veneris proximo post festum Sancti Dunstani anno Domini millesimo trecentesimo octogesimo, dicto Johanne de Mulsho custode premunito sicut prius, in ecclesia Sancte Marie extra Trumpitongates Cant' preconizato nullo modo comparente, ideo ipsum pronunciamus contumacem. Productisque per nos pro informacione consciencie nostre quibusdam testibus, videlicet Hugone Smyth' de Bernewell', Johanne Smyth', Johanne Tripelowe, Alano Redheved, Willelmo Deye, magistro Thoma Cook', Simone Deye, Bricio Poket et Willelmo Cook' de eadem, quibus in pena contumacie dicti Johannis admissis et in forma iuris iuratis, decernimus fore mittendam [missionem] ad Rogerum Harleston', valetudinarium testem necessarium, et dictum Johannem fore premuniendum ut intersit admissioni. Daturque dies veneris proximo post festum Sancte Petronille loco quo supra ad publicandum etc. et ulterius procedendum iuxta formam et effectum citacionis et cite-tur dictus Johannes ad idem.

Quibus die et loco quia dictus Rogerus nondum est admissus nec Johannes citatus iuxta decretum, ideo expectamus usque proximum consistorium, videlicet diem iovis proximo post festum Sancti Barnabe apostoli proximo

^a *Sepe contingit alias* *interlined.* ^b *See n. 1.*

futurum ad idem. [fol. 139r]

[14 Jun 80 (90.33)] Sturbridge. Next to publish and to proceed according to the citation since a *missio* has not been made.

Steresbrugg'] Expectamus usque proximum ad idem quia missio non est facta. [fol. 141r]

[23 Jul 80 (92.31)] Sturbridge. As 90.33.

Steresbrugg'] Ad idem in proximo quia missio nondum est facta. [fol. 143r]

[25 Oct 80 (94.25)] Sturbridge. As 90.33.

Steresbr'] Ad idem quia missio nondum est facta. [fol. 144v]

329. *POTTON/KNOTT*

[25 May 80 (89.38)] Potton/Knott. William de Potton, son of Nicholas de Potton of Cambridge, subdeacon and brother of the Hospital of St John, Cambridge, and Agnes Knott, widow of Ralph Clerk, were cited before the official for 17 May 1380 concerning a clandestine marriage, followed by intercourse, which they contracted prior to William's entry as a religious.

Neither appears. They are expected 30 May.

30 May before the official. William personally; Agnes by Hugh Candlesby, proctor by letter. Her proctor proposes orally that William's recent entrance into that religious house, where he professed St Augustine's rule and presented himself as a brother of the house, assuming the garb and tonsure of the order, cannot be sustained *de iure*. Prior to his entrance, he and Agnes contracted marriage in present words of mutual consent, or in future words followed by intercourse, and they published the banns before the church. The marriage has been recognized by them and acknowledged by public fame in Cambridge. Agnes wants William's profession pronounced void, William removed from the hospital, and William absolved of his obligation of religious observance. She asks that they be judged husband and wife and that the case proceed summarily according to the new constitutions *Dispendiosam* and *Saepe contingit*.¹ William responds that he entered the hospital on 25 Dec. 1379 for one year (*ad unum annum*), accepting the habit and tonsure; on 22 Jan. 1380 he professed the rule *ad unum annum*, afterwards entering the order of subdeacon. He admits that a year before his entry, he and Agnes contracted in present words, followed by intercourse. The parties swear *de calumpnia*, *de veritate dicenda*, and *de collusione et malicia* and repeat their statements. Agnes produces John Hostler, summoner, John Starr, tailor, Walter Wheelwright, and Marion Duke of Cambridge, who are admitted and sworn. They are examined; the testimony is put in writing. 2 June is assigned in the chapel of Downham manor before the bishop or his commissary, to publish the testimony and to hear the definitive sentence, with adjournment to the next days.

2 June before the bishop. The testimony is published. With the parties' consent, 8 June is assigned in the conventual church of Chatteris before the official to hear the definitive sentence.

2 June. Agnes by proctor; William is absent and found contumacious. Agnes asks the court to proceed to the sentence. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

¹ See Citations to Canon Law, *Dispendiosam*; *Saepe contingit*.

Sentence. Based on the parties' confessions and other proofs, the court finds that the marriage between William and Agnes was contracted legally prior to William's entry into religious orders. His entry, profession, and acceptance of orders are pronounced void; their marriage is valid and they are judged husband and wife. Witnesses: Ralph Dale, brother of St John's, and Mr Thomas of Barnard Castle, public notary, of Ely and York dioceses *et al.*

Potton'/Knotte] Willelmus de Potton' frater domus Sancti Johannis Cantebr' et Agnes Knotte relicta Randulfi Clerk' defuncti citati [sunt] coram nobis .. officiali Elien' ad diem iouis proximo ante festum Sancti Dunstani super clandestino matrimonio ante quemcumque dicti Willelmi religionis ingressum inter eosdem contracto ac carnali copula inter eos subsecuta de iusticia responsuri. Partibus predictis nullo modo comparentibus, unde expectamus eos usque ad diem mercurii proximo post festum Sancti Augustini, videlicet penultimum diem mensis maii ad idem loco quo supra.

Quibus die et loco comparentibus coram nobis Willelmo filio Nicholei Potton' de Cant' fratre domus predictae in ordine subdiaconatus constituto in propria persona sua et Agnete Knotte predicta per magistrum Hugonem de Candelesby, clericum, procuratorem suum litteratorie constitutum, predictus procurator nomine procuratorio contra dictum Willelmum coram nobis pro tribunali sedenti proposuit oretenus quod licet idem Willelmus domum sive hospitalem Sancti Johannis evangeliste in Cant' Elien' diocesis nuper ingressus, ordinem regularem secundum regulam Sancti Augustini in eodem hospitali expresse profiteretur et ut frater eiusdem domus sive hospitalis aliquam diu se gerens, ad ordinem subdiaconatus de facto se fecerit^a promoveri vestes et tonsuram dicti ordinis publice deferendo, dicti tamen religionis ingressus, regule professio et ordinis suscepco, sic de facto presumpti, subsistere non possunt nec debent de iure, pro eo et ex eo quod ante omnem ipsius Willelmi religionis ingressum, regule professionem et ordinis suscepconem de quibus supra fit mencio, predicti Willelmus et Agnes matrimonium adinvicem [fol. 139r] per verba de presenti mutuum consensu eorumden exprimencia seu saltim per verba de futuro canali copula subsecuta legitime contraxerunt. Huiusmodique contractum et carnalem copulam quilibet eorum in alterius et aliorum fidedignorum presencia sepius et ex certa sciencia innovaverunt, publicaverunt et recognoverunt bannaque matrimonialia inter eos in facie ecclesie publice edi et proponi procuraverunt et fecerunt. Super quibus laboravit publica vox et fama in villa Cant' et laborat in presenti. Quare peciit dictus procurator nomine quo supra ingressum religionis, professionem emissam et ordinis suscepconem, de quibus premittitur de facto presumptis, non posse subsistere seu valere nulliusque fuisse et esse firmitatis seu valoris viribusque omnino carere pronunciari et declarari ipsumque Willelmum a dicta domo et ipsius religionis observancia amoveri et absolvi eidemque Agneti in virum

^a fecerit] fecerat.

legitime eandemque Agnetem prefato Willelmo in uxorem legitimam sententialiter et diffinitive adiudicari ulteriusque fieri, statui et decerni in premissis et ea concernencia quod canonicis convenit institutis. Et peciit dictus procurator quod in dicto negocio procedamus summarie et de plano sine strepitu et figura iudicii iuxta novellos constitutiones *Dispendiosam* et *Sepe* [*contingit*], protestatur per nos quod in dicto negocio procedere volumus summarie et de plano prout supra petitur. Dictus Willelmus respondendo dicto articulo dicit quod ad festum natalis Domini quod ultimo fuit ad unum annum ingressus fuit dictam domum habitum et tonsuram eiusdem domus suscipiendo et quod die dominica proximo ante festum conversionis Sancti Pauli tunc proximo sequens, videlicet quod ultimo fuit ad unum annum professus fuit dictam regulam in eadem domo et quod post ingressum suum suscepit ordinem subdiaconatus. Et dicit quod per annum ante ingressum predictum, ipsi Willelmus et Agnes matrimonium adinvicem contraxerunt per verba de presenti carnali copula subsecuta. Iuratis partibus hincinde in personis dictorum Willelmi principalis et Hugonis procuratoris de calumpnia et de veritate dicenda ac de collusionione et malicia, idem dixerunt sicut prius. Productis per partem dicte Agnetis quibusdam testibus, videlicet Johanne Hostiler *Somenor*, Johanne Sterre *Tailor*, Waltero Whelwright' et Mariona Duk' de Cant', quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus in scriptis redactis, datur dies veneris proximo nunc futurum in capella manerii de Dounham coram venerabili patre domino Thoma Dei gracia episcopo Elien', nobis vel alio ipsius seu nostro commissario ad videndum et audiendum attestaciones publicari, ulteriusque faciendum in toto dicto negocio cum continuacione et prorogacione dierum sequencium et locorum quod est iuris, eciam ad audiendum sentenciam in dicto negocio diffinitivam.

Quibus die et loco partibus predictis coram dicto venerabili patre ut prius comparentibus, publicatis attestacionibus,^b datur dies veneris proximo ante festum Sancti Barnabe apostoli proximo futurum in ecclesia conventuali de Chateris, coram nobis officiali predicto de consensu expresso parcium predictarum ad audiendum sentenciam in dicto negocio diffinitivam.

Quibus die et loco parte dicte Agnetis ut prius, predicto Willelmo coram nobis .. officiali predicto nullo modo, comparentibus, ideo ipsum Willelmum reputamus contumacem. Pars dicte Agnetis peciit sentenciam in dicto negocio per nos ferri. Nos igitur officialis Elien' auditis et intellectis meritis cause seu negotii supradicti rimatoque per nos et investigato toto processu in dicta causa habito, deliberacione super eodem prehabita diligenter, de consilio iuris peritorum nobis assidencium, invocata Spiritus Sancti gracia, ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

^b publicatis attestacionibus] *interlined*.

sentencia] In Dei nomine amen. Quia invenimus tam per confessiones parcium predictarum coram nobis in forma iuris iuratarum et per alias probationes coram nobis iudicialiter ministratas, ipsos Willelmum et Agnetem matrimonium adinvicem legitime contraxisse ante cuiuscumque ordinis sacri suscepcionem et ante quemcumque ingressum religionis in domo Sancti Johannis predicta et ipsius in ea professionem; ipsam sacri ordinis suscepcionem, ingressum dicte religionis et in eadem professionem, nulla fuisse et esse, non subsistere nec subsistere debere de iure pronunciamus et declaramus, et quatenus de facto processerunt cassamus, irritamus et annullamus. – Nulla fuisse et esse pronunciamus et declaramus.^c – Ipsumque matrimonium inter ipsos .. Willelmum et Agnetem factum et habitum stabile firmum et validum pronunciamus et declaramus. Ipsamque Agnetem eidem Willelmo in uxorem legitimam, eundemque Willelmum eidem Agneti in virum legitimum adiudicamus sentencialiter et diffinitive in hiis scriptis. Acta anno .. [millesimo trecentesimo] octogesimo indiccione tercia pontificali domini Urbani pape sexti anno tercio, mense, loco et die predictis videlicet nono die iunii.^d Presentibus fratre Randulfo Dale confratre dicte domus, magistro Thome de Castrobernardi notario publico, Elien' et^e Ebor' diocesum et aliis. R. Foxton.^f [fol. 139v]

^c Nulla fuisse et esse pronunciamus et declaramus] *sic. This may be dittography, but it may be repeated for emphasis.* ^d nono die iunii] *interlined.* ^e Elien' et] *interlined.* ^f R. Foxton] *written just below the last line of entry, but not his usual notarial signature.*

330. GREATFORD

[25 May 80 (89.39)] Greatford. Alice wife of Thomas Greatford of Doddington was cited before the bishop concerning the crime of adultery with priests.

She appears personally on 10 June 1380 in Doddington chapel. She denies the article and purges herself with 12 women compurgators.

Purgacio] Alicia uxor Thome Gritford' de Dodyngton' coram venerabili patre domino Thoma Dei gracia episcopo Elien' citata super crimine adulterii cum presbyteris ut asseritur commisso comparet personaliter in capella manerii sui de Dodyngton' decimo die iunii anno Domini millesimo trecentesimo octogesimo. Negat dictum articulum et purgavit se cum duodecim mulieribus quas tunc produxit coram eo. [fol. 140r]

[25 May 80 (89.40)] Greatford. John Hervey of Doddington was cited before the bishop for said day and place in Doddington chapel at the instance of Alice wife of Thomas Greatford of Doddington in a defamation case. He had accused her of adultery with priests.

Parties appear personally. Alice gives an oral libel, according to the constitution of the Council of Oxford against defamers.¹ John contests the suit negatively; parties swear *de calumpnia* Alice produces two witnesses, who are admitted and sworn. They are examined and

¹ See Citations to Canon Law, *Auctoritate*.

the testimony is published. The case is concluded when it is discovered that John said words that sounded infamous to Alice. The bishop imposes a penalty: next Sunday in Doddington church John should seek from Alice forgiveness, saying before the congregation that he did not say the words because they were true, but because he had been provoked while angry.

Gritford' – sententia] Johannes Henry de Dodyngton' citatus [est] coram venerabili patre predicto ad diem et locum supradictos ad instanciam Alicie uxoris Thome Gritford' de eadem in causa diffamacionis eo quod imposuit sibi dictum crimen. Partibus personaliter comparentibus, libellatur per partem dicte Alicie oretenus iuxta formam constitutionis Oxon' contra diffamatores edite, lite negative contestata, iuratis partibus hinc et inde de calumpnia, productis per partem actricem duobus testibus, quibus admissis, examinatis, eorum attestacionibus publicatis, factaque conclusionem, quia invenit ipsum aliqua verba dixisse que in infamiam dicte Alicie sonabant, dominus decrevit eum fore puniendum et imposuit sibi penitentiam sequentem, videlicet quod die dominica proximo tunc futura in ecclesia de Dodyngton' publice petet ab ea veniam, dicendo coram toto populo quod talia verba non dixit quia fuerunt vera sed calore iracundie et provocatus. [fol. 140r]

331. FISHER

[25 May 80 (89.41)] Fisher. Richard Fisher of Chatteris was cited before the bishop in the conventual church of Chatteris because he mistreated his wife, breaking her leg and causing her other injuries, in a case not permitted by law.

He appears personally on 9 June 1380 and admits the article. He swears to treat his wife with marital affection from now on and to acquire medical treatment to cure her, as much as this is possible. As penance, he is ordered to circle the parish church of Chatteris on three Sundays before the procession carrying a candle in the manner of a penitent. He is also ordered to pay 20s to the fabric of the [cathedral] church of Ely within the year and to circle the church, stripped to his shirt,¹ in the same manner on the feast of St Etheldreda [23 June].

Fysshe' – penitencia] Ricardus Fisher de Chateris citatus coram dicto venerabili patre in ecclesia conventuali de Chateris super eo quod ipse pessime pertractavit uxorem et enormiter fregit sibi tibiam et alias enormes lesiones sibi intulit in casu a iure non permissio comparet personaliter nono die iunii anno Domini supradicto. Fatetur dictum articulum. Unde iuratus est quod de cetero pertractabit eam maritali affectione et faciet sibi habere medicinam ad sanandum eam quatenus est possibile. Et pro penitencia dictus venerabilis pater iniunxit sibi quod circuibit ecclesiam parochialem de Chateris tribus diebus dominicis more penitencie deferendo coram processione unum cereum et quod solvet infra annum fabrice ecclesie Elien' viginti solidos et ad festum Sancte Etheldrede depositis vestibus suis circuibit ecclesiam Elien' cum processione more penitencie deferendo in manu sua unum cereum. [fol.

¹ See *Foxton* (1), n. 1.

140r]

332. STENKYN

[14 Jun 80 (90.34)] Stenkyn. Eva daughter of William Bond of Wimpole was cited before the official for 26 April 1380 at the instance of John Stenkyn of Wimpole in a marriage case.

Parties appear personally. John proposes orally that he and Eva contracted marriage, each in turn saying "I accept you as my husband" and "I accept you as my wife." He wants the marriage declared legitimate. Eva admits that they contracted in this way, but under the condition that John give to her his lands and holdings. John denies the condition, saying the contract was simple. Parties swear *de calumpnia*, *de veritate dicenda*, and *de malicia*. 4 May for John to prove the simple contract and for Eva to prove the condition.

4 May. John produces Robert Daggar of Wimpole concerning the simple contract. Eva produces three witnesses concerning the conditional contract: William Bond of Wimpole, John Bond, and Christine Bond. All are admitted and sworn. Both parties reserve the right to speak against witnesses and testimony. John requests a *missio* for necessary witnesses who do not want to come to the court; decreed with faith given. The rector of Wimpole and John Wollaston, priest, are commissioned to admit and examine as many witnesses as John wants to produce. Eva is warned of this so she can be present then. Next to transmit the testimony closed and to publish the testimony of all witnesses.

Stenkyn] Eva filia Willelmi Bonde de Wynepol citata [est] coram nobis .. officiali Elien' ad diem iovis proximo post festum Sancti Marci anno Domini supradicto ad instanciam Johannis Stenkyn de eadem in causa matrimoniali. Partibus personaliter comparentibus, proposita petitione per partem actricem oretenus, videlicet quod ipsi Johannes et Eva matrimonium adinvicem contraxerunt per ista verba "Accipio te in virum," et "Ego accipio te in uxorem," quare peccit dictus Johannes pro matrimonio legitimo inter eos pronunciari ulteriusque fieri etc. Predicta Eva fatetur quod per illa verba matrimonium adinvicem contraxerunt, non tamen simpliciter ut proponitur sed sub conditione si dictus Johannes daret eidem Eve suas^a terras et tenencia. Predictus vero Johannes dicit dictum contractum fuisse simpliciter initum nulla adiecta conditione. Iuratibus partibus hincinde de calumpnia et de veritate dicenda ac de malicia, datur dies veneris in crastino ascencionis Domini dicto Johanni ad probandum contractum pure et simpliciter initum et predictae Eve ad probandum condicionem.

Quo die adveniente partibus predictis ut prius comparentibus, productis per dictum Johannem super puro contractu uno teste, videlicet Roberto Daggar' de Wynpol, et per dictam Evam super conditione predicta tribus testibus, videlicet Willelmo Bonde de Wynpol, Johanne Bonde et Cristina Bonde de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per utramque partem de dicendo in testes alterius partis et eorum dicta quate-

^a suas] sua.

nus [contra se deponunt], petitaque missione per dictum Johannem ad testes quotquot et quos producere voluerit in partibus cum aliquos habeat ibi necesarios qui non curant accedere ad iudicium pro testimonio ferendo et decreta, facta fide que requiritur, committimus rectori de Wynepol et domino Johanni Wolaston' presbytero ad admittendum et examinandum testes quotquot et quos dictus Johannes producere voluerit coram eis iuxta articulos sibi ministratos. Vocata seu premunita parte adversa ut dicte admissioni intersit, datur dies in proximo ad transmittendum attestaciones dictorum testium clausas et ad videndum publicacionem attestacionum omnium testium in dicta causa productorum. [fol. 141r]

[23 Jul 80 (92.32)] Stenkyn. John is absent; Eva by proctor. The testimony has been sent. Next to publish it; John will be called.

Stenkyn] Parte actrice nullo modo comparente, parte rea per procuratorem, transmissis attestacionibus testium in partibus examinatorum, datur dies in proximo ad publicandum attestaciones et decernimus dictum Johannem Stenkyn partem actricem fore vocandum ad idem. [fol. 143r]

[25 Oct 80 (94.26)] Stenkyn. Next to publish the testimony; John will be called.

Stenkyn] Ad idem et vocetur dictus Johannes Stenkyn ut prius. [fol. 144v]

333. LEWIN¹

[12 Jul 80 (91.7)] Lewin. Isabel Allain of Coton was cited before the official at the instance of John son of William Lewin of Grantchester in a marriage case.

Parties appear personally. John orally proposes that he and Isabel contracted marriage in present words of mutual consent; he wants them judged husband and wife. Isabel contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. John produces witnesses: John Laurence. John Payn, Geoffrey Allain, John Grantham of Coton, and Margaret [wife] of Geoffrey Allain, who are admitted and sworn. Next to publish.

Lewene] Isabella Aleyn de Cotes citata [est] coram nobis officiali Elien' ad instanciam Johannis filii Willelmi Lewyne de Granceste' in causa matrimoniali. Partibus personaliter comparentibus, proposita petitione oretenus per partem actricem quod ipsi Johannes et Isabella matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia contraxerunt, quare peccit pro matrimonio pronunciari, ipsosque adinvicem in virum et uxorem adiudicari etc. Lite per dictam Isabellam negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda productisque per partem actricem nonnullis testibus, videlicet Johanne Laurence, Johanne Payn, Galfrido Aleyn, Johanne Grantham de Cotes ac Margareta [uxore] dicti Galfridi Aleyn, quibus admissis et in forma iuris iuratis, datur dies in proximo ad

¹ This case is noted in Donahue, *Law, Marriage, and Society*, p. 237.

publicandum et publicari videndum attestaciones. [fol. 141v]

[23 Jul 80 (92.36)]² Lewin. John proposes orally that Isabel should be judged his wife because of their contract, which has been recognized by them and acknowledged by public fame. Isabel contests the suit negatively and adds a qualification to the issue that if there were any contract, which she says there was not, it was made with the condition that her father give his consent, which he has never given. Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusione et malicia*; they repeat their claims. John produces witnesses concerning the contract: John Laurence of Grantchester, John Payn, John Grantham of Grantchester, Geoffrey Allain of Coton, and Margaret his wife, who are admitted and sworn. 27 July to publish.

27 July. The testimony is published; a copy is ordered for the parties. With the parties' consent, the case is concluded. 28 July to hear the definitive sentence.

28 July. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Since John has not proved his intention, Isabel is absolved and dismissed from his suit.

John appeals *apud acta ab iniqua*.

Lewyne] Isabella filia Galfridi Aleyn de Cotes citata [est] coram nobis .. officiali Elien' ad instanciam Johannis filii Willelmi Lewyne de Granceste' in causa matrimoniali coram nobis primarie mota. Partibus personaliter comparentibus, proposita per dictum Johannem petitione oretenus qua peciit ipsam Isabellam sibi in uxorem adjudicari pro eo quod matrimonium adinvicem per verba [de] presenti mutuum consensum eorundem exprimentia contraxerunt, quem quidem contractum in alterius et aliorum presencia fatebantur et recognoverunt et super quibus laboravit et laborat publica vox et fama, lite per dictam Isabellam negative contestata cum hac adieccione iuxta contestacionem quod si aliquem contractum inierunt quod non fatetur hoc fuit sub condicione si pater dicte Isabelle consentiret et non alio modo quodque pater dicte Isabelle nullo umquam tempore consenciit, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusione et malicia, idem dixerunt sicut prius. Productisque per dictum Johannem super dicto contractu quibusdam testibus, videlicet Johanne Laurence de Granceste', Johanne Payn, Johanne Grantham de eadem, Galfrido Aleyn de Cotes et Margareta uxore sua, quibus admissis et [fol. 143r] in forma iuris iuratis, datur dies veneris proximo post festum Sancti Jacobi apostoli loco quo supra ad publicandum.

Quibus die et loco partibus ut prius comparentibus, publicatis attestacionibus decretaque copia partibus factaque demum de consensu parcium conclusionem in causa predicta, datur dies crastinus proximo futurus loco quo supra ad audiendum sententiam in dicta causa diffinitivam.

² The case was apparently repleaded in this session, because the entry is in the form that we would expect for a first entry. The major difference between the two entries is that in this one Isabel expressly pleads that the contract was conditional on her father's consent, which was not given.

Quibus die et loco partibus predictis ut prius coram nobis .. officiali predicto comparentibus, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus dictam partem actricem intencionem suam minus sufficienter fundasse et probasse, sed in probacione eiusdem penitus defecisse, prefatam Isabellam partem ream ab impetitione et instancia ipsius Johannis partis actricis sentencialiter et diffinitive absolvimus et dimittimus in hiis scriptis.

appellacio] A qua quidem sententia tanquam ab iniqua dictus Johannes tunc ibidem appellavit apud acta. [fol. 143v]

334. *BAKER (1)*¹

[12 Jul 80 (91.8)] Baker. John Elys, chaplain of Stow cum Quy, was cited at the instance of Reginald Baker of Stow cum Quy, chaplain, in an appeal from a citation to a brief and final term, concerning uncertain articles, and other grievances caused by the archdeacon's official and at John's instigation.

Reginald by proctor; John is absent. Both expected next with hope of peace.

Baker] Dominus Johannes Elys capellanus parochialis de Stowe cum Quye citatus [est] ad instanciam domini Reginaldi Baker' de eadem capellani in causa appellacionis ad audienciam nostram interiecte occasione iniuriose citacionis ad terminum nimis brevem et peremptorium ac super incertis articulis aliisque gravaminibus per officialem dicti archidiaconi Elien' sibi illatis et factis ad procuracionem et instanciam dicti domini Johannis ut pretenditur subdolas et iniustas. Parte appellante per procuratorem suum coram nobis comparente, parte vero appellata nullo modo, expectamus usque proximum absentem cum presente ad idem sub spe pacis. [fol. 141v]

¹ The appellee here is almost certainly one not seem to be otherwise related. of the appellees in *Stow (3)*, but the cases do

335. *COUPER (2)*

[23 Jul 80 (92.34)] Couper. Margaret Clifford of St Botolph's, Cambridge, was cited at the instance of John Couper of Cambridge in a defamation case.

John appears personally; Margaret is absent. Because Margaret has refused to appear, she is found contumacious and a manifest offender. She will be called.

Couper – excommunicacio] Margareta Clifford' de Cant' Botulph' citata ad instanciam Johannis Couper de eadem in causa diffamacionis personaliter

comparentis non comparet, sed dicit se nolle comparere, ideo excommunicamus et vocetur pro offensa manifesta. [fol. 143r]

[25 Oct 80 (94.28)] Couper. The execution is ordered.

Couper] Fiat executio. [fol. 145r]

[5 Dec 80 (96.9)] Couper. Peace has been restored. The execution against Margaret, otherwise excommunicated, is ordered. She is to be called *ex officio*.

Couper] Pax est sed fiat executio contra partem ream alias excommunicatam^a et vocetur ex officio. [fol. 146r]

^a excommunicatam] *followed by redundant ex'o crossed out.*

336. UPEX

[23 Jul 80 (92.35)] Upex. John Upex, chaplain of the chantry of St Katherine in Boxworth, was cited to show his title to the chantry, if he has one, and to respond concerning its dilapidation and the consumption of its goods.

He is absent, suspended, and to be called. The receipts, profits, and goods of the chantry are sequestered; their custody and administration are committed to Thomas Baker, chaplain, John Burgoyne, and William Kingson of Boxworth. They are to account for their administration before 29 Sept. 1380.

Upex – suspensio – sequestrum] Dominus Johannes Upex capellanus cantarie Sancte Katerine in Bokesworth' citatus ostensurus titulum, si quem habeat, in dicta cantaria ac responsurus super dilapidacione et consumpcione bonorum ad dictam cantariam spectancium, non comparet, ideo ipsum suspendimus et vocetur. Et sequestramus omnes fructus, redditus, proventus et bona ad dictam cantariam spectancia et committimus custodiam et administracionem eorundem domino Thome Baker' capellano, Johanni Burgoyne et Willelmo Kyngessone de Bokesworth', ita quod computent citra festum Sancti Michaelis super et de administracione predicta. [fol. 143r]

[25 Oct 80 (94.29)] Upex. The execution is ordered.

Upex] Fiat executio. [fol. 145r]

[16 Jan 82 (111.34)] Upex. John Upex, chaplain of the chantry recently founded by William Boxworth at the altar of St Katherine of Boxworth, was cited peremptorily before John Newton, DCivL and commissary of the bishop, for 30 Jan. 1382. He is expected to show why he should not be removed from the chantry since he has consumed and alienated its profits, contrary to the court's recent sequestration [cf. 92.35]. Although John swore to reside personally according to the agreement and ordinances of the chantry, he has left the chantry deserted, taking with him goods belonging there.

Although long expected and summoned, John is absent and found contumacious. The original agreement and the ordinances are exhibited by the court and carefully inspected for the court's information. 6 Feb. is assigned to John by the court's good will.

Upex] Dominus Johannes Upex capellanus cantarie nuper fundate per Willelmum Bokesworth' ad altare beate Katerine in ecclesia de Bokesworth' ci-tatus [est] coram Johanne de Neuton' legum doctore venerabilis in Christo patris et domini domini Thome Dei gracia episcopi Elien' commissario in hac parte specialiter deputato ad diem iouis proximo post festum conversio-nis Sancti Pauli loco quo supra causam rationabilem, si quam habeat, quare a dicta cantaria ammoveri non debeat, pro eo quod ipse fructus, redditus et proventus eiusdem cantarie nuper per nos sequestratos legitime^a post et con-tra huiusmodi sequestum nostrum sibi intimatum consumpsit et alienavit, dictum sequestum nostrum temere violando, quodque licet idem dictus Jo-hannes ad personalem residenciam continuum ministerium in eadem vigore composicionis et ordinacionis eiusdem cantarie eciam iuramento interposito astringatur, prefatus tamen dominus Johannes assumptis secum et asportatis nonnullis bonis et catallis mobilibus ad ipsam cantariam spectantibus ab ea-dem cantaria ad partes remotas se temere divertebat absque animo ut creditur revertendi, sicque dictam cantariam deservit et reliquit ipsamque pro deserta et derelicta penitus dimisit, pro termino preciso et peremptorie propositu-rus et ostensurus. Dictus dominus Johannes preconizatus, diucius expectatus nullo modo comparet, ideo ipsum reputamus contumacem. Exhibita per nos originali composicione et ordinacione dicte cantarie, qua per nos publicata et diligenter inspecta ac super premissis et aliis in ea parte requisitis nos in-formavimus, et^b de benignitate nostra expectamus eum usque ad diem iouis proximo post festum Purificacionis loco quo supra ad idem quod prius. [fol. 160v]

[6 Feb 82 (112.33)] Upex. John is absent. He is expected next to show why he should not be removed.

Upex] Predicto domino Johanne nullo modo comparente, ideo ad convincen-dum ipsius maliciam expectamus eum usque proximum ad idem. [fol. 161v]

[27 Feb 82 (113.23)] Upex. John is warned to reside personally within twenty days, under penalty of deprivation. He is ordered to appear after that twenty days has passed.

Upex] Predicto domino Johanne nullo modo comparente, ideo ex habundanti et ad ipsius maliciam convincendam decernimus ipsum fore citandum et mo-nendum ad personalem residenciam infra viginti dies sub pena privacionis et ad comparendum coram nobis certo die post lapsum dictorum viginti dierum. [fol. 162r]

^a legitime] followed by sequestratos repeated. ^b et] sic. The sentence would parse better without it, but we can save it if we assume that it does not go with informavimus, which is clearly governed by qua, but with reputamus.

337. GOBAT/PERTESEN¹

[23 Jul 80 (92.38)] Gobat. Stephen Gobat of Sawston was cited before Thomas Gloucester, commissary of the official, because Stephen would not marry Juliana Bygott of Sawston, as judged by the bishop and as he had promised.

Stephen appears personally. He alleges that he cannot marry her because William atte Moor of Sawston, who is related to him within the prohibited degrees of consanguinity, has had intercourse with Juliana. He swore *de malicia* and produced William Shakedale, William atte Moor, and Joan Aylmer of Sawston, who are admitted and sworn. He requests a *missio* for some women; decreed. Next to publish the testimony.

Gobat] Stephanus Gobat de Sauston' citatus coram nobis Thoma de Glouc', reverendi viri domini .. officialis Elien' commissario, super eo quod non curat ducere in uxorem Julianam Bigod de eadem prout alias iuravit et cui fuerat adiudicatum per venerabilem patrem et dominum dominum Thomam Dei gracia episcopum Elien' comparet personaliter. Allegat quod ipsam non potest habere in uxorem pro eo quod quidam Willelmus Attemor de Sauston' ipsum Stephanum attingens in gradu consanguinitatis prohibito ipsam Julianam carnaliter precognovit, iurato per partem de malicia, productis per dictum Stephanum Willelmo Shakedale, Willelmo Attemor predicto et Johanna Aylmer de Sauston', quibus admissis et in forma iuris iuratis petitaque missione ad quasdam mulieres in partibus et decreto, datur dies in proximo ad publicandum. [fol. 143v]

[25 Oct 80 (94.30)] Gobat. The testimony is published; a copy is ordered for the parties. The case is concluded. Next to hear the definitive sentence.

Gobat] Partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus factaque conclusionem in causa, datur dies in proximo ad audiendum sententiam. [fol. 145r]

[14 Mar 81 (100.14)] Pertesen. Juliana Bygott of Sawston was cited at the instance of Stephen Pertesen of Pampisford in a marriage case.

Parties appear personally. Stephen proposes orally that he and Juliana contracted marriage in present words of mutual consent; he wants them judged husband and wife. Juliana contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Stephen produces three witnesses: John Kentish of Sawston, John Mabb of Pampisford, and William Cumpton of Pampisford, who are admitted and sworn. Following their examination, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Pertesen] Juliana Bygot de Sauston' citata [est] ad instanciam Stephani Pertesen de Pampesworth' in causa matrimoniali. Partibus personaliter comparentibus, dicta pars actrix proposuit oretenus quod ipse et prefata Juliana matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum exprimencia, unde peciit ipsum sibi in virum legitimum ipsamque sibi in

¹ The tangled story of this case is told in 4, 575, T&C nos. 433, 1198. Donahue, *Law, Marriage, and Society*, 252–

uxorem legitimam adiudicari. Lite per dictam Julianam negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda productisque per dictam partem actricem tribus testibus, videlicet Johanne Kentyssg' de Sauston', Johanne Mabe de Pamp' et Willelmo Cumpton' de eadem, quibus admissis et in forma iuris iuratis, examinatis, eorum attestacionibus publicatis decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 148r]

[5 Apr 81 (101.14)] Pertesen. Nothing is proposed against the witnesses or their testimony, but Stephen Gobat and Juliana propose that they were judged free to marry by the consistory. It was, they say, previously found that no impediment existed between them after they had proved that William atte Moor, who had had intercourse with Julia, was not related within the prohibited degrees of consanguinity to Gobat. Gobat and Julia's contract of marriage was begun prior to any contract between Pertesen and Julia. They swear *de collusione* and *de malicia* and produce two witnesses: William Webbe of Sawston and Lucia his wife, who are admitted and sworn. Next to propose and the first term to produce.

Pertesen] Partibus personaliter comparentibus, nullo dicto seu proposito contra testes seu eorum dicta sed dato termino partibus predictis ad proponendum omnia in facto consistencia, predicti Stephanus Gobat et Juliana Bygot proponunt quod cum alias propositum fuerat coram nobis et probatum quod quidam Willelmus atte Moor, qui ipsam Julianem ante omnem contractum inter ipsam et prefatum Stephanum Gobat initum carnaliter precognovit, predictum Stephanum Gobat non attingit in quarto gradu ut proponitur sed distant se abinvicem ultra quartum gradum, adeo quod matrimonium inter ipsos Stephanum Gobat et Julianam Bigot initum ante contractum inter prefatos Stephanum Pertesen et eandem Julianam suum debitum sortiri debeat effectum. Iuratisque dictis Stephano^a Gobat et Juliana de collusionione et de malicia productisque super dicta proposicione duobus testibus, videlicet Willelmo Webbe et Lucia uxore sua de Sauston', quibus admissis et in forma iuris iuratis, datur dies in proximo ad ponendum et primo producendum. [fol. 149r]

[2 May 81 (102.14)] Pertesen. Pertesen by proctor; Gobat and Juliana are absent, suspended, and called to all acts. Next a futher term to produce concerning the proposition, if it is clear;² otherwise to publish testimony.

Pertesen] Predicto Stephano Pertesen per procuratorem suum comparente, predictis Stephano Gobat et Juliana nullo modo, ideo suspendimus ipsos et vocentur ad omnes actus consecutivos in dicta causa et ad ulterius producendum super dicta proposicione si^b liqueat [?blank], alioquin ad publicandum. [fol. 149v]

^a Stephano] followed by Byg' crossed out.

² Just what should be clear is not clear. further proof is required." Perhaps the sense is "if it should be clear that

[24 May 81 (103.14)] Pertesen. Parties personally. Juliana produces witnesses for the exception: Christine Willmet, Joan Mabb, Agnes atte Meadow, and John Cutler of Sawston, who are admitted and sworn. They are examined. Next to publish the testimony. Expected at all acts including the sentence, Gobat and Juliana are absolved of the suspension and ordered beaten round the church three times as penance for their contumacy. They admit that they had John Elys, priest, solemnize their marriage in Westley Waterless church on 9 May without their curate's license. Present then were John Gobat of Sawston, William Webbe of Sawston, and Dulcia his wife. According to their confessions, they are subject to major excommunication based on John Stratford's provincial constitution *Humana concupiscencia*.³

Perteson] Partibus personaliter comparentibus, productis per dictam Julianam super dicta excepcione quibusdam aliis testibus, videlicet Cristina Wylmot, Johanna Mabb, Agnete Attemedewe et Johanne Coteler de Sauston', quibus admissis et in forma iuris iuratis et examinatis, datur dies in proximo ad publicandum attestaciones et prefigimus eisdem Stephano et Juliane terminum ad omnes actus iudiciales consecutivos in dicta causa usque ad sentenciam inclusive. Et quia dicti Stephanus et Juliana alias fuerunt suspensi ab ingressu ecclesie pro sua contumacia, absoluti sunt in forma iuris et pro contumacia fustigentur ter circa ecclesiam more penitencie. Et fatentur quod fecerunt matrimonium inter eos solempnizari in ecclesia de Westle per dominum Johannem Elys presbyterum die iovis proximo post festum invencionis sancte Crucis, presentibus Johanne Gobat de Sauston', Willelmo Webbe de eadem et Dulcia uxore sua, licencia curati non optenta. Unde nos officialis Elien' vos Stephanum Gobat et Julianam iuxta confessiones vestras coram nobis iudicialiter emissas in sentenciam maioris excommunicationis in constitutione bone memorie domini Johannis de Stratteford' nuper Cant' archiepiscopi que incipit *Humana [concupiscencia]* in hac parte latam occasione premissa incidisse pronunciamus et declaramus in hiis scriptis. [fol. 150v]

[10 Oct 81 (106.14)] Pertesen. Parties are absent and found contumacious, since they have been called to all acts. As penalty, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Pertesen] Partibus predictis nullo modo comparentibus, ideo ipsas partes habentes diem ad omnes actus ex prefixione reputamus contumaces et in pena contumacie publicamus attestaciones et decernimus copiam partibus. Datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 153r]

[30 Oct 81 (107.14)] Pertesen. Next to hear the definitive sentence.

Pertesen] Ad idem, videlicet ad audiendum sentenciam in hac parte diffinitivam in proximo. [fol. 154r]

[12 Nov 81 (108.12)] Pertesen. A marriage case had been brought before the court between Juliana Bygott and Stephen Gobat. Juliana wanted her marriage to Gobat legitimated, but he claimed an impediment of affinity obstructed the marriage, to wit, that prior to any contract

^b si] *interlined*.

³ See Citations to Canon Law, *Humana*.

with him, Juliana and William atte Moor had had intercourse and that William and Gobat were related within a prohibited degree of consanguinity.

While this case was still undecided, Stephen Pertesen brought a suit in which he claimed he and Juliana had contracted marriage in present words, and he wanted her judged his wife. Juliana contested this suit negatively; parties swore *de calumpnia* and *de veritate dicenda*. Pertesen produced witnesses for his claim.

While these cases were still undecided, Gobat and Juliana solemnized their marriage, going outside Sawston and Pampisford. They were called to proceed with the cases. Juliana asked that Gobat be judged her husband. She brought a replication against the affinity claim and produced witnesses for the replication, who were admitted and sworn. Juliana said the men were related beyond the fourth degree.

The parties were assigned this day to hear the definitive sentence. They are absent and found contumacious. The court proceeds as their penalty. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Gobat has proved that William is related to him within the fourth degree of consanguinity and had had intercourse with Juliana prior to the marriage between Juliana and Gobat, that marriage, solemnized contrary to holy constitutions, is annulled and they are separated. Pertesen and Juliana are judged husband and wife.

Pertesen] In Dei nomine amen. Cum nuper in quadam causa matrimoniali que in consistorio Elien' vertebatur et adhuc vertitur inter Julianam Bigot de Sauston' partem actricem ex parte una et Stephanum Gobat de eadem partem ream ex altera, contra contractum matrimonialem inter prefatos Stephanum et Julianam initum et coram nobis per eosdem iudicialiter confessatum, quedam excepccio peremptoria per partem dicti Stephani fuisset proposita et per nos admissa, videlicet quod ante omnem contractum inter eosdem Stephanum et Julianam initum seu factum et carnalem copulam inter eosdem, quidam Willelmus atte Moor de Sauston' predictum Stephanum Gobat in gradu consanguinitatis prohibito attingens, eandem Julianam carnaliter precognovit; quare peciit idem Stephanus dictum matrimonium inter eosdem Stephanum et Julianam de facto contractum non posse subsistere pronunciari et declarari.

Cumque postmodo dicta causa adhuc pendente in dicto consistorio nostro coram nobis indecisa, quidam Stephanus Pertesen de Pampesworth' predictam Julianam super contractu matrimoniali inter eos ut dicebatur inito coram nobis traxisset in causam, pretendens et asserens se invicem matrimonium per verba de presenti contraxisse, peciit ipsam Julianam sibi in uxorem legitimam ipsumque Stephanum Pertesen eidem Juliane in virum legitimum adiudicari etc. Lite per dictam Julianam ad dictam petitionem negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda productisque per dictum Stephanum Pertesen nonnullis testibus, quibus admissis et in forma iuris iuratis, examinatis et eorum attestacionibus in scriptis redactis et publicatis; predicti Stephanus Gobat et Juliana ad loca remota extra paro-

chias de Sauston' et Pamp' se divertentes, matrimonium inter se de facto contractum in facie ecclesie procurarunt et fecerunt solempnizari dictis causis pendentibus ut premittitur indecisis, quinpocius prophanari.

Verum cum nos prefatos Stephanum Gobat et Julianam super illicita et prohibita matrimonii solempnizazione [excommunicatos declaravissemus] ac dictos Stephanum Pertesen, Stephanum Gobat et Julianam ad procedendum et procedi videndum in dictis causis fecissemus coram nobis ad iudicium evocari, predicta Juliana contra excepcionem per dictum Stephanum Gobat propositam, videlicet de consanguinitate inter Willelmum Attemoor et eundem Stephanum Gobat, de qua superius fit mencio, repplicando proposuit quod dicti Willelmus et Stephanus non in quarto gradu consanguinitatis prout proponitur, se attingunt sed ultra quartum eciam in gradu remociori adinvicem se distant, adeo quod dictum matrimonium suum debitum faceri debeat et poterit effectum. Quare peccat dicta Juliana dictum contractum inter eos initum et solempnizatum subsistere posse, debere ac valere et tenere pronuciari et declarari dicta excepcione non obstante. Productisque per dictam Julianam super dicta repplicatione nonnullis testibus, quibus admissis, iuratis et examinatis eorumque attestacionibus in scriptis redactis et publicatis et demum in causis predictis per nos concluso, iuris ordine et processu legitimo in ea parte requisitis in omnibus observatis concurrentibusque omnibus que in hac parte requiruntur, datus fuit iste dies partibus predictus ad audiendum sentenciam in dictis causis diffinitivam.

Quo die adveniente loco quo supra partibus predictis nullo modo comparentibus, ideo ipsos Stephanum Gobat, Stephanum Pertesen et Julianam reputamus et pronunciamus contumaces et in pena contumacie eorum ad sentenciam diffinitivam in hac parte ferendam procedimus in hunc modum:

In Dei nomini amen. Auditis et intellectis meritis causarum predictarum rimatoque per nos .. officialem Elien' et investigato toto processu in dictis causis habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, habentes pre oculis solum Deum; quia invenimus dictum^c Stephanum Gobat consanguinitatem inter prefatos Willelmum atte Moor et ipsum Stephanum et carnalem cognicionem inter eosdem Willelmum et Julianam ante contractum matrimonialem inter predictos Stephanum Gobat et Julianam initum, dictum Stephanum Pertesen contractum matrimonialem inter ipsos initum et habitum plene et sufficienter fundasse et probasse; dictamque solempnizacionem matrimonii^d inter eosdem Stephanum Gobat et Julianam contra constituciones sanctorum patrum in ea parte editas et in casu iure prohibito postea temere attemptatam [esse]; invenimusque predictam Julianam repplicacio-

^c dictum] dictos.

nem predictam de ulteriori gradu per ipsam propositam in nullo probasse sed in probacione eiusdem penitus defecisse, ideo matrimonium inter prefatos Stephanum Gobat et Julianam de facto contractum et solempnizacionem eiusdem quatenus de facto processerunt non tenere nec subsistere posse de iure pronunciamus et declaramus ipsumque contractum et solempnizacionem cassamus, irritamus et annullamus, cassa, irrita et nulla pronunciamus et declaramus ipsosque abinvicem separamus et divorciamus ipsumque Stephanum Pertesen eidem Juliane in virum legitimum ac eandem Julianam eidem Stephano Pertesen in uxorem legitimam per hanc nostram diffinitivam sententiam adiudicamus in hiis scriptis. [fol. 155v]

[28 Nov 81 (109.21)] Pertesen. Stephen Pertesen appears personally and says he is prepared to obey the court's judgment. The others are absent and excommunicated.

P'tesen] Stephanus Pertesen de Pamp' comparet personaliter; dicit quod est paratus parere rei iudicate nec per eum stabit [?quominus pareatur]. Alii non comparent, ideo excommunicantur. [fol. 158r]

[12 Dec 81 (110.19)] Gobat. The execution against Stephen Gobat and Juliana Bygott is ordered; they are denounced as excommunicates.

Gobat] Fiat executio contra Stephanum Gobat et Julianam Bigot de Sauston' denunciatos excommunicatos.^e [fol. 159r]

[16 Jan 82 (111.17)] Gobat. The execution of the sentence is ordered.

Gobat] Fiat executio. [fol. 160r]

[6 Feb 82 (112.15)] Gobat. The court of Canterbury inhibits the consistory.

Gobat] Inhibitum est per curiam Cantuar'. [fol. 160v]

^d matrimonii] matrimonio. ^e denunciatos excommunicatos] denūc' excom^{ti}.

338. SPALDING (1)

[23 Jul 80 (92.39)] Spalding. John Swetery of Barrington was cited at the instance of John Spalding, Simon Woolfrey, and William Brown junior of Barrington in a defamation case.

John, Simon, and William appear personally; John is absent, suspended, and called for 24 Sept. 1380.

Spalding'] Johannes Swetery de Barnton', citatus ad instanciam Johannis Spalding' de eadem, Simonis Walfrey et Willelmi Bron' de eadem iunioris in causa diffamacionis personaliter comparencium, non comparet. Ideo suspendimus et vocetur ad diem lune proximo post festum Sancti Mathei apostoli et evangeliste. [fol. 143v]

[4 Oct 80 (93.15)] Spalding. John is excommunicated and called.

Spalding'] Parte actrice ut prius comparente, parte rea nullo modo, ideo ip-

sam excommunicamus et vocetur. [fol. 144r]

[25 Oct 80 (94.31)] Spalding. Peace has been restored. John is to be called *ex officio*.

Spalding'] Pax est, ideo vocetur pars rea ex officio. [fol. 145r]

339. BRADENHAM

[4 Oct 80 (93.12)] Bradenham. John son of Thomas Bette of Swavesey was cited at the instance of Margery Bradenham of Swavesey in a marriage case.

Parties appear personally. Margery proposes orally that they contracted marriage in present words of mutual consent; she wants them judged married. John admits that they contracted but under the condition that Hugh Bradenham, Margery's brother, give to them a marriage-portion of half a piece of land which he has at Swavesey, or 100s. The condition was never fulfilled, nor removed, and so John claims they should not be judged married. Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusione et malicia*. 10 Oct. to prove.

10 Oct. Margery produced three witnesses: Joan Bradenham, William Fairchild, and John Rayner of Swavesey. John produces three witnesses concerning the exception: Thomas Bette, Margery Porter, and Hugh Bradenham of Swavesey, who are admitted and sworn. Next to publish the testimony.

Bradenham] Johannes filius Thome Bette de Swaveseye citatus [est] ad instanciam Margerie Bradenham de eadem in causa matrimoniali. Partibus personaliter comparentibus, dicta Margeria proposuit oretenus quod prefatus Johannes et ipsa matrimonium adinvicem per verba de presenti mutuum consensum eorum exprimencia fide hincinde data in manu media contraxerunt; quare peciit pro matrimonio inter eos adiudicari etc. Predictus Johannes dicit quod contraxerunt matrimonium fide hincinde prestita in manu media non tamen simpliciter ut proponitur neque pure sed sub ista condicione si Hugo Bradenham, frater ipsius Margerie, daret eis in maritagio medietatem unius placee quam inhabitat in Swaves' vel centum solidos, quam condicionem non curat adimplere nec a dicta condicione aliquialiter est recessum. Unde non est adiudicandum pro matrimonio inter eos quod peciit idem Johannes. Iuratis hincinde partibus predictis de calumpnia et de veritate dicenda ac de collusione et malicia, datur dies mercurii proximo futurus ad probandum hincinde.

Quo die partibus ut prius comparentibus, productis per dictam Margeriam tribus testibus, videlicet Johanna Bradenham, Willelmo Fayrchild' et Johanne Reyn' de Swaves', productis eciam per dictum Johannem super excepctione predicta tribus testibus, videlicet Thoma Bette, Margeria Port' et Hugone Bradenham de eadem, quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum attestaciones. [fol. 144r]

[25 Oct 80 (94.34)] Bradenham. The testimony is published; a copy is ordered for the parties. Next to propose everything concerning the matter; otherwise, to conclude the case.

Bradenham] Partibus personaliter comparentibus, publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad proponendum omnia in facto consistencia, alioquin ad concludendum in causa. [fol. 145r]

[15 Nov 80 (95.2)] Bradenham. Nothing is proposed; the case is concluded. 19 Nov. to hear the definitive sentence.

19 Nov. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because John has proved the condition for marriage, he is absolved and dismissed from Margery's suit.

Bradenham] Partibus ut prius comparentibus, nichil dicto seu proposito sed in dicta causa concluso, datur dies lune proximo futurus ad audiendum sententiam in dicta causa diffinitivam.

Quo die adveniente partibus personaliter comparentibus, auditis et intellectis meritis cause matrimonialis que in consistorio Elien' coram nobis officiali Elien' primarie vertitur inter Margeriam Bradenham de Swaveseye partem actricem ex parte una et Johannem filium Thome Bette de eadem partem ream ex altera, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen. Quia invenimus condicionem per dictum Johannem deductam sufficienter fuisse et esse probatam ac dictam Margeriam matrimonium inter ipsos Margeriam et Johannem pure et simpliciter initum minus sufficienter fundasse et probasse sed in probacione eiusdem defecisse, ideo ipsum Johannem ab impetitione et instancia dicte Margerie sentencialiter et diffinitive absolvimus et dimittimus in hiis scriptis. [fol. 145v]

340. *FERRER*

[4 Oct 80 (93.13)] Ferrer. John Stybold of Melbourn and Margaret wife of William Stybold of Melbourn were cited at the instance of Agnes wife of William Ferrer in a defamation case.

Agnes appears personally; John and Margaret by Mr Richard Pitts. A written libel is requested; decreed. Next to receive it in writing.

Fero'] Johannes Stybold' de Meldebourn' et Margareta uxor Willelmi Stybold' de eadem citati [sunt] ad instanciam Agnetis uxoris Willelmi Fero' in causa diffamacionis. Parte actrice personaliter comparente, parte rea per magistrum Ricardum Pyttes, procuratorem suum, petito libello in scriptis et^a decreto, datur dies in proximo ad recipiendum in scriptis. [fol. 144r]

[25 Oct 80 (94.37)] Ferrer. The written libel is received. Next to respond.

Fero'] Partibus ut prius comparentibus, oblato libello in scriptis et optento, datur dies in proximo ad respondendum eidem. [fol. 145r]

[5 Dec 80 (96.8)] Ferrer. Agnes by Peter Caprik, proctor; John and Margaret are absent, suspended from entering church, and cited. Next to proceed according to past acts.

Fero'] Parte actrice per Petrum Caprik', clericum, procuratorem suum [comparente,] parte rea nullo modo, ideo ipsam partem ream suspendimus ab ingressu ecclesie et citetur ad proximum ad procedendum iuxta retroacta. [fol. 146r]

[10 Jan 81 (97.10)] Ferrer. Parties by proctors. John and Margaret contest the suit negatively. Next to swear *de calumpnia*, to propose, and the first term to produce.

Fero'] Partibus ut prius comparentibus, lite per partem ream negative contestata, datur dies in proximo ad iurandum de calumpnia et ponendum et primo producendum. [fol. 146v]

[31 Jan 81 (98.10)] Ferrer. Peace has been restored. John and Margaret are called *ex officio*.

Fero' – pax] Pax est inter partes, ideo vocetur pars rea ex officio. [fol. 147r]

^a et] optento *crossed out*.

341. BARTON (3)

The suspicion that this case is related to *Barton (1)* is strong.¹ That case was, however, four years previously and was quickly settled. In this case, the parishioners of Barton are involved as well as the vicar (Adekyn and Canon may be the churchwardens) and the matter is sufficiently complicated that the parties ultimately agree that the official and Mr John Potton will arbitrate it. For some reason, Foxton did not record the beginning of the appeal, so we do not know from whom the appeal was taken or on what ground.

[25 Oct 80 (94.35)] Barton. John Hart of Barton was cited to prosecute his appeal brought against John Adkin and Robert Canon, under penalty of final remission.

John appears by John Wiltshire, proctor by letter; John and Robert personally. A written libel of appeal is received. Next to respond to it.

Barton'] Johannes Hert de Berton' citatus [est] ad prosequendum causam appellacionis sue ad audienciam nostram interiecte contra Johannem Adekyn et Robertum Canon' sub pena finalis remissionis. Parte appellante per Johannem Wiltesshir', clericum, procuratorem suum litorie constitutum [comparente,] parte appellata personaliter, oblato per partem appellantem quodam libello appellatorio in scriptis et a parte appellata optento, datur dies in proximo ad respondendum eidem. [fol. 145r]

[15 Nov 80 (95.3)] Barton. Adkin and Robert contest the suit negatively; parties swear *de*

¹ For other cases involving John Hart, see *Hart/Hammond*, n. 1.

calumpnia and *de veritate dicenda*. Next to propose and the first term to produce.

Berton'] Partibus ut prius comparentibus, lite negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 145v]

[15 Nov 80 (95.5)] Barton. The vicar of Barton was called to respond personally concerning contempt. John Hart proposes in an article that the vicar denounced John after he had appealed. They are expected next when the libel will be given in writing. John requests absolution from the excommunication, offering surety. The vicar orally excepts to the offense; a term is given to prove the exception and 16 Nov. is assigned to propose it in writing.

Afterwards John Hart, the proctor of the vicar, and the parishioners of Barton compromise before the official and Mr John Potton. John Hart swears to uphold their arbitration, when completed. He is absolved from the excommunication.

Berton'] Decernimus vicarium de Berton' fore vocandum ad personaliter respondendum super contemptu deducto in quodam articulo^a per Johannem Hert contra eum proposito. Quantum vero ad causam inter dictos Johannem Hert et vicarium occasione iniuriose denunciacionis post et contra appellacionem suam expectamus usque proximum ad tradendum libellum in scriptis. Et prefatus Johannes peciit^b se absolvi ad cautelam a dicta sententia excommunicationis; pars dicti [vicarii] excipit oretenus de manifesta offensa; datur terminus iuris parti excipienti ad probandum et dies crastinus ad proponendum dictam excepcionem in scriptis.

Postmodo vero dictus Johannes Hert et procurator vicarii et parochianorum de Berton quoad debitum ecclesie compromiserunt in .. officialem Elien' et magistrum Johannem de Potton' et iuravit dictus Johannes Hert de stando eorum arbitrio, quo facto, idem Johannes absolutus est ad cautelam a dicta sententia excommunicationis. [fol. 145v]

[5 Dec 80 (96.3)] Barton. Since the vicar has not yet been cited for contempt, he will be cited.

Berton'] Quo ad contemptum vicarii citetur quia adhuc non est citatus. [fol. 146r]

[5 Dec 80 (96.4)] Barton. Since a compromise is pending, the case is expected next.

Berton] Expectetur pendente compromisso. [fol. 146r]

[10 Jan 81 (97.4)] Barton. As 96.3.

Berton'] Quia vicarius adhuc non est citatus super contemptu, ideo citetur ad proximum. [fol. 146v]

[10 Jan 81 (97.5)] Barton. As 96.4.

Berton'] Quia ad causam appellacionis compromissum est, ideo expectetur pendente compromisso. [fol. 146v]

^a in quodam articulo] *repeated*. ^b peciit] *sic*. We would expect the present, granted the tenses of the other verbs in the entry, but Foxton frequently uses the past tense with this verb.

[31 Jan 81 (98.4)] Barton. As 96.3.

Berton'] Quia vicarius adhuc non est citatus super contemptu, ideo citetur ad proximum. [fol. 147r]

[31 Jan 81 (98.5)] Barton. As 96.4.

Berton'] Quo ad causam appellacionis compromissum est, ideo pendeat. [fol. 147r]

342. LITTLEPORT (2)

[25 Oct 80 (94.36)] Littleport. William Milner of Littleport was cited at the instance of Walter vicar of Littleport in a case of tithes.

Walter appears by proctor; William personally. Sworn *de veritate dicenda*, William admits that he is employed as a sailor. He does not know how much he has been paid for this, but he has paid no tithes. He is a parishioner of Littleport. 26 Oct. for William to estimate his annual income for navigating.

26 Oct. William is absent and found contumacious.

Littelport] Willelmus Milner' de Lyttelport citatus [est] ad instanciam domini Walteri vicarii eiusdem super detencione decimarum artificii sui. Parte actrice per procuratorem suum, parte rea personaliter, dictus Willelmus iuratus de veritate dicenda, fatetur quod est nauta et utitur artificio navigandi per aquas et quod percipit pro navigatione, nescit tamen quantum et quod nichil solvit inde pro decima et quod est parochianus de Lyttelport. Unde habet diem crastinum loco quo supra ad respondendum quantum percipit annuatim pro huiusmodi navigatione secundum estimacionem.

Quo die dictus Willelmus non comparet, ideo ipsum reputamus contumacem. [fol. 145r]

[15 Nov 80 (95.4)] Littleport. William is called to receive penance for contumacy.

Lyttelport] Vocetur pars rea receptura penitenciam pro contumacia. [fol. 145v]

343. KINGSTON/GISSING

This is the most complicated of the cases involving the strained relations of the rector of Kingston with his parishioners.¹ Ultimately, the patron of the church intervenes on the side of the parishioners, in an action to which Foxton gave the name 'Gissing'. For a while it looks as if the case is going to go to arbitration, but in the final entry in the register, the formal litigation seems to be being revived.

[25 Oct 80 (94.38)] Kingston. Thomas Smyth of Haslingfield² and John Bourn of Comberton

¹ See *Kingston (1)*, n. 1.

tithes case, *Sawston (3)*.

² Thomas is also the defendant in another

were cited for 2 Nov. 1380 to show why they should not be excommunicated and punished as manifest offenders. They have refused to pay tithes for wood they cut within the parish of Kingston, although they were warned by the court to pay under penalty of major excommunication.

The rector of Kingston appears by proctor; Thomas and John are absent. They are expected 15 Nov.

15 Nov. Thomas and John are found contumacious; as penalty, the court precludes the final term to propose and orders them denounced.

Kyngeston'] Thomas Smyth' de Haselingfeld' et Johannes Brunne de Cumberton' [sunt] citati ad diem veneris proximo post festum Omnium Sanctorum causam rationabilem quare excommunicati nominatim et in specie non debeant pronunciari pro sua offensa manifesta^a et ulterius contra ipsos canonice procedi non debeat, pro eo quod ipsi iustas et veras decimas de silvis ceduis infra parochiam de Kyngeston' per ipsos excisos etc. solvere non curarunt licet auctoritate nostra sufficienter moniti existant sub pena excommunicationis maioris sentencie late exnunc ut extunc, proposituri et ostensuri etc. Dicto rectore ecclesie de Kyngeston' per procuratorem suum comparente, predictis Thoma et Johanne nullo modo, ideo continuamus absentem cum presente expectando usque ad diem iovis proximo post festum Sancti Martini ad idem.

Quo die predicto rectore ut prius comparente, predictis Thoma et Johanne nullo modo, ideo ipsos reputamus contumaces et in pena contumacie sue terminum ulterius quicquam proponendum in hac parte precludimus per decretum et decernimus ipsos fore denunciandos. [fol. 145r]

[5 Dec 80 (96.10)] Kingston. Thomas Smyth of Haslingfield and John Bourn of Comberton, excommunicated at the request of the rector of Kingston because they refused to pay tithes as ordered by the court, were denounced and cited to propose why they should not be inhibited from communion (*communio*, i.e., normal social intercourse) with the faithful.

The rector by proctor; Thomas and John by Peter Caprik, proctor by letter. Caprik claims they were absolved from the excommunication. 12 Dec. to prove their absolution and to show why they should not be restricted.

12 Dec. Thomas and John bring no proof of the absolution and propose nothing against the inhibition. They are inhibited from taking communion. They will be denounced so others will not take communion with them, except in cases permitted by law.

Kyngeston] Thomas Smyth' de Haselingfeld' et Johannes Brunne de Cumberton', alias excommunicati ad instanciam rectoris ecclesie de Kyngeston' pro suis manifestis contumaciis et offensis in non parendo iussis et monicionibus^b legitimis auctoritate nostra sibi canonice factis pro decimis silve cedue dicto rectori solvendis, et denunciati ac citati [sunt] ad istos diem et locum causam rationabilem, si quam habeant, quare eisdem excommunicatis communio fidelium non debeat inhiberi proposituri et ostensuri prout per^c

^a pro sua offensa manifesta] *interlined*. ^b monicionibus] *followed by* nostris *crossed out*.
^c per] *interlined*.

certificatorium inde factum nobis liquet. Dicto rectore ut prius comparente, predictis Thoma et Johanne per Petrum Caprik', clericum, procuratorem suum literatorie constitutum, qui allegat quod sunt absoluti a dicta sententia. Unde habunt diem mercurii proximo post festum conceptionis Beate Marie ad probandum dictam absolucionem alioquin, ad proponendum et ostendum causam ut supra.

Quo die parte rectoris ut prius comparente, nullis probacionibus ministratis super dicta absolucione nichilque proposito quare communio fidelium non debeat inhiberi, ideo inhibemus eis communione fidelium et decernimus eos fore denunciandos, inhibendos fore ne cum eis communicent casibus a iure permissis dumtaxat excommunicatis. [fol. 146r]

[10 Jan 81 (97.14)] Kingston. Thomas and John have been denounced and inhibited from communion with the faithful. They will be cited to propose why their capture by the royal majesty should not be requested since they have remained obdurate in their excommunication for more than forty days.

Kyngeston'] Facta denunciacione et inhibita communione, citentur proposituri causam quare non debeat scribi regie magestati pro eorum capcione cum dictam sentenciam per quadraginta dies et amplius sustinuerunt animo indurato. [fol. 146v]

[31 Jan 81 (98.13)] Kingston. Thomas and John, cited to propose why their capture by royal majesty should not be requested, are absent and found contumacious. As penalty their capture will be requested.

Kyngeston'] Dictis Thoma et Johanne citatis proposituris causam quare non debeat scribi regie magestati pro eorum capcione non comparentibus, ideo eos reputamus contumaces et in pena contumacie decernimus fore scribendum regie magestati. [fol. 147r]

[14 Mar 81 (100.20)] Kingston. 29 March before the official, Thomas and John by proctor. They have been excommunicated at the instance of the rector of Kingston and incarcerated in Cambridge castle by royal command, following the signification of the bishop. Thomas and John ask through their proctor to be absolved from the sentence given for not paying tithes since, according to the compromise [100.19], they are not required to pay tithes and the sentence was given in error. They are absolved after they have sworn to pay costs. If the agreement does not preclude the rector from seeking tithes or the agreement is not proved, they will be subject to the same sentence *ipso facto*.

Kyngeston'] Eodem die comparentes coram nobis officiali Elien' predicti Thomas Smyth' et Johannes Bru'ne, alias excommunicati ad instanciam dicti rectoris in causa predicta et tanquam excommunicati per breve regium in castro Cantebr' ad significacionem venerabilis patris domini episcopi Elien' incarcerati, per procuratorem suum pecierunt se absolvi a dicta sententia in eos lata pro eorum manifesta offensa in non solvendo pro dictis decimis, presertim cum ex huiusmodi composicione liquere poterit ut speratur ipsos

ad huiusmodi decimarum solucionem non teneri sicque dicta sententia per errorem lata fuerat. Unde ipsos Thomam et Johannem in persona procuratoris sui prestito primitus per dictum procuratorem iuramento de solvendo parti expensas si et quatenus debentur de iure absolvimus, ita quod si dicta compositio non excludat dictum rectorem a petitione dictarum decimarum vel non probetur, in eandem sententiam reincidant ipso facto. [fol. 148v]

[14 Mar 81 (100.19)] Gissing. 29 March 1381 Thomas Gissing, knight and patron of Kingston church, as he asserts, appears personally before the official and asks to be admitted to defend the case of tithes moved in the consistory by John Podington, rector of Kingston, against Thomas Smyth of Haslingfield and John Bourn of Comberton. Gissing proposes orally *per suo interesse* that between the patrons of the church and its past rectors there has been and still is an agreement observed concerning tithes of coppice wood from Kingston. That agreement obstructs rectors of the church from requesting tithes from such wood. Next to propose this in writing.

Gissing appoints Peter Caprik his proctor *apud acta*.

Gissing] Die mercurii proximo post festum Annunciationis dominice anno Domini millesimo trecentesimo septuagesimo nono comparens personaliter coram nobis .. officiali Elien' dictus Thomas Gissing miles patronus ut asseruit ecclesie de Kyngeston' petiit se admitti ad defensionem cause decimarum silve cedue que in consistorio Elien' movetur inter dominum Johannem Podyngton', rectorem ecclesie de Kyngeston', ex parte una et Thomam Smyth' de Haselingfeld' et Johannem Brunne de Cumb'ton' ex parte altera. Proponiturque per dictum dominum Thomam per suo interesse oretenus quod inter ipsius ecclesie patrones et eiusdem ecclesie rectores qui pro tempore fuerant certa fuit et est compositio de modo decimandi silvam ceduam domini de Kyngeston' de qua nunc agitur que hucusque fuerat observata, adeo quod dicte ecclesie rectores aliquam decimam de dictis silvis ceduis petere non possunt obstante dicta compositio. Unde datur dies in proximo dicte parti proponenti ad proponendum in scriptis. Et dictus dominus Thomas constituit Petrum Caprik', clericum, procuratorem suum apud acta sub modo et forma ac cum clausulis necessariis et consuetis. [fol. 148v]

[2 May 81 (102.17)] Gissing. Parties by proctors. Thomas proposes a written article concerning his interest; admitted. Next to prove. He also proposes in writing the proposition excluding the petition of such tithes. Next to act on this.

Gissing] Partibus per procuratores suos comparentibus, proposito per partem dicti domini Thome quodam articulo super interesse in scriptis, quo admissio eatenus quatenus, datur dies in proximo ad probandum, proposita etiam per partem dicti domini Thome quadam propositione in scriptis exclusoria a petitione dictarum decimarum, datur dies in proximo ad faciendum super eadem. [fol. 149v]

[24 May 81 (103.17)] Gissing. Thomas produces two witnesses concerning his interest: Thom-

as Caldecote and William Grigg of Kingston, who are admitted and sworn. The adverse party reserves the right to speak against witnesses and testimony. Next to produce more witnesses. Afterwards with the parties' consent and faith given concerning the interest, the court simply admits the article. The parishioners orally propose dilatory exceptions against the rector's petition. Next to propose all dilatory exceptions in writing.

Gissinge] Partibus ut prius comparentibus, productis per dictum dominum Thomam Gissinge super articulo predicto de interesse duobus testibus, videlicet Thoma Caldecote et Willelmo Grigge de Kyngeston', quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo in testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad producendum plures si voluerint. Postea de consensu parcium facta fide de interesse, articulum super interesse propositum simpliciter admittimus. Propositis per partem dictorum parochianorum contra petitionem dicti rectoris quibusdam excepcionibus dilatoriis oretenus, datur dies in proximo ad proponendum omnes dilatorias in scriptis. [fol. 151r]

[10 Oct 81 (106.17)] Gissing. The rector proposes some exceptions against the proposition. The court orders that the types of goods and lands be specified in the proposition where it says, "the founders of the church conferred lands and possessions." The word 'major' is ordered added to 'excommunication'. Next to declare what are the lands and the possessions.

Gissinge] Partibus per procuratores suos comparentibus, propositis per partem dicti rectoris quibusdam excepcionibus contra proposicionem partis adverse, decernimus dictam proposicionem fore declarandam in illa parte qua dicit et narrat quod dicte ecclesie fundatores quasdam terras et possessiones contulerunt, videlicet que et quales sunt ille possessiones et terre. Item decernimus fore addendum ad illam dictionem *excommunicacionis*^d ista videlicet dicio *maioris*. Unde datur dies in proximo ad declarandum que sunt ille terre et possessiones. [fol. 153r]

[30 Oct 81 (107.17)] Gissing. Thomas Smyth and John Bourn propose a position in writing. Next to act on it and to designate the lands and possessions.

Gissinge] Partibus ut prius comparentibus, proposita quadam proposicione in scriptis per partem dictorum Thome Smyth' et Johannis Brunne, datur dies in proximo ad faciendum super eisdem. Quo ad declaracionem faciendam super excepcionibus alias propositis, datur dies in proximo ad idem ut prius, videlicet ad declarandum que sunt ille terre et possessiones. [fol. 154v]

[12 Nov 81 (108.15)] Gissing. There is an argument about the proposition. Next for Gissinge to prove the composition, and to designate the lands and possessions.

Gissinge] Partibus per procuratores suos predictos comparentibus, habita altercacione super proposicione predicta, tandem prefigimus domino Thome Gissinge proximum consistorium ad probandum dictam composicionem per ipsum deductam et ad declarandum que sunt ille terre et possessiones de qui-

^d *excommunicacionis*] *underlined*.

bus in propositiōne predicta fit mencio. [fol. 156r]

[28 Nov 81 (109.12)] Gissing. The parties agree to choose arbiters in order to restore peace. Meanwhile the case is pending.

Gissinge] Partes sunt concordēs de compromittendo in arbitros pro pace inter eos reformanda, ideo pendet causa interim. [fol. 158r]

[12 Dec 81 (110.12)] Gissing. The case is pending because of arbitration.

Gissinge] Pendet sub compromisso. [fol. 159r]

[16 Jan 82 (111.12), 6 Feb 82 (112.10)] Gissing. As 110.12.

Gissinge] Pendet sub spe compromissi. [fols. 160r, 160v]

[27 Feb 82 (113.10)] Gissing. Since the parties have not upheld the arbitration, next to prove the composition and to designate the lands and possessions, under penalty of final preclusion.

Gissinge] Partibus ut prius comparentibus, quia partes non instant pro compromisso faciendo, ideo datur dies in proximo ad idem quod prius, videlicet ad probandum compositionem alias deductam et ad declarandum que sunt ille terre et possessiones de quibus deducitur sub pena finalis preclusionis. [fol. 161v]

344. STOW (3)

John Ely, one of the appellees here is almost certainly the appellee in *Baker (1)*, but the cases do not seem to be otherwise related. The connection is enough, however, to allow us to infer that the appeal here is also from the official of the archdeacon.

[25 Oct 80 (94.39)] Stow. John Elys, priest, and Amy Royston of Cambridge were cited at the instance of Thomas Carlton, rector of Stow cum Quy, in an appeal from an injurious citation to a brief and final term and other grievances.

Thomas appears by proctor; John personally; Amy is absent, suspended, and to be called. An oral libel is given and requested in writing. Next to receive it.

Stowe] Dominus Johannes Elys presbyter et Amya Roiston de Cantebr' citati [sunt] ad instanciam domini Thome de Carlton' rectoris ecclesie de Stowe cum Quye in causa appellacionis a quadam iniuriosa citacione, ad terminum nimis brevem et peremptum aliisque gravaminibus in ea parte suggestis ad audienciam nostram interiecte. Parte appellante per procuratorem suum comparente, predicto domino Johanne parte appellata personaliter, libellato oretenus, petito in scriptis, datur dies in proximo ad recipiendum in scriptis. Predicta vero Amya alia parte appellata nullo modo comparente, ideo suspendimus et vocetur. [fol. 145r]

345. LITTLE

Two correctional actions, both against John Godmanchester alias Grantham, chaplain of Chesterton, proceed here in parallel. Both are promoted, in fact if not in law, by John Little, also of Chesterton.¹ The first action concerns Godmanchester's 'reclamation' of a general sentence, not otherwise recorded, that the official issued against those who defamed John Little. The second involves a charge that Godmanchester practised magic. Also proceeding in parallel is an appeal case brought by Little against Godmanchester and another. The first two cases would seem to have been blocked by a royal prohibition, but the appeal case is still active when the register ends.

[5 Dec 80 (96.11)] Little. John Godmanchester of Chesterton, chaplain, was cited for 19 Dec. 1380 concerning his reclamation against the pronouncement of the sentence against those defaming John Little. The sentence had been given by the official's own authority according to the constitution of Oxford.²

Little appears personally; Godmanchester by John Wiltshire, proctor by letter. Godmanchester requests a copy of the certification of the citation; decreed. 20 Dec. to propose the reason for the reclamation.

20 Dec. Exceptions are proposed in writing concerning the reclamation; admitted. Next to prove.

Litel] Dominus Johannes Godmechestre de Chestreton', capellanus, citatus [est] ad diem mercurii proximo post festum Sancte Lucie virginis causa reclamacionis sue in pronunciacione cuiusdem sentencie generalis contra diffamantes Johannem Litel de eadem auctoritate nostra facta iuxta constitucionem Oxon'. Predicto Johanne Litel personaliter comparente, parte reclamante per Johannem Wiltesshir', clericum, procuratorem suum literatorie constitutum, petita per dictum procuratorem copia certificatorii dicte citacionis et decreto, datur dies crastinus ad proponendum causam reclamacionis predictae.

Quo die partibus ut prius comparentibus, proposita quadam excepcione pro causa reclamacionis in scriptis, qua admissa eatenus quatenus etc., datur dies in proximo ad probandum. [fol. 146r]

[31 Jan 81 (98.14)] Little. Godmanchester by proctor; Little personally. Godmanchester produces four witnesses: William vicar of Chesterton, Boniface de Castelleto, Bartholomew Knight, and John Brush of Chesterton, who are admitted and sworn. Next to publish the testimony.

Lytel] Parte reclamante ut prius comparente, parte reclamata personaliter, productis per partem reclamantem quattuor^a testibus, videlicet domino Wilhelmo vicario de Chestreton', Bonifacio de Castelleto, Bartholomeo Knyght et Johanne Brus de eadem, quibus admissis et in forma iuris iuratis, datur dies

^a quattuor] tribus.

¹ In entry 35.5 (26 Nov. 1376), John Little constitutes Richard Pitts his proctor; in entry 101.15 (the same session in which these cases begin), he revokes an otherwise unrecorded proxy to Walter de Sutton and constitutes Peter Caprik his proctor. He is also, almost certainly, the defendant in *Trenet* (see n. 1). For the most part in these cases, however, he appears personally.

² See Citations to Canon Law, *Auctoritate*.

in proximo ad publicandum attestaciones. [fol. 147r]

[31 Jan 81 (98.15)] Little. John Godmanchester *al.* Grantham of Chesterton, chaplain, was cited before the official for practising magic “by making a peacock (*pavonem*) run so that he might be able to discover who stole his horse.”³

John appears personally. He denies the article and is prepared to purge himself. John Little opposes the purgation in order that Godmanchester and his compurgators do not commit perjury; he offers to prove the magic. John Little produces eight witnesses: Boniface de Castelletto, Bartholomew Knight, Robert Gras, Alan Burwell, William Beal, John Brush of Chesterton, Roger Chandler, and Thomas Chandler of Cambridge, who are admitted and sworn. Next to publish.

Lytel] Dominus Johannes Godmechestr', alias Grantham de Chestreton', capellanus, citatus [est] coram nobis super sortilegio per ipsum commissio, faciendo videlicet unum pavonem^b currere ut sic posset scire quis furabatur equum suum. Dictus dominus Johannes comparet personaliter et negat dictum articulum et ad purgandum se super eodem optulit se paratum. Johannes Lytel huiusmodi purgacioni se opponens ne idem dominus Johannes et compurgatores sui periculum periurii incurrant, dictum sortilegium per se vel per alium se commissio optulit se probaturum. Productisque per dictum Johannem Lytel octo testibus, videlicet Bonifacio de Castelletto, Bartholomeo Knyght', Roberto Gras, Alano Borewell', Willelmo Bele et Johanne Brus de Chestreton', Rogero Chaundeler et Thoma Chaundeler de Cant', quibus admissis et in forma iuris iuratis, datur dies in proximo ad publicandum. [fol. 147r]

[31 Jan 81 (98.16)] Little. John Godmanchester *al.* Grantham of Chesterton, chaplain, and Hugh Clerk of Chesterton were cited before the official at the instance of John Little of Chesterton in an appeal from a peremptory and unjust citation and other grievances.

Little appears by Walter Sutton, proctor; Godmanchester and Hugh by John Wiltshire, proctor. The libel is received. Next to respond.

Lytel] Dominus Johannes Godmechestr', alias Grantham de Chestreton', capellanus, et Hugo Clerk' de eadem citati [sunt] coram nobis ad instanciam Johannis Lytel de eadem in causa appellacionis ad nos emissa a quadam citacione peremptoria et iniusta aliisque gravaminibus in ea parte suggestis. Parte appellante per Walterum de Sutton', clericum, procuratorem suum, comparente, parte appellata per Johannem Wiltesshir' procuratorem suum, oblato libello et optento, datur dies in proximo ad respondendum. [fol. 147r]

[28 Feb 81 (99.9)] Little. With the parties' consent, to the next session with hope of peace.

Lytel] Partibus ut prius comparentibus, de quarum consensu expectamus usque proximum ad idem sub spe pacis. [fol. 147v]

^b pavonem] pav(n)e'. *The extension is uncertain, but panem makes no sense. See n. 3.*

³ The reading *pavonem* is uncertain (see have had magical qualities.
n. b), The peacock may have been thought to

[28 Feb 81 (99.10)] Little. With the parties' consent, to the next session with hope of peace.

Lytel] Partibus ut prius comparentibus, de quarum consensu expectamus usque proximum ad idem sub spe pacis. [fol. 147v]

[28 Feb 81 (99.11)] Little. With the parties' consent, next to respond with hope of peace.

Lytel] Partibus ut prius comparentibus, de quarum consensu expectamus usque proximum ad idem sub spe pacis. [fol. 147v]

[14 Mar 81 (100.9)] Little. With the parties' consent, next to publish the testimony.

Lytel] Partibus ut prius comparentibus, de quarum consensu datur dies in proximo ad idem, videlicet ad publicandum attestaciones. [fol. 148r]

[14 Mar 81 (100.10)] Little. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Lytel] Partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 148r]

[14 Mar 81 (100.11)] Little. Godmanchester and Hugh contest the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Lytel] Partibus ut prius comparentibus, lite negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 148r]

[5 Apr 81 (101.9)] Little. Since the witnesses have not yet been examined, next to publish the testimony.

Lytel] Ad idem videlicet ad publicandum attestaciones quia testes nondum sunt examinati. [fol. 148v]

[5 Apr 81 (101.10)] Little. Since the parties have not yet received the testimony, next to speak against witnesses and testimony.

Lytel] Ad idem quia pars nondum habuit copias attestacionum. [fol. 148v]

[5 Apr 81 (101.11)] Little. Little and Hugh produce Thomas Chandler of Cambridge, who is admitted and sworn. Next to offer final proof.

Lytel] Partibus ut prius comparentibus, producto per partem appellantem unico teste, videlicet Thoma Chaundeler de Cant', quo admisso et in forma iuris iurato, datur dies in proximo ad peremptorie probandum. [fol. 148v]

[2 May 81 (102.9)] Little. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Lytel] Partibus ut prius comparentibus, publicatis attestacionibus, decreta copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 149v]

[2 May 81 (102.10)] Little. Nothing is proposed. Next to propose everything concerning the

matter.

Lytel] Partibus ut prius comparentibus, nullo dicto seu proposito, datur dies in proximo ad proponendum omnia in facto seu iure consistencia. [fol. 149v]

[2 May 81 (102.11)] Little. Little by Peter Caprik, proctor; Godmanchester and Hugh by proctor. Little produces Walter Sutton, cleric, who is admitted and sworn. The compulsion of William Huy of Chesterton is requested; decreed with faith given. Next to produce him.

Lytel] Parte appellante per Petrum Caprik', procuratorem suum, parte appellata ut prius comparentibus, producto uno alio teste per partem appellantem, videlicet Waltero Sutton' clerico, quo admisso et in forma iuris iurato, petitaque compulsionem Willelmi Huy de Chestreton', qua decreta facta fide que requiritur, datus est dies in proximo ad producendum dictum testem compellendum. [fol. 149v]

[24 May 81 (103.9)] Little. As 102.9.

Lytel] Ad idem, videlicet ad dicendum contra testes et eorum dicta. [fol. 150v]

[24 May 81 (103.10)] Little. Next to propose everything concerning the matter.

Litel] Ad idem, videlicet [ad] proponendum omnia in facto consistencia. [fol. 150v]

[24 May 81 (103.11)] Little. The compelled witness is not produced. Next to produce him.

Litel] Ad idem quia testis nondum est compulsus. [fol. 150v]

[10 Oct 81 (106.9)] Little. Parties by proctors. Nothing is proposed; the case is concluded. 16 Oct. to hear the pronouncement.

16 Oct. Grantham is absent; Little by proctor. The execution is ordered according to the previous letter, the reclamation notwithstanding. Grantham will be called to receive penance for his unjust reclamation.

Litel] In causa reclamacionis generalis sentencie inter dominum Johannem Grantham, capellanum, reclamantem ex parte una et Johannem Litel de Chestreton' partem reclamata ex altera, partibus per procuratores suos comparentibus, nichil dicto seu proposito sed in dicta [causa] concluso, datur dies mercurii proximo futurus ad audiendum pronunciacionem.

Quo die parte reclamante nullo modo comparente, parte reclamata ut prius, decernimus execucionem dicte sentencie generalis fore faciendam iuxta priorem literam, dicta reclamacione non obstante, dictumque reclamantem fore vocandum penitenciam condignam pro iniusta et temeraria reclamacione recepturum. [fol. 152v]

[10 Oct 81 (106.10)] Little. Nothing is proposed; the case is concluded. Next to hear the definitive sentence.

Litel] In negocio correccionis super sortilegio ex officio nostro ad promocionem dicti Johannis Litel moto contra dictum dominum Johannem, partibus

ut prius comparentibus, nichil ulterius dicto seu proposito sed in dicta causa concluso, datur dies in proximo ad audiendum sententiam diffinitivam. [fol. 153r]

[10 Oct 81 (106.11)] Little. The compelled witness is not produced. Next to produce him and any others, under penalty of exclusion (*sub pena exclusionis*).

Litel] In causa appellacionis mota inter Johannem Litel de Chestreton' partem appellantem ex parte una et dictum dominum Johannem Grantham partem appellatam ex altera, partibus ut prius comparentibus, quia compulsio non est facta, ideo in proximo ad producendum illum compulsum et alios quos producere voluerit sub pena exclusionis. [fol. 153r]

[30 Oct 81 (107.9)] Little. A royal prohibition was delivered by John; the court orders the proceedings stayed for the time.

Litel] In causa reclamacionis generalis sentencie facte per dictum Johannem Grantham de Chestreton' contra Johannem Litel de eadem, porrecta est regia prohibicio per partem dicti domini Johannis, unde nos decernimus fore supersedendum ad tempus. [fol. 154r]

[30 Oct 81 (107.10)] Little. Next to hear the definitive sentence.

Litel] Ad idem, videlicet ad audiendum sententiam diffinitivam. [fol. 154r]

[30 Oct 81 (107.11)] Little. Next to produce the compelled and any others, under penalty of exclusion.

Litel] Ad idem in proximo quod prius. [fol. 154r]

[12 Nov 81 (108.7)] Little. A royal prohibition was delivered in both cases; the court orders the proceedings stayed.

Litel] Porrecta est regia prohibicio in duobus primis causis, videlicet in causa denunciacionis generalis sentencie et in causa sortilegii, ideo supersedeatur. [fol. 155r]

[12 Nov 81 (108.8)] Little. No other witnesses are produced. Next to publish the testimony and to pronounce in favour of the consistory's jurisdiction, if it is clear. Meanwhile other witnesses may be produced.

Litel] In causa appellacionis dicti Johannis Lytel, partibus ut prius comparentibus, nullis aliis testibus productis, datur dies in proximo ad publicandum et ad pronuntiandum pro iurisdiccione si liqueat et interim producat si voluerit. [fol. 155r]

[28 Nov 81 (109.6)] Little. Next to publish the testimony and to pronounce in favour of the appeal and the consistory's jurisdiction, if it is clear.

Lytel] In causa appellacionis Johannis Litel mota contra dominum Johannem Grantham etc. in proximo ad idem, videlicet ad publicandum et ad pronuntiandum pro voce appellacionis et pro iurisdiccione si liqueat. [fol. 158r]

[12 Dec 81 (110.6)] Little. Next to publish the testimony and to pronounce in favour of the appeal.

Lytel] Ad idem in causa appellacionis. [fol. 159r]

[16 Jan 82 (111.6)] Little. As 110.6.

Lytel] In causa appellacionis Johannis Lytel in proximo ad idem quod prius. [fol. 159v]

[6 Feb 82 (112.5)] Little. As 110.6.

Lytel] In proximo ad idem quod prius. [fol. 160v]

[27 Feb 82 (113.5)] Little. Parties personally. Godmanchester and Hugh agree to proceed, the royal prohibition obtained by them notwithstanding. Since the compelled witness has not been produced, next to produce him.

Lytel] In causa appellacionis Johannis Lytel mota contra dominum Johannem Grantham, partibus personaliter comparentibus, pars appellata consentit quod procedatur in ista causa non obstante regia prohibicione alias porrecta per eundem, teste compellendo nondum producto, datur dies in proximo ad producendum compulsus. [fol. 161v]

346. ICKLETON (2)

[5 Dec 80 (96.12)] Ickleton. Reginald Browning of Whittlesford was cited for 19 Dec. 1380 at the instance of John vicar of Ickleton in a breach of faith and perjury case.

John appears by proctor; Reginald is absent and suspended from church.

Ikelyngton'] Rogerus Brounyng' de Wyttleford' citatus ad diem mercurii proximo post festum Sancte Lucie ad instanciam domini Johannis vicarii de Icklington' in causa fidei lesionis et priurii comparentis per procuratorem suum non comparet, ideo suspendimus ab ingressu ecclesie et vocetur. [fol. 146r]

Cases Beginning in 1381

347. OSBORN

[10 Jan 81 (97.12)] Osborn. William Fuller of Ely and Magota his wife were cited for said day and place at the instance of John Osborn in a defamation case.

John appears by proctor; William and Magota are absent and suspended from entering church.

Osbern'] Willelmus Fullere de Ely et Magota uxor sua, citati ad diem et locum supradictos ad instanciam Johannis Osbern clerici in causa diffamacionis comparentis per procuratorem suum, non comparent, ideo ipsos Willelmum et Magotam suspendimus ab ingressu ecclesie. [fol. 146v]

[31 Jan 81 (98.11)] Osborn. The case is pending with hope of peace.

Osbern'] Pendet sub spe pacis. [fol. 147r]

348. MASON/BAKER¹

[31 Jan 81 (98.17)] Mason. Nicholas Mason of Barnwell and Agnes Coo of Arrington were cited before the official concerning a contract of marriage.

Nicholas appears personally; Agnes is absent, suspended, and to be called. Sworn, Nicholas admits that he and Agnes contracted in present words sometime around last Pentecost.

Masoun] Nicholaus Mason' de Bernewell' et Agnes Coo de Arnyngton', citati [sunt] coram nobis super contractu matrimoniali inter eos ut dicebatur inito. Dictus Nicholaus personaliter comparens et iuratus^a fatetur quod contraxit cum ea matrimonium per verba de presenti circiter festum Pentecostes ultimo preteritum nulla carnali copula subsecuta. Dicta Agnes non comparet, ideo suspendimus et vocetur. [fol. 147r]

[31 Jan 81 (98.18)] Baker. Robert Baker of Cambridge and Agnes Coo of Arrington were cited before the official concerning a contract of marriage.

Robert appears personally; Agnes is absent, suspended, and called. Sworn, Robert admits that he and Agnes contracted last autumn by saying, "I accept you as my wife" and "I accept you as my husband." Intercourse followed and the banns were published. Next to prove; Agnes will be called.

Bakere] Robertus Baker' de Cant' et predicta Agnes, citati coram nobis super^b contractu matrimoniali inter eos ut dicebatur inito, dictus Robertus personaliter comparens et iuratus fatetur quod ipse et prefata Agnes contraxerunt matrimonium adinvicem per ipsa verba "Accipio te in uxorem," et "Ego te in virum," in autumpno ultimo preterito ad annum, carnali copula subsecuta, bannis editis. Unde habent diem in proximo ad probandum et vocetur dicta

^a et iuratus] *interlined*. ^b super] *interlined*.

¹ The case is discussed in Donahue, *Law, Marriage, and Society*, pp. 250–1. Correct the statement on p. 250: "Robert denies the contract with Matilda (he says nothing about the wife in London)." He denied both precontracts.

Agnes ad videndum probacionem. Et quia dicta Agnes non comparet isto die, ideo suspendimus et vocetur. [fol. 147r]

[28 Feb 81 (99.12)] Mason. Nicholas by proctor; Agnes personally. Sworn *de veritate dicenda* and questioned about the contract, Agnes denies that she made any contract or betrothal with Nicholas or had intercourse with him. She is absolved from the suspension.

Mason'] Predicto Nicholao per procuratorem suum comparente, predicta Agnes comparet personaliter et iurata de veritate dicenda ac super dicto contractu requisita negat se cum dicto Nicholao matrimonium seu sponsalia aliquantulum contraxisse aut [ipsum] ipsam carnaliter cognovisse. Dicta Agnes absoluta est a dicta sententia suspensionis. [fol. 147v]

[28 Feb 81 (99.13)] Baker. Parties personally. Sworn *de veritate dicenda* and questioned about the contract, Robert admits that they promised purely and simply to marry and intercourse followed. Agnes admits that they promised to marry under the condition that it pleased her father, who did not consent when asked. After this, they had intercourse. Her father, then present in the court, swears *de veritate dicenda* and is questioned. He says he consented to the marriage and was pleased by it so long as Robert was free to marry. Agnes proposes by exception that before there was a contract or intercourse, Robert had and still has a legal wife in London, and that he had also contracted with another woman, Matilda servant of John Clerk of Cambridge, who is still living. Robert denies the contract with Matilda; parties swear *de calumpnia*, *de veritate dicenda*, and *de malicia*. Next to prove. Agnes names a necessary witness, Thomas Weyland, servant of Thomas Heselden of Steeple Morden. Robert will exhibit a letter from London, where he used to live, stating that he is free to marry. Because the court fears Agnes will flee, she is expected to appear at all acts.

Bakere] Robertus Bakere et Agnes Coe predicti comparent personaliter et iurati de veritate dicenda ac super contractu inter eos inito requisiti, vir fatetur quod promiserunt se invicem ducturum in uxorem et virum pure et simpliciter carnali copula subsecuta; dicta Agnes fatetur quod promiserunt se invicem ducturum, non tamen pure et simpliciter sed sub illa condicione si patri sue placuerit, carnali copula subsecuta; quodque pater suus requisitus an sibi placuit et eidem contractui consentire voluit et idem pater non consensuit sed dissensit et hoc ante omnem carnalem copulam inter eos. Sed pater dicte Agnetis tunc presens personaliter in iudicio coram nobis et de veritate dicenda iuratus ac super huiusmodi consensu requisitus fatetur quod consensuit dicto matrimonio et bene sibi placuit, dumtamen dictus Robertus fuisset solutus. Dicta tamen Agnes excipiendo proposuit quod ante omnem contractum et carnalem copulam inter eos initos de quibus premittitur dictus Robertus habuit et adhuc habet uxorem legitimam in London' superstitem, quodque precontraxit cum quadam alia muliere, videlicet Matilda serviente Johannis Clerk' de Cant' adhuc superstiti. Prefatus vero Robertus negat utrumque precontractum. Juratis partibus hincinde de calumpnia et de veritate dicenda et de malicia, datur dies in proximo ad probandum. Et dicta Agnes nominat quemdam testem sibi necessarium ut asserit, videlicet Thomam Welond' ser-

vientem Thome Haseldem' de Stepelmordon'. Et dictus Robertus exhibebit litteram de London' ubi prius degit quod est solutus ibi pro soluto habitus et reputatus. Et prefigimus dicte Agnete diem ad omnes actus subsecutivos in dicta causa eciam ad audiendum sentenciam diffinitivam cum de ipsius fuga et malicia timeamus. [fol. 147v]

[14 Mar 81 (100.12)] Mason/Baker. Nicholas by proctor; Robert personally; Agnes is absent. No witnesses are produced or letters exhibited. Next to prove.

Mason'/Baker'] Nicholao Mason' per procuratorem suum comparente, Roberto Bakere personaliter, dicta vero Agnete nullo modo, nullis testibus productis nec littera exhibita, ideo expectantur usque proximum ad idem. [fol. 148r]

[5 Apr 81 (101.12)] Mason/Baker. Next to prove.

Mason'/Baker'] Partibus ut prius comparentibus, expectantur usque proximum ad idem, videlicet ad probandum. [fol. 148v]

[2 May 81 (102.12)] Mason/Baker. Nicholas by John Wiltshire, proctor; Robert and Agnes are absent and suspended.

Mason'/Baker'] Predicto Nicholao Mason' per Johannem Wiltesshir', procuratorem suum, comparente, predictis Roberto et Agnete nullo modo, ideo ipsos suspendimus. [fol. 149v]

[24 May 81 (103.12), 10 Oct 81 (106.12), 30 Oct 81 (107.12), 12 Nov 81 (108.9), 28 Nov 81 (109.7), 12 Dec 81 (110.7), 16 Jan 82 (111.7), 6 Feb 82 (112.6), 27 Feb 82 (113.6)] Mason/Baker. The execution is ordered.

Mason'/Baker'] Fiat executio. [fols. 150v, 153r, 154r, 155r, 158r, 159r, 159v, 160v, 161v]

349. *NEWMAN/RIPON/SMYTH*

[31 Jan 81 (98.20)] Newman. Alice wife of John Ripon of Elsworth was cited at the instance of Thomas Newman of Elsworth in a defamation case.

Thomas appears personally; Alice is absent and suspended from entering church.

Neweman] Alicia uxor Johannis Rypon' de Ellesworth', citata ad instanciam Thome Newema' de Ellesworth' in causa diffamacionis personaliter comparentis, non comparet, ideo ipsam Aliciam suspendimus ab ingressu ecclesie in hiis scriptis. [fol. 147r]

[31 Jan 81 (98.24)] Ripon. Alice wife of John Ripon of Elsworth was cited at the instance of William Ripon of Elsworth in a defamation case.

William appears personally; Alice is absent and suspended from entering church.

Rypon] Alicia uxor Johannis Rypon' de Ellesworth', citata ad instanciam

Willelmi Rypon' de eadem in causa diffamacionis personaliter comparentis, non comparet, ideo ipsam Aliciam suspendimus ab ingressu ecclesie. [fol. 147v]

[28 Feb 81 (99.14)] Newman. Although denounced and again cited, Alice is absent. She is to be called.

Neweman] Parte actrice ut prius comparente, parte rea denunciata et iterato citata ut prius non comparet, ideo expectatur et vocetur. [fol. 147v]

[28 Feb 81 (99.15)] Ripon. Although denounced and again cited, Alice is absent. She is to be called.

Rypon'] Parte actrice ut prius comparente, parte rea denunciata et iterato citata non comparet, ideo expectatur et vocetur. [fol. 148r]

[5 Apr 81 (101.19)] Newman. Alice is suspended from entering church.¹

Newema' – suspensio] Alicia Ripon' de Ellesworth', citata ad instanciam Thome Newema' de eadem in causa diffamacionis comparentis personaliter, non comparet, ideo ipsam Aliciam ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 149r]

[5 Apr 81 (101.20)] Smyth. Alice Ripon was cited at the instance of Thomas Smyth of Eltisley in a defamation case.

Thomas appears personally; Alice is absent and suspended from entering church.

Smyth' – suspensio] Alicia Ripon' de Ellesworth', citata ad instanciam Thome Smyth' de Elteslee in causa diffamacionis personaliter comparentis, non comparuit,^a ideo ipsam Aliciam ab ingressu ecclesie suspendimus in hiis scriptis. [fol. 149r]

^a comparuit] *sic*.

¹ This entry is somewhat surprising. We would expect that after being suspended and denounced as such Alice would be excommunicated. Perhaps that fact that no entry was made in Acta 100 meant that Thomas had to begin all over again in Acta 101.

350. SNOW

[31 Jan 81 (98.21)] Snow. William Adam of Stanton and Margaret his wife were cited at the instance of John Snow of Stanton in an appeal *ab iniqua* from the definitive sentence given by the archdeacon's official in a defamation case.

John appears by John Wiltshire, who claims to be his proctor; William and Margaret by Peter Caprik, proctor by letter. An oral libel is given and requested written. Next to receive it in writing; Wiltshire is expected to prove his proxy.

Snow] Willelmus Adam de Stanton' et Margareta uxor sua, citati [sunt] ad instanciam Johannis Snow de eadem in causa appellacionis a quadam sententia diffinitiva per officialem domini archidiaconi Elien' in quadam causa diffamacionis.

macionis coram eo mota inter ipsum Johannem partem actricem ex parte una et Willelmum Adam et Margaretam predictos partem ream ex altera, inique ut asseritur lata ad audienciam nostram ut asseritur interiecte. Parte appellante per Johannem Wiltesshir', clericum, procuratorem suum se dicentem, parte appellata per Petrum Caprik', clericum, procuratorem suum litteratorie constitutum [comparentibus], libellato oretenus petitoque in scriptis, datur dies in proximo ad recipiendum in scriptis et parti appellanti ad probandum procuratorium suum. [fol. 147v]

[28 Feb 81 (99.16)] Snow. The written libel is received. Next to respond.

Snow] Partibus ut prius comparentibus, oblato libello in scriptis et optento, datur dies in proximo ad respondendum eidem. [fol. 148r]

[14 Mar 81 (100.13)] Snow. William and Margaret contest the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. John produces Walter Sutton, who is admitted and sworn. William and Margaret's proctor admits that a definitive sentence had been given by the archdeacon's official, and John immediately appealed *apud acta*. The court finds in favour of the appeal and its own jurisdiction; the process is ordered sent. Next to see the transmission.

Snow] Partibus ut prius comparentibus, lite negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda productoque per partem appellantem Waltero de Sutton' clerico, quo admisso et in forma iuris iurato, procurator partis appellate fatetur quod fuit sententia diffinitiva per officialem domini archidiaconi Elien' in dicta causa lata et ab ea incontinenti appellata apud acta, unde pronunciamus pro voce appellacionis et pro iurisdiccione nostra et decernimus fore scribendum pro transmissione processus daturque dies in proximo ad videndum transmissionem. [fol. 148r]

[5 Apr 81 (101.13)] Snow. Since the process has not yet been sent, next to see the transmission.

Snow] Partibus ut prius comparentibus, datur dies in proximo ad idem quia processus nondum est transmissus. [fol. 149r]

[2 May 81 (102.13)] Snow. Since the process has not yet been sent, it is expected by the next session.

Snow] Partibus ut prius comparentibus, quia processus nondum est transmissus, ideo transmittatur ad proximum. [fol. 149v]

[24 May 81 (103.13)] Snow. As 102.13.

Snow] Partibus ut prius comparentibus, quia processus nondum est transmissus, ideo transmittatur ad proximum. [fol. 150v]

[10 Oct 81 (106.13)] Snow. The process has not yet been sent. Since the archdeacon's official has failed to send it, he is cited for contempt.

Snow] Ad idem quia processus nondum est transmissus et quia officialis archidiaconi non curat transmittere processum, ideo citetur super contemptu.

[fol. 153r]

[30 Oct 81 (107.13), 12 Nov 81 (108.10)] Snow. Since the process has not yet been sent, it is expected by the next session.

Snow] Quia processus nondum est transmissus, ideo transmittatur ad proximum. [fols. 154r, 155r]

[28 Nov 81 (109.8)] Snow. As 107.13.

Snow] Quia processus non est transmissus, transmittatur ad proximum. [fol. 158r]

[12 Dec 81 (110.8), 16 Jan 82 (111.8), 6 Feb 82 (112.7)] Snow. As 107.13.

Snow] Quia processus nondum est transmissus, ideo transmittatur ad proximum. [fols. 159r, 159v, 160v]

[27 Feb 82 (113.7)] Snow. As 107.13.

Snow] Transmittatur processus ad proximum. [fol. 161v]

351. GRIGG/CROOK

These actions, brought against the same defendant, are next to each other in the register, and Kingston and Bourne are next to each other geographically. The actions are clearly related. It could, however, be nothing more than that Herry owed a number of people money, escaped to Over, and disappeared when the apparitor arrived.

[31 Jan 81 (98.22)] Grigg. Thomas Henry *al.* de Kingston, residing in Over, was cited at the instance of William Grigg of Kingston in a breach of faith and perjury case.

William by proctor; Thomas is absent and suspended from entering church.

Grygge] Thomas Herry, alias de Kyngeston' commorans in Overe, citatus ad instanciam Willelmi Grigge de Kyngeston' in causa fidelesionis et periurii comparentis, per procuratorem suum non comparet, ideo ipsum Thomam suspendimus ab ingressu ecclesie. [fol. 147v]

[31 Jan 81 (98.23)] Crook. Thomas Henry *al.* de Kingston, residing in Over, was cited at the instance of John Stannard of Bourn, Simon Fuller of Bourn, Simon Norman of Bourn, and John Canon of Stow, executors of the testament of John Crook, in a testamentary case.

The executors appear by proctor; Thomas is absent and suspended from entering church.

Crook'] Thomas Herry, alias de Kyngeston' commorans in Overe, citatus ad instanciam Johannis Stanhard' de Brunne, Simonis Fullere de eadem, Simonis Norma' de eadem et Johannis Canon' de Stowe, executorum testamenti Johannis Crook' de Brunne in causa testamentaria comparencium per procuratorem suum, non comparet, ideo ipsum Thomam suspendimus ab ingressu ecclesie. [fol. 147v]

352. MASON (2)

[14 Mar 81 (100.15)] Mason. Robert Wake of Swavesey, Stephen Drayton, and Margery Gibb, executors of the testament of John Sarson of Swavesey, were cited for 27 March 1381 at the instance of William Mason and Agnes his wife in a testamentary case.

William and Agnes appear personally; the executors are absent and suspended from entering church.

Mason'] Robertus Wakke de Swaveseye, Stephanus Drayton' et Margeria Gibbe, executores testamenti Johannis Saresson' de eadem, citati [sunt] ad diem mercurii proximo post festum Annunciacionis dominice ad instanciam Willelmi Mason' et Agnetis uxoris sue in causa testamentaria. Parte actrice personaliter comparente, parte rea nullo modo, ideo ipsam partem ream suspendimus ab ingressu ecclesie. [fol. r]

353. PERRY (2)¹

[14 Mar 81 (100.21)] Perry. Ed[war]d Leach of Stow and Ibota his wife were cited at the instance of Andrew Perry of Teversham in a breach of faith and perjury case.

Andrew appears by proctor; Edward and Iota are absent and suspended from entering church.

Perye] Ed[ward]us Leche de Stowe et Ibota uxor sua, citati ad instanciam Andree Perye de Teveresham in causa fideilesionis et periurii comparentis per procuratorem suum, non comparent, ideo suspendantur ab ingressu ecclesie. [fol. 148v]

¹ See *Perry (1)*, n. 16.

354. RAYNER

[14 Mar 81 (100.23)] Rayner. Simon Bass of Streetly of West Wickham was cited for 1 April 1381 at the instance of Stephen Rayner, priest, in a case of violence.

Stephen appears by Peter Caprik, proctor; Simon by John Wiltshire, proctor. An oral libel is given and requested written. Next to receive it in writing.

Reyner] Simon Basse de Stretle de parochia de Wykham, citatus [est] ad diem lune proximo post festum Annunciacionis dominice ad instanciam domini Stephani Reyn' presbyteri in causa violencie. Parte actrice per Petrum Caprik', clericum, procuratorem suum, parte vero rea per Johannem Wiltesshir', clericum, procuratorem suum, comparentibus, libellato oretenus, petito in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 148v]

[5 Apr 81 (101.16)] Rayner. Next to receive the libel in writing.

Reyner] Partibus ut prius comparentibus, datur dies in proximo ad idem, vi-

delicet ad libellandum in scriptis. [fol. 149r]

[2 May 81 (102.15)] Rayner. The written libel is received. Next to respond.

Reyner] Partibus ut prius comparentibus, oblato libello in scriptis et optento, datur dies in proximo ad respondendum eidem. [fol. 149v]

[24 May 81 (103.15)] Rayner. Simon contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce.

Reyner] Partibus ut prius comparentibus, lite per partem ream negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. [fol. 150v]

[10 Oct 81 (106.15)] Rayner. Nothing is proposed. Next to propose and the second term to produce.

Reyner] Partibus ut prius comparentibus, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 153r]

[30 Oct 81 (107.15)] Rayner. Stephen proposes some articles of proof in writing, which are admitted. He produces William Sleaford of Hildersham, chaplain, who is admitted and sworn. He requests a *missio* for Matilda wife of Robert atte Bour of Wickham and Margaret his daughter, two necessary witnesses; decreed. Next to propose and the third term to produce. The court expects Simon to respond to the positions and the testimony to be sent by the next session.

Reyner] Partibus ut prius comparentibus, propositis per partem actricem quibusdam articulis probatoriis et posicionibus in scriptis, quibus admissis eatenus quatenus productoque uno teste videlicet Willelmo Sleaford' de Hildersham, capellano, quo admisso et in forma iuris iurato, petita eciam missione ad duas mulieres testes necessarias videlicet Matildam uxorem Roberti Attebour' de Wykham et Margaretam [fol. 154r] filiam suam, qua decreta, datur dies in proximo ad tercio producendum et parti ree ad respondendum posicionibus et ad transmittendum attestaciones. [fol. 154v]

[12 Nov 81 (108.13)] Rayner. No other witnesses are produced, but the compulsion of Philip Bailey, rector of Wickham, is requested; decreed with faith given. Next to produce the compelled.

Reyn'] Partibus ut prius comparentibus, nullis aliis testibus productis sed petita compulsionem Phillipi Bailly rectoris ecclesie de Wykham, qua decreta facta fide que requiritur, datur dies in proximo ad producendum compulsum. [fol. 156r]

[28 Nov 81 (109.10)] Rayner. Stephen produces Philip Bailey, who is admitted, sworn, and examined. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Reyn'] Partibus ut prius comparentibus, producto per partem actricem Philippo Bailly de Wykham, quo admisso et in forma iuris iurato et examinato,

publicatis attestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 158r]

[12 Dec 81 (110.10)] Rayner. Nothing is proposed. Because Simon has not received a copy of the testimony, next to speak against witnesses and testimony.

Reyner] Partibus ut prius comparentibus, nichil dicto seu proposito sed quia pars non habuit copiam attestacionis, datur dies in proximo ad idem. [fol. 159r]

[16 Jan 82 (111.10)] Rayner. Simon proposes exceptions against the witnesses and testimony. Next to prove them.

Reyner] Partibus ut prius comparentibus, propositis per partem ream quibusdam excepcionibus contra testes et eorum dicta, datur dies in proximo ad probandum. [fol. 159v]

[6 Feb 82 (112.9)] Rayner. No witnesses are produced. Next to prove precisely.

Reyner] Partibus ut prius comparentibus, nullis testibus productis, datur dies in proximo ad precise probandum. [fol. 160v]

[27 Feb 82 (113.9)] Rayner. No witnesses are produced. Simon requests that the official's registers¹ be exhibited to help with the proof and that Mr Richard Pitts and John the apparitor of the deanery of Camps be compelled; decreed with faith given. Next to exhibit and produce.

Reyner] Partibus ut prius comparentibus, nullis testibus productis sed petita exhibicione registorum nostrorum in subsidium probacionis, petita eciam compulsione duorum testium, videlicet magistri Ricardi Pyttes et Johannis apparitoris decanatus de Caumpes, qua decreta facta fide que requiritur, datur in proximo dies ad exhibendum dicta registra et producendum compulsos. [fol. 161v]

¹ The plural here may be significant; see Introduction.

355. *BRACKLEY*¹

[14 Mar 81 (100.24)] Brackley. Richard Lessing of Conington was cited at the instance of Nicholas Brackley in a breach of faith and perjury case.

Nicholas by proctor; Richard is absent and suspended from entering church.

Brakkele] Ricardus Lessyn de Conyton', citatus [est] ad instanciam Nicholai Brakkele in causa fideilesionis et periurii. Parte actrice per procuratorem suum comparente, parte vero rea nullo modo, ideo ipsam suspendimus ab ingressu ecclesie. [fol. 148v]

¹ See the introduction to *Hankin/Lessing*.

356. HAIN

[5 Apr 81 (101.18)] Hain. Abilia Marker of Little Gransden was cited to propose why she made a reclamation during the general announcement of the sentence given by the consistory on behalf of Emma wife of John Hain of Little Gransden.

She is absent and suspended from entering church.

Heyne – suspensio] Abilia Markere de Grantudem', citata propositura causam reclamacionis sue facte in denunciacione generalis sentencie per Emmam uxorem Johannis Heyne de eadem a nobis impetrare, non comparet, ideo ipsam Abiliam ab ingressu ecclesie suspendimus. [fol. 149r]

357. WEBSTER

[5 Apr 81 (101.21)] Webster. 16 April 1381 in the Hospital of St John of Ely before the official, John Webster of Ely personally asks that Isabel daughter of John Herbert of Walden, living in Ely and then present, be judged his wife. On the feast of St Michael 1380 they contracted in present words of mutual consent and intercourse followed. The marriage has been recognized by them before the community and acknowledged by public fame. Isabel admits that this is true. Sworn *de collusione et malicia* and *de veritate dicenda*, they repeat their claim.

Isabel was charged *ex officio* concerning a contract of marriage with Robert de Sampford, former servant of Richard Rougham, now residing with Roger Bullman, cordwainer, in St Ives. The contract was brought to the court's attention by public fame. Sworn *de veritate dicenda*, Isabel admits that before the feast of St Michael 1378 in Walden she and Robert agreed to marry and intercourse followed. She proposes orally by exception that prior to this Robert and Beatrix de Sampford had contracted marriage, followed by intercourse. Since Beatrix is still living and free to marry, Isabel's contract with Robert cannot exist. Two witnesses concerning Robert and Isabel's marriage are produced for the court's information: Robert chaplain of St Mary's of Ely and John Dalling of Ely, who are admitted and sworn. They are examined. 24 April in St Mary the Less to produce concerning John and Isabel's contract and to offer final proof. Robert will be called if he can be found.

Proxy. Isabel appoints John Wiltshire her proctor *apud acta*

Webstere] Sexto decimo kalendas maii anno Domini supradicto comparens personaliter coram nobis .. officiali Elien' in ecclesia hospitalis Sancti Johannis de Ely Johannes Webstere de Ely peciit Isabellam filiam Johannis Herberd' de Walden', commorantem in Ely, tunc presentem, sibi adiudicari in uxorem pro eo quod matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorumdem exprimencia carnali copula subsecuta et dixit quod sic contraxerunt in festo Sancti Michaelis anno Domini millesimo trecentesimo octogesimo et ipsum contractum postea innovarunt, publicarunt et recitarunt ac fatentur et recognoverunt utrique, videlicet in alterius et aliorum presencia, et super premissa laborat publica vox et fama. Dicta Isabella fatetur contractum, carnalem copulam etc. superius enarrata, ipsisque iuratis de collusionione et malicia ac de veritate dicenda, dicunt sicut prius.

Sed prefata Isabella impetita ex officio nostro super quodam contractu inter ipsam et quemdam Robertum de Sampford', nuper servientem Ricardi Rugham, nunc manentem in Sancto Ivone cum Rogero Belleman, *Cordewaner*, inito prout fama referente ad nos pervenit. Dicta Isabella, iurata de veritate dicenda, fatetur quod ante dictum festum Sancti Michaelis dictus Robertus promisit ipsam ducere in uxorem ipsaque consenciit eidem carnali copula subsecuta, videlicet ad festum Sancti Michaelis anno Domini millesimo trecentesimo septuagesimo octo apud Walden'. Dicta [Isabella] tamen excipiendo proposuit oretenus quod ante dictum contractum inter ipsam et prefatum Robertum initum, idem Robertus et Beatrix de Sampford', adhuc superstes et soluta, matrimonium adinvicem contraxerunt carnali copula subsecuta, unde dictum matrimonium inter ipsos Robertum et Isabellam subsistere non potest nec alicuius fuerat firmitatis seu valoris. Productisque super contractu inter prefatos Robertum et Isabellam inito pro informatione consciencie nostre duobus testibus, videlicet domino Roberto capellano parochiali Sancte Marie de Ely et Johanne Dallynge de Ely, quibus admissis et in forma iuris iuratis, datur dies mercurii proximo post dominica qua cantatur officium *Quasi modo geniti* in ecclesia Sancte Marie extra Trumpiton' gates Cant' ad producendum super contractu inter ipsos Johannem et Isabellam et ad probandum ulterius in dictis causis et vocetur dictus Robertus quod intersit, si poterit apprehendi.

Et dicta Isabella constituit Johannem Wiltesshir', clericum, procuratorem suum [fol. 149r] apud acta cum potestate agendi, defendendi etc., substituendi etc. et cavebat de rato etc. [fol. 149v]

[2 May 81 (102.16)] Webster. John personally; Isabel by John Wiltshire, proctor. No other witnesses are produced. Next to offer final proof.

Webstere] Parte Johannis Webstere personaliter,^a predicta Isabella per Johannem Wiltesshir' procuratorem suum, comparentibus, nullis aliis testibus productis, datur dies in proximo ad idem. [fol. 149v]

[24 May 81 (103.16)] Webster. Next to produce more witnesses.

Webstere] Ad idem in proximo, videlicet ad plures testes producendos. [fol. 151r]

[10 Oct 81 (106.16)] Webster. Neither appears. They will be called to proceed according to past acts next.

Webstere] Neutra parte comparente, decernimus partes fore vocandas ad proximum ad procedendum et procedi videndum in dicta causa iuxta formam retroactorum. [fol. 153r]

[30 Oct 81 (107.16)] Webster. John is absent: Isabel by proctor. No other witnesses are produced concerning the matter first proposed. Isabel adds that before she and Robert contracted,

^a personaliter] *interlined*.

Robert and Alice Whiston of Hildersham, still living and free to marry, had contracted in present words of mutual consent; thus, her marriage to Robert is invalid. To prove this she requests a *missio* to admit and examine witnesses at Ely; decreed. The archdeacon's official is commissioned and ordered to certify the court about the testimony when completed. John will be called to be present.

Webstere] In causa matrimoniali mota coram nobis inter Johannem Webstere de Ely^b partem actricem ex parte una et Isabellam filiam Johannis Herberd de Walden' commorantem in Ely^b partem ream ex altera, non per viam appellacionis seu querele sed primarie et ordinarie iurisdiccioni, parte dicti Johannis nullo modo comparente, parte dicte Isabelle per Johannem de Wiltesshir', clericum, procuratorem suum, comparente, nullis aliis testibus super materiis prius propositis productis sed prefata Isabella adiciendo materie prius propositae oretenus proponit quod ante omnem contractum matrimonialem inter prefatum Robertum et Isabellam initum, idem Robertus et quedam Alicia Whiston' de Hildresham, adhuc superstes et soluta, matrimonium adinvicem per verba de presenti mutuum consensum eorudem exprimentia legitime contraxerunt, unde dictum matrimonium inter eosdem Robertum et Isabellam postmodo initum nullius penitus existit firmitatis seu valoris. Et ad premissa probanda petiit missionem fieri ad admittendum et examinandum testes quotquot et quos dicta Isabella apud Ely^b producere voluerit, qua decreta, committimus .. officiali domini .. archidiaconi Elien' ad admittendum et examinandum testes quotquot et quos dicta Isabella apud Ely^b producere voluerit super precontractu predicto, et ad certificandum nos super et de eorum attestacionibus, dicto negotio expedito. Et vocetur dictus Johannes ad interessendum. [fol. 154v]

[12 Nov 81 (108.14)] Webster. Isabel produced two witnesses before the court's commissary: John son of John Dalling junior of Ely and Alice his wife. They were admitted, sworn, and examined. Next to publish the testimony.

Webstere] Partibus ut prius comparentibus, productis per partem dicte Isabelle coram .. officiali domini archidiaconi Elien', nostro in hac parte commissario specialiter deputato, duobus testibus, videlicet Johanne filio Johannis Dallyng' de Ely^b iuniore et Alicia uxore sua, quibus de auctoritate nostra admissis et in forma iuris iuratis et examinatis, datur dies in proximo ad publicandum attestaciones. [fol. 156r]

[28 Nov 81 (109.11)] Webster. The testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Webstere] Partibus ut prius comparentibus, publicatis contestacionibus decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 158r]

^b Ely] *sic*.

[12 Dec 81 (110.11)] Webster. Nothing is proposed by either. With the parties' consent, the case is concluded. Mr Geoffrey de Gyddinge, the archdeacon's official, exhibited to the court both the certification of the admission and examination of witnesses produced before him at Ely and the testimony, under the seal of the dean of Cambridge. Next to publish the testimony.

Webstere] Partibus ut prius comparentibus, nichil dicto seu proposito per alterutram partem parcium predictarum, sed de ipsarum consensu expresso in dicta causa concludencium cum eis per nos concluso, exhibito primitus nobis per magistrum Galfridum de Giddinge officialem domini archidiaconi Eliensis nostrum in hac parte commissarium specialiter deputatum quodam certificatorio super et de admissione et examinacione testium coram eo apud Ely in dicta causa productorum una cum attestacionibus dictorum testium sub sigillo decani Cantebr'; datur dies in proximo partibus predictis ad audiendum sentenciam in dicta causa diffinitivam. [fol. 159r]

[16 Jan 82 (111.11)] Webster. John personally; Isabel by proctor. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because it has been proved, based on confessions made in court, that marriage between Robert Sampford and Alice had been contracted prior to marriage between Robert and Isabel, John and Isabel are judged husband and wife, Robert and Isabel's contract notwithstanding. John and Isabel's marriage is ordered solemnized.

Webstere] In causa matrimoniali coram nobis mota inter Johannem Webster' de Ely partem actricem ex parte una et Isabellam Herberd de eadem partem ream ex altera, parte actrice personaliter, parte rea per Johannem Wiltes' procuratorem suum, comparentibus, rimato per nos et investigato toto processu in dicta causa habito et habita deliberacione sufficienti super eodem de consilio iuris peritorum nobis assidencium, Christi nomine primitus invocato, ad sentenciam diffinitivam in hac parte ferendam processimus eamque in scriptis tulimus sub hac forma.

sentencia] In Dei nomine amen. Quia invenimus matrimonium inter Robertum de Sampford' et Aliciam de Whiston' predictos ante omnem contractum matrimoniale inter eundem Robertum et prefatam Isabellam initum clare fuisse probatum et matrimonium inter eosdem Johannem et Isabellam coram nobis iudicialiter confessatum, pro matrimonio vero et legitimo inter eosdem Johannem et Isabellam pronunciamus [fol. 159v] et declaramus, predicto contractu inter eosdem Robertum et Isabellam inito non obstante ac eciam prefatum^c Johannem eidem Isabella in virum legitimum ipsamque Isabellam eidem Johanni in uxorem^d legitimam sentencialiter et diffinitive per hanc nostram sentenciam diffinitivam pronunciamus et declaramus in hiis scriptis, decernentes matrimonium fore in facie ecclesie solemnizandum pro loco et tempore opportunis. [fol. 160r]

^c prefatum] *repeated*. ^d uxorem] virum.

358. KEEL

The account of this case in Donahue, *Law, Marriage, and Society* is seriously misleading.¹ It assumes that Robert Disse of Bury St Edmunds was a cottar and speculates that the parties to the case were “peasants.” The record shows, however, that Robert is described as a cutler (*coteler*), and that would make him of approximately the same status as most of the litigants before the court whose social status can be identified.² Even more misleading is the fact Donahue’s account reports that Ellen “admits only that she and William were solemnly married.” The record says, however, that what she admitted was that she and Robert were solemnly married. This may be a mistake for “William.” Foxton does not often get the parties mixed up, but sometimes he does. If we can emend “Robert” to “William” in Ellen’s confession, then Donahue’s account can stand, at least in its broad outlines. If we cannot, we may have a couple who were both trying to get divorced, but who botched the job when they could not recite the same story. If William’s story or Ellen’s strains our credulity, the combination of the two takes it far past the breaking point. It may well be that John Wiltshire, whom Ellen constitutes as a proctor at the end of the entry, told them that the best thing for them to do was not to come back.

[5 Apr 81 (101.22)] Keel. Ellen wife of William Keel of Balsham was cited before the official for 24 April 1381 at the instance of William in a divorce case.

Parties appear personally. William proposed orally that before he contracted and solemnized marriage with Ellen, he and Alice Burgoyne of Hockham, Norwich diocese, who is still living, had contracted marriage, followed by intercourse. Later Robert Diss of Bury [St Edmunds, Suffolk], cutler, married Alice. William asks that his marriage to Ellen be annulled and they be separated. Ellen admits that she and Robert³ solemnized the marriage before the church. They swear *de calumpnia*, *de veritate dicenda*, and *de collusione et malicia*. 23 May to prove.

Proxy. Ellen appoints John Wiltshire her proctor *apud acta*.

Kele] Elena uxor Willelmi Kele de Belsham, citata [est] coram nobis .. officiali Elien’ ad diem mercurii proximo post festum dominice qua cantatur officium *Quasi modo geniti* ad instanciam dicti Willelmi in causa divorcii. Partibus personaliter comparentibus, dictus Willelmus proposuit oretenus quod ante omnem contractum matrimoniale inter ipsos Willelmum et Elenam initum et solemnizacionem eiusdem, idem Willelmus et Alicia Bergoyne de Hokham Norwicen’ diocesis, adhuc superstes, quam postea duxit Robertus Disse de Bery, *Coteler*, matrimonium adinvicem contraxerunt carnali copula subsecuta; quare peciit predictum matrimonium inter ipsum et prefatam Elenam initum et solemnizacionem eiusdem quatenus de facto processerunt cassari, irritati et annullari eosque abinvicem divorciari et separari etc., ulteriusque fieri etc. Dicta Elena fatetur quod idem Robertus ipsam duxit in facie ecclesie in uxorem secuta debita solemnizacione. Iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusione et malicia, datur dies^a iovis proximo post festum Sancti Dunstani proximo futurum ad probandum.

^a dies] followed by in p’x’ crossed out.

¹ Donahue, *Law, Marriage, and Society*, pp. 258–9.

² See *id.*, at 298–301.

³ See the introduction to this case.

procuratorium] Et dicta Elena constituit apud acta Johannem Wiltesshir', clericum, procuratorem suum cum potestate agendi, defendendi etc., substituenti etc. et cavebat de rato etc. [fol. 149v]

359. *ANDRE (2)*

[2 May 81 (102.18)] Andre. During the publication of banns between Nicholas Andre of Swavesey and Margery Solza of Swavesey, Robert Andre and Alice Eddings of Swavesey opposed the marriage by reclamation. They were cited before the official to explain the reclamation.

They appear personally. They propose that while Nicholas' wife was still living, he committed adultery with Margery and they plotted his wife's death. They also claim that Walter Grym, related to Nicholas within the fourth degree, had had intercourse with Margery and had contracted marriage with her. Sworn *de malicia*, they produce two witnesses concerning the reclamation: William Lovechild and John Eddings of Swavesey, who are admitted as penalty for Margery's contumacy. Next to propose and the second term to produce; Margery will be called.

Andreu] In edicione bannorum inter Nicholaum Andreu de Swanes' et Margeriam Solza de eadem, Robertus Andreu et Alicia Edyng' de eadem se opposuerunt dicta banna reclamando et pro reclamacione huiusmodi citati coram nobis comparent personaliter et pro causa reclamacionis proponunt quod dictus Nicholaus, vivente uxore sua, ipsam Margeriam in adulterio poluit, quodque ipsi Nicholaus et Margeria in mortem dicte uxoris sue fuerant imaginati.^a Proponunt insuper quod quidam Walterus Grym ipsum Nicholaum in gradu consanguinitatis prohibito attingens, eandem Margeriam carnaliter precognovit et cum ea matrimonium precontraxit. Iuratis dictis reclamantibus de malicia, productis per dictos reclamantes duobus testibus, videlicet Wilhelmo Lovechil' et Johanne Edyng' de Swaveseye, quibus admissis in pena [fol. 149v] contumacie dicte Margerie ad premissa citate et non comparentis, datur dies in proximo ad ponendum et secundo producendum et decernimus dictam Margeriam fore vocandam ad idem. [fol. 150r]

[24 May 81 (103.18)] Andre. Parties personally. Robert and Alice produce three witnesses: Nicholas Ward of Swavesey, Richard Andre, and William Scot of Swavesey, who are admitted and sworn. Next to publish the testimony. Nicholas and Margery want the articles of proof given to them.

Andreu] Partibus personaliter comparentibus, productis per partem actricem tribus testibus, videlicet Nicholao Warde de Swanveseye, Ricardo Andreu et Wilhelmo Scot de eadem, quibus admissis et in forma iuris iuratis, premissa protestacione per partem adversam de dicendo contra testes et eorum dicta quatenus contra se deponunt, datur dies in proximo ad publicandum et publicari videndum attestaciones et pars rea petit articulos probatorios sibi dari.

^a imaginati] ymaginati.

[fol. 151r]

[10 Oct 81 (106.18)] Andre. Robert and Alice are absent and found contumacious, since they have been called to all acts; Nicholas and Margery personally. As penalty for contumacy, the testimony is published; a copy is ordered for the parties. Next to speak against witnesses and testimony.

Andreu] Parte actrice nullo modo comparente, parte rea ut prius, ideo ipsam partem actricem habentem diem ad omnes actus ex prefixione reputamus contumacem et in pena contumacie publicamus attestaciones et decernimus copiam partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 153r]

[30 Oct 81 (107.18)] Andre. Next to speak against witnesses and testimony.

Andreu] Partibus ut prius comparentibus, datur dies in proximo ad idem, videlicet ad dicendum contra testes et eorum dicta. [fol. 154v]

[12 Nov 81 (108.11)] Andre. Next to hear the definitive sentence.¹

Andreu] Ad idem in proximo, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fol. 155r]

[28 Nov 81 (109.9), 12 Dec 81 (110.9), 16 Jan 82 (111.9), 6 Feb 82 (112.8), 27 Feb 82 (113.8)] Andren. As 108.11.

Andreu] Ad idem, videlicet ad audiendum sentenciam in dicta causa diffinitivam. [fols. 158r, 159r, 159v, 160v, 161v]

¹ We seem to have skipped a stage in the process here.

360. PIKE

[2 May 81 (102.19)] Pike. Amy Hakhay of Landbeach was cited at the instance of Richard Pike of Landbeach in a defamation case.

Richard appears personally; Amy is absent. She is excommunicated and to be called since she has said she would not appear.

Pyk' – excommunicacio] Amya Hakhay de Landbech', citata ad instanciam Ricardi Pyk' de eadem in causa diffamacionis personaliter comparentis, non comparuit,^a ideo ipsam Amyam excommunicamus et vocetur quia dixit se nolle comparere. [fol. 150r]

[24 May 81 (103.21)] Pike. Richard appears personally; Amy by proctor.¹ An oral libel is given and requested written. Next to receive it in writing.

Pyk'] Amya Hakhay de Landbech' citata [est] ad diem et locum supradictos

^a comparuit] *sic*.

¹ In entry 103.20, Amy constitutes Peter Caprik her proctor *apud acta*. As part of this process, Amy or Peter may have been able to persuade the official to ignore the sentence of excommunication, because no further mention is made of it.

ad instanciam Ricardi Pyk' de eadem in causa diffamacionis. Parte actrice personaliter comparente, parte rea per procuratorem suum predictum, libellato oretenus petitoque in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 151r]

[10 Oct 81 (106.20)] Pike. Peace has been restored.

Pyk'] Pax est. [fol. 153r]

361. MALIN

[2 May 81 (102.25)] Malin. John Malin senior of Whittlesford Bridge was cited at the instance of Margaret his *de facto* wife in a divorce case.

Parties appear personally. Margaret proposes orally that prior to John's contract and solemnization with her, he had contracted marriage in present words of mutual consent with Isabel sister of William Langford of Pampisford. Margaret had contracted in present words, or in future words followed by intercourse, with John St John of Lichfield, who is still living. Margaret wants the court to annul her marriage to Malin and to divorce them. Malin denies this; parties swear *de calumpnia* and *de veritate dicenda*. 13 June 1381 to propose and the first term to produce. Since the court fears John will flee, all acts are assigned to him.

Malyn] Johannes Malyn de Wyttlesford'brugg' senior citatus [est] ad instanciam Margarete quam de facto duxit in uxorem in causa divorcii. Partibus personaliter comparentibus, dicta Margareta proposuit oretenus quod ante omnem contractum matrimonialem inter eos initum et solemnizacionem eiusdem prefatus Johannes cum^a quadam Isabella sorore Willelmi Langford' de Pampesworth' per verba de presenti mutuuum consensum eorumdem exprimencia contraxit, quodque ipsa Margareta et quidam Johannes Seynt John' de Lychefeld', adhuc superstes, matrimonium adinvicem precontraxerunt per verba de presenti mutuuum consensum eorumdem exprimencia seu per verba de futuro carnali copula subsecuta. Quare peciit dicta Margareta predictum matrimonium inter ipsam et prefatum Johannem Malyn de facto contractum et solemnizacionem eiusdem quatenus de facto processerunt cassari, irritari et annullari ipsosque abinvicem divorciari et separari etc. ulteriusque fieri etc. Dictus Johannes Malyn negat, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies iovis proximo post festum Sancti Barnabe apostoli loco quo supra ad ponendum et primo producendum et quia timemus de viri fuga, ideo sibi prefigimus diem ad omnes actus etc. [fol. 150r]

^a cum] *interlined*.

362. RANLYN/WARD

This pair of actions brought against the same woman by people in the same town are clearly related. The *ex officio* citation at the end of the second case confirms the relationship, but noth-

ing more on the topic is found in the register.

[2 May 81 (102.26)] Ranlyn. Amy Delhay of Bourn was cited at the instance of John Ranlyn of Bourn in a defamation case.

John appears personally; Amy by Walter Sutton, proctor by letter. An oral libel is given and requested written. Next to receive it in writing.

Ranlyn] Amya Dellay de Bru'ne, citata [est] ad instanciam Johannis Ranlyn de eadem in causa diffamacionis. Parte actrice personaliter comparente, parte rea per Walterem de Sutton', clericum, procuratorem suum literatorie constitutum, libellato oretenus, petito in scriptis, datur dies in proximo ad respondendum et interim decreto in scriptis.^a [fol. 150r]

[2 May 81 (102.27)] Ward. Amy Delhay of Bourn was cited at the instance of Cecilia wife of Robert Ward of Bourn in a defamation case.

Cecilia appears personally; Amy by Walter Sutton, proctor by letter. An oral libel is given and requested written. Next to reply, and in the meantime to receive it in writing. Amy will be called to respond personally to the office because she commonly defames her neighbours.

Warde] Amya Dellay de Brunne, citata [est] ad instanciam Cecilie uxoris Roberti Warde de eadem in causa diffamacionis. Parte actrice personaliter comparente, parte rea per Walterum de Sutton', clericum, procuratorem suum literatorie constitutum, libellato oretenus, petito in scriptis, datur dies in proximo ad respondendum eidem et interim decreto in scriptis. Et decernimus dictam Amyam fore vocandam ad personaliter respondendum officio nostro quia communis diffamatrix vicinorum suorum. [fol. 150r]

^a et interim decreto in scriptis] *This cryptic phrase is probably short for something like et decretum est quod interim libellus fore recipiendus a parte rea in scriptis.*

363. POOL/POTTER¹

[2 May 81 (102.28)] Pool. Alice Bridgeman of Carlton was cited for 8 May 1381 at the instance of Thomas atte Pool of Wilbraham in a marriage case.

Thomas appears by proctor; Alice is absent, suspended from entering church, and to be called.

Pool – suspensio] Alicia Briggenam de Carlton', citata [est] ad diem mercurii proximo post festum Sancti Johannis ante portam latinam ad instanciam Thome atte Pool de Wilburgham in causa matrimoniali. Parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo suspendimus et vocetur. [fol. 150r]

[2 May 81 (102.29)] Potter. John Potter of Carlton was cited because he impeded the marriage of Alice Bridgeman and Thomas atte Pool.

¹ This case is discussed in Donahue, *Law, no. 429. Marriage, and Society*, pp. 248–50 and T&C

He is absent and suspended from entering church.

Pool – suspensio] Johannes Pottere de eadem, citatus quia impedit matrimonium inter eos, non comparet, ideo suspendimus ab ingressu ecclesie. [fol. 150r]

[24 May 81 (103.22)] Pool. Parties appear personally. Thomas proposes orally that they contracted marriage in present words of mutual consent, or in future words followed by intercourse; he wants them judged husband and wife. Alice admits that they contracted in present words on the feast of the Purification last, but she denies the intercourse. Parties swear *de calumpnia* and *de veritate dicenda*. Next to propose and the first term to produce. Fearing they will flee, the court cites them to all acts through the definitive sentence and inhibits them from contracting or doing anything prejudicial to the case.

Pool] Alicia Briggeman de Carlton', citata [est] coram nobis ad diem et locum supradictos ad instanciam Thome atte Pool de Wilburham in causa matrimoniali. Partibus personaliter comparentibus, dictus Thomas proposuit oretenus quod ipsi Thomas et Alicia matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorum exprimencia seu per verba de futuro carnali copula subsecuta, unde peciit ipsam sibi in uxorem legitimam ipsumque Thomam eidem Alicie in virum legitimum adiudicari. Predicta Alicia fatetur dictum contractum inter eos per verba de presenti ad festum purificationis Beate Marie ultimo preteritum; carnalem copulam inter eosdem negat expresse. Iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum. Et prefigimus utrique parti diem ad omnes actus in dicta causa consecutivos usque ad sentenciam inclusive cum de eorum fuga timeamus et interdicimus eis ne aliunde contrahant vel quicquam aliud faciant, quominus dicta causa suum debitum sorciatur effectum. [fol. 151r]

[24 May 81 (103.23)] Potter. Parties appear personally. John proposes orally that they contracted marriage in present words of mutual consent, or in future words followed by intercourse; he wants them judged husband and wife. Alice admits that they contracted during Easter week 1380. Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusionem et malicia*. Next to propose and the first term to produce. Fearing they will flee, the court cites them to all acts through the definitive sentence and inhibits them from contracting or doing anything prejudicial to the case.

Pottere] Eadem Alicia, citata [est] coram nobis ad diem et locum supradictos ad instanciam Johannis Pottere de Carlton' in causa matrimoniali. Partibus comparentibus, dictus Johannes pars actrix proposuit oretenus quod ipsi Johannes et Alicia matrimonium adinvicem contraxerunt per verba de presenti mutuum consensum eorum exprimencia seu per verba de futuro carnali copula subsecuta, unde peciit ipsam Aliciam sibi in uxorem legitimam ipsumque Johannem eidem Alicie in virum legitimum adiudicari. Predicta Alicia fatetur dictum contractum inter eos initum in ebdomoda Pasche ultimo elapsa ad annum. Iuratis partibus hincinde de calumpnia et de veritate dicenda ac de

collusione et malicia, datur dies in proximo ad ponendum et primo producendum. Et prefigimus et interdicimus eis ut supra in proxima causa. [fol. 151r]

[10 Oct 81 (106.21)] Pool. Neither prosecutes. They are to be denounced as excommunicate and cited to proceed next.

Pool] Quia neutra pars prosequitur, ideo denuncientur excommunicati et citentur ad proximum prosecuturi causam. [fol. 153r]

[10 Oct 81 (106.22)] Potter. Neither prosecutes. They are to be denounced as excommunicate and cited to proceed next.

Pottere] Quia neutra pars prosequitur, ideo denuncientur excommunicati et citentur ad proximum prosecuturi causam. [fol. 153r]

[30 Oct 81 (107.20)] Pool. They are to be cited to proceed according to past acts and denounced as excommunicates as before.

Pool] Citentur ad proximum prosecuturi causam iuxta retroacta et denuncientur excommunicati ut prius. [fol. 154v]

[30 Oct 81 (107.21)] Potter. They are to be cited to proceed according to past acts and denounced as excommunicates as before.

Pottere] Citentur ad proximum prosecuturi causam iuxta retroacta et denuncientur excommunicati ut prius. [fol. 154v]

[12 Nov 81 (108.16)] Pool. They are to be cited to proceed according to past acts.

Pool]^a Citentur ad proximum processuri iuxta formam retroactorum. [fol. 156r]

[12 Nov 81 (108.17)] Potter. [They are to be cited to proceed according to past acts.]

Pottere]^a [Citentur ad proximum processuri iuxta formam retroactorum. fol. 156r]

[28 Nov 81 (109.13)] Potter. John personally; Thomas Pool personally; Alice personally. John produces William rector of Carlton, who is admitted. With the parties' consent, he is allowed to testify even about matters told to him in confession. Next to produce more witnesses if they wish.

Pottere] Johnanne Pottere personaliter comparente, predictis Thoma Pool^b personaliter et Alicia Briggeman ut prius, producto per Johannem Pottere uno teste, videlicet domino Willemo rectore ecclesie de Carlton, quo admissio, de consensu parcium que eum licenciarunt ut deponat eciam super confessatis in foro anime si que sint, datur dies in proximo ad producendum plures si voluerint. [fol. 158r]

^a Both names appear in the margin, each with a paragraph sign as if two separate entries in the body of the text were intended, but they share one entry. A later hand has drawn converging lines by the margin names to indicate that they both apply to the one entry. Usually when Foxton conflates cases, he combines the names in the margin under one paragraph sign, as he does in the entries beginning at 110.13. ^b Pool] followed by et Alicia crossed out.

[28 Nov 81 (109.14)] Pool. Thomas personally; John Potter personally; Alice personally. Thomas produces John Potter, who is admitted and sworn. Next to produce more witnesses.

Pool] Predictis Thoma Pool et Johanne ac Alicia ut prius comparentibus, producto per dictum Thomam dicto Johanne Pottere, quo admissio et in forma iuris iurato, datur dies in proximo ad producendum plures. [fol. 158r]

[12 Dec 81 (110.13)] Potter/Pool. Parties personally. Thomas Smyth of Wilbraham is produced, who is admitted and sworn. Next to produce more witnesses if they wish. John Hogepond of Wilbraham,² cited to give testimony, is absent, suspended, and called.

Pottere/Pool]^c Partibus predictis personaliter comparentibus, producto Thoma Smyth' de Wilburgham, quo admissio et in forma iuris iurato, datur dies in proximo in utraque causa ad producendum plures si voluerint. Johannes Hogepond de Wilburgham citatus ad perhibendum testimonium in dicta causa non comparet, ideo suspenditur et vocetur. [fol. 159r]

[16 Jan 82 (111.13)] Potter/Pool. The execution of John's suspension is ordered.

Pottere/Pool'] Ad idem ut prius et fiat executio contra Johannem Hogepond alias supensum. [fol. 160r]

[6 Feb 82 (112.11), 27 Feb 82 (113.11)] Potter/Pool. As 111.13.

Pottere/Pool] Fiat executio contra Johannem Hogepond' alias suspensum. [fols. 160v, 161v]

^c See *n. a.*

² John is not previously mentioned.

364. COUPER (3)

[2 May 81 (102.31)] Couper. After Lawrence Couper of Wisbech had appealed from reputed contumacy, a peremptory citation, and other grievances caused by Mr Geoffrey Gidding, commissary of the archdeacon's official, an inhibition was sent to Geoffrey and Mr John de Wilford, rector of Doddington and instigator of the grievances. The dean of Wisbech certified this to the court, but the rector could not be apprehended with a personal citation, as contained in the rescript.

Lawrence appears by Adam Friday, cleric and proctor by letter; John is absent. He will be called.

Couper] Cum a quadam contumacie reputacione [et] peremptoria citacione iniuriis aliisque legitimis gravaminibus in ea parte suggestis per magistrum Galfridum Giddinge, officialis domini archidiaconi Elien' commissarium se pretendentem, Laurencio Couper de Wysebech' illatis et factis per partem dicti Laurencii ad audienciam nostram extitit appellatum ac dicto magistro Galfrido, commissario pretenso, et magistro Johanni de Wilford', [fol. 150r] rectori ecclesie de Dodyngton', ad cuius procuracionem et instanciam pre-

dicta gravamina fuerant illata ut suggeritur, inhibitum ne etc. prout per certificatorium decani de Wysebech' nobis inde factum liquet manifeste; et quia dictus rector, pars appellata, non fuerat personaliter citacione apprehensus prout in dicto^a rescripto nostro continebatur, ideo, parte appellante per Adam Friday, clericum, procuratorem suum literatorie constitutum comparente, parte appellata nullo modo,^b decernimus dictam partem appellatam fore vocandam ad procedendum et procedi videndum in dicta appellacionis causa. [fol. 150v]

^a dicto] *followed by s crossed out.* ^b modo] *followed by redundant ideo.*

365. SPALDING (2)

[24 May 81 (103.25)] Spalding. John vicar of Melbourn was cited for said day and place at the instance of Thomas Spalding of Ely, chaplain, in a breach of faith and perjury case.

Thomas by proctor; John is absent and suspended from entering church.

Spaldyng' – suspensio] Dominus Johannes vicarius ecclesie de Meldebourn', citatus [est] ad diem et locum supradictos ad instanciam domini Thome Spaldyng' de Ely capellani in causa fidei lesionis et periurii. Parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam partem ream suspendimus ab ingressu ecclesie in hiis scriptis. [fol. 151v]

[10 Oct 81 (106.24)] Spalding. Parties personally. John admits that he was condemned by the consistory to pay money to Thomas, under penalty of major excommunication. The term has passed and he has not paid. Next to propose why he should not be excommunicated and pronounced a perjurer.

Spalding'] Partibus ut prius comparentibus, dictus dominus Johannes vicarius fatetur quod fuit condemnatus per nos in dicta sententia pecunie eidem domino Thome Spalding' solvende ad terminum iam elapsus sub pena excommunicationis maioris sentencie lata et quod non solvit. Unde habet diem in proximum ad proponendum causam quare non debeat pronunciari incidisse in sentenciam predictam et pronunciari periurus.^a [fol. 153r]

[30 Oct 81 (107.23)] Spalding. Thomas by John Wiltshire, proctor; John is absent and found contumacious. As penalty, the final term to propose is precluded to him and the court proceeds to the pronouncement. Since John proposes no reason why he should not incur major excommunication, he is excommunicated.

Spaldyng' – pronunciatio] Parte domini Thome Spalding' per Johannem Wiltes' procuratorem suum comparente, predicto domino Johanne vicario nullo modo, ideo ipsum reputamus contumacem et in pena contumacie precludimus sibi viam quicquam ulterius proponendi et ad pronunciacionem in hac parte faciendam procedimus. [fol. 154v]

^a periurus] *sic.*

366. CHAPMAN (3)

[24 May 81 (103.28)] Chapman. Ed[war]d Alderman of Elsworth and Margery his wife were cited at the instance of Thomas Chapman and Henry Seaborn of Elsworth in a defamation case.

Thomas and Henry appear by proctor; Edward and Margery are absent, excommunicated,¹ and to be called.

Chapman – excommunicacio] Ed[ward]us Alderma' de Ellesworth' et Margeria uxor sua, citati [sunt] ad instanciam Thome Chapma' et Henrici Sebern' de eadem in causa diffamacionis. Parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam partem ream excommunicamus et vocetur. [fol. 151v]

[14 Jun 81 (104.1)] Chapman. William son of Ed[war]d Alderman of Elsworth was cited at the instance of Robert son of Thomas Chapman in a defamation case.

Robert appears by proctor; William is absent, excommunicated, and called.

Chapman – excommunicacio] Willelmus filius Ed[ward]i Alderman de Ellesworth', citatus [est] ad instanciam Roberti filii Thome Chapma' in causa diffamacionis. Parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam partem ream excommunicamus et vocetur. [fol. 151v]

¹ Normally excommunication is not ordered for the first non-appearance unless the non-appearing party has expressly refused to appear, as in the following case. Perhaps we should assume that here.

367. TRINITY (2)¹

[14 Jun 81 (104.2)] Trinity. Roger Moor, priest residing in Cambridge, was cited at the instance of Thomas de Wiggenhall, perpetual vicar of Holy Trinity, Cambridge, in a defamation case.

Thomas appears by Walter Sutton, proctor; Roger is absent. Since Roger has expressly refused to appear, he is found contumacious and excommunicated.

Trinitatis – excommunicacio] Dominus Rogerus Moor presbyter commorans in Cant' citatus [est] ad diem et locum supradictos ad instanciam domini Thome de Wygenhale perpetui vicarii ecclesie Sancti Trinitatis Cantebr' in causa diffamacionis. Parte actrice per Walterum de Sutton', procuratorem suum, comparente, parte rea nullo modo sed comparere expresse recusante, ideo ipsum reputamus contumacem et manifestum offensorem et pro huiusmodi contumacia et offensa ipsum excommunicamus. [fol. 151v]

[14 Jun 81 (104.4)] Trinity. Roger Moor, residing in Cambridge, had been excommunicated and denounced for contumacy at the instance of Thomas vicar of Holy Trinity in a defamation case. Roger was cited again for 11 July 1381 to show why the sentence should not be increased and to respond to the vicar.

Thomas appears by proctor; Roger is absent and found contumacious. As penalty he is

¹ See *Trinity (1)*, n. 1.

denounced as an excommunicate and excluded from communion with the faithful except in cases permitted by law.

Trinitatis] Dominus Rogerus Moor presbyter commorans in Cant' alias excommunicatus pro suis contumacia et offensa ad instanciam domini Thome vicarii ecclesie Sancte Trinitatis Cant' in causa diffamacionis et denunciatus iteratoque citatus [est] ad diem iouis proximo post festum translacionis Sancti Thome causam rationabilem, si quam habeat, quare dicta sententia aggravari non debeat propositurus et ostensurus ac predicto vicario in causa predicta responsurus. Parte actrice ut prius comparente, parte rea nullo modo, ideo ipsam reputamus contumacem et in pena contumacie inhibemus sibi communionem fidelium casibus a iure permissis dumtaxat exceptis et decernimus ipsum fore denunciandum ut prius et communione fidelium eidem inhibenda. [fol. 151v]

[10 Oct 81 (106.26)] Trinity. Roger Moor, priest residing in Cambridge, was cited peremptorily for 10 Oct. to show why his capture by the royal majesty should not be requested, according to English custom. He has been excommunicated for more than forty days.

Thomas Wiggenghall, vicar of Holy Trinity, by proctor; Roger is absent. He is expected at the next consistory.

Trinitatis] Dominus Rogerus Moor commorans in Cant' presbyter citatus [est] ad diem iouis supradictum loco quo supra causam rationabilem, si quam haberet, quare pro ipsius capcione scribi non deberet regie magestati iuxta consuetudinem regni Angl' eo quod maioris excommunicacionis sentenciam in ipsum ad instanciam domini Thome Wygenhale vicarii ecclesie Sancte Trinitatis Cant' in causa diffamacionis latam per nos per quadraginta dies et amplius sustinuit animo indurato pro termino peremptorio propositurus et ostensurus. Parte dicti vicarii per procuratorem suum, predicto domino Rogero nullo modo, comparentibus, expectamus eum usque proximum consistorium ad idem ad convincendum ipsius maliciam. [fol. 153r]

[30 Oct 81 (107.24)] Trinity. Thomas by proctor; Roger is absent and found contumacious. As penalty, his capture by the royal majesty is requested.

Trinitatis] Parte dicti vicarii per dictum procuratorem suum comparente, parte dicti domini Rogeri nullo modo, ideo ipsum dominum Rogerum pronunciamus contumacem et in pena contumacie decernimus fore scribendum regie magestati pro ipsius domini Rogeri excommunicati capcione. [fol. 154v]

368. COTTENHAM (2)

[14 Jun 81 (104.3)] Cottenham. Richard Wretil of Oakington was cited at the instance of the executors of Simon de Cottenham in a testamentary case.¹

¹ It is unusual for Foxton to record only register for more at the end of the last line this much information, and so this entry is of the entry, space that seems slightly greater probably incomplete. There is space in the than which follows the complete entries.

Cotenham] Ricardus Wretil de Hokyton' citatus [est] ad diem et locum supradictos ad instanciam executorum testamenti Simonis de Cotenham in causa testamentaria.^a [fol. 151v]

^a See n. 1.

369. BARBER

The fact that this case was heard entirely out of session and involved a trip by the official to the very northern part of the diocese may account for its somewhat informal language, for example, the absence of *In Dei nomine amen* at the beginning of the sentence.¹

[14 Jun 81 (104.7)] Barber. Adam Barber of Thorney and Agnes Whitehead of Chatteris, residing in Whittlesey, were cited before the official concerning a contract of marriage, followed by intercourse.

9 Sep 1381. They appear personally in St Mary, Whittlesey. Sworn *de veritate dicenda* and questioned, they admit that they contracted marriage in present words of mutual consent, followed by intercourse; since that time they have intended to marry. When they had the banns published, no one spoke against the marriage. Then Nicholas Wait, dean of Ely, inhibited the solemnization because Adam had had intercourse with Alice Cook of Chatteris, who is alleged to be related to Agnes within the prohibited degrees of consanguinity. When questioned, Adam admits that he had intercourse with Alice. Neither Adam nor Agnes know of any consanguinity between the women. 10 Sept. in Chatteris parish church to proceed.

10 Sept. Alice appears personally, as called; Adam and Agnes are absent. Sworn, she admits that she and Adam had intercourse and that she is related to Agnes. She produces two unnamed witnesses, who are admitted, sworn, and questioned as penalty to Adam and Agnes. For the court's information, the vicar of Chatteris, Simon parish clerk of Chatteris, and four other elderly men and women of Chatteris from Agnes' kin (*de parentela*) are admitted, sworn, and examined. The testimony is published.

Sentence. Based on Adam and Agnes' confession, the deposition of the vicar, and the computation of the elders, the court finds no consanguinity between Agnes and Alice. Adam and Alice's contract is lawful and they are judged husband and wife. If no other impediment exists, they are ordered to solemnize their marriage at an appropriate time and place, the dean's inhibition notwithstanding. Alice is ordered beaten round the church of Chatteris on three days in the manner of a public penitent for the intercourse.

Barbour] Adam Barbour de Thorney et Agnes Whiteved de Chateris comorans in Wittlesseye citati [sunt] coram nobis .. officiali Elien' super contractu matrimoniali inter eosdem inito et carnali copula subsequente. Predicti Adam et Agnes comparuerunt personaliter coram nobis in ecclesia Sancte Marie de Wittlesseye die lune proximo post festum nativitatis Beate Marie virginis anno Domini supradicto. Iurati de veritate dicenda ac super premisis contractu et carnali copula requisiti, fatebantur quod contraxerunt matrimonium adinvicem per verba de presenti mutuum consensum eorundem exprimencia carnali copula subsecuta et quod tempore contractus habuerunt

¹ See Donahue, *Law, Marriage, and Society*, pp. 286–7, 573. and T&C nos. 510–11, 1200.

et adhuc habent animum et voluntatem ac propositum contrahendi et quod banna edi in facie ecclesie procurarunt in quorum edicione nullus apparuit contradictor. Dicunt tamen quod dictus Nicholaus Wate, decanus de Ely pretendens, quamdam Alicam Cok' de Chat'is, quam idem Adam carnaliter precognovit, ipsam Agnetem in gradu consanguinitatis prohibito attingere, impedivit et impedit ac inhiuit et inhiuit ne matrimonium inter eosdem Adam et Agnetem contractum potuit in facie ecclesie solempnizari. Dictus Adam, requisitus de carnali copula cum prefata Alicia, fatetur quod ipsam Aliciam carnaliter precognovit. Dicti Adam et Agnes requisiti super consanguinitate predicta dicunt quod non attingunt se in aliquo gradu consanguinitatis quod sciant, unde habunt diem crastinum videlicet diem martis proximo post festum nativitatis Beate Marie in ecclesia parochiali de Chateris ad procedendum et procedi videndum ulterius in dicta causa^a ulteriusque faciendum quod est iuris.

Quibus die et loco predicta Alicia Cok' coram nobis personaliter comparente iuxta vocacionem in ea parte factam et super premissa precognitione carnali inter prefatum Adam et ipsam ac consanguinitate inter ipsam et prefatam Agnetem, iurata^b fatetur dicta Alicia tam precognitionem carnalem quam consanguinitatem. Productisque per dictam Aliciam super eisdem duobus testibus, quibus admissis, iuratis in forma iuris in penam contumacie dictorum Ade et Agnetis non comparencium [et] examinatis; admissisque per nos vicario ecclesie de Chateris, Simone clerico parochialis eiusdem et aliis quatuor testibus tam viris quam mulieribus de parentela dicte Agnetis, senibus et valetudinaribus dicte ville tunc presentibus pro informacione pleniori consciencie nostre, quibus iuratis et examinatis, attestaciones omnium testium prius examinatorum publicavimus tunc ibidem.

sentencia] Et quia invenimus dictam Aliciam dictam consanguinitatem in nullo probasse sed in probacione eiusdem penitus defecisse invenimusque per deposicionem vicarii et aliorum senium per ipsorum computacionem graduum nullam consanguinitatem inter ipsas extitisse dictumque contractum inter prefatos Adam et Agnetem per ipsorum confessiones coram nobis iudicialiter emissas ac per testes sufficientes omni excepcione maiores sufficienter fuisse probatum, ipsum Adam eidem Agneti in virum legitimum ipsamque Agnetem eidem Ade in uxorem legitimam per hanc nostram sentenciam diffinitivam in hiis scriptis pronunciamus et adiudicamus, decernentes matrimonium inter eos fore in facie ecclesie solempnizandum pro loco et tempore opportunis si nullum aliud subsit impedimentum, predicta consanguinitate ac inhiuicione dicti domini Nicholai decani non obstante. Et pro carnali copula predicta dicta Alicia fustigabitur tribus diebus circa ecclesiam de Chateris, more publice penitencie. [fol. 152r]

^a causa] *interlined.* ^b iurata] *interlined.*

370. HUNN

[19 Sep 81 (105.1)] Hunn. John Ellington of Chesterton, tailor, and Agatha his wife were cited for 16 Sept. 1381 at the instance of Thomas Hunn of Chesterton and Margery his wife in a defamation case.

Parties appear personally. An oral libel is given *sub certa forma*. John and Agatha contest the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to propose, to give the libel in writing to the registry,¹ and the first term to produce.

Hunne] Johannes Elyngton' de Chestreton' *Taillor* et Agatha uxor eius citati [sunt] ad diem lune proximo post festum exaltacionis sancte Crucis ad instanciam Thome Hunne de eadem et Margerie uxoris sue in causa diffamacionis. Partibus personaliter comparentibus, libellato per partem actricem oretenus sub certa forma, lite negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad ponendum et primo producendum et dandum libellum in scriptis registro. [fol. 152v]

[10 Oct 81 (106.27)] Hunn. Neither appears and the case is discontinued.

Hunne] Neutra pars comparuit, ideo causa est discontinuata. [fol. 153r]

¹ For this translation, see Introduction.

371. ELY/WISBECH

[10 Oct 81 (106.28)] Ely/Wisbech. It has come to the court's attention that, contrary to canon law,¹ the deans of Ely and Wisbech have been hearing marriage and other serious cases. They are called to hear the court's inhibition and interdiction against hearing such cases from now on, and to receive penance for their offence.

Ely et Wysebech'] Quia ad nostrum pervenit auditum quod decani decanatum de Ely et Wysebech' in causis matrimonialibus et aliis gravibus causis cognoscunt contra canonica instituta, ideo decernimus ipsos fore vocandos ad audiendum inhibitionem nostram et interdictum ne de cetero in talibus causis cognoscant et ad recipiendum penitentiam pro eorum temeritate. [fol. 153r]

¹ For the canons that might be involved, see Introduction.

372. SMYTH (2)¹

[10 Oct 81 (106.30)] Smyth. Matilda wife of John Smyth of Cambridge had appealed from Richard Pitts, commissary of the archdeacon's official, because of injurious citation, excessive penance, and other grievances. Mr Walter Sutton, public notary, was instructed by the court to inhibit Richard and Amy Rose of Cambridge and to cite Amy so that the appeal could proceed. The mandatory has certified the court that she was not cited because she has been hiding to avoid personal citation. She will be called by all means. Since it is clear from the certification that John Fulbourn of Cambridge, skinner, proposed contemptuous words against the inhib-

¹ See *Pitts*, n. 1.

ition, he will be cited for contempt.

Smyth'] Cum nos ad inhibendum Ricardo Pyttes commissario pretenso .. officialis domini archidiaconi Elien' et Amicie Rose de Cant' et ceteris omnibus etc. in quadam causa appellacionis a dicto .. commissario pretenso occassione iniuriose citacionis et penitencie imposicione nimis excessive aliorumque gravaminum in hac parte suggestorum ad audienciam nostram interiecta per Matildem uxorem Johannis Smyth' de Cantebr', ipsamque Amiciam citandam ad certos diem et locum in dicta causa appellacionis processuram magistro Waltero de Sutton' notario publico nuper dederimus in mandatis; idem mandatarius noster nos certificavit die et loco supradictis quod dicta Amicia non potuit citari eo quod latitat ne personali citacione apprehendatur. Unde facta fide de premissis decernimus ipsam fore vocandam viis et modis. Et quia per dictum certificatorium liquet quod quidam Johannes Fulbourn' de Cant' *skynnere*, post et contra inhibicionem nostram sibi factam, verba contemptibilia proposuit prout in eodem certificatorio continetur, decernimus ipsum Johannem fore citandum super contemptu. [fol. 153v]

[30 Oct 81 (107.28)] Smyth. Matilda as before; Amy is absent. Since Amy has not been cited yet, she will be called by all means. John will be cited for contempt.

Smyth'] Parte appellante ut prius comparente, parte appellata nullo modo, et quia dicta pars appellata non est adhuc citata iuxta decretum, ideo citetur ad proximum ut supra, videlicet viis et modis, et citetur dictus Johannes Fulbourn' ut supra super contemptu. [fol. 154v]

[12 Nov 81 (108.45)] Smyth. Matilda by proctor; although cited *viis et modis* because she could not be apprehended personally, Amy does not appear and is found contumacious. Next to proceed to the end of the case.

Smyth'] In causa appellacionis mota inter Matildem uxorem Johannis Smyth' de Cantebr' partem appellantem ex parte una et Amiciam Rose de eadem partem appellatam ex altera, parte appellante per procuratorem suum comparente, parte appellata citata viis et modis eo quod non potest personaliter inveniri nullo modo comparente, ideo ipsam reputamus contumacem, et datus est dies in proximo cum continuacione et prorogacione dierum sequencium ad procedendum et procedi videndum in tota dicta^a causa iuxta ipsius qualitatem et naturam^b usque ad ipsius sentenciam diffinitivam inclusive secundum formam citacionis nostre^c in ea parte facte. [fol. 156v]

[28 Nov 81 (109.25)] Smyth. Matilda by proctor; Amy is absent.²

Smyth] In causa appellacionis mota inter Matildem uxorem Johannis Smyth' de Cant' partem appellantem ex parte una et Amiciam Rose de eadem partem

^a dicta] *bleeding from recto, reading unclear.* ^b naturam] *unclear.* ^c nostre] *unclear.*

² The normal order to repeat the citation is not found in this or in the subsequent entries.

appellatam ex altera, parte appellante ut prius comparente, parte appellata nullo modo. [fol. 158v]

[12 Dec 81 (110.22)] Smyth. As 109.25.

Smyth'] In causa appellacionis Matildis Smyth' de Cant', mota contra Amicam Rose, parte appellante ut prius comparente, parte appellata nullo modo. [fol. 159r]

[16 Jan 82 (111.20)] Smyth. As 109.25.

Smyth'] Parte appellante ut prius comparente, parte appellata nullo modo. [fol. 160r]

373. COUPER (4)

[10 Oct 81 (106.31)] Couper. John Reynold of Histon was cited at the instance of the executors of Agnes Couper of Histon.

Parties appear personally. With the parties' consent, the case is adjourned with hope of peace.

Coupere] Johannes Reynold' de Histon' citatus [est] ad instanciam executorum testamenti Agnetis Coupere de eadem in causa testamentaria. Parte actrice personaliter comparente, parte rea eciam personaliter, de quarum consensu continuamus usque proximum sub spe pacis. [fol. 153v]

[30 Oct 81 (107.25)] Couper. The case is pending with hope of peace.

Coupere] Pendet ad proximum sub spe pacis. [fol. 154v]

374. PUF

[10 Oct 81 (106.32)] Puf. Robert Puf of Little Shelford and Ivette his wife were cited for said day and place because they did not treat each other with marital affection.

They appear personally. Sworn *de veritate dicenda*, they admit that they were married before Little Shelford church thirty years ago and that they have not treated each other with affection. Robert claims that before he and Ivette contracted marriage, he and Margery Bennet of Comberton, now living in London, had contracted marriage and had had intercourse. Their marriage had been recognized publicly. Robert asks that his marriage to Ivette be annulled and that they be separated. Ivette contests the suit negatively; parties swear *de calumpnia*, *de veritate dicenda*, and *de malicia*. Next to propose and the first term to produce; Margery will be called to defend the case for her own interest.

Puf'] Robertus Puf' de Shelford' Parva et Ivetta uxor sua citati [sunt] coram nobis ad dictos diem et locum super eo quod maritali affeccione se invicem non pertractant. Uterque comparet personaliter, et iurati de veritate dicenda fatentur quod duxerunt se in coniuges in facie ecclesie de Shelford' Parva triginta annis elapsis. Fatentur eciam quod [maritali affeccione] non pertrac-

tant se adinvicem. Prefatus Robertus allegat et proponet quod ante omnem contractum matrimoniale inter ipsos Robertum et Ivettam initum et factum, idem Robertus et Margeria Benet de Cumberton', nunc in London' commorans, precontraxerunt carnali copula subsecuta, quem quidem precontractum et carnalem copulam uterque eorum in alterius et aliorum presencia fatebatur et recognovit et super quibus laborat publica vox et fama et laboravit ante contractum predictum cum predicta Ivetta initum. Quare peccit idem Robertus predictum contractum inter ipsum et eandem Ivettam initum et habitum et solemnizationem eiusdem quatenus de facto processerunt cassari, irritari et annullari, cassa, irrita et nulla pronunciari et declarari eosque abinvicem separari et divorciari etc. Lite per dictam Ivettam negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de malicia, datur dies in proximo ad ponendum et primo producendum et decernimus dictam Margeriam fore vocandam ad proximum consistorium ad defensionem dicte cause pro suo interesse. [fol. 153v]

[30 Oct 81 (107.27)] Puf. Neither appears. No witnesses are produced. They will be called to produce next.

Puf'] Neutra parte comparente nullisque testibus productis, in proximo ad idem et vocentur ad idem. [fol. 154v]

[12 Nov 81 (108.19)] Puf. Robert by John Wiltshire, proctor; Margery by Peter Caprik, proctor; and Ivette is absent. Robert's petition is read and Margery contests the suit affirmatively. Parties swear *de calumpnia*, *de veritate dicenda*, and *de collusione et malicia*. Robert requests a *missio* for the official of London to admit and examine as many witnesses as Robert wants; decreed. 26 Nov. in St Paul's, London, is assigned to Margery and Ivette so that they will be present at the admission.

Puf'] Parte dicti Roberti Puf' per Johannem Wiltes' procuratorem suum, parte Margerie Beneyt per Petrum Caprik', clericum, procuratorem suum, comparentibus, predicta Ivetta nullo modo, recitata petitione dicti Roberti, liteque per partem dicte Margerie affirmative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusione et malicia, petitaque per partem dicti Roberti missione ad .. officialem London' pro testibus quotquot et quos dictus Robertus coram eo in partibus producere voluerit et decreto; prefiximus partibus dictarum Margerie et Ivette diem martis proximo post festum Sancte Katerine virginis proximo futurum cum continuacione et prorogacione dierum sequencium in ecclesia Sancti Pauli London' ad videndum et interessendum ad missionem huiusmodi. [fol. 156r]

[12 Dec 81 (110.24)] Puf. The testimony of the witnesses admitted and examined by the official of London has been sent by him, according to his commission. No other witnesses are produced. Next the third term to produce.

Puf'] Partibus ut prius comparentibus, transmissis attestacionibus per .. officialem London' de testibus admissis et examinatis per eum London' iuxta

commissionem nostram sibi factam, nullis aliis testibus productis, datur dies in proximo ad tercio producendum. [fol. 159r]

[16 Jan 82 (111.21)] Puf. Robert by proctor; Margery by proctor; although cited, Ivette is absent. No other witnesses are produced, but later on the same day Robert produces two: Walter Rickinghall of Little Shelford and Richard Virley of Little Shelford, who are admitted and sworn. Following their examination, the testimony is put in writing and published along with the testimony of the London witnesses. A copy is ordered for the parties. Next to speak against witnesses and testimony.

Puf⁷] Parte Roberti et Margerie ut prius comparente, predicta Ivetta citata ad omnes actus nullo modo comparente, nullis aliis testibus productis sed postea tamen eodem die productis per dictam partem actricem duobus testibus, videlicet Waltero Rikyngdale de Chelford Parva et Ricardo Virly de eadem, quibus admissis et in forma iuris iuratis et examinatis eorumque attestacionibus in scriptis redactis et publicatis una cum attestacionibus testium London⁷ examinatorum decretaque copia partibus, datur dies in proximo ad dicendum contra testes et eorum dicta. [fol. 160r]

[6 Feb 82 (112.18)] Puf. The witnesses examined at London will be repeated because the court is suspicious of their testimony. A *missio* was given for their admission and examination at London; in fact, they do not reside there but in Cambridge and its vicinity. They are ordered produced next for reexamination.

Puf⁷] Partibus ut prius comparentibus, decernimus testes examinatos London⁷ fore repetendos cum habemus eorum testimonium suspectum presertim cum petita fuit pro eis missio ad admittendum et examinandum eos London⁷ et ibidem fuerant admissi et examinati et in rei veritate dicti testes non morantur in partibus London⁷ prout fuit suggestum sed in partibus Cantebr⁷ et in locis propinquis Cantebr⁷ et producantur in proximo pro repeticione. [fol. 161r]

[27 Feb 82 (113.18)] Puf. The witnesses examined at London are produced for reexamination, as ordered by the court.

Puf⁷] Producantur testes examinati London⁷ ad subeundum repeticionem iuxta decretum nostrum alias interpositum. [fol. 162r]

375. LINGWOOD (2)¹

[30 Oct 81 (107.26)] Lingwood. John Lingwood of Cambridge and Joan servant of John Reesham of Cambridge were cited before the official concerning a contract of marriage.

They appear personally. Sworn *de veritate dicenda* and questioned, Joan admits that John promised to marry her unconditionally and intercourse followed. John claims he promised by saying, "I will take you as my wife if you do well" and intercourse followed. Out of abundance of caution (*ex habundanti*),² 5 Nov. to prove the simple contract.

¹ See the introduction to *Lingwood/Howe*. not have voided the contract granted that

² The reason for this phrase is probably intercourse followed. because the condition, even if proven, would

5 Nov. John says he is willing to marry Joan without the court's compulsion. The court proceeds to the pronouncement.

Sentence. Since Joan has proved her intention based on John's confession, they are judged husband and wife.

Lyngewod'] Johannes Lyngewode de Cantebr' et Johanna serviens Johannis Reesham de eadem, citati [sunt] coram nobis officiali Elien' super contractu matrimoniali inter eosdem inito. Uterque comparuit personaliter, et iurati de veritate dicenda ac super predicto contractu requisiti, dicta Johanna fatetur quod idem Johannes promisit ipsam ducere in uxorem simpliciter et pure carnali copula subsecuta. Dictus vero Johannes fatetur quod promisit ipsam ducere in uxorem sub hiis verbis "Volo te ducere in uxorem si bene facias," carnali copula subsecuta. Unde habuerunt diem martis proximo post festum Omnium Sanctorum ad probandum quod simpliciter contraxerunt ex habundanti.

Quo die partibus personaliter comparentibus, dictus Johannes dicit se velle ipsam ducere in uxorem absque aliqua compulsione, unde nos .. officialis Elien' ad pronunciacionem in hac parte ferendam procedimus in hunc modum:

sentencia]. In Dei nomine amen. Quia invenimus dictam Johannam intencionem suam per partis adverse confessionem coram nobis iudicialiter emissam ad plenum fundasse et probasse, ipsum Johannem eidem Johanne in virum legitimum ipsamque Johannam eidem Johanni in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis. [fol. 154v]

376. *PARDON*¹

[30 Oct 81 (107.29)] Pardon. Robert Thurrock of Cambridge was cited at the instance of Gilbert Pardon, cleric, in a case of violence.

Parties appear personally. With the parties' consent, the case is pending with hope of peace.

Pardon'] Robertus Thurrok' de Cant' citatus [est] ad dictos diem et locum ad instanciam Gilberti Pardon' clerici in causa violencie. Partibus personaliter comparentibus, de quarum consensu pendet ad proximum sub spe pacis. [fol. 154v]

[12 Nov 81 (108.22)] Pardon. Peace has been restored. Robert is absolved *ex officio* for violence; he swears not to be delinquent anymore. For his offense he is ordered beaten round the church three times.

Pardon'] Pax est et pro violencia ex officio absolutus est reus et iuratus est quod de cetero non delinquat et pro commisso fustigetur ter circa ecclesiam.

¹ See *Saffrey (2)*, n. 1.

[fol. 156r]

377. *BAKER* (2)

[30 Oct 81 (107.30)] Baker. Margery Norris of Cambridge was cited at the instance of John Baker of Cambridge and his wife in a defamation case.

Parties appear personally. John and his wife propose an oral petition claiming that Margery falsely called John a thief and his wife a prostitute, maliciously defaming them and damaging their reputations. They want Margery excommunicated according to the provincial constitution of Oxford against defamation.¹ Margery admits that she called him a thief and her a prostitute, but claims by exception that she was provoked to this and that it is true. Next to prove.

Bakere] Margeria Norico de Cantebr' citata [est] ad instanciam Johannis Bakere et uxoris sue de eadem in causa diffamacionis. Partibus personaliter comparentibus, proposita petitione oretenus per partem actricem quod dicta pars rea vocavit dictum Johannem furem et uxorem suam meretricem falso, nequiter et maliciose, animo diffamandi, quo pretextu status ipsorum multipliciter leditur et denigratur; quare petunt dictam Margeriam in sententiam maioris excommunicacionis in constitucione concilii provincialis Oxon' contra diffamatores edita latam dampnaliter incidisse pronunciari et declarari. Dicta Margeria fatetur quod vocavit ipsum furem et uxorem suam meretricem. Excipiendo tamen dicit quod hoc fecit provocata et eciam quod non falso imposuit sed vere, unde habet diem in proximo ad probandum. [fol. 155r]

[12 Nov 81 (108.21)] Baxter.² Parties appear as before. No witnesses are produced. Next to prove.

Baxtere] Partibus ut prius comparentibus, nullis testibus productis, datur dies in proximo ad probandum. [fol. 156r]

[28 Nov 81 (109.17)] Baxter. Next to prove.

Baxter] In proximo ad idem, videlicet ad probandum. [fol. 158r]

¹ See Citations to Canon Law, *Auctoritate*. The change in the marginal tag of the case

² As common nouns 'baxter' and 'baker' could thus be a deliberate correction or in-are synonyms and have the same etymology. advertant.

378. *DASH*

Once more Foxton has not given us the initial entry in the case, leaving us in the dark as to: from whom the appeal was taken, who the appellee was, and what the issue was.

[12 Nov 81 (108.20), 28 Nov 81 (109.16)] Dash. The appellant is to be called to proceed with the appeal *sub pena confirmacionis*.

Dassh'] Vocetur pars appellans ad prosequendum appellacionem suam sub

pena confirmacionis. [fol. 156r, 158r]

[12 Dec 81 (110.15), 16 Jan 82 (111.15)] Dash. As 108.20.

Dassh'] Vocetur pars appellans prosecutura causam appellacionis sub pena confirmacionis. [fols. 159r, 160r]

[6 Feb 82 (112.13)] Dash. As 108.20.

Dassh'] Vocetur pars appellans sub pena confirmacionis prosecutura causam appellacionis. [fol. 160v]

[27 Feb 82 (113.13)] Dash. As 108.20.

Dassh'] Citetur pars appellans prosecutura causam appellacionis sue sub pena confirmacionis. [fol. 162r]

379. SMYTH (3)

[28 Nov 81 (109.19)] Smyth. John Baron of Steeple Morden was cited at the instance of William Smyth of Steeple Morden in a testamentary case.

William appears personally; John is absent and suspended from entering church.

Smyth] Johannes Baron' de Stepelmordon', citatus ad instanciam Willelmi Smyth de eadem in causa testamentaria personaliter comparentis, non comparuit, ideo ipsum Johannem suspendimus ab ingressu ecclesie. [fol. 158r]

[12 Dec 81 (110.17)] Smyth. Peace has been restored. John will be called *ex officio* to respond.

Smyth' – pax] In causa testamentaria Willelmi Smyth' de Stepelmordon' mota contra Johannem Baron' de eadem, alias suspensum ab ingressu ecclesie, pax est, ideo vocetur pars rea officio responsura. [fol. 159r]

380. SAWSTON (4)¹

[28 Nov 81 (109.20)] Sawston. John Kentish of Sawston was cited at the instance of the executors of the vicar of Sawston in a testamentary case.

The executors appear personally; John is absent and suspended from entering church.

Sawston] Johannes Kentysshe de Sauston, citatus ad instanciam executorum testamenti vicarii de Sauston in causa testamentaria personaliter comparen-
cium, non comparuit,^a ideo ipsum suspendimus ab ingressu ecclesie. [fol. 158r]

[12 Dec 81 (110.18)] Sawston. Peace has been restored. John will be called *ex officio*.

Sauston – pax] In causa testamentaria executorum testamenti vicarii de Sauston mota contra Johannem Kentysshe' de eadem, alias suspensum ab ingressu

^a comparuit] *sic*.

¹ See *Sawston (1)*, n. 1.

ecclesie, pax est, ideo vocetur pars rea ex officio. [fol. 159r]

381. SWAFFHAM/BEKEDALE¹

[28 Nov 81 (109.22)] Swaffham/Bekedale. Richard Pitts, cleric, was cited before the official for 21 Nov. 1381 at the instance of Thomas Swaffham of Reach and John Bekedale of Swaffham in an appeal from an unjust excommunication and other grievances caused by the commissary of the archdeacon's official, at Richard's instigation.

Thomas and John appear by John Wiltshire, proctor by letter; Richard is absent and found contumacious. Thomas and John propose an oral libel; they want to use the suggestion contained in the rescript. They ask the court to find in favour of the appeal and its jurisdiction and to revoke the grievances. Their petition is admitted as penalty to Richard. Thomas and John produce Peter Caprik, who is admitted and sworn as penalty to Richard. Next to produce more witnesses.

Suafham Bekedale] Ricardus Pyttes clericus citatus [est] coram nobis .. officiali Elien' ad diem iovis proximo post festum Sancti Edmundi regis ad instanciam Thome Suafham de Roche et Johannis Bekedale de Swafham, in causa appellacionis ad audienciam nostram occasione iniuriose excommunicationis in ipsos per .. commissarium officialis domini archidiaconi Elien' ut suggeritur ad procuracionem et instanciam dicti Ricardi subdolas et iniustas late aliorumque gravaminum in ea parte suggestorum ut pretenditur interposite. Parte appellante per Johannem Wiltesh', clericum, procuratorem suum litorie constitutum, comparente, parte appellata nullo modo, ideo ipsam partem appellatam reputamus contumacem. Libellato per partem appellantem oretenus, videlicet asserendo quod vult uti narratis sive contentis in suggestione contenta in rescripto in hac parte impetrato cum hac adiectione petitionis, videlicet probatis probandis petit pars appellans pro voce appellacionis huiusmodi et pro iurisdiccione nostra per nos pronunciari ac omnia gravamina propter que appellatum extitit revocari etc., qua petitione in pena contumacie partis appellate admissa, productoque per partem appellantem uno teste, videlicet Petro Caprik', quo admisso et in forma iuris iurato in pena contumacie dicte partis appellate, datur dies in proximo ad producendum plures. [fol. 158v]

[12 Dec 81 (110.20)] Swaffham/Bekedale. Thomas and John by proctor; Richard personally. Richard requests the libel in writing; decreed. He should receive it before the next session, when he will respond.

Suafham] Parte appellante per procuratorem suum comparente, parte appellata personaliter, pars appellata petit libellum in scriptis sibi dari et decreto, datur dies in proximo ad respondendum eidem et interim liberetur sibi libellus. [fol. 159r]

¹ See *Pitts*, n. 1.

[16 Jan 82 (111.18)] Swaffham/Bededale. Next to respond to the libel.

Suafram] Partibus, appellante per procuratorem suum, appellata personaliter [comparentibus], datur dies in proximo ad idem, videlicet ad respondendum libello. [fol. 160r]

[6 Feb 82 (112.16)] Swaffham/Bededale. Richard contests the suit negatively; parties swear *de calumpnia* and *de veritate dicenda*. Next to prove.

Suafram] Partibus ut prius comparentibus, lite per partem appellatam negative contestata, iuratis partibus hincinde de calumpnia et de veritate dicenda, datur dies in proximo ad probandum. [fol. 161r]

[27 Feb 82 (113.15)] Swaffham/Bededale. Appellant produces two witnesses: Walter Sutton and Peter Caprik, who are admitted and sworn. Next to prove precisely.

Suafram] Partibus ut prius comparentibus, productis per partem appellantem duobus testibus videlicet Waltero Sutton' et Petro Caprik', quibus admissis et in forma iuris iuratis, datur dies in proximo ad precise probandum. [fol. 162r]

382. ALBIN

[28 Nov 81 (109.26)] Albin. Marion Albin of Horningsea was cited *ex officio* concerning objections made against her. She is absent, suspended, and to be called.

Albyn] Mariona Albyn de Hornyngeseye, citata super sibi obiciendis ex officio nostro, non comparet, ideo suspendimus et vocetur. [fol. 158v]

[12 Dec 81 (110.23)] Albin. The execution against Marion is ordered.

Albyn] Fiat executio suspensionis contra Marionam Albyn de Hornyngeseye. [fol. 159r]

383. ST BOTOLPH

[28 Nov 81 (109.27)] Botolph. The prior and convent of Barnwell (holding the use of St Botolph's, Cambridge), the master and scholars of the college of Corpus Christi and St Mary's, Cambridge (receiving the income of the rectory), and John Snailwell, perpetual vicar of St Botolph's (who was given custody of its income, which has been sequestered by the official) were cited peremptorily before the official for 21 Nov. 1381. The prior and convent and the master and scholars are expected to show why they should not be made to pay for the repair of the defects in the roofing of the chancel. The vicar was called to hand over as large a sum as necessary for the repairs.

The prior and convent appear by proctor, appointed by letter; John personally; the master and scholars are absent and found contumacious. The prior and convent agree to pay for the repairs, as much as the matter concerns them. As penalty for the contumacy, the court orders the repairs paid. The vicar is ordered to make three separate payments to the official or those supervising the repairs: 13s 4d within the next week, 13s 4d within the following week, and 13s 4d before 25 Dec. Anything left over in the amounts sequestered should be paid to those

to whom it pertains.

Botulphi] Prior et conventus de Bernewell, ecclesiam parochialem Sancti Botulphi Cant' in proprios usus optinentes, ac magister et scholares collegii Corporis Christi et Beate Marie Cant', ad quorum manus fructus, redditus et proventus rectorie dicte ecclesie proveniunt, necnon dominus Johannes Snaylwell perpetuus vicarius dicte ecclesie, in cuius manibus fructus rectorie predictae sequestravimus et remanent sequestrata, citati [sunt] coram nobis ad diem veneris predictum, dicti videlicet prior et conventus ac magister et scholares, causam rationabilem, si quam habeant, quare defectus in coopertura cancelli dicte ecclesie et alibi in eodem cancello patenter et notorie iminentes de fructibus predictis fieri^a facere non debeamus pro termino peremptorie proposituri et ostensuri; dictus vero vicarius fructus huiusmodi in manibus suis sub sequestro remanentes ad usum predictum usque ad summam pro qua poterint competenter reparari realiter traditurus et liberaturus. Predictis .. priore et conventu per procuratorem suum litteratorie constitutum comparentibus, predicto vicario personaliter, predictis magistro et scholaribus nullo modo comparentibus, ideo ipsos reputamus contumaces. Pars dictorum prioris et conventus consencit, quatenus ipsos concernit dictum negocium, quod dicti defectus de eisdem fructibus reparentur. Unde in penam contumacie dictorum magistri et scholaribus decernimus dictos defectus fore de eisdem fructibus reparandos. Et monemus dictum vicarium quod solvat nobis vel illi qui reparacionem huiusmodi supervidebit ad usum predictum tredecim solidos quattuor denarios infra proximam septimanam et tredecim solidos quattuor denarios infra aliam septimanam extunc proximo secuturam et alios tredecim solidos et quattuor denarios citra festum natalis Domini et quod superfuerit ultra expensas circa reparacionem huiusmodi de dictis fructibus sequestratis quod solvat illis ad quos noscitur pertinere. [fol. 158v]

^a fieri] *a somewhat loose use of the word; we would expect reparari, as below.*

384. GREEN (2)

[12 Dec 81 (110.26)] Atte Green. Robert vicar of Dullingham church was cited at the instance of Matilda wife of John atte Green of Linton in a testamentary case.

Matilda appears by John Wiltshire, proctor *apud acta*; Robert by Mr Richard Pitts, registrar of the archdeacon. An oral libel is given and requested written. Next to receive it in writing.

Attegrene] Dominus Robertus vicarius ecclesie de Dullyngham, citatus [est] ad instanciam Matilde uxoris Johannis Attegrene de Lynton' in causa testamentaria. Parte actrice per Johannem Wiltes', clericum, procuratorem suum apud acta constitutum, comparente, parte rea per magistrum Ricardum de

Pyttes domini archidiaconi Elien' registrarium procuratorem suum, libellato per partem actricem oretenus petitoque per partem ream in scriptis, datus est dies in proximo ad recipiendum in scriptis. [fol. 159r]

[16 Jan 82 (111.23)] Atte Green. The written libel is received. Next to respond.

Attegrene] Partibus ut prius comparentibus, oblato per partem actricem libello in scriptis et optento per partem ream, datur dies in proximo ad respondendum eidem. [fol. 160r]

[6 Feb 82 (112.19)] Atte Green. Matilda by Peter Caprik, substituted for John Wiltshire, original proctor; Robert by proctor. Robert contests the suit negatively, saying the claims are untrue and the petitions should not be granted. Next to swear *de calumpnia*, to propose, and the first term to produce.

Attegrene] Parte actrice per Petrum Caprik', clericum substitutum Johannis Wiltes' procuratoris originalis, comparente, parte rea ut prius, lite per partem ream negative contestata, dicendo videlicet narrata prout narrantur vera non esse etc., datur dies in proximo ad iurandum iuratis partibus hincinde de calumpnia et ad ponendum et primo producendum. [fol. 161r]

[27 Feb 82 (113.19)] Atte Green. Parties swear *de calumpnia* and *de veritate dicenda*; no witnesses or petitions are brought. Next to propose and the second term to produce.

Attegrene] Partibus ut prius comparentibus, iuratis partibus hincinde de calumpnia et de veritate dicenda, nullis testibus productis nec posicionibus traditis, datur dies in proximo ad ponendum et secundo producendum. [fol. 162r]

385. CLOPTON

[12 Dec 81 (110.27)] Clopton. Henry Derby of Clopton was cited at the instance of the rector of Clopton church in a case of tithes.

The rector appears by proctor; Henry personally. An oral libel is given and requested written. Next to receive it in writing.

Clopton'] Henricus Derby de Clopton' citatus [est] ad instanciam rectoris ecclesie de Clopton in causa decimarum. Parte actrice per procuratorem suum, parte rea personaliter comparente, libellato oretenus petitoque in scriptis, datur dies in proximo ad recipiendum in scriptis. [fol. 159r]

[16 Jan 82 (111.24)] Clopton. Parties by proctors. The written libel is received. Next to respond.

Clopton'] Partibus per procuratores suos comparentibus, oblato per partem actricem libello in scriptis iudicialiter,^a datur dies in proximo ad respondendum eidem. [fol. 160r]

^a iudicialiter] iudic'.

[6 Feb 82 (112.20)] Clopton. The rector by proctor; Henry by Walter Sutton, substituted for John Wiltshire, original proctor. Since the substitute has not been informed about the response, next to respond.

Clopton'] Parte actrice ut prius comparente, parte rea per Walterum Sutton', substitutum Johannis Wiltes' procuratoris originalis, quia substitutus non est informatus ad respondendum, ideo datur dies in proximo ad idem, videlicet ad respondendum libello. [fol. 161r]

[27 Feb 82 (113.20)] Clopton. The case is pending with hope of peace.

Clopton'] Pendet sub spe pacis. [fol. 162r]

386. HORKESLEY

[12 Dec 81 (110.31)] Horksley. John Figg of Childerley, chaplain, was cited for 20 Dec. 1381 concerning charges made against him *ex officio* at the promotion of John Horkesley of Childerley.

Figg is absent and suspended.

Orkesley] Dominus Johannes Fyge de Childerle capellanus citatus [est] ad diem veneris proximo post festum Sancte Lucie virginis loco quo supra super sibi obiciendis ex officio nostro ad promocionem Johannis Orkesleye de eadem. Dictus dominus Johannes non comparet, ideo suspendimus. [fol. 159v]

Cases Beginning in 1382

387. THORNEY/WHITTLESEY (2)

For the relationship between these actions and *Thorney/Whittlesey (1)*, see the introduction to the latter.

[16 Jan 82 (111.28)] Thorney. William Whitehead was cited at the instance of the abbot and convent of Thorney, rector of St Mary's, Whittlesey. William has failed to pay tithes of calves, chicks, lambs, and wool¹ and other immutable tithes.

The abbot and convent by proctor; William is absent and suspended from entering church.

Thorneys – suspensio] Willelmus Whytheved, citatus [est] ad instanciam abbatis et conventus monasterii de Thorneye, ecclesiam Sancte Marie de Wyttles' in proprios usus optinencium, super detencione decimarum vitulorum, pullorum, agnorum, lane et aliarum immutarum decimarum. Parte actrice per procuratorem suum, comparente parte rea nullo modo, ideo ipsam partem ream suspendimus ab ingressu ecclesie. [fol. 160r]

[16 Jan 82 (111.29)] Thorney/Whittlesey. Robert Marsh of Whittlesey was cited at the instance of the abbot and convent of Thorney (rector of St Mary's, Whittlesey) and the vicar of St Mary's. Robert has inhibited Adam Wisbech, holy water clerk (*aquebaiulus*) appointed by the rector and vicar, from carrying out his office. Robert appointed Thomas Bowler, layman, to that office by his own authority, contrary to the court's prohibition.

The rector and vicar appear by proctor; Robert is absent, suspended, and to be called.

Thorneye/Wyttles' – suspensio] Robertus Merssh' de Wyttles' predictus,^a citatus [est] ad instanciam dictorum abbatis et conventus ac vicarii ecclesie Sancte Marie de eadem super eo quod impedivit et impedit Adam Wysebech' clericum in officio aquebaiuli dicte ecclesie per eosdem rectores et vicarium prefectum quominus poterit officium suum exercere et exequi, eciam post et contra prohibicionem et interdictum nostrum quemdam Thomam Bolewer', laicum, ad dictum officium auctoritate propria deputando. Partibus predictis rectorum et vicarii per procuratores suos, parte rea nullo modo, comparentibus, ideo ipsam partem ream suspendimus et vocetur. [fol. 160r]

[16 Jan 82 (111.30)] Thorney/Whittlesey. William Davy, John Welle, and Ralph Emm of Whittlesey were cited at the instance of the rector and vicar of St Mary of Whittlesey in the same case as Robert Marsh [111.29].

The rector and vicar appear by proctor; William, John, and Ralph are absent, suspended from entering church, and called.

Thorneye/Wyttles' – suspensio] Willelmus Davy, Johannes Welle, Radulphus Em de Wyttles' predicti,^b citati ad instanciam dictorum rectorum et vicarii in

^a predictus] *sic*. No Robert Merssh has previously been mentioned. ^b predicti] *sic*. These men have not previously been mentioned.

¹ It will be noted that the tithes are being claimed here not on the adult animals but on their offspring, and in the case of sheep their wool. Presumably in the case of calves, the tithe would be commuted into a money payment of a tenth of the value, where fewer than ten calves were produced from the herd. See entry 111.33.

causa predicta qua Robertus Merssh' fuerat citatus. Parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam suspendimus et vocetur. [fol. 160r]

[16 Jan 82 (111.31)] Thorney/Whittlesey. Thomas Bowler was cited because he continues to execute the office of holy water clerk, although inhibited by the court.

Thomas is absent, suspended from entering church, and called.

Thorneye – suspensio] Thomas Bolewer', citatus super eo quod se ingressit et ingerit ad dictum officium et ministravit in eodem post inhibitionem nostram sibi [fol. 160r] antea factam, non comparuit,^c ideo suspendimus et vocetur. [fol. 160v]

[16 Jan 82 (111.32)] Thorney/Whittlesey. Ralph Emm and William Champain were cited at the instance of the abbot and convent of Thorney (rector of St Mary's, Whittlesey) and the vicar of St Mary's because for years they have inhibited people from offering mortuary and other devotions, contrary to the constitutions published about this.²

The rector and vicar appear by proctor; Ralph and William are absent and suspended from entering church.

Thorneye/Wittles' – suspensio] Radulphus Em et Willelmus Chaumber citati [sunt] ad diem et locum ad instanciam dictorum abbatis et conventus et vicarii super eo quod impediverunt parochianos dicte ecclesie quominus potuerint offerre in exequiis mortuorum et alias devociones populi restringunt contra formam constitutionum in ea parte editarum. Parte actrice per procuratorem suum, parte rea nullo modo comparente, ideo ipsam partem ream suspendimus ab ingressu ecclesie. [fol. 160v]

[16 Jan 82 (111.33)] Thorney. John Cotes and Adam Rich of Whittlesey were cited at the instance of the abbot and convent of Thorney (rector of St Mary of Whittlesey), John in a case of tithes of a calf, and Adam in a case of mortuary for his dead son.

The abbot and convent by proctor; John and Adam are absent, suspended from entering church, and called.

Thorneye – suspensio] Johannes Cotes et Adam Rich' de Wittles' citati [sunt] ad instanciam dictorum abbatis et conventus, dictus Johannes in causa decimarum unius vituli, dictus Adam in causa mortuarii pro quodam filio suo defuncto. Parte actrice per procuratorem suum comparente, parte rea nullo modo, ideo ipsam suspendimus et vocetur. [fol. 160v]

[6 Feb 82 (112.23)] Thorney. In the case of mortuary, tithes, and obligations moved by the abbot and convent of Thorney and the vicar of Whittlesey against William Whithened, Robert Marsh, William Danny, John Wells, Ralph Emm, Thomas Bowler, William Champain, John Cotes, and Adam Rich of Whittlesey, peace has been restored. The chaplain of St Mary of Whittlesey is commissioned to absolve the suspended and to assign penance.

Thorneys – pax] In causa decimarum, mortuarii et impedimenti^d obligacio-

^c comparuit] *sic*. ^d impedimenti] impet'.

² See Citations to Canon Law, *Quia inter rectores*.

num mota inter .. abbatem et conventum de Thorneye ac vicarium ecclesie de Wyttes' predictos actores ex parte una et Willelmum Whitheved, Robertum Merssh', Willelmum Davy, Johannem Welle, Radulum Em, Thomam Bolewer'. Willelmum Chaumbeyn, Johannem Cotes et Adam Rich' de Wyttes' reos ex altera, alias suspensos ab ingressu ecclesie, pace inter partes reformatam, committitur capellano parochialis ecclesie Sancte Marie de Wyttes' ad absolvendum eos in forma iuris et penitenciam canonicam imponendam. [fol. 161r]

388. SUTTON (5)

[6 Feb 82 (112.24)] Sutton. John the vicar of Hinton was cited at the instance of Walter Sutton, proctor general of the consistory, in a salary case.

Walter appears personally; John by Mr Richard Pitts. John requests the article and declares that he wants to propose against the certification. Next to receive the article and to propose.

Sutton'] Dominus Johannes vicarius ecclesie de Hynton' citatus [est] ad instanciam Walteri de Sutton' procuratoris generalis consistorii Elien' in causa salarii. Parte actrice personaliter comparente, parte rea per magistrum Ricardum Pyttes procuratorem suum, pars rea petit articulum; datur dies in proximo ad recipiendum. Pars rea protestatur se velle proponere contra certificatorium; datur dies in proximo ad proponendum contra. [fol. 161r]

[27 Feb 82 (113.21)] Sutton. John will be called to respond personally since the contract was made secretly and it cannot be proved. He may have the article if he wants to insist on having an article from the registry.¹ Next to respond; John's proctor does not consent to the decree.

Sutton'] Partibus ut prius comparentibus, nos decernimus partem ream fore vocandam ad personaliter respondendum posicionibus cum contractus fuit initus secrete nec potest aliunde probari et habeat pars rea articulum si voluerit instare pro articulo habendo a registro daturque dies in proximo ad personaliter respondendum posicionibus ut veritas eruatur. Procurator partis ree protestatur quod non consentit illi decreto. [fol. 162r]

389. COLNE

[6 Feb 82 (112.30)] Colne. Thomas Colne of Chesterton, ploughwright, and Isabel Robert of Fulbourn were cited for said day and place concerning a contract of marriage.

Parties appear personally. Sworn *de veritate dicenda* and questioned about the contract, they both admit that they promised to marry in future words and had intercourse. Thomas proposes by exception that he agreed because he was compelled by fear and force. Isabel replicates that their contract involved no fear or force, but was made freely. They swear *de calumpnia*, *de veritate dicenda*, and *de collusionem et malicia*. To prove the voluntary contract

¹ For this translation, see Introduction.

Isabel produces three witnesses: John Clay of Chesterton, Richard Wich of Fulbourn, and Nicholas Foxhall of Fulbourn, who are admitted, sworn, and examined. Thomas claims he cannot prove the fear. The testimony is published. Tomorrow to conclude and to hear the definitive sentence.

The case is concluded. Since the entire process has been investigated and deliberation has been held with experienced counsel, the court proceeds to the definitive sentence.

Sentence. Because Isabel has proved her intention, they are judged husband and wife.

Colne] Thomas Colne de Chestreton' *Plowrighte* et Isabella Roberd de Fulbourn' citati [sunt] ad diem et locum supradictos super contractu matrimoniali inter eosdem inito. Partibus personaliter comparentibus et de veritate dicenda iuratis ac super dicto contractu requisitis, uterque eorum fatetur quod promiserunt se invicem ducturum in facie ecclesie et quod contraxerunt adinvicem per verba de futuro carnali copula subsecuta. Dictus tamen Thomas excipiendo proposuit quod per vim et metum qui cadere potuit in constantem [virum] et in ipsum cadebat ad sic contrahendum fuit compulsus. Dicta vero Isabella ex adverso replicavit quod contraxit cum ea nullo^a vi vel metu compulsus sed sponte et absque omni compulsione. Iuratis partibus hincinde de calumpnia et de veritate dicenda ac de collusionem et malicia, productisque per dictam Isabellam ad probandum contractum voluntarium et spontaneum tribus testibus, videlicet Johanne Cley de Chestreton', Ricardo Wich de Fulbourn' et Nicholao Foxhole de Fulbourn', quibus admissis et in forma iuris iuratis et examinatis, dictus Thomas asserit se non posse probare metum per ipsum deducendum. Publicatis attestacionibus testium predictorum, datur dies crastinus loco quo supra ad concludendum et audiendum sententiam si liqueat.

Quo die adveniente partibus personaliter comparentibus, facta per nos conclusionem in causa predicta auditisque per nos et intellectis meritis cause supradicte, rimato per nos et investigato toto processu in dicta causa habito habitaque deliberacione sufficienti super eodem, Christi nomine primitus invocato, ad sententiam diffinitivam in hac parte ferendam procedimus in hunc modum:

sentencia] In Dei nomine amen.^b Quia invenimus [fol. 161r] dictam Isabellam intencionem suam in hac parte deductam ad plenum fundasse et probasse, ipsum Thomam eidem Isabelle in virum legitimum eandemque Isabellam eidem Thome in uxorem legitimam sentencialiter et diffinitive adiudicamus in hiis scriptis. [fol. 161v]

^a nullo] *sic*. ^b In Dei nomine amen] *written in litterae notabiliores*.

390. TRINITY (3)¹

[6 Feb 82 (112.31)] Trinity. John vicar of Holy Sepulchre, Cambridge, was cited at the instance of Thomas vicar of Holy Trinity, Cambridge. Against Thomas' will and despite a warning, John had abducted or had ordered abducted the body of Adam de Thorp from Holy Trinity, where Adam had died, to Holy Sepulchre, where John had him buried. Adam had been the rector of Burton near Beverley [Yorkshire] and Thomas' parishioner.

Thomas appear by Walter Sutton, proctor *apud acta*; John by Peter Caprik, proctor *apud acta*. An oral libel is given and requested written. Next to receive it in writing. Copies of the citation, certification, and proxies are requested; decreed.

Trinitatis] Dominus Johannes vicarius ecclesie Sancti Sepulchri Cantebr' citatus [est] ad instanciam domini Thome vicarii ecclesie Sancte Trinitatis Cantebr' super eo quod idem dominus Johannes vicarius corpus cuiusdam domini Ade de Thorp' rectoris ecclesie de Burton' iuxta Beverle, ipsius domini Thome vicarii ecclesie Sancte Trinitatis Cant' parochiani et infra parochiam dicte ecclesie Sancte Trinitatis decedentis, ab eadem parochia ad ecclesiam Sancti Sepulchri Cant' preter et contra voluntatem et permissionem dicti domini Thome vicarii, quin potius post et contra ipsius prohibitionem et monicionem sibi canonice factas, temeritate propria abduxit et asportavit, abducive et asportari procuravit et fecit ipsiusque corpus apud dictam ecclesiam Sancti Sepulchri in casu a iure non permissio ecclesiastice tradidit seu tradi fecerat sepulchrum, de iusticia responsurus. Parte actrice per Walterum de Sutton', clericum, procuratorem suum apud acta constitutum, comparente, parte rea per Petrum Caprik', clericum, procuratorem suum apud acta constitutum, libellato per partem actricem oretenus petitoque per partem ream in scriptis, datus est dies in proximo ad recipiendum in scriptis, petitis hincinde copiis citacionis, certificatorii et procuracionum et decretis. [fol. 161v]

[27 Feb 82 (113.22)] Trinity. The libel is received in writing. Next to respond.

Trinitatis] Partibus ut prius comparentibus, oblato per partem actricem libello in scriptis et optento a parte rea, datur dies in proximo ad respondendum eidem. [fol. 162r]

¹ See *Trinity (1)*, n. 1.

391. SHELFORD

[6 Feb 82 (112.34)] Great Shelford. William Donnebrugge, rector of Great Shelford, was called to court by the official, for a certain day and place, to show why he should not be made to reside at the church.

William appears by proctor. A royal writ sealed with green wax has been sent from Richard II to Thomas Arundel concerning the residence and was delivered to the court. It states that because William is one of the auditors of the exchequer's accounts, he should not be

compelled to reside at his benefice while engaged in the king's business. Any income or goods sequestered by the bishop or his ministers are ordered released without delay. Witness: Robert Plessington¹ at Westminster on 6 Feb. 1382. The writ is authorized by folio 37 of the Red Book of the Exchequer. Hanley.²

Shelford' Magna] Cum nos officialis Elien' dominum Willelmum Donnebrugge, rectorem ecclesie parochialis de Shelford' Magna Elien' diocesis, ad proponendum causam rationabilem, si quam habeat, quare ad faciendum residenciam corporalem in dicta ecclesia sua ad certos diem et locum fecerimus coram nobis ad iudicium evocari, procurator dicti domini Willelmi rectoris coram nobis comparens quiddam breve regium de non residendo in cera viridi involutum nobis porrexit in hec verba.

breve de non residen'] Ricardus Dei gracia rex Angl' et Franc' et dominus Hib'n venerabili in Christo patri Thome eadem gracia episcopo Elien' seu eius commissario salutem. Cum clerici nostri ad faciendum in beneficiis suis residenciam corporalem dum nostris inmorantur obsequiis compelli aut alias super hoc molestari seu inquietari non debeat; nosque et progenitores nostri reges Angl' huiusmodi libertate et privilegio pro clericis nostris a tempore quo non extat memoria semper hactenus usi sumus; vobis mandamus quod dilectum clericum nostrum Willelmum de Donnebrigge, personam ecclesie de Shelford' vestre diocesis, unum auditorum compotorum de scaccario nostro qui nostris intendit obsequiis ad faciendum in beneficio suo predicto residenciam corporalem dum in eisdem obsequiis moratur nullatenus compellatis. Et sequestum si quod in fructibus aut aliis bonis beneficii sui predicti per vos aut ministros vestros appositum fuerit sine dilacione relaxari facere. Teste Roberto de Plesyngton' apud Westm' sexto die februarii anno regni nostri quinto. Per rubrum librum de scaccario folio tricentesimo septimo. Hanley^a [fol. 161v]

^a Per rubrum librum de scaccario folio tricentesimo septimo. / Hanley] *Both of these lines are shifted to the right, as they would have been on the original writ.*

¹ Robert Plessington, kt, CBEx, 1381-6. the same as that reported in Hall, *Red Book*, ODNB, s.n. 1:lxvii, the reference is to the *Dialogus de*

² The name of the clerk of the writ. Assuming that the foliation used by Hanley is *Scaccario*, although it is not immediately apparent how the writ is so authorized.

392. BARRE

[27 Feb 82 (113.24)] Barre. Roger atte Church of Haddenham, chaplain, and Nicholas Northampton of Haddenham were cited at the instance of John Barre of Sutton. The consistory had sent to John a general letter of warning to admonish anyone who had found 6 marks 15s, lost by John, to return the money to him under penalty of excommunication. Nicholas found the money and has not returned it; Roger refuses to carry out the court's mandate.

John, Roger, and Nicholas appear personally and are sworn. Nicholas admits that he found 6 marks 15s belonging to John, which he gave to Roger to give to John. Roger admits that he received the money and gave it to Thomas Bernard of Ely. Thomas will be called for 8 March in the sacristan's office; Roger is expected to prove that he gave the money to Thomas, that Thomas had the right to receive it, and that he gave it to him at Nicholas' order.

8 March. Because Thomas has not been cited, next for the same.

Barre] Dominus Rogerus Atte chirch de Hadenham capellanus et Nicholaus Northampton de eadem citati [sunt] ad instanciam Johannis Barre de Sutton' super eo quod cum idem Johannes optinuit a nobis et officio nostro quamdam litteram generalis monicionis ad monendum omnes qui invenerunt sex marcas et quinque solidos per ipsum Johannem amissos quod ipsam pecuniam sibi restituerent sub pena excommunicacionis quodque dictus Nicholaus, eandem pecuniam inveniens, ipsam restituere non curavit. Dictus insuper dominus Rogerus dictum mandatum nostrum sibi directum et traditum debite exequi non curavit sentenciam excommunicacionis in dicta littera latam incurrendo.^a Predictis Johanne, domino Rogero et Nicholao personaliter comparentibus et de veritate dicenda iuratis, dictus Nicholaus fatetur quod invenit sex marcas et quinque solidos de bonis Johannis Barre predicti, quos liberavit dicto domino Rogero eidem Johanni Barre tradendos. Dictus dominus Rogerus fatetur quod tantum recepit de eodem Nicholao. Et dicit quod ad ipsius mandatum dictam pecuniam tradidit Thome Bernard de Ely. Ideo decernimus dictum Thomam fore vocandum ad proximum consistorium apud Ely, videlicet diem sabbati proximo post festum Sanctarum Perpetue et Felicitatis in officio sacristarii Elien' datique sunt dicti dies et locus eidem domino Rogero ad probandum quod tradidit dicto Thome et quod dictus Thomas habuit potestatem recipiendi et quod sibi tradidit ad mandatum eiusdem Nicholai.

Quibus die et loco dictus Thomas non fuit citatus, ideo citetur ad proximum consistorium Cantebr' ad idem. [fol. 162r]

^a sentenciam excommunicacionis in dicta littera latam incurrendo] *sic. The ablative gerund here seems to substitute for a result clause.*

ABBREVIATIONS AND BIBLIOGRAPHY

For abbreviations specific to the indices, see the introduction to the IPP.

Abbreviations and Editorial Conventions

.. = *gemipunctus* in the original document taking the place of a name omitted out of respect or because the writer did not know it

. . . = ellipsis; in transcriptions of the Latin text it is noted whether the blank is in the manuscript or an editorial addition for something that cannot be read or that seems to be missing; in quotations in the English it indicates a shortening for convenience

] = closes marginalia brought into the Latin text

[text] = editorial insertion

al. = *alias*

B = *baccalaurius*, i.e., ‘bachelor’ in university degrees

CnL = *decretorum*, i.e., ‘canon law’ in university degrees

CivL = *legum*, i.e., ‘civil law’ in university degrees

D = *doctor*, i.e., ‘doctor’ in university degrees

Foxton = Foxton’s signature, see Introduction

IPP = Index of Persons and Places

MA = *magister artium*, university degree

Mr = *magister*, i.e., ‘master’, probably more an honorific than an indication of a university connection in this register

[NS] (in abridgements) = Foxton’s sign manual, or signature, or both

OSB = Order of St Benedict

RF = Foxton’s sign manual, see Introduction

RF: Foxton = Foxton's sign manual and signature, see Introduction

s.n. = *sub nomine* or *nominibus*

s.v. = *sub voce* or *vocibus*

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T&C: see Donahue, *Law, Marriage, and Society*

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VI (followed by book, title and chapter number) = *Liber Sextus Bonifacii octavi*, in Friedberg, CICan, 2:929–1124.

Wilkins, *Concilia* = *Concilia Magnae Britanniae et Hiberniae*, ed. David Wilkins, 4 vols. (London, 1737).

X (followed by book, title and chapter number) = *Decretales Gregorii noni*, in Friedberg, CICan, 2:1–928.

CITATIONS TO CANON LAW

We list the canon-law material cited in the text alphabetically by *incipit*, because that is the way it is normally cited in the register. Square brackets indicate that we have supplied the *incipit*.

Actor (costs for unfounded lawsuits), 1 Lyon (1245), c. 7 (=VI 2.6.1): 28:10

Ad haec (Innocent III; office of the archdeacon), X 1.23.7: p. lvii note.

Ad vicariam (personal residence), legatine (Otto) council of London (1237), c. 10, in *Councils and Synods II*, 1:249; in Aton, *Constitutiones legatinae*, 24–9: 18.22

Adhec ecclesiastici (unwarranted excommunication), council of Oxford (1222), [c.30] in *Councils and Synods II*, 1:115–16: 18.24

Adhec statuimus (fruits of vacant benefices), council of Oxford (1222), c.9, in *Councils and Synods II*, 1:108; in Lyndwood, *Provinciale*, 137–8: 18.24

[*Auctoritate dei patris*] (defamation), council of Oxford (1222), c. 5, in *Councils and Synods II* 1:107, in Lyndwood, *Provinciale*, 345–8: 39.43, 62.27, 89.40, 96.11, 107.30

62.27 gives the *incipit* as *Item excommunicamus. Auctoritate dei patris*, c. 1 of the council, begins a list of eight excommunications, of which this is the fifth. This constitution begins *Excommunicamus* in the modern edition. One can easily see how a manuscript might have added *Item*. There is no doubt that this is the constitution being referred to. See Helmholz, *Defamation*, p. xiv.

Cum eterni tribunale (receiving money for instance cases), VI 2.14.1: 18.24

Cum inhibitio (clandestine marriage), 4 Lateran (1215), c. 51 (=X 4.3.3): 53.21

Deus omnipotens (receiving money for ecclesiastical offenses), legatine (Otobuono) council of London (1268), c. 19, in *Councils and Synods II*, 2:768–9; in Aton, *Constitutiones legatinae*, 115–16: 18.24

Deberi oportet (constitutio provincialis Cant' provincie) (testamentary procedure), council of London (1342), c. 6, in Wilkins, *Concilia*, 2:698; in Lyndwood, *Provinciale*, 181–3: 18.24

We suspect that this is the provision being referred to, despite the fact that the *incipit* in Wilkins and Lyndwood is *Adeo quorundam*, not *Deberi oportet*. Our suspicion is based on the fact that the reference is to a schedule of fees for probates based on the value of the goods of the deceased. The constitution fixes, for the first time, a fee for estates of 100s or less and another for those of £20 or less. (An earlier, and quite similar, version with the same *incipit* may be found in Wilkins, *Concilia*, 2:675–6, ascribed to the council of London (1341), c. 1.) The archdeacon of Ely in our register is being accused of charging grossly exaggerated fees for estates of 100s or less and £10 or less. See Haines, *Stratford*, 400; see generally *id.*, 394–405.

Dispendiosam (summary procedure), Clem. 2.1.2: 5.13 (general), 25.18, 26.25, 31.22 (general), 31.23 (general), 89.38

General citations to these constitutions read, with variations: *summarie et de plano et absque strepitu et figura iudicii iuxta novellas constitutiones* (5.13). Other references make clear that *Dispendiosam* and *Saepe contingit* are the ones that they have in mind.

Ecclesiarum dispendia (fruits of vacant benefices), legatine (Ottobuono) council of London (1268) c. 15, in *Councils and Synods II*, 2:765–6; in Aton, *Constitutiones legatinae*, 110–11: 18.24

[*Effrenata*] (required service of chaplains), Wilkins, *Concilia*, 3:50–1; Lyndwood, *Provinciale*, 238–40: 7.17, 20.30, 31.21, 38.28, 65.35

The *incipit* is never given, but this is probably the constitution being referred to. It was issued by Simon Islip, who is referred to in the citations a number of times, on 9 Nov 1362. It was the second constitution on this topic with this *incipit*. It is possible, though it seems unlikely, that our references are to the first, which Islip issued on 28 May 1350. For the circumstances and the dates, see Putnam, “Wage-laws for Priests,” 18–19. Neither Wilkins nor Lyndwood ascribes this constitution to a council, and, according to Putnam, they are probably correct in not doing so. There was a third text with the *incipit Effrenata* issued by Simon Sudbury on 16 November 1378, too late for any of our references.

Erroris dampnabilis (tithes), council of London (1342), c. 4, in Wilkins, *Concilia*, 2:704; in Lyndwood, *Provinciale*, 187–9: 34.35, 63.27

Humana concupiscencia (clandestine marriage), council of London (1342), c. 11, in Wilkins, *Concilia*, 2:707; in Lyndwood, *Provinciale*, 274–7: 5.10, 6.13, 19.25, 34.20, 37.27, 39.40, 44.38 (published in synod), 46.28, 52.25, 52.26, 52.27, 52.28, 53.21, 62.29, 70.38, 70.39, 85.17, 97.13, 103.14, 103.19, 106.19

[*Indignum est*] (farming of churches), legatine (Ottobuono) council of London (1268), c. 20, in *Councils and Synods II*, 2:769; in Aton, *Constitutiones legatinae*, 116–18: 36.26

Item precipimus (constitutio provincialis Cantuar' domini Bonifacii nuper

archiepiscopi) (testamentary procedure), council of Lambeth (1261), c. 20; in *Councils and Synods II*, 2:681–2: 18.24.

Cc. 20–25 of this council deal with testamentary procedure. We have chosen c. 20 because it seems closest to issue being discussed (the need for an inventory). The *incipit* of this canon in the modern edition is *Inhibemus* not *Item precipimus*, but the transmission tradition offers numerous variants, and the editors report one with the *incipit* (1:665) *Precipimus et statuimus*.

Libertatem (testamentary procedure), legatine (Ottobuono) council of London (1268), c. 14, in *Councils and Synods II*, 2:764–5; in Aton, *Constitutiones legatinae*, 107–10: 18.24

[*Licet bonae memoriae*] (farming of churches), council of London (1342), c. 3, in Wilkins, *Concilia*, 2:703–4; in Lyndwood, *Provinciale*, 154–60: 36.26

The reference is general : *pena constitutionis in ea parte edite* (36.26). We list *Licet bonae memoriae* because it is the most recent one on the topic of which we are aware. It cites: *Indignum est*, legatine (Ottobuono) council of London (1268), c. 20, in *Councils and Synods II*, 2:769; in Aton, *Constitutiones legatinae*, 116–18, and *Ecclesias dari, Cum laicis*, and *Alicubi audivimus*, legatine (Otto) council of London (1237), c. 7–9, in *Councils and Synods II*, 1:248–9; in Aton, *Constitutiones legatinae*, 24–9.

Quia contingit interdum (financial affairs of hospitals), Clem. 3.11.2: 89.37

Interlined before the reference to *Quia contingit interdum* in 89.37 is “*Sepe contingit alias*.” *Saepe contingit* is the well-known constitution about summary procedure. Unlike *Quia contingit*, it does not seem to be relevant to this case. It is possible that there were manuscript versions of *Quia contingit* that began *Saepe contingit*. It is also possible that Foxton or Newton had a momentary *lapsus memorie*.

[*Quia inter rectores*] (mortuaries), ?Archbishop Winchelsey (1305), in Wilkins, *Concilia*, 2:279; in Lyndwood, *Provinciale*, 184: 111.32

The reference in 111.32 is vague: *impediverunt parochianos dicte ecclesie quominus potuerint offerre in exequiis mortuorum et alias devociones populi restringunt contra formam constitutionum in ea parte editarum*. The suspicion that this is one of the texts, if not the text, that is being referred to is based on a manuscript tradition, reflected in both Wilkins and Lyndwood that this was a constitution of Winchelsey’s. The text is, in fact, derived from Salisbury IV (1257), c. 22, in *Councils and Synods II*, 1:558–9, and its ultimate attribution to Winchelsey can be reconstructed from the notes in *id.*, 1:665, on the council of Lambeth (1261) (which contains at c. 24 [1:682] a less precise constitution to the same effect), and on Boniface of Savoy’s constitutions about tithes [*id.*, 793–4]. Dioceses other than Salisbury also had quite specific statutes on the topic, e.g., Wells (?1258), c. 68, in *id.*, 1:620; Winchester III (1262 X 1265), c. 75, in *id.*, 1:717; Exeter II (1287), c. 52, in *id.*, 2:1050–2.

Sacro approbante concilio (due process to precede excommunication), 4 Lateran (1215), c. 47 (=X 5.39.48): 16.11, 33.19

The canon is referred to and summarized in *Adhec ecclesiastici*, cited above.

Sacrorum canonum dispensatio (personal residence), legatine (Ottobuono) council of London (1268), c. 9, in *Councils and Synods II*, 2:757–8; in Aton, *Constitutiones legatinae*, 95–6: 18.22

Saepe contingit (summary procedure), Clem. 5.11.2: 5.13 (general), 25.18, 26.25, 31.22 (general), 31.23 (general), 89.38

General citations to these constitutions read, with variations: *summarie et de plano et absque strepitu et figura iudicii iuxta novellas constitutiones* (5.13). Other references make clear that *Dispendiosam* and *Saepe contingit* are the ones that they have in mind. For what seems to be a mistaken reference to *Saepe contingit*, see *Quia contingit interdum*.

Si quis suadente diabolo (striking a cleric), 2 Lateran (1139), c. 15 (=C.27 q.4 c.29): *Reading/Rand* (introd.), 45.24, 45.26, 53.12, 60.24, 67.10.

Statutum (testaments), council of London (1342), c. 7, in Wilkins, *Concilia*, 2:705–6; in Lyndwood, *Provinciale*, 171–9: 47.29

[Unidentified] (abjuration *sub pena nubendi*), ?Ely diocesan constitution: 82.44, 86.47

82.44: *dictus Thomas cum prefata Isabella matrimonium contraxit sub forma constitutionis*; 86.47: *iudicialiter confessi iuxta formam constitutionis in ea parte edite matrimonium adinvicem contraxerunt dicendo*. Both then give the standard form for abjuration *sub pena nubendi*. The language suggests that there was an Ely diocesan constitution on the topic; if there was, it does not seem to have survived. See Donahue, *Law, Marriage and Society*, T&C no. 445.

INDEX OF PERSONS AND PLACES

The names in the Table of Cases are indexed to the names of the cases from which they come. Other names are indexed to the number of the entry in which they appear. References to the Introduction give the page in roman numerals and include authors of works cited. All places are in Cambridgeshire, unless otherwise noted. Surnames are normalized according to the following principles: Where a surname is found in Reaney's *Dictionary* with that spelling, that spelling is used even if it is not the most usual spelling today. If the surname is found in Reaney but not spelled in the way in which Foxton spelled it, the modern spelling, generally the one closest to Foxton's spelling, is used. Where the surname is not found in Reaney but seems to be derived from a placename, the modern spelling of the placename that is closest to Foxton's spelling is used, even if we can be reasonably confident that the placename from which the surname is derived is spelled in a different way. Where Foxton's spelling suggests possible but not certain modern descendants, we left the name as he had spelled it, but put the possibilities in square brackets following it. Where the name is not found in either Reaney or Ekwall and has no probable modern descendants, the name is marked as "*unidentified*," even if the person has been identified. In a few cases derivations of such names are suggested. Where Foxton's spelling has been altered, the manuscript spelling is in parentheses with cross-references.

In addition to standard county abbreviations and those in Abbreviations and Bibliography, the following abbreviations are used: abp = archbishop, adm'r adm'x = administrator administratrix, adn = archdeacon (if not further identified = archdeacon of Ely); a'ee = appellee, a'nt = appellant, bp = bishop (if not further identified = Thomas Arundel); cap = chaplain, comm = commissary, cons = consistory, dau = daughter, dec'd = deceased; def = defendant, dioc = diocese, ex'r ex'x = executor executrix, jnr = the younger, kt = knight, n = reference found in a note, OCarm = Carmelite, OCist = Cistercian, OP = Dominican, OPraem = Premonstratensian, OSA = Augustinian, OSB = Benedictine, off = official (if not further identified = official of Ely), par = parish or parishoner, plain = plaintiff *or* promotor, snr = the elder, vg = vicar general, witn = witness. Where a person is marked as a 'nonparty', that means that he or she was the subject of, or participated in, a case but, so far as we can tell, was never formally made a party.

Where the main entry is the same, persons come after places, and places are ordered by size, e.g., the diocese comes before the city. Indication of multiple instances (*bis*, etc.) are given only highly selectively. To find all the instances, search the entire entry.

[. . .], [. . .], a'ee: <i>Dash</i>	[. . .], John, called 'Elder John,' witn: 5.14
[. . .], [. . .], brother, OCarm, preacher at synod: 18.25, 50.23, 67.37	[. . .], Katherine, residing in Haddenham, def: <i>Hundreder</i>
[. . .], [. . .], brother, OSA, preacher at synod: 31.30	Abingdon (Abyngdon), John, alms-seeker and proctor for the master of St Anthony's

- London, nonparty: *St Anthony* & n2
 Abington, Great (Abyngton' Magna)
 Henry, vicar of, custodian of vacant benefice: 19.22
 of: *see* Trump
 vicar of, proxy to Peter Brampton: C.2
 Abington, Little (Abyngton' Parva)
 John vicar of, proxy to Walter Sutton: 40.34
 of: *see* Gerant
 vicar of: C.2; *see also* Binbrook; Spenser
 Abington Pigotts (Abyngton')
 of: *see* Crisp
 rector of: C.4; *see also* Martin, Robert
 St Swithin's chapel, Richard perpetual cap of: C.4
 Abyngdon: *see* Abingdon
 Abyngton': *see* Abington
 Acres, Simon de, witn: 65.36
 Adam
 Margaret wife of William, def-a'ee: *Snow*
 proxy to Peter Caprik: 98.21
 William, of Stanton, def-a'ee; : *Snow*
 proxy to Peter Caprik: 98.21
 Adams, Norma: lxxix n
 Adamson (Adamesson, *filius Ade*)
 Robert, witn: 20.17
 William, cap of an Emneth chantry: C.10
 witn: 64.34
 Adekynesson: *see* Atkinson
 Adkin (Adekyn)
 John, of Barton, a'ee: *Barton* (3)
 proxy to John Flamstead and Richard Pitts: 94.32
 William, of Bassingbourn, def, plain: *Bassingbourn* (1)
 Albin (Albyn), Marion, of Horningsea, def: *Albin*
 Alcock (Alcok), William, of Emneth, def (*bis*): *Jack/Johnson*
 Alderford
 Ed[war]d [?'same as mr Edmund], rector of Weston: 56.13
 comm of John Newton: 82.22
 mr Edmund de, MA, witn: 26.30
 Alderheth, William, of Chesterton, witn: 71.34
 Alderman
 Edward, of Elsworth, def: *Chapman* (3)
 Margery wife of Edward, def: *Chapman* (3)
 Aldreth, of: *see* Fisher, John
 Allain (Aleyn)
 Geoffrey, of Coton, witn: 91.7, 92.36
 Isabel, of Coton, def: *Lewin*
 John, of Teversham, plain: *Allain*
 proxy to Peter Caprik and John Wiltshire: 37.24
 witn: 37.27
 Margaret wife of Geoffrey, witn: 91.7, 92.36
 William, of Kelsale, witn: 49.26
 Alston, John, of Wilburton, nonparty: 52.37 (*bis*)
 Alwyn
 John son of John (Alwyne), of Histon, nonparty: 43.35
 Richard (Aldewyne), cap of Hildersham, dean of Camps, xlvi–xlxi, l
 custodian of vacant benefice: 19.22, 20.22
 def: *Camps*
 Amys, Thomas, rector of Downham: C.9
 dec'd, nonparty: *Downham*
 ex'r of: *see* Dreng
 Katherine, dau of [*sic*], ex'x of: 20.23
 Andre (Andreu)
 Agnes *de facto* wife of Richard, def: xvii, *Andre* (1)
 John, of Chesterton, ?servant of Hugh Souche, def: *Slory/Angold*
 John, of Hemingham, witn: 78.9
 Margaret, of Stretham, def: *Boyton*

- Nicholas, def: *Andre* (2)
 Richard, of Swavesey, def: xvii, *Andre* (1)
 witr: 103.18
 Robert, plain: *Andre* (2)
 Thomas, priest, witr: 20.26
 William, of Swavesey, def: *Hankin/Lessing*
 proxy to John Wiltshire: 85.52, 85.67
 Angold: see Angold
 Anglesey, priory
 brother William, prior of, witr: 55.31
 cap residing in: see Burton; Harpour
 canon of: see Myntemor
 prior of: 47.37
 proxy to Robert Foxton: 31.28
 Angold (Anegold)
 John, of Chesterton, ?servant of Hugh Souche, def: *Slory/Angold*
 William son of Henry, of Chesterton, plain-a'ee, a'ee: *Gransden/Shanbery*
 advocate of (Thomas Gloucester): 6.4
 proxy to:
 Caprik, Peter: 6.17, 7.4, 9.5, 14.4, 15.4, 16.3, 26.2, 30.21, 45.3, 86.3 (*bis*)
 Hostler, John: 6.17, 9.5
 Killerwick, William: 6.4, 6.17, 14.4
 Ansell (Auncel), Thomas, rector of Carlton, def: *Carlton* (1)
 Arches, court of: see Canterbury, province, court of
 Arneys: see Ernest
 Arnold (Arneld)
 Nicholas, of Fulbourn, def-a'nt: *Arnold*
 Ralph, of Histon, compelled: 92.18
 Arrington (Arnyngton')
 of: see Coe; Reynold
 vicar of: C.3
 Arundel (Arundell), Thomas de, bp of Ely [1373–1388], later abp of York [1388–1396], abp of Canterbury [1396–1397, 1399–1414]: ix, xl, xlv–xlvi, lvii, lix, lxiv, lxx, lxxv–lxxvi, A.0, A.1, A.2, A.3, A.4, A.5, 2.0, 3.8, 4.10, 5.15, 9.14, 11.14, 36.26, 38.27, 46.29, 65.38, 66.33, 70.42, 74.40, 78.43, 112.34, 113.33
 acta in residence of: B.0, B.1, B.2, C.0, C.1, C.6, C.8, C.10, 49.25, 56.15, 65.39, 70.42, 76.42, 113.33 (Holborn)
 as abp of Canterbury, *laudum*, xliii
 audience jurisdiction of, lxvi–lxx
 commission from: 11.14, 67.11
 manor of: see Ditton, Downham
 prison of: 9.18
 see also Ely dioc
 Aston
 Margaret, xl & n, xliii n, xlv n, xlvii n, lvi n, lix n, lxx
 mr Thomas de, rector of Warboys [Hunts], Lincoln dioc, plain: *Aston*
 Athelyn: see Edlin
 Atkinson (Adekynesson), Agnes, dau of John, of Emneth, proxy to John Wiltshire: 67.38
 Atte or Atte-: see Barnes; Bour; Brook; Deal; Ford; Halle; Hoo; Hull; Lathe; Leach; Lee; Mead; Meadow; Moor; Netherstreet; Oak; Pool; Roche; Stone; Townsend; Wells; Wich
 Auncel: see Ansell
 Austin (Austyn), Philip, of Wimblington, adm'r for William Doggett: 34.30
 ?Avenel, Robert, of Cambridge: witr: 67.16; see also Dovenel
 Avignon, dioc [FRA]: see Villeneuve
 Avignon [dép. Vaucluse, FRA], *acta* at: 27.24
 Aylesbury, John, glover of All Saints' Jewry Cambridge, def: *Hart* (2)
 Aylmer
 Henry, witr: 70.38
 Joan, of Sawston, witr: 92.38
 Babraham (Badburgham)
 of: see Beveridge; Pye
 vicar of: C.2

- Bachelor (Bacheler), William, vicar of Grantchester: 108.25
- Bacon, Thomas, of Wisbech, def: *Pickerell*
proxy to Peter Caprik: 83.52
- Badburgham: *see* Babraham
- Bailey (Bailly)
John, of Hungry Hatley, compelled: 50.8
John, of Trumpington, compelled: ?56.8
witness: 60.7
Philip, rector of West Wickham, witness: 108.13, 109.10
Simon, of Streetly, proxy to John Wiltshire: 100.18
William, alms-seeker and proctor for the master of St Anthony's London, nonparty: *St Anthony*
William, of Barnwell, apparitor of deanery of Camps
compelled: 13.4, 14.4, 15.4 (*bis*)
witness: 41.8, 44.11
- Baker (Bakere)
John (?Baxter), of Cambridge, plain: *Baker (2)* & n2
wife of, plain: *Baker (2)*
John, of Stow cum Quy, witness: 35.11
Reginald, of Stow cum Quy, cap, a'nt: *Baker (1)*
Robert, of Cambridge, def: *Mason/Baker*
Thomas, cap of Boxworth, adm'r of chantry goods: 92.35
see also Baxter
- Bakewhyt [?Beckwith], Alice, of Malmesbury, Salisbury dioc, plain: *Bakewhyt*
- Baldock (Baldok)
Margery, of St Botolph's Cambridge, plain-a'ee, a'nt: *Sare* & n1, *Baldock*
proxy to:
Bridge, William: 43.5
Wiltshire, John: 40.41, 40.29, 43.5
Margery (?same), def: *Henny*
- Baldwin (Baldewyn, -e)
John, cleric of Fulbourn, ex'r of William Fool, vicar of [Cherry] Hinton, def: *Caprik (2)* & n1
ex'r of John de Hinxton: 84.47
nonparty: 52.37 (*bis*), ?054.28
plain (promotor): *Netherstreet (2)*
John, of Cambridge, ex'rs of, plain, plain: *Baldwin*
proxy to John Wiltshire: 100.16
Nicholas, of Teversham, def: *Teversham (2)*
- Ballard, Margaret stepdau of Robert, of Cambridge, def: *Sadler/Lister*
- Balsham
of: *see* Keel; Fuller; Neal
rector of: C.2
- Band, Thomas, of Chesterford [Essex], plain: *Band*
proxy to:
Killerwick, William: 28.18, 30.11
Wiltshire, John: 26.24, 27.20, 28.18, 33.11
- Barber (Barbour)
Adam, of Thorney, def: *Barber*
Thomas, of St Benet's Cambridge, def (*bis*): *Barber/Souster*
proxy to Peter Caprik: 30.13, 58.10
- Bargon, John, of Westley Waterless, a'nt: liv-lv, *Bargon*
proxy to John Wiltshire: 34.6
- Barker (Barkere)
Amy servant of John, nonparty: 75.39
see also Ernest
Simon, of Cambridge, compelled: 77.38
Thomas, of Kingston, plain: *Barker*
- Barking, Norwich dioc (Suff), ?rector of: *see* Dalby
- Barley (Berle), London dioc [Herts]
marriage solemnized at: 34.20
of: *see* Cakebread
- Barnard Castle (*Castrobernardi*) [Durham]:
mr Thomas of, rector of Lolworth, notary public and registrar of bp, witness: xlii, 72.9,

- 76.43, 89.38, 104.8
- Barnet, mr John de, rector of Leverington,
proxy to Thomas Domesday: C.10
- Barnsdale (Bernesdale), Geoffrey, def:
Cattesos/Barnsdale
proxy to John Wiltshire: 97.13, 106.19
- Barnton: *see* Barrington
- Barnwell (Bernewell, -e),
conventual church of: 31.26, 44.37,
acta in: 65.37
synod in: 18.23 (*bis*), 36.19, 50.23,
65.39, 74.40 (*bis*)
of: *see* Bailey; Burwell; Clerk; Cook;
Day; Hankin; Hare; Mason; Master-
man; Pocket; Rand; Redhead; Rous;
Smyth (*ter*); Thriplow; Wrong
prior of: *see* Norton
prior and convent of, having the use of St
Botolph's Cambridge, def: *St Botolph*
priory
jurisdiction of: xxxvi, 55.35
resident of: *see* Bernard; Dunwich;
Walton, Wood, William rector of
sacristan of: *see* Kirkby
seneschal of: *see* Burton
St Andrew the Less (*capella Sancti An-
dree infra prioratum de Bernewell*)
Philip, cap of: C.7
Robert cap of, nonparty: 55.31 (im-
properly suspended)
- Barnwell (Bernewell', Bernewelle), Stephen,
married man, poulterer of Cambridge, def:
xxxiii, *Barnwell/Tavern*
advocate for: *see* Bowet, advocate
compurgators for: *see* Bradenham, Rich-
ard; Ely, John de
- Barnes (Bernes): *see* Leach
- Baron, John, of Steeple Morden, def: *Smyth*
(3)
- Barre, John, of Sutton, plain: *Barre*
proxy to John Wiltshire: 85.59
- Barrington (Barnton')
cap of: *see* Chandler
of: *see* Brown; Swetery
rectors of: *see* Cambridge, Michaelhouse
vicar of: C.3; *see also* Carlton
vicarage of: 20.31
- Bartlow (Berkelowe)
church, penance at: 63.31
of: *see* Mead
rector of, proxy to Peter Caprik: C.2
- Barton (Berton'), deanery: B.1, C.1, C.3
dean of: 25.16, 49.24; *see also* Ford, John
- Barton (Berton')
church, use of: *see* Merton
parish, resident of: *see* Ward
vicar of: C.3, 6.19
compelled: 28.15
William vicar of, plain, def: *Barton (1) &
n1, Barton (3)*
proxy to:
Caprik, Peter: 27.21, 28.19
Flamstead, John: 94.33
Pitts, Richard: 94.33
see also Whitwell
- Bass (Basse), Simon, of Streetly, par of West
Wickham, def: *Rayner*
proxy to Peter Caprik: 100.23
- Bassingbourn (Bassingbourne): 40.13n3
church
acta in: 109.1 (*bis*)
confession given at: 107.1
marriage solemnized at: 46.28
dated at: lxxvi, 74.40
of: *see* Adkin; Boyton; Canon; Hammond;
Hart; Marris; Merton; Rich; Roger;
Ward; Warin
perpetual vicar of: *see* Brian
rector of, proxy to vicar of Meldreth: C.4
Robert vicar of, plain, plain, def: *Gilbert,
Bassingbourn (1), Bassingbourn (1)*
proxy to Peter Caprik: 47.27

- witn: 37.27, 45.24
- Bassingbourn, Margaret widow of Robert, ex'x of Robert Bassingbourn, def: *Bassingbourn* (2)
- proxy to:
- Caprik, Peter: 47.29, 47.30
- Wiltshire, John: 47.30
- see also* Bridge, mr William
- Bath and Wells dioc
- bp of: *see* Bowet
- of (Wells, dioc): *see* Craise; Moulsham
- Baunche [?Bunch], Ellen, of Cambridge, witn: 50.16
- Baxter (Baxt'e, Baxtere), Nicholas, of Newnham, wife of, proxy to Peter Caprik: 52.32
- see also* Baker
- Baylham (Beilham, Beylham)
- Robert of Cambridge, servant of: *see* Sutton, Matilda
- William, of Cambridge
- a'nt: *Baylham*
- compelled: 30.13
- def: *Bottisham/Baylham*
- proxy to William Killerwick: 3.7, 6.9
- witn: 31.13
- Bayser, Matilda wife of Henry, of Cambridge, plain: *Bayser*
- proxy to Peter Caprik: 34.17, 34.18, 36.12
- Beadman (Bedeman), Agnes, midwife: 62.16
- Beadshall (Bidishale) [?Bedale], Richard, rector of Hardwick, dec'd, nonparty: *Hardwick*
- Beal (Bele), William, of Chesterton, witn: 98.15
- Bear, William, dec'd, former master of St John's hospital, Cambridge: 4.10
- Beard (Berd), William, witn: 90.7
- Beardfield (Berdefeld), William, of Cambridge, ex'r of John Brigham of Newnham, def: *Brigham*
- witn: 72.48
- ?Beckwith: *see* Bakewhyt
- ?Bedale: *see* Beadshall
- Bedeman: *see* Beadman
- ?Beech: *see* Boch
- Beeford (Byford) in Holderness [Yorks, ER], of: *see* Cattesos
- Beilham: *see* Baylham
- Bekedale, John, of Swaffham, a'nt: *Swaffham/Bekedale*
- proxy to John Wiltshire: 109.22
- Bekkyng: *see* Bocking
- Benbow (Bentybowe), Simon, proctor for Alice Lynn: 60.27
- Benet, Beneyt: *see* Bennet
- Benethewode [*unidentified*], Richard, of Malmesbury, witn: 89.36
- Bennet (Benet, Beneyt)
- Joan residing with Robert, of Ely, def: *Everard*
- proxy to John Wiltshire: 36.31
- Margery, of Comberton, ?third party: *Puf*
- proxy to Peter Caprik: 108.19
- William, of Swavesey, witn: 60.21
- Bentybowe: *see* Benbow
- Berd: *see* Beard
- Berdefeld: *see* Beardfield
- Beech: *see* Boch
- Berkelowe: *see* Bartlow
- Berle: *see* Barley
- Bernard
- Amy, housekeeper of John atte Church, rector of Landbeach, nonparty: *Landbeach*
- John, BCivL, resident of Barnwell priory, witn: 55.35
- mr John (?same), rector of Kirtling, Norwich dioc, [Cambs], plain: *Kirtling/Bernard*
- mr John (?same), inceptor of civil law, proctor for Ely clergy: 83.54
- Thomas, of Ely, nonparty: *Barre*
- William, of Trumpington, witn: 89.36
- Bernesdale: *see* Barnsdale

- Bernewell', Bernewelle: *see* Barnwell
- Berton: *see* Barton
- Bernewell, -e: *see* Barnwell
- Beste, John, layman of Whittlesey, def: *Thorney/Whittlesey (1)*
 proxy to
 Haronden, Thomas: 63.27, 71.18
 Sutton, Walter: 71.18
- Bette (Better): 18.18n1
 John, layman of Hardwick, a'nt: *Bette (1)*
 proxy to:
 Godrich, Simon: 18.17, 18.18
 Killerwick, William: 18.17, 18.18
 witr: 23.4
 John, of Little Wilbraham, plain: *Bette (2)*
 John son of Thomas, of Swavesey, def: *Bradenham*
 proxy to John Wiltshire: 93.11
 Thomas, of Swavesey: 93.12
- Beveridge (Bevergh)
 Robert, of Babraham, witr: 20.27
 Robert (?same), ex'r of John de Thorp, def: *Cottenham (1)*
 Thomas, par of Fulbourn, plain: *Hinton*
- Beverley (*Beverlaco*) [Yorks], St John's collegiate church, proxy to Robert Selby and Nicholas de Work: 58.29
- Beylham: *see* Baylham
- Bidishale: *see* Beadshall
- Bigg (Bygge), Rose wife of Robert, of [Castle] Camps, plain: 63.32
- Biley
 Isabel, mother of Thomas, witr: 87.36
 Thomas, of Cambridge, def: *Biley*
- Billeston: *see* Bilsdon
- Bilney (Bilneye, Bylene)
 Geoffrey, of Thriplow, witr: 85.16
 Walter, of Cambridge: lxiii & n, lv
 a'nt: *Bilney & n1*
 proxy to William Bridge: 43.9
- ex'r of John Fulbourn, def: *Fulbourn/Bilney*
 proxy to:
 Caprik, Peter: 44.34, 45.28, 45.31
 Wiltshire, John: 39.9, 43.9, 44.34, 45.31, 58.11
 ?plain: *Gidding*
- Bilsdon (Billeston), John de, priest, proctor for John atte Hull: 68.40, 69.2
- Binbrook (Bynbrok), John de, vicar of Little Abington
 nonparty: 20.25
 plain: *Abington (2)*
- Binham [Norfolk]
 prior of, proxy to Robert Foxton: 31.28
 prior and convent of, having the use of Binham, def: *Westley (2)*
- Bircher (Bircho), Thomas, witr: 65.36
- Bird (Brid)
 Alan, of Stow cum Quy, def: *Stow (1)*
 proxy to William de Quy and John Wiltshire: 30.4
 Amy widow of Robert, of Wilburton, def (*bis*), def-a'nt: *Fisher/Frost*
 proxy to:
 Candlesby, Hugh: 89.32
 Caprik, Peter: 52.24, 89.32
 John, of Girton, witr: 36.18
 Katherine, of Whittlesford, nonparty: *Marion*
- Birton: *see* Burton
- Bittering (Bytering), Richard, of Wisbech, def: *Wardale*
 proxy to John Wiltshire: 83.42, 83.50
- Bland, William (de), rector of Walton
 comm of off: 35.0
 witr: 27.24, 53.21
- Blaunche, Ellen, witr: 50.12
- Blauncpayn [Whitebread], John, def: *Baldwin*
- Blisworth (Bliseworth), Lincoln dioc, [Nor-

- hants], of: *see* Clifford
- Blofeld, Margaret, of Chatteris, plain: *Blofeld*
 proxy to:
 Caprik, Peter: 56.11
 Sutton, Walter: 56.11 (*bis*), 58.17, 86.9
- Bluntisham (Bluntesham)
 Anna wife of Robert, def: *Wormegay*
 proxy to John Wiltshire: 36.34
 John, parish cap of Croxton, withn, def: xl-viii–xlix, *Shepherd/Wright* & n1
 certification of: 16.9
 spec comm of (?): 63.21 (*bis*)
 Robert, of Ely, def: *Wormegay*
 proxy to John Wiltshire: 36.34
- Boch [?Beech], John, of Thriplow, withn: 85.16
- Bocher: *see* Butcher
- ?Bocking (Bekkyngge) [Essex], of: *see* Dorward
- Bocking (Bokkyngge), John de, cleric, withn: 48.24
- Bodekesham: *see* Bottisham
- Bokbyndere: *see* Bookbinder
- Bokelond: *see* Buckland
- Bokesworth: *see* Boxworth
- Bokkyngge: *see* Bocking
- Bole: *see* Bowl
- Bolewer: *see* Bowler
- Bolleman: *see* Bullman
- Bonaleyn, Joan, of Wilbraham, plain: *Bonaleyn/Exning*
 proxy to John Wiltshire: 79.45, 86.25
- Bond (Bonde)
 Agnes, of Wimpole, plain-a’nt: *Bond*
 Christine, of Wimpole, withn: 90.34
 Eva dau of William, of Wimpole, def: *Stenkyn*
 John, of Wimpole, withn: 90.34
 Katherine wife of William, of Sutton, def: *Edlin*
 proxy to Peter Caprik: 70.33
- William, of Wimpole, withn: 90.34
- Bookbinder (Bokbyndere), William, of Cambridge, proxy to John Wiltshire: 67.36
- Borel (Borle), John, ex’r of John Sackville: 20.29 (*bis*), 24.19
- Borewell: *see* Burwell
- Borle: *see* Borel
- Boston (Botelston)
 Eleanor, of Cambridge, withn: 62.22
 John, of Wisbech, withn: 64.34
- Botler (Botiler), Margaret wife of Richard, of Cambridge, a’nt: *Bottisham/Botler*
 proxy to William Killerwick: 6.10
- Bottisham (Bodekesham)
 of: *see* Carlton; Gerard; Halle; Henry; Mitelway; Mortimer; Peacock; Scot; Skinner; Forster; Strug; Wykes
 vicar of: C.2
 William vicar of, a’ee: *Harpour*
- Bottisham (Bodekesham), mr Nicholas de, off adn: xliv, xlv, xlv, xlvii, xlviii, li, lvii, lviii
 a’ee: *Bottisham/Baylham*, *Bottisham/Botler*, *Guilden Morden*
 appeal from: B.1 (*ter*), 6.12
 compelled: 6.6
 inhibited ?party: 9.15
 withn: 7.6
- Bour (Boure)
 Margaret atte, dau of Matilda, *missio* for: 107.15
 Matilda atte, wife of Robert, of [West] Wickham, *missio* for: 107.15
 Robert, farmer of [West] Wickham, non-party: *Wickham (1)*
- Bourn (Brunne), deanery: B.1, C.1, C.5
 dean of: *Bourn* & n1; *see also* Caldecote, John and Nicholas, vicar of; Dyne, John; Eversden, Great, Roger vicar of; Larry, Robert; Toft, rector of
- Bourn (Brunne)
 of: *see* Chapman, Alice and John; Cheney;

- Cook, Alice *and* John; Day, Margaret *and* Nicholas; Delhay; Fuller, Simon; Marris, Molt; Norman; Ranlyn; Spinner; Stannard; Tiler; Townsend; Ward; Wells
 vicar of: C05
- Bourn (Brunne)
 John, layman, purchaser of fruits of Willingham glebe: 20.26
 John, (?another) of Comberton, def: *Kingston/-Gissing*
 proxy to Peter Caprick: 096.10
 William, of Ely: *see* Lister, Emma
- Bowet, mr Henry, DCnCivL, cleric of York dioc, advocate of Ely cons, off adn, *twice called* rector of Croft [Yorks, NR], *later* bp of Bath and Wells [1401–7], abp of York [1407–23]: xxix–xxx, xxxii, xxxv, xli, lxx–lxxvi
 advocate for
 Barnwell, Stephen: 24.15
 Stokesley, Richard: 28.26n1
 Tavern, Isabel: 24.15
 comm of off: 3.0
 off adn: xlv, lix–lx, lxiv
 a’ee: *Cheseman* (2), *Baldock*, *Sutton* (3), *Trukke* (1)
 swears obedience: 39.35
 plain: *Bowet*
 proctor for:
 Drayton, Nicholas: 20.27
 Ely clergy: 39.37
 Gransden, Margaret: 7.4, 9.5, 17.3
 Shanbery, William: 7.4, 9.5, 17.3
 proxy to:
 Killerwick, William: 39.10, 39.31, 40.14, 43.37
 Wiltshire, John: 32.17
 substitute for Richard Pitts: 6.18
 witn: 5.14, 17.5, 20.21, 20.27, 24.15, 24.21, 24.26 (*bis*), 25.27, 26.12 (*bis*), 37.27, 39.38, 39.40, 42.11, 44.36, 54.30
- Bowl (Bole)
 Agatha, of Sawston, witn: 47.34
 John, of Teversham, def: *Allain* & n1
 John (?same), layman of Teversham, def: *Teversham* (5)
 William, of Sawston, witn: 47.34
- Bowler (Bolewer), Thomas, layman, appointed holy water clerk of St Mary’s Whittlesey, def: *Thorney/Whittlesey* (2)
- Boxted (Boxstede), Richard de, OSB, monk of St Mary’s abbey in Sitria, proctor for Matthew Castroiderii master of hospital of St Mary of Mount Sion near Jerusalem, nonparty: *Mount Sion* & n1
- Boxworth (Bokesworth’)
 cap of: *see* Baker, Thomas
 church, St Katherine’s chantry in: 92.35
 adm’r of goods of: *see* Baker, Thomas; Burgoyne; Kingson
 cap of: *see* Upex
 of: *see* Burgoyne; Kingson; Morden
 rector of: C.5
- Boxworth (Bokesworth)
 John, of Sutton, def: *Boxworth*
 Richard de, vicar of Guilden Morden, a’nt: *Guilden Morden*
 proxy to William Killerwick: 4.9
 William, founder of St Katherine’s chantry, Boxworth: 111.34
- Boyden (Boydon), John, snr, of Lolworth, def: *Lolworth*
- Boyland (Boylond), John, witn: 42.20, 44.23
- Boyton
 John, servant of John Fish, of Ely, def: *Boyton*
 Robert, of Barton, def: *Herd*
- Bracer (Brasier, -e)
 Ellen wife of John, of Trumpington Street, def: *Cheseman* (3)
 John, of Elm, proxy to John Wiltshire: 85.55
 Robert, of Cambridge, witn: 64.33

- servant of: *see* Hull, John atte
- Bracher (Bracker), Richard de, cleric of London dioc, witn: 9.19
- Brackley (Brakkele), Nicholas, plain: *Brackley*
- Bradbury
- Alice, def: *Wiltshire*
- Marion dau of Alice, def: *Wiltshire*
- Bradtenham (Radenham)
- Hugh, of Swavesey, witn: 93.12
- Joan, witn: 93.12
- Margery, of Swavesey, plain: *Bradtenham*
- Richard, compurgator for Stephen Barnwell: 5.14
- Bradenho [?brad+hoh = 'wide ridge'], Philip son of Richard, of Doddington, plain: *Bradenho*
- proxy to Walter Sutton: 77.46, 79.39
- ?Brading: *see* Brodyng
- Braintree, church, *acta* in: 33.6
- Brakkele: *see* Brackley
- Brampton, Lincoln dioc [?Hunts], of: *see* Hunt
- Brampton
- Peter, proctor for vicar Great Abington: C.2
- William, of Chatteris, witn: 113.14
- Branch (Braunche), Joan, of Lynn [Norf], residing in Elm, plain: *Branch*
- John, of Elm, proxy to John Wiltshire: 85.55
- Brasier, Brasiere: *see* Bracer
- Braunche: *see* Branch
- Bray, John, of Cambridge, witn: 66.30
- Bretenham: *see* Brettenham
- Breton, William son of John, of Bassingbourn, a'nt: *Gilbert*
- proxy to John Wiltshire: 36.35, 40.13
- Brettenham (Bretenham), John, of Stretham, plain: *Weston/Brettenham*
- proxy to John Wiltshire: 44.32, 46.20
- Brewster (Breuster, -e)
- Alice wife of Andrew, witn: 28.30, 37.15
- Andrew, witn: 28.30, 37.15
- Joan
- missio* for: 28.29
- witn: 28.29, 42.22, 44.22 (*ter*)
- John, of Cambridge: 83.25
- Brian, William, perpetual vicar of Barton, plain: *Barton (2)*
- Brice, John, of Cambridge, plain: *Brice*
- Brid: *see* Bird
- Bridge (Brugge, Brugges) (?*same as* Brigg)
- mr William (de), rector of Teversham, comm gen of adn *and* of off adn: xxxvi, xxxviii, 59.24, 66.33, 66.38, 72.43
- def: *Champaign*
- ex'r of Robert Bassingbourn, def: *Bassingbourn (2)*
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- John, of Carlton, witn: 77.29
- Brigg (Brigge, Brigges) (*?same as* Bridge)
- Thomas, cap, mandatory: 33.19
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- John, of Fulbourn, def: *Sawston (2)*
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- Bridge, William: 43.7
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- Brinton, Thomas, bp of Rochester [1373–1389]: A.5 & n
- Brodyng [*?Brading*], Joan, of Gedney, Lincoln dioc [*Lincs*], plain: *Brodyng*
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- Leverton, William: 73.74
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- Broughton, Thomas de, cap *then* vicar of St Mary's Swaffham Prior: 108.26
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- William, jnr, of Barrington, plain: *Spalding (1)*
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- tesos; Clay; Clerk; Colne; Cook; Couper; Ellington; Felice; Feltwell; Godmanchester; Gransden; Gras; Hunn; Knight; Lee; Little; London; Lopham; Lucas; Neal; Santer; Shanbery; Slory; Smyth, Geoffrey; Strike; William
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- Margaret, of Blisworth, Lincoln dioc [Norhants], residing in Cambridge, def: *Langdon*
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- Cobbe, Geoffrey, of Wimpole, def: *Weedon*
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- John, of Wimpole, ex'r of mr Thomas Griffin, late rector of Wimpole, def: *Sutton (1)*
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- William, cap of Steeple Morden, dean of Shingay: 108.38
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- Cordell (Cordel), Anabel, of Downham, def: *Mill*
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- Hain (Heyne), Emma wife of John, of Little Gransden, def: *Hain*
- Hakhay [?Hackney], Amy, of Landbeach, def: *Pike & n1*
proxy to Peter Caprik: 103.20
- Halden (Haldene, Haldeyn), John, of Cottenham, def: *Siger (1)*
proxy to:
Pitts, Richard: 93.9
Sutton, Walter: 80.39, 80.47
- Haliwell [Midd], prioress and convent of, proxy to William Killerwick: 50.25
- Halle
Alexander atte, priest, ex'r of: *see* Reed
Alice wife of John atte, of Malmesbury: 89.36
Margaret dau of John de, of Bottisham, plain: *Halle*
proxy to:
Dunham, John: xxxvii, 66.34
Wiltshire, John: 66.34
Caprik, Peter: 68.30
Thomas off [*sic*], compelled: 70.25
- Halpenny (Halpeny) Cloke [?nickname], John son of William, of Wisbech, def: *Halpenny Cloke*
- Hamcotes, mr Richard, spec comm of Richard Scrope: 58.17
- Hammond (Hamond), William, of Barton, a'nt: *Hart/Hammond*
proxy to William Killerwick: 25.23, 25.26
- Hampshire (Hamptesshire), Robert, priest, witn: 45.24
- Hank, Robert, of Stretham, witn: 46.20
- Hankeston: *see* Hinxton
- Hankin
John, of Barnwell, def: *Wrong*
John, of Gidding [Hunts], plain: *Hankin/Lessing*
- Hanley, [. . .], clerk of royal writ: 112.34 & n2
- Hardwick (Herdewyk')
defects in church and rectory: 23.4
of: *see* Bette; Butcher; Edmond; Gregory; Morris; Moulton; Wynde
rector of, proxy to Robert Foxton: C.5;
see also Beadshall
sequestration of goods at: 23.3
- Harden: *see* Haronden
- Hare, Agnes dau of John, residing in Barnwell, def: *Wilcockson*
- Harger, John, of Trumpington, witn: 88.32
- Harleston: *see* Harston
- Harlton, rector of, proxy to Peter Caprik: C.3, 31.28

- Harondon [?Harden], mr Thomas de, proctor for abbot of Thorney, John Beste, and Thomas Chapman: 63.26, 63.27, 70.19, 71.18
- Harpour, Seaman, cap residing in Anglesey priory, a'nt: *Harpour*
- Harrimere (Haveryngmer): *see* Thetford
- Harrison (Herriesson, Herryesson), mr William, of Sutton, spec comm of ?: 62.24, 62.25, 66.31, 66.32
- Harsent
- Alice, midwife: 62.16
- witn: 58.20
- Margaret, witn: 58.20
- Harsent atte Wood, Robert, lay par of Kingston, plain: *Kingston (2)*, *Kingston (4)*
- proxy to Hugh Candlesby and William Leverton: 78.43, 83.49 (*false, revoked*)
- Harston (Harleston), vicar of: C.3
- Harston (Harleston), Roger, *missio* for: 89.37
- Hart (Hert)
- Henry son of John, def: *Hart (2)*
- John, of Barton, a'nt, plain, def, a'nt, plain: *Hart/Hammond & n1*, *Hart (1)*, *Barton (1)*, *Barton (3)* & n1
- proxy to:
- Killerwick, William: 25.23, 25.26, 28.19
- Wiltshire, John: 94.35
- John, of St Giles' Cambridge, def: *Hart (2)*
- John son of John, def: *Hart (2)*
- Simon, of Downham, witn: 38.24
- Thomas, barker of St Botolph's Cambridge, def: *Hart (2)*
- Hartford (Hertford), Thomas de, cap of St Andrew the Great, Cambridge, witn: 16.6, 34.20
- Haslingfield (Haselyngfeld')
- of: *see* Smyth
- vicar of: C.3
- Hatfield
- dated at [*probably* Essex]: 24.1
- prior of [Hatfield Broad Oak, Essex], proxy to Robert Foxton: 31.28
- Hatley St George, *often called* Hungry Hatley (Hungri Hattele), rector of: C.5; *see also* Potton, John
- Hatley, East, rector of, proxy to Robert Foxton: C.4, 31.28
- Hatthe: *see* Heath
- Hauxton, vicar of: C.3
- Haveryngmer: *see* Thetford
- Hawe, Thomas, cap of Leverington: C.10
- Hayt: *see* Height
- Heacham, Norwich dioc [Norf]
- of: *see* Speed, Matilda
- rector of: *see* Eltisley, Robert de
- Heath (Hatthe), Richard, of Cambridge, compurgator for Stephen Barnwell: 5.14
- Height (Hayt), Simon, of Bassingbourn, exr's of: *see* White, Agnes and Warren
- Helbend [*unidentified*], Thomas, of Gedney, witn: 92.37
- Helder (Heldere), Juliana, of Cambridge: 32.19
- Helegeye: *see* Elgey
- Helmholz, Richard: xx n, xxviii n, xxix n, lxxxi n, lxxxiii n
- Helmingham, Norwich dioc, Dunwich deanery [Suff], of: *see* Garnes, Katherine and Robert; Smyth, John and Richard
- Henny (Heneye), John, of Cambridge, def: *Henny*; *see also* Herny
- Henry (Herry)
- Thomas, *al.* de Kingston, residing in Over, def (*bis*): *Grigg/Crook*
- William, witn: 20.17
- see also* Herne
- Herbert (Herberd), Isabel dau of John, of [?Saffron] Walden, living in Ely, def: *Webster*
- proxy to John Wiltshire: 101.21, 102.16, 107.16, 111.11
- Herd (Herde), Richard, of Cottenham, plain

- (*bis*): *Herd*
 proxy to John Wiltshire: 68.33, 68.37, 68.39 (*bis*)
- Herdewyk': *see* Hardwick
- Herne (*H'ny*, Hirne)
 John, of Bottisham, def: *Anglesey/Burton/Peacock & n1*
 Roger in le, par of Fulbourn, plain: *Hinton*
- Herriesson, Herryesson: *see* Harrison
- Herry: *see* Henry
- Hert: *see* Hart
- Hertecoumbe [heorot+cumb], Ada, of St Michael's Cambridge, plain: *Hertecoumbe*
- Herteshull [?heorot+hyll], Richard, of Carlton, cap, def: *Carlton (2)*
 proxy to Hugh Candlesby: 109.2
- Hertford: *see* Hartford
- Hervey (Hervy), Agnes, dec'd in the priory of Ickleton, nonparty: *Hervey*
 John, def: *lxx, Greatford*
- Heymes: *see* Haimes
- Heyne: *see* Hain
- Hichecok: *see* Hitchcok
- Hidingham, of: *see* Streit, Gilbert
- Higgon (Hygyn), Matilda, a'nt: *Thresher*
 proxy to Walter Sutton: 52.29
- Hildersham
 cap of: *see* Alwyn; Rich, William
 of: *see* Whiston; Wildman
 rector of, proxy to Robert Foxton: C.2; *see also* Solders
- Hilton, Walter, BCivL, with: 23.2
- Hind (Hynde), William, of Whittlesey, plain: *Hind*
- Hingeston, Alice, nonparty: 75.39
- Hinton, Cherry (Hynton')
 John vicar of, def: *Sutton (5)*
 proxy to Richard Pitts: 112.24, 112.27
 of: *see* Norton; Reynold; Wright
 rector of, proxy to Thomas Gloucester: C.7
- vicar of: C.7; *see also* Fool
- Hinxton, vicar of, proxy to Robert Foxton: C.2
- Hinxton (Hankeston), John de, vicar of All Saints' Fulbourn, testator: 84.47
- Hirne: *see* Herne
- Histon
 of: *see* Alwyn; Arnold; Clay; Couper; Crust; Dobbin; Eltisley; Garland; Leighton; Reynold; Siger; Stockhale
- St Andrew's
 of: *see* Leighton
 rector of, proxy to Robert Foxton: C.6
 Roger rector of: 55.34
 proxy to John Fairchild: 108.36
- St Etheldreda's
 Henry vicar of, dean of Chesterton, def: *lix, Chesterton (2)*
 vicar of: C.6
- Hitchcock (Hichecok)
 Joan, of Swaffham Prior, def: *Cumpyn*
 proxy to:
 Caprik, Peter: 9.6, 14.5, 16.4, 18.4
 Killerwick, William: 9.6, 14.5
- John son of Joan, def: *Cumpyn*
 proxy to:
 Caprik, Peter: 9.6, 14.5, 16.4, 18.4
 Killerwick, William: 9.6, 14.5
- Robert son of Peter, of Swaffham, def: *Taylor (4)*
 proxy to Peter Caprik: 82.42, 82.47
- Hockham (Hokham), Norwich dioc [Norf], of: *see* Burgoyne
- Hockley (Hokkele), Thomas, def: *Foxton (1)*
- Hoddesdon, Stephen, with: 42.20, 44.23
- Hodgson (Hoggeson), Thomas, of Witchford, with: 81.18
- Hogenhale: *see* Hucknall
- Hogepond [*unidentified*], John, of Wilbraham, with: 110.13 (*absent*)
- Hoggeson: *see* Hodgson

- Hogon [?hogg or Hodge + diminutive], Margaret wife of John, of Cambridge, def: *Willingham (2)*
 proxy to Walter Sutton: 046.30, 46.30, 50.16 (*bis*)
- Hokke: *see* Hook
- Hokkele: *see* Hockley
- Hokyton: *see* Oakington
- Holbech (Holbeche, Olbech), John de, notary public, cap of a Leverington chantry, dean of Wisbech: xliii, C.10 (*bis*)
 comm of off adn: 3.7
 ?proctor for par's of Leverington: 26.26
 with: 7.6 (*absent*), 20.17, 20.18, 20.19, 20.24, 20.32, 26.30
- Holborn, near London [Midd], dated at: 113.33
- Holland, Lincoln dioc [Lincs], deanery, dean of, spec comm of ?, to examine witn's in: 62.22
- Holpit [?hol + pyt], John, witn: 20.17
- Holt, Stephen, of Downham, witn: 38.24
- Honyter [cf. Honeyman], Adam, of March, plain: *Honyter*
- Hoo, Thomas atte, of East Hatley, proxy to Walter Sutton: 75.43
- Hook (Hokke), Margaret, of Fulbourn, plain-a'ee: *Arnold*
- Hoole [Ches or Lincs], of: *see* Hutchin
- Hoot [*unidentified*], John, par of Knapwell, plain: *Knapwell*
- Horkesley (Orkesley, -e), John, of Childerley, plain: *Horkesley*
 promotion of: 110.31
- Horn, Robert, cap of Tydd St Giles, plain: *Horn*
- Horneswold, Isabel, of Melbourn, *missio* for: 82.9
- Horningsea (Hornyneseyse)
 of: *see* Albin
 rector of, St John's hospital, Cambridge: C.7
- Horseheath (Horseth')
 of: *see* Burwell
 rector of: C.2
- Hostler (Hostiler)
 [Heloise] wife of Henry [of Cambridge], plain: *Hostler & n.a*
later widow and ex'x of Henry: 85.46
 proxy to John Wiltshire: 51.21
- Henry, of Cambridge, testator: *see* Heloise, widow of; Bromholm, John, ex'r
- John, apparitor (*somenor*) of Cambridge deanery: xxxvi, xxxviii, lx
 apparitor of the adn: 38.17
 compelled: 41.9
 def: *Barnwell*
 proctor for:
 Angold, William: 6.17, 9.5
 Cattesos, Matilda: 52.19
 Cumpyn, Margaret: 13.5
 Day, Nicholas: 6.17
 Gransden, Margaret: 13.4, 30.21
 Prime, Isabel: 30.11
 Rookhawe, William: 13.7, 17.6, 28.23, 29.13, 29.16, 29.18, 30.10, 32.7
 Shanbery, William: 13.4, 30.21
 Souster, Isabel: 42.8, 43.8, 44.8
- substitute for:
 Caprik, Peter: 9.4
 Pitts, Richard: 12.10
 witn: 6.6, 24.4, 38.17, 42.9, 42.10, 44.7, 74.17, 87.16, 89.38
- Katherine, a'nt: *Chandler (2)*
 proxy to Walter Sutton: 78.16
- Simon, compelled: 90.22
- Houlet: *see* Howlett
- Howe (Howes) in Girton, of: *see* Chapman; Maberly; Piper; Reed; Warrwick
- Howe
 Matilda, of Wisbech, taverner of Alice Terrington, of Cambridge, def: *Lingwood/Howe*

- Thomas, cap of a Leverington chantry:
C.10
- Howlett (Houlet)
- Richard, of Elsworth, withn: 79.37
- William, of Guilden Morden, nonparty,
cited: 6.12 (*passim*)
- Hubert (Hubard, Huberd)
- John, of Stow cum Quy, plain: *Hubert*
proxy to John Wiltshire: 40.32
- William, of Stow cum Quy, def: *Stow (1)*
proxy to Peter Caprik: 36.17
- Huchen: *see* Hutchin
- Hucknall (Hogenhale), Thomas, of Elm,
withn: 20.26
- Hughes, Jonathan: xlv n, lxxvi n
- Hull
- Agnes dau of Nicholas atte, of Stretham,
def: *Weston/Brettenham*
- John atte, servant of Robert Bracer, of
Cambridge, def: *Foxton/Snow*
proxy to John Bilsdon: 68.40 69.2
- Margaret atte, compelled: 90.22
- Humbleton (Humbelton), Thomas, tailor of
Cambridge, def: *Humbleton*
- Humphrey (Umfrey), Agnes, of Melbourn,
de facto wife of Robert Marion, def:
Marion
- Hundreder, Roger servant of Roger, of Ely,
def: *Hundreder*
- Hungerford, William, cap of an Emneth
chantry: C.10
- Hungry Hatley (Hungri Hattele): *see* Hatley
St George
- Hunn (Hunne)
- Margery wife of Thomas, plain: *Hunn*
- Thomas, of Chesterton, plain: *Hunn*
- Hunnings (Hunnyng), Thomas, of Linton,
def: *Hadstock*
proxy to John Wiltshire: 39.30, 40.25
- Hunt (Hunte)
- John, of Brampton, Lincoln dioc [?Hunts],
ex'rs of, plain: *Hunt*
- proxy to John Wiltshire: 59.20
- Katherine, of Lambeth [Surrey], proxy to
Peter Caprik, William Killerwick, and
John Wiltshire: 28.22
- William, of Whittlesey, def: *Tyars*
- Walter, of Eversden, court's messenger:
11.8
- Huntingdon (Huntyngdon'), archdeaconry
adn of, spec comm of John Newton: 92.20
off of adn of: 60.22
- Huntingdon (Huntyngdon'), county, of: *see*
Painter
- Huntingdon (Huntyngdon), John, cap of
Haddenham, ex'r of Agatha Fisher: 34.28
- Huntingfield, Norwich dioc, Dunwich dean-
ery [Suff], of: *see* Cook, Margaret *and*
Robert
- Hutchin (Huchen), William, of Hoole, ex'r
of Peter Ferriby: 17.15 (*passim*)
- Hygyn: *see* Higgon
- Hykeney [*unidentified*], William, lay par of
Kingston, plain: *Kingston (4)*
proxy to Hugh Candlesby and William
Leverton: 78.43, 83.49 (*false, revoked*)
- Hynde: *see* Hind
- Hynton: *see* Hinton
- Ickleton
- John vicar of, plain: *Ickleton (2)*
- market, penance in: 63.31
- of: *see* Hervey; Smyth
- priory
- corrodiary of: *see* Canon
- prioress of, proxy to Robert Foxton:
31.28
- vicar of, proxy to Robert Foxton: C.2,
31.28; *see also* Quayle
- Impington, vicar of: C.6, 85.43
- Ing (Ynge), John, of Bassingbourn, plain:
Gilbert
proxy to Peter Caprik and John Wiltshire:
44.30
- Ingham (Ingh'am, Ingeham)

- Alice wife of Richard, a'ee: *Caster (1)*
 Richard, cobbler (*sutor*) of Cambridge, a'ee (*bis*): *Caster (1)*
 advocate for (*organum vocis sue*): *see* Cottenham, James de
 servant of: *see* Wiles
 William, of Cambridge, def: *Westley (1)*
- Irby, William de, MA
 proctor for Thomas Dalby: 20.34
 witr: 20.28, 20.29, 72.48, 85.45
- Ireland, Joan d' (Dirland), *al.* Whitchurch, of Cambridge, a'ee: *Caster (1)*
- Irish (Iryssch), Adam, thresher of Trumpington (?*same as* Adam Thresher of Trumpington, *q.v.*), a'ee: *Trumpington*
- Islip, Simon, abp of Canterbury [1349–1366]: 38.28, 65.35
- Ive, John, vicar of Shingay: 108.23
- Ixenying: *see* Exning
- Jack (Jake)
 Agnes dau of Henry, of Emneth, plain: *Jack/Johnson*
 Isabel wife of Henry, of Emneth, witr: 70.43
 Katherine wife of Lawrence, of Emneth, witr: 70.43
- Jackson (Jakkesson), William, compelled: 70.25
- Jake: *see* Jack
- Jakkesson: *see* Jackson
- Jerusalem (Jerlm', Jerll'mitan', Jerosolomitano), St Mary's hospital of Mount Sion near: *Mount Sion*; *see also* Boxted; Castroidlerii
- Jocelyn (Gosselyn)
 Anastasia widow of John, of Cambridge, def-a'nt, plain: *Jocelyn*
 proxy to Peter Caprik: 72.49, 73.10
 John, butcher of Cambridge, def: *Lingwood (1)*
- John, Joan wife of Simon son of, of Cambridge, proxy to Peter Caprik: 67.41
- Johns (Jons)
 John, of Whittlesey, plain: *Johns*
 Simon, of Whittlesey, witr: 72.17
 Johnson (?Johnesson, Jonesson)
 Alice, plain: *Jack/Johnson* n4; *see* Emneth, Alice
 Simon (?*same as* Simon Williamson, *q.v.*): *Trinity (1)* & n4
- Joly, Robert, of Newnham, husband of Agnes atte Wells, def-a'ee: *Worlidge/Mason*
- Jons: *see* Johns
- Joseph, John son of Adam, snr, of Castle Camps, def: xxxiii, *Joseph*
- Joyner (Joynor, Joynour), John, cap of Little Gransden, custodian of vacant benefice: 65.40 (*bis*)
- Katerington, -yngton: *see* Catherington
- Keech (Keche)
 James, of March, proxy to John Wiltshire: 80.44
 Mabel, of March, plain: *Keech*
 proxy to Peter Caprik: 65.33
 Robert, of March, compelled: 70.25
- Keel (Kele)
 Ellen wife of William, def: *Keel*
 proxy to John Wiltshire: 59.20
 Thomas, of Cambridge, witr: 66.30
 William, of Balsham, plain: *Keel*
- Kelful [*unidentified*], William, of Whittlesey, def: *Hind*
 proxy to John Wiltshire: 57.25, 58.26
- Kell: *see* Keel
- Kellerwyk: *see* Killerwick
- Kellock (Killok), John, of Ely, plain: *Poulton*
- Kelsale [Suff]: *see* William, Peter
- Kembtheved (Kembthed) [*?cempa+heved*]
 Henry, of Lolworth, def: *Toweslond*
 proxy to Walter Sutton: 77.42
 Thomas, of Lolworth, witr: 79.37
 William of Lolworth, witr: 79.37 (*bis*)
- Kentish (Kentyssh), John, of Sawston
 def: *Sawston (4)*

- witn: 100.14
- ?Kepwick: *see* Caprik
- Ketelby, William, of Ely, ex'r of Colette Cook: 34.29
- Keterston, Nicholas, weaver of Ely, proxy to John Wiltshire: 72.45
- Keworth': *see* Kneesworth
- Killerwick (Kellerwyk', Killerw'c, Killerwyk)
- William, cleric of York dioc, *once called* of Durham dioc, proctor of Ely cons: xxxiv, xxxviii, xl, lxxxi, lxxxii
- proctor for:
- Angold, William: 6.4, 6.17, 14.4
- Band, Thomas: 28.18, 30.11
- Bette, John of Hardwick: 18.17, 18.18
- Baylham, William: 3.7, 6.9
- Botler, Margaret: 6.10
- Bowet, Henry: 39.10, 39.31, 40.14, 43.37
- Candlesby, Hugh: 37.13
- Carter, Agnes: 28.13, 28.24, 28.25
- Caster, Geoffrey: 24.6
- Cheseman, John: 18.19
- Clench, Ed[war]d: 15.8, 15.13, 17.7
- Clerk, Robert: 20.10
- Cook, Margaret: 28.26, 29.20
- Couper, Alice dau of Robert: 41.12
- Day, Nicholas: 6.8, 6.17, 14.6
- Dorward, Henry: 5.9
- Draper, John: 11.12, 12.8
- Fulbourn, par's of: 16.13, 17.9
- Gayton, Margaret: 25.25, 25.26
- Godfrey, Robert: 32.10
- Grebby, John de: 39.32
- Morden, Richard vicar of Guilden: 4.9
- Haliwell, prioress and convent of: 50.25
- Hammond, William: 25.23, 25.26
- Hart, John: 25.23, 25.26, 28.19
- Hitchcock, Joan: 9.6, 14.5, 16.4, 18.4
- Hitchcock, John: 9.6, 14.5
- Hunt, Katherine: 28.22
- Knapwell, Richard rector of: 25.15
- Langton, Thomas de: 29.23
- Lovely, Richard: 24.17, 25.16, 26.12
- Mason, Andrew, Christine, *and* Margaret: 20.13
- Moulton, Matilda: 18.17, 18.18
- Netherstreet, William: 16.13, 17.9, 18.20
- Oak, Rose: 15.20, 25.21
- Painter, Joan: 15.2
- Peck, Amy: 18.2
- Petworth, William: 16.14, 17.10, 18.9
- Saffrey, John: 19.25, 24.14
- Sergeant, Anna: 19.13, 19.14
- Seyton, Margaret: 25.25, 25.26
- Shepherd, Thomas: 29.4
- Smyth, Richard, of West Wrattin: 5.9
- Streit, Gilbert *and* John: 5.9
- Tivetshall, John: 28.31
- Thriplow, John, of Fowlmere: 24.16, 25.17
- Troft, Richard de: 25.14
- Trumpington, John vicar of: 50.25
- Walsh, Matilda *and* Nicholas: 54.33
- Wendy, Avis: 40.31
- Wildman, Ellen: 39.33, 40.11
- substitutions: 9.4, 12.10, 13.12, 15.15
- witn: 5.10, 11.8, 20.29, 26.30, 27.18, 27.24, 31.26, 37.5, 40.37, 41.8, 41.10, 41.28
- William (?*same*), of Trumpington, witn: 47.36
- Killok: *see* Kellock

- Killingworth (Killyngworth), William de, of Stanton, witn: 6.4
- Kimberlee (Kymberlee), Alice, wife of Walter, of Cambridge, witn: 24.26
- King (Kyng)
- John, of Caldecote, witn: 46.23
- John, of Ely, witn: 66.24
- Richard, par of Fulbourn, plain: *Hinton*
- William, of Foxton, def: *Foxton (1)*
- King's Hall: *see* Cambridge
- Kingson (Kyngessone), William, of Boxworth, adm'r of chantry goods: 92.35
- Kingston (Kyngeston', Kyngston')
- cap of: *see* Larry
- patron of: *see* Gissing
- of: *see* Barker; Cornwall; Gilbert; Grigg; Harsent; Hykeney; Plumbery; Pyncote; Taylor, Peter
- par's of, plain: *Kingston (4)*
- rector of: C.5
- proxy to Robert Foxton: 31.28
- see also* Podington
- wood tithed in: 94.38, 100.19
- Kingston (Kyngeston), Agnes, witn: 65.36
- Kinman (Kymon), Henry, of Stow, def: *Stow (1)*
- Kirkby (Kirkeby) [?Lincs], of: *see* Spinner
- Kirkby (Kirkeby)
- John de, sacristan of Barnwell priory, witn: 55.35
- William, of Barnwell, def: *Kirkby*
- Kirkham (Kirkeham), Robert, of Elm
- def: *Elm, Potton/Caprik*
- proxy to Peter Caprik: 17.13, 18.9, 20.6
- Kirtling (Kyrteylng), Norwich dioc, [Cambs], of: *see* Bernard
- Knapwell
- of: *see* Cook, John; Daniel; Hoot; Smyth; Ward; Russel; Taylor
- rector of, proxy to Robert Foxton: C.5, 31.28; *see also* Troft; Woughton
- Richard rector of, proxy to William Kill-erwick: 25.15
- warned to serve as cap of: *see* Cook, John
- Kneesworth (Keworth'), rector of: *see* Godrich
- Knight (Knyghte), Bartholomew, of Chester-ton: 98.14
- witn: 98.15
- Knott (Knotte), Agnes, widow of Ralph Clerk, def: *Potton/Knott*
- proxy to Hugh Candlesby: 89.38 (*bis*)
- Knyghte: *see* Knight
- Kydecote [?kid + cot], Thomas, cleric, witn: 75.39
- Kymberlee: *see* Kimberlee
- Kymon: *see* Kinman
- Kymwell [*unidentified*]
- Nicholas, priest and vicar of Caldecote, nonparty: *Kymwell*
- Simon, of Caldecote, layman, def: *Kymwell & n1*
- proxy to Peter Caprik: 53.12
- Walter, of Caldecote, witn: 45.26
- Kyndeslee: *see* Kynsley
- Kyne: *see* Siger, William
- Kyng: *see* King
- Kyngessone: *see* Kingson
- Kyngeston', Kyngston': *see* Kingston
- Kynsley (Kyndeslee), William, witn: 5.14
- Kyrteylng: *see* Kirtling
- Laas (Las) [?Lace, ?Lass], William, cleric of Lichfield dioc, BCnL, notary public, advocate of Ely cons: xxix, xxx, xxxv, xliii, 39.38 (admission)
- comm of ?comm gen: 58.11, 63.25
- witn: 38.26
- Lacey (Lascy)
- Edward, vicar of Linton, testator: 89.42
- Edward, vicar of Sutton, comm of bp: 77.45, 81.33
- see also* Lessy

- Lache : *see* Leach
- Lakenheath (Lakyngheath')
 John de, cap, dean of Ely: C.9
 proctor for Henry Smyth: C.9
 Margaret, def: *Littleport/Lakenheath*
 Simon de, vicar of Littleport, def:
 Littleport/Lakenheath
 represented by James de Cottenham:
 24.21
- Lambeth, Midd (*recte* Surrey), of: *see* Hunt
- Land (Launde), Thomas de la, ex'r of Robert Mitchel: 20.32
- Landbeach (Landbech')
 church, *acta* in: 9.19
 of: *see* Hahkay; Pike; Sander
 rector of, proxy to Hugh Candlesby: C.6
 housekeeper of: *see* Bernard, Amy
 see also Campion; Church, John atte
- Langdon (Lungedon), John, of Cambridge, def: *Langdon*
- Langford (Langeford), Isabel sister of William, of Pampisford, nonparty: 102.25
- Langton (Langeton), Thomas de, cap of Emneth, a'nt: *Langton*
 proxy to:
 Caprik, Peter: 29.23
 Killerwick, William: 29.23
 see also Emneth, Thomas former cap of
- Large, Richard, rector of Long Stanton All Saints', proctor for Ely clergy: 31.31
- Larke, Henry, of Madingley, def: *Reeve*
 proxy to Peter Caprik: 85.49
- Larry (Lary), Robert, cap of Kingston, obedience of, as dean of Bourn: 108.39
- Las: *see* Laas
- Lascy: *see* Lacey
- ?Lass: *see* Laas
- Latham, R. E.: xiv, lxxxiv
- Lathe, Isabel atte, nun of Swaffham priory, witn: 65.36
- Launde: *see* Land
- Laurence
 John, witn: 91.7
 Simon, of Cambridge, witn: 33.17
- Lavender, Joan, of Cambridge, plain: *Lavender*
- Law (Lawe)
 Peter, def: *Foxton (1)*
 Nicholas, cap of a Leverington chantry: C.10
- Lawrence, John, of Grantchester, witn: 88.32, 92.36
- Le Neve, John: xlv n, xlv n, lxxvi n
- Leach (Lache, Leche)
 Ed[war]d, of Stow [?cum Quay], def: *Perry (2)*
 Hugh (*once called* Hugh atte Barnes [Bernes], leech), ex'r of John Fulbourn, def: *Fulbourn/Bilney*
 proxy to:
 Caprik, Peter: 44.33, 45.28
 Wiltshire, John: 44.33
 Ibota wife of Edward, def: *Perry (2)*
 John, of Chatteris, witn: 113.14
- Lee, Nicholas atte, of Elm, witn: 20.26
- Legat, William, of Cambridge, witn: 78.34
- Leicester (Leycestre)
 Margaret servant of Richard, of Ely, def: *Wolron*
 Mariota servant of Richard, of Holy Trinity Ely, def: *Leicester*
 Robert servant of Richard, of Holy Trinity Ely, def: *Leicester*
- Leighton (Leyghton), John, of St Andrew's Histon, def: *Lichfield (1)*
- Lennye: *see* Lynn
- Lenton, Alice, of March, def: *Danny/Gibb*
- Lepper (Lepere)
 Geoffrey, witn: 70.38
 Walter, witn: 70.38
 William *al.* John, of Chesterton, nonparty: 70.38, 85.17
- ?Less: *see* Lessy

- Lessing (Lessyn), Richard, of Conington, def, plain, def: *Hankin/Lessing, Brackley* proxy to Peter Caprik: 85.67
- Lessy [?Lacey, ?Less], Andrew, of Wilburton, with: 54.19, 55.17, 90.32
- Lessyn: *see* Lessing
- Lestranges, Guillaume de, abp of Rouen [1375–1389], papal nuncio in England, subsidy paid to: 31.29, 36.20
- Leverich (Leverych), Nicholas, of Newton, with: 62.25
- Leverington (Leveryngton)
- chapel of St John's Parson Drove in: *Leverington* & n1
 - church, caps of chantries in: C.10; *see also* Holbech; Howe; Law
 - of: *see* Chilterne; Page; Simond; Wilkin-son
 - par's of, plain: *Leverington*
 - proxy ?to John Holbech: 26.26
 - rector of, proxy to Robert Foxton: 31.28; *see also* Barnet
- Leverton, William, cleric exercising the office of proctor general in Ely cons: xxxiv–xxxv, xxxviii–xl
- def: *Leverton* & n2
- proctor for:
- Brook, William atte: 72.34
 - Cheney, John: 80.32
 - Folville, John: 73.40
 - Gilbert, Robert: 78.43
 - Harsent atte Wood, Robert: 78.43, 83.49 (*false, revoked*)
 - Hykeney, William: 78.43, 83.49 (*false, revoked*)
 - Pinxton, John: 73.11, 73.12
 - Plumbery, Robert: 78.43
- substitute for Richard Ferriby: 84.44
- with: 78.12
- Leverych: *see* Leverich
- Leveryngton: *see* Leverington
- Lewene: *see* Lewin
- Lewes Castle [Sussex]: 11.14
- Lewin (Lewene, Lewyne), John son of William, of Grantchester, plain: *Lewin*
- Leycestre: *see* Leicester
- Leyghton: *see* Leighton
- Leyston (Leyson), John, servant and ?adm'r of William Glenthams, dec'd: 83.45
- Lichfield, dioc, of: *see* Laas; Morton; ?St John
- Lichfield [Staffs], ?of: *see* St John
- Lichfield (Lychefeld)
- John, of Cambridge, plain: *Lichfield* (1) & n1
 - John (?same), of Cambridge, plain: *Lichfield* (2)
 - John (?same), currier (*cunreyor*) of Cambridge, Alice wife of, plain: *Lichfield* (3) & n. b
- Lile, John de, of Chatteris, def (*bis*): *Blofeld* proxy to Peter Caprik: 56.11, 58.17
- Lincoln, dioc: *see* Aston; Brodyng; Candlesby; Clifford; Collinson; Cook, William; Denford; Eltisley; Fishwick; Gainsford; Gallon; Gloucester; Holland; Hunt; Maulden; Muston; Northampton; Ockham; Ross; Spaldwick; Yaxley
- Lindsey (Lyndeseye), Stephen, with: 20.32
- Lingwood (Lyngewod', Lyngewode, Lyngwode)
- John, of Cambridge, def: *Lingwood* (2)
 - John (?same), carpenter of Cambridge, plain: *Lingwood* (1)
 - proxy to John Wiltshire: 34.15
 - John (?same), wright of Cambridge, def: *Lingwood/Howe*
- Linton: *Hadstock* & n1
- church, penance at: 70.41
 - market, penance in: 63.31 (*ter*)
 - of: *see* Catt; Cook, Michael; Green; Hunnings; Milner; Skinner; Spain; Streit; Sutton, Alexander
 - rector of: C.2
 - vicar of: C.2; *see also* Lacey

- Lister (Lystere)
 Emma *de facto* wife of Richard, def: *Lister*
 proxy to
 Doke, John: 13.11, 14.2, 15.2
 Gainsford, John de: 9.2
 John son of Thomas, of Cambridge, def: *(bis): Sadler/Lister*
 Marion wife of Thomas, withn: 31.17
 Richard, of Ely, def: *Lister*
 proxy to:
 Caprik, Peter: 14.12, 15.2
 Pitts, Richard: 14.2
 Thomas, of Cambridge, withn: 31.17
- Litel: see Little
- Litlington (Lyttelyngton')
 of: *see* Tod; Walsh
 rectors of, master and scholars of Clare Hall Cambridge: C.4
- Littlebury: see Littlebury
- Little (Litel, Lytel), John, of Chesterton: lxxiii
 def: *Trenet* & n1
 plain, a'nt: *Little* & n1
 proxy to:
 Caprik, Peter: 101.15, 102.11
 Pitts, Richard: 26.23, 35.5
 Sutton, Walter: 98.16, 101.15 (*revoked*)
- Littlebury (Littelbury, Lyttelbury), Leticia, of Fordham, taverner (*tabernaria*) of Luke Lockyer of Cambridge, def: *Fordham*
 proxy to John Wiltshire: 44.27, 44.29
- Littleport (Lyttelport')
 of: *see* Carter; Ely; Emmison; Eustace; Lovechild; Milner; Palmer; Smyth, John; Taylor, John, Katherine, *and* Tilla; Wolverton
 Simon vicar of: xxxiii, 24.22, 25.28
 compelled: 70.25
 proxy to Robert Foxton: 31.28
- Walter vicar of, plain: *Littleport* (2)
 vicar of: *see* Lakenheath
- Litwin (Lyghtwyne), John, of Carlton, withn: 77.29
- Lockyer (Lokyer, -e)
 Amy wife of Luke, withn: 32.14
 Luke, of Cambridge, tavern-owner: 43.34 & n1
 taverner of: *see* Littlebury
 William, withn: 67.16
- Lokenore [*unidentified*], John, of Willingham, plain: *Lokenore*
- Logan, F. Donald, lxxii n
- Lokyer, -e: *see* Lockyer
- Lolworth (Lolleworth)
 of: *see* Boyden; French; Kembtheved; Rose; Siger; Watson
 rector of, proxy to Robert Foxton: C.5, 31.28; *see also* Barnard Castle
 Richard cap of, plain: *Lolworth*
 proxy to John Wiltshire: 85.68
- Lomb, Amy wife of John, of Stow cum Quay, def: *Hubert*
 proxy to Walter Sutton: 40.36, 42.29
- London, dioc
 bp of: *see* Sudbury
 of: *see* Bracher; Cakebread; London, Thomas; Raven; Stortford
 off of, *missio* to examine withn's: 108.19
see also Barley; Colne
- London, archdeaconry
 adn: 58.12
 off of adn: 27.24
- London, city: A.25, 4.10, 17.15, 17.15 (*bis*)
 court of Arches: *see* Canterbury, province, court of Canterbury
 dated at: 11.14, 27.24, 36.27, 36.28, 36.33, 63.32
 of: *see* Catherington; Fraunces; Reading
 St Anthony's hospital, nonparty: *St Anthony* & n1; *see also* Martin, Richard; Saint-Antoine-en-Viennois

- master of, proctor of: *see* Abingdon;
 Bailey, William
 St Mary Magdalene, Milk Street: 58.12
see also Milkstreet
 St Paul's cathedral
 provincial council at: 31.31, 39.37,
 50.26, 83.54
 witn's examined in: 59.10, 111.21,
 108.19, 112.18 (*bis*)
 London
 Alice wife of John, of Chesterton, a'nt:
 London
 mr Thomas de, cleric of London dioc,
 witn: 11.8, 11.10
 Longstowe (*Longa Stowe*)
 of: *see* Canon
 rector of, proxy to Peter Caprik: C.5,
 31.28
 Loot [*?Lute, ?Lutt*], Isabel, of Trumpington,
 wife of Hugh Mayhew, def: *Bakewhyt*
 Lopham, John, of Chesterton, def: *Taylor (3)*
 Lord, Henry, of Wilbraham, witn: 81.37
 Lovechild
 John, of Littleport, def: *Lovechild*
 William, of Swavesey, witn: 102.8
 Lovely (Lovelich, Lovelych), Richard, rector
 of Maulden [Beds], plain: xlix, *Lovely*
 proxy to William Killerwick: 24.17,
 25.16, 26.12
 Lucas, John, def: *Chesterton (3)*
 Lungedon: *see* Langdon
?Lute, ?Lutt: see Loot
 Luyton: *see* Lytton
 Lychefeld: *see* Lichfield
 Lyghtwyne: *see* Litwin
 Lyngewod', Lyngewode, Lyngwode: *see*
 Lingwood
 Lyndeseye: *see* Lindsey
 Lynn (Lynne) [Bishop's *later* King's, Norf],
 of: *see* Branch; Waterman
 St John's hospital ?in (*villa Lennye*):
 52.33 & n1
 proxy to John Muston: 52.33
 Lynn (Lynne), Alice, of Cambridge, proxy to
 Simon Benbow, Peter Caprik, and James
 de Cottenham: 60.27
 Lystere: *see* Lister
 Lyte
 Alice, ?widow *and* adm'x for Walter:
 85.47
 Walter, of Comberton, testator: 85.47
 Lytel: *see* Little
 Lyttelbury: *see* Littlebury
 Lyttelport: *see* Littleport
 Lyttelyngton': *see* Litlington
 Lytton (Luyton), Christine de, corrodiary and
 resident of St John's Cambridge, testatrix:
 63.29 (*bis*)
 Mabb (Mabe, Mabbe), Joan, witn: 103.14
 John, of Pampisford, witn: 100.14
 Maberly (Mabely), Nicholas, snr, of Howe,
 witn: 68.34
 Madingley (Maddingle)
 marriage by public fame in: 25.18
 of: *see* Codling; Larke; Moor; Reeve;
 Warden
 vicar of, proxy to Peter Caprik: C.6, 31.28
 Madingley (Maddyngle), John, def: *Mading-*
 ley
 proxy to Peter Caprik: 58.21, 107.2
 wife of: *see* Pyncote
 Maisterman: *see* Masterman
 Makesake [*unidentified*], Nicholas, of Elm,
 witn: 85.62
 Makeseye: *see* Maxey
 Maldon': *see* Maulden
 Male, Robert, of Gedney, witn: 92.37
 Malin (Malyn)
 John, snr, of Whittlesford Bridge, def:
 Malin
 Margaret *de facto* wife of John, snr, of
 Whittlesford Bridge, plain: *Malin*
 Malmesbury [Wilts] , of: *see* Bakewhyt;
 Benethewode; Halle

- Malt, John, vicar of Witchford, plain: *Witchford*
- Malton (Malketon'), rector of, proxy to Peter Caprik: C.3
- Malyn: *see* Malin
- Manciple (Maunciple), Thomas, of Cambridge, plain: *Manciple*
- Manger (Maung'), John, of Sutton, proxy to John Wiltshire: 85.61
- March (*twice called* Marchford), chapelry (non-parochial district) in Doddington
Alice wife of John of, with: 77.45
chapel: 39.29
acta in: 77.45
John son of Thomas of, with: 77.45
of: *see* Danny; Doggett, Dix; Foulman; Honyter; Keech; Lenton; Pape; Ryder; Taylor; Wells
- Mareys: *see* Marris
- Marion, Robert, of Melbourn, plain: *Marion*
- Marker (Markere), Abilia, of Little Gransden, plain: *Hain*
- Marling (Merlyng) [cf. Marlingford, Norf], Hugh, par of Fulbourn, plain: *Hinton*
- Marris (Mareys)
John, ex'r of John de Thorp, def: *Cottenham (1)*
John, of Barton, with: 28.15
John, of Bourn, with: 9.9
- Marschal: *see* Marshall
- Marsh (Merssh), Robert, def: *Thorney/Whittlesey (2)*
- Marshall (Marschal), Thomas, of Cottenham, def: *Warlock*
- Martin (Martyn)
Henry, of Wilbraham, def (*bis*): *Bonaleyn/Exning*
Hugh, of Melbourn, a'nt: *Martin*
proxy to Peter Caprik, John Dunham, and Walter Sutton: xxxvii, 73.44
Richard, def: *Baldwin*
Richard (?*another*), messenger of St Anthony's hospital, nonparty: *St Anthony*
Robert, rector of Abington Pigotts: C.4
- Marvel (Merveille), Denise, of Fowlmere, def: *Thriplow*
- Masham, John, notary public, *once called* cleric of York dioc, *once* of Salisbury dioc, with: 23.3, 26.30, 31.26
- Mason (Mason', Masoun)
Agnes wife of William, plain: *Mason (2)*
Alice, with: 50.12, 50.16
Andrew, of Trumpington, a'nt: *Mason (1)*
proxy to William Killerwick: 20.13
Christine dau of Margaret, a'nt: *Mason (1)*
proxy to William Killerwick: 20.13
Margaret wife of Andrew, a'nt: *Mason (1)*
proxy to William Killerwick: 20.13
Nicholas, of Barnwell, def: *Mason/Baker*
proxy to John Wiltshire: 98.19, 102.12
Reginald, cap, vicar of Stapleford: 9.18
William, plain: *Mason (2)*
- Masterman (Maisterman)
Agnes, former servant of Richard of Barnwell, now residing with Roger Chandler, of Cambridge, a'nt: *Chandler (1)*
Richard, compelled: 47.16
- Matthew (Matheu), Nicholas, of Elm, with: 20.26
- Maulden (Maldon'), Lincoln dioc [Beds], rector of: *see* *Lovely*
- Maunciple: *see* Manciple
- Maung': *see* Manger
- Maxey (Makeseye), Robert, manciple of scholars of Cambridge, ?plain-a'ee: *Comberton (1)*
- Mayhew (Mayheu), Hugh, of Trumpington, def: *Bakewhyt*
- Mayne (Mayn), Henry, of Wilbraham, with: 81.37
- McNiven, Peter: lxxv n
- Mead (Mede), William atte, of Bartlow, perpetual vicar of Swaffham Prior, plain:

- Swaffham* (3)
- Meadow, atte (Attemedewe), Agnes, witn: 103.14
- Melbourn (Meldebourn)
- John vicar of, def: *Spalding* (2)
- of: *see* Edmond; Ferrer; Geen, Horneswold; Humphrey; Marion; Martin; Muriel; Priest; Stybold
- vicar of: C.4; *see also* Weasenham
- Meldreth (Melreth')
- Robert vicar of, witn: 49.26
- vicar of: C.4
- proctor for vicar of Bassingbourn: C.4
- Mepal (Mephale)
- of: *see* Fiddler; Wimpole
- Robert rector of: C.9
- plain: *Mepal*
- Thomas rector of, witn: 7.18
- Merlyng: *see* Marling
- Merssh: *see* Marsh
- Merton [Surrey], prior and convent of, having the use of Barton, def: *Barton* (2)
- Merveille: *see* Marvel
- Messenger (Messenger), Christine, of Sutton, def: *Boxworth*
- Mey, John, witn: 20.17
- Michaelhouse: *see* Cambridge
- Michel: *see* Mitchel
- Mideltun', Middelton': *see* Milton
- Milk, Henry, compelled: 59.10
- Milkstreet (Milkstrete)
- Alice wife of William
- compelled: 68.32, 70.30
- witn: 71.28
- William, baker of Cambridge
- compelled: 68.32
- witn: 70.30
- see also* London, St Mary Magdalen
- Mill (Mille), Robert, of Downham, plain: *Mill*
- Millon, David: xxvi n, lxxii n
- Milner (Milnere)
- Henry, of Sawston, witn: 47.34
- John, of Linton, def: *Tiler*
- proxy to Peter Caprik: 37.25, 38.22
- John (?*same*), farmer of mill of John Segyn, def: *Hadstock* & n3
- John, of Westley Waterless, plain: *Stokesley*
- proxy to John Wiltshire: 28.27, 29.20
- Margaret wife of John, of Linton, proxy to Peter Caprik: 37.25
- Matilda (?*same as* Margaret) wife of John, of Linton, def: *Tiler*
- proxy to Peter Caprik: 38.22
- Stephen, par of Wickham, plain: *Wickham* (2)
- proxy to John Wiltshire: 26.22
- William, of Littleport, def: *Littleport* (2)
- Milton (Mideltun', Middelton')
- masses for the dead at: 38.28
- of: *see* Raine, Rayson
- rector of, proxy to Robert Foxton: C.6, 31.28
- vicar of: C.6
- Mitelway [*unidentified*]
- Joan wife of John, of Bottisham: 71.27
- Walter, of Bottisham, ex'r of Geofrey Burton, cap, of Anglesey, def: *Anglesey/Burton/Peacock*
- Mitchel (Michel), Robert, rector of Tydd St Giles: C.10
- died outside of Roman *curia*: 20.28
- testator: 20.32
- Moche: *see* Much
- Moll (Molle), Katherine wife of Henry, of Fulbourn, nonparty: 52.37 (*bis*)
- Molt [?Moult]: 11.8n2
- Agnes dau of John, of Bourn, def: *Stannard*
- Alice dau of Richard, of Wendy, def: *Saefrey* (1)

- proxy to Peter Caprik: 19.25 (*bis*)
 Geoffrey, withn: 62.28, 63.22
 Peter, layman of Wendy, def, a'nt: *Clerk* (2)
 compelled: 50.8
 proxy to Peter Caprik: 52.21, 67.10
 withn: 51.8
 William, of Wendy
 def: *Bond*
 compelled: 50.8
 withn: 46.21, 51.8 (*absent*), 52.8
 Monstone [*unidentified*], William, withn: 75.38
 Montagu, William, apparitor, for rector of Fowlmere: C.3
 Moor (Mor)
 John, of Madingley, def: *Warden*
 Roger, priest residing in Cambridge, def: *Trinity* (2)
 Walter de la, vicar of Elm and notary public: C.10
 withn: 20.19
 William atte (Attemor), of Sawston, withn: 92.38
 Morden (Mordon), John, of Boxworth
 compelled: 54.17, 58.12
 withn: 59.10
 Morden, Guilden (Gildenmord', Gildenmordon)
 John, cap of, mandatarly of court of Canterbury: 71.33
 of: *see* Burden, Howlett, Webbe
 vicar of: C.4; *see also* Boxworth
 spec comm of?: 71.33
see also Guilden Morden (*surname*)
 Morden, Steeple (Stepelmordon)
 cap of: *see* Cook
 of: *see* Baron; Cockerell; Smyth; Weyland
 rector of, proxy to Hugh Candlesby: C.4
 Morris (Morice, Moryce)
 Felicia wife of John, of Hardwick, plain: *Morris* (2)
 Joan dau of Geoffrey, of Swaffham Prior, def: *Robinson*
 John, layman of Hardwick, plain: *Morris* (1) & n1
 withn: 23.4
 Mortimer (Mortmyer), Alice wife of Thomas, of Bottisham, def: *Skinner*
 proxy to Peter Caprik: 85.42
 Morton
 mr William de, cleric of Lichfield dioc, *litteratus*, withn: 5.14, 11.10, 19.21, 20.27
 Ralph de, rector of Gransden, testator: 81.44
 Mortmyer: *see* Mortimer
 Moryce: *see* Morris
 Moulsham (Mulsham), John, cap of Wells dioc, withn: 27.24
 ?Moult: *see* Molt
 Moulton (Multon), Matilda, of Hardwick, a'nt: *Bette* (1)
 proxy to Simon Godrich and William Killerwick: 18.17, 18.18
 Mount Sion, St Mary's hospital of: *see* Jerusalem
 Mower, William of Wendy, withn: 58.9
 Much (Moche), Richard, of Elm, withn: 20.26
 Mulsham: *see* Moulsham
 Mulshe (Mulsho) [*unidentified*], John, keeper of Sturbridge hospital, nonparty: *Sturbridge*
 Multon: *see* Moulton
 Muriel
 John, of Teversham, def: *Teversham* (1)
 William, of Melbourn, def: *Depden*
 Mustell, Robert, cap of Wilburton, def: *lxvii, Fisher/Frost*
 proxy to Peter Caprik: 52.25
 Muston, Lincoln dioc [Leics], marriage in: 70.38, 70.39
 Muston, John de, proctor for St John's hospi-

- tal in ?King's Lynn: 52.33
- Myntemor (Myntemoor) [*unidentified*]
- John, of Trumpington, priest, canon of Anglesey, OSA, def: *Geoffrey*
proxy to Peter Caprik: 47.36, 47.37
- Robert, of Trumpington, plain: *Myntemor*
- Narford [Norf]: *see* Reynold
- Natesby [cf. Nateby], Margaret widow of Gilbert, of Whaddon, def: *Natesby*
- Neal (Neel, Niel)
- John, of Balsham, witn: 34.9
- John, of Clopton, def-a'nt: *Neal*
proxy to:
Bridge, William: 43.15:
Wiltshire, John: 40.15, 43.15
- Robert, of Chesterton, ex'r of Lawrence Couper: 34.31
- Robert, witn: 70.38
- Netherstreet (Netherstrete)
- Roger in le, cleric, nonparty: 52.37 (*bis*)
- William (atte), cap of Fulbourn: li n
plain, def-a'nt, def: *Hinton & n1, Netherstreet (1), Netherstreet (2)*
proxy to:
Killerwick, William: 16.13, 17.9, 18.20
Pitts, Richard: 54.32
Wiltshire, John: 54.32, 55.24
- Newton': *see* Newton
- Neve
- Amy, of Ely, wife of William Chilterne, def: lvi, *Chilterne*
- John, of Trumpington, witn: 88.32
- Newehous: *see* Newhouse
- Neweman: *see* Newman
- Newenham: *see* Newnham
- Neweton': *see* Newton
- Newhouse (Newehous), William, of Elm, witn: 20.6
- Newman (Neweman)
- Robert, of Stow cum Quy, def: *Stow (1)*
- Thomas, of Elsworth, plain: *Newman/Ripon/Smyth*
proxy to John Wiltshire: 100.17
- Newmarket (*Novo Mercato*), mr Thomas de, rector of Dry Drayton, def: lxxvii, *Drayton*
- Newnham [in Grantchester *now* in Cambridge] (Neunham *iuxta Cantebr'*, Newenham), of: *see* Baxter; Brigham; Joel; Spenser; Worlidge
- Newport [Essex], hospital of: 18.22
- Newton (Neuton', Neweton')
- marriage acknowledged by public fame in: 062.24, 062.25
- of: *see* Drew; Pope; Leverich
- rector of, spec comm of John Newton: 83.42; *see also* Goddington
- Newton (Neuton', Neweton')
- Elias son of John, def: *Drew/Pope*
- Idonea de, dau of Thomas, *missio* for: 62.25
- John de, cleric of York dioc, DCivL, BCivL, *iurisperitus*, advocate of Ely cons, off of Ely cons, *later* treasurer of York minster [1396–1404]: xviii–xix, xxix–xxxi, xxxv, xxxviii–xli, liv–lvii, lx–lxvii, lxviii, lxix–lxxi, lxxvi–lxxviii, lxxix–lxxx
- admitted as advocate: 39.38
- comm and off of bp: 83.45, 84.47
- comm gen of bp: 63.32, 74.17
- comm gen of off: 44.4 (*bis*), 50.19
- comm of bp: 34.27, 34.28, 34.29, 34.30, 34.31, 36.26, 37.13, 41.21, 47.38, 49.24, 49.25, 50.18, 50.23, 50.26, 53.21, 53.23, 53.24, 53.32, 55.16, 58.28, 65.37, 65.38, 66.33, 66.38, 67.10, 67.11, 67.17, 69.2 (*bis*), 70.42, 72.48 (*bis*), 73.26, 73.49, 74.37, 74.40 (*bis*), 84.23, 85.19, 89.37, 111.34
- comm of off: 23.4, 27.24, 28.18, 31.22, 31.23, 33.11, 33.21, 34.20 (*bis*), 35.0, 36.0, 37.0, 37.26, 44.22 (*bis*), 46.18, 47.17, 47.19, 47.31, 47.34 (*bis*), 58.10

- off of bp: 78.0, 78.1, 79.0, 79.44, 80.0, 80.50, 81.0, 81.45, 82.0, 83.0, 84, 85.0, 85.44, 85.45, 86.3, 87.0, 88.0, 89.0, 89.42, 91.0, 92.0, 93.0, 94.0, 95.0, 96.0, 97.0, 98.0, 99.0, 100.0, 101.0, 102.0, 103.0, 104.0, 105.0, 106.0, 107.0, 108.0, 109.0, 110.0, 111.0, 111.25, 112.0, 113.0, 113.29
- proctor for Ely clergy: 50.26
- room of, in Peterhouse, Cambridge: 106.34
- treasurer of York minster: lxxvi n
- witn: 23.3, 24.21, 24.15 (*bis*), 24.26, 26.12, 26.29, 31.21, 31.26, 34.12, 38.26, 39.35, 44.36, 47.32, 53.21, 56.15, 68.35, 80.50
- Thomas, cleric of Ely, witn: 106.34
- mr William de, vicar of Wisbech, C.10
- witn: 20.17, 20.18, 20.19, 20.24
- Niel: *see* Neal
- Niselle [?Denzill], Joan, wife of John, of Cambridge, proxy to Peter Caprik: 75.44
- Nocera [Nocera Umbra] (*Nucian'*), dioc: *see* Sitria
- Noreys, Norice: *see* Norris
- Norman, Simon, of Bourn, ex'r of John Crook of Bourn, plain: *Grigg/Crook*
- Norris (Noreys, Norice)
- Denise, witn: 50.12
- Margery, of Cambridge, def: *Baker (2)*
- Northampton, Lincoln dioc, archdeaconry, marriage solemnized in: 44.28
- Northampton, Nicholas, of Haddenham, def: *Barre*
- Northern
- Alice, of Grantchester, def: *Myntemor*
- Robert, of Grantchester, witn: 88.32
- Norton
- Geoffrey, of Cherry Hinton, witn: 20.5
- John, of Cambridge, witn: 64.33
- John de, deacon of York dioc, instituted perpetual vicar of St John's in Milne Street, Cambridge: 113.33 (*passim*)
- witn: 31.21, 37.16
- Ralph de, prior of Barnwell, witn: 55.35
- Norwich, dioc: *see* Bernard; Brigg; Burgoyne; Butcher; Dereham; Dunwich; Eltisley; Godrich; Heacham; Helmingham; Huntingfield; Speed; Tilney; Ward; Wells, Alice; Wells next the Sea; Wymer
- Novo Mercato*: *see* Newmarket
- Nucian'*: *see* Nocera
- Oak (Ok'), Rose wife of John atte, plain: *Oak*
- proxy to William Killerwick: 15.20, 25.21
- Oakington (Hokyton')
- John vicar of: 108.35
- masses for the dead at: 47.35
- of: *see* Frost; Oakington; Rich; Ward; Waresley; Wretil
- vicar of, proxy to Hugh Candlesby: C.6
- Oakington (Hokyton), John, student of chanc Cambridge, resident of Oakington: lxx-lxvi, 46.7
- missio* for: 44.9
- witn: 42.9
- Ockham (Okham), mr William de, MA, of Lincoln dioc, witn: 20.35, 72.48
- Ok': *see* Oak
- Okham: *see* Ockham
- Olbech: *see* Holbech
- Oliver (Olyver), Thomas, rector of a portion of Gamlingay, plain: *Gamlingay*
- proxy to Peter Caprik: 34.32
- witn: 21.13
- Onn (Onne), Richard, cap of Sutton, ex'r of Edward Lacey: 89.42
- Orewell: *see* Orwell
- Orkesley, -e: *see* Horkesley
- Orwell (Orewell')
- marriage by public fame in: 31.22, 31.23
- of: *see* Durrant; Wiseman
- rector of: C.3 & n2
- proxy to Robert Foxton: C.3, 731.28
- vicar of: C.3 & n2

- proxy to Robert Foxton: 731.28
 Osborn (Osbern')
 John, plain: *Osborn*
 Robert, of Wilburton, withn: 61.1
 Thomas, withn: 82.33
 Otto [Oddo da Tonengo], papal legate in England [1237–41]: *see* Citations to Canon Law, *Ad vicariam, Licet*
 Ottobuono (*Ottobonus*) [Fieschi], papal legate in England [1265–8]: *see* Citations to Canon Law, *Deus, Ecclesia, Indignum, Libertatem, Sacrorum*
 constitution of: 18.22, 18.24 (*bis*)
 Outlaw (Outlawe)
 Agnes wife of Henry, of Cambridge, withn: 24.26
 John, of Wendy
 compelled: 50.8
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 Over (Overe)
 of: *see* Buckland; Henry; Souter; Smyth; Walter
 rector of: C.6; *see also* Stanford
 withn's from: 70.11, 71.9
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 Oxford (Oxon') [Oxon]
 Merton Hall, scholars of: C.5
 provincial constitution of: 18.24 (*bis*)
 Page
 Alice dau of William, of Leverington, def: *Simond*
 John, of Little Shelford, def: *Page*
 Painter (Peynto', Peyntour), Joan, of Huntingdon, resident of Ely, plain: *Lister*
 proxy to William Killerwick: 15.2
 Palfreyman, Stephen, of Sutton, proxy to John Wiltshire: 73.43
 Palgrave, Agnes servant of John, of Fulbourn, nonparty: *Arnold*
 Palmer (Palmere)
 Henry, of Littleport, def: *Carter*
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 Joan wife of Henry, def: *Carter*
 William, cap, proctor for Robert Mitchel: C.10
 Pampisford (Pampesworth')
 of: *see* Campion; Coche; Cumpton; Mabb; Perkin; Pertesen
 rector of, proxy to Robert Foxton: C.2, 31.28
 Pape (Pappe), Matilda, of March, def: *Dix*
 Papworth Everard (Pappeworth' Everard), rector of: C.5
 proxy to Robert Foxton: 31.28
 Papworth St Agnes (Pappeworth' Anneys), rector of: C.5
 Pardon, Gilbert, cleric, plain: *Pardon*
 Paris (Parys), brother John de, OP, professor of theology, ?a'ee: 36.22 (*bis*)
 Parson Drove: *see* Leverington
 Pate, Philip, of Stow, proxy to John Wiltshire: 76.42
 Pateshull: *see* Pattishall
 Pattlesley (Pattesele), Thomas de, adn Ely, rector of Cottenham: xlv n
 Pattishall (Pateshull), Agnes, residing with Stephen Morris, of Cambridge, plain: *Pattishall/Candlesby*
 Payn
 James, of Stanton, ex'r of John de Stanton, def: *Rampton*
 John, of Grantchester: withn: 91.7, 92.36
 Peacock (Pecok), Agnes, of Bottisham, plain (*bis*): *Anglesey/Burton/Peacock*
 Peasey (Peese), Robert, *yconomus* of Elsworth church, proxy to Peter Caprik and Walter Sutton: 97.15
 Pebbel: *see* Peebles
 Pecok: *see* Peacock
 Peck (Pecke), Amy, of Chatteris, plain-a'ee: *Dreng*
 proxy to William Killerwick: 18.2
 Peebles (Pebbel, Pybbel)

- Isabel, of Thriplow, *de facto* wife of John Poynaunt, def: *Poynaunt*
 proxy to Peter Caprik: 60.26
 Walter, of Thriplow, withn: 85.16
- Peese: *see* Peasey
- Penrith (Penreth), William, of Cambridge, withn: 74.10
- Perkin (Perkyn), William, of Pampisford, coex'r of Joan his late wife, def: xxiv, *Coche*
 proxy to Peter Caprik: 39.42
- ?Perron: *see* Piron
- Perry (Perye, Pirie), Andrew, of Teversham, plain, plain: *Perry (1)* & n1, *Perry (2)*
- Pertesens [*unidentified*], Stephen, of Pampisford, plain: *Gobat/Pertesens*
 proxy to Peter Caprik and John Wiltshire: 102.23
- Perye: *see* Perry
- Peterhouse: *see* Cambridge
- Petworth (Petteworth), William, rector of Elm
 plain: *Elm*
 proxy to:
 Congresbury, John: 19.26
 Foxton, Robert: C.10
 Killerwick, William: 16.14, 17.10, 18.9
 withn: 106.34
- Petyt
 John, snr, priest of Fulbourn, nonparty: 52.37 (*bis*)
 John (?*same*), cleric, proctor, for John Freeborn: 13.13
- Peynto', Peyntour: *see* Painter
- Philip (Phelip), Matilda, *de facto* wife of Richard Gallon (Woolman), def, an't, def: *Gallon/Woolman*
- Pickerell (Pikerel), Isabel, of Wisbech, plain: *Pickerell*
 proxy to John Wiltshire: 86.30
- Pike (Pyk'), Richard, of Landbeach, plain: *Pike*
 proxy to John Wiltshire: 102.22
- Pikerel: *see* Pickerell
- Pillet (Pylet), Alice, OSB, prioress of St Radegund's Cambridge: 56.15 (*passim*)
- Pinel (Pynel), Richard, of Ely, withn: 65.26
- Pink (Pynk), William, of Bassingbourn, withn: 46.21
- Pinxton (Pynkeston), mr John de, off of adn: xxxvii, xlv, lxi-lxiv
 a'ee: *Swaffham (4) (bis)*, *Kingston (3)*, *Chandler (2)*
 appeal from: 78.16
 def: *Jocelyn*
 obedience: 70.42 (*passim*)
 proxy to William Leverton: 73.11, 73.12
 withn: 65.37, 68.35
- Piper (Pipere)
 Agnes, of Howe, withn: 68.34
 John, sergeant, withn: 32.14
- Pirie: *see* Perry
- Piron (Pyron) [?Perron]
 Agnes, of Chatteris, def-a'nt: *Dreng*
 proxy to:
 Cook, William: 5.11
 Gloucester, Thomas: 5.11, 6.3 (*bis*)
 Reginald, of Chatteris, withn: 12.3
- Pitts (Pyttes), Richard, cleric, proctor general of Ely cons, notary public, comm of off adn, *later* registrar of adn
 a'ee as comm of off adn: *Smyth (2)*, *Swaffham/Bekedale*,
 compelled: 113.9
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 plain: *Pitts*
 proctor for:
 Adkin, John: 94.32
 Barton, William vicar of: 94.33
 Cambridge, John vicar of Holy Sepulchre: 2.10, 3.7, 5.6
 Cambridge, St John's hospital, master

- of: 33.23
 Candlesby, Hugh: 1.7
 Canon, Robert: 94.32
 Cobbe, Geoffrey: 49.24, 50.28, 51.18
 Couper, Geoffrey: 5.10
 Cumpyn, Margaret: 13.5, 14.5, 18.4
 Dash, Robert: 59.22
 Day, Nicholas: 9.9
 Dreng, John: 1.3, 2.4, 3.3, 4.3, 5.3, 6.3
 Dullingham, Robert vicar of: 109.23, 110.26, 112.29
 Fitton, William: 27.13
 Fool, William: 19.5
 Gilbert, John: 39.34, 40.13
 Gransden, Margaret: 5.10, 6.4 (*passim*), 6.7, 7.4, 13.4, 14.4, 17.3, 26.2, 30.21, 45.3
 Halden, John: 93.9
 Hinton, John vicar of: 112.24, 112.27
 Lister, Richard: 14.2
 Little, John: 26.23, 35.5
 Netherstreet, William: 54.32
 Prime, Isabel: 26.23, 26.25, 27.20 (*bis*), 27.22, 28.18 (*bis*), 30.11
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 Sare, Joan: 39.5
 Sare, John: 39.5
 Shanbery, William: 12.8, 13.7, 14.7, 17.6, 18.5, 25.23, 25.24, 25.25, 28.15, 28.16, 28.20, 28.23, 29.13, 30.10, 32.7
 Souster, Isabel: 42.8
 Smyth, Geoffrey: 5.10, 6.14
 Stybold, John: 94.13
 Stybold, Margaret: 94.13
 Thorney, abbot and convent of: 35.20, 36.14
 White, Warren, ex'r of Simon Height: 39.34
 White, Warren, of Ely: 40.13
 proxy to Peter Caprik: 112.28
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 substitutions: 6.18, 9.4, 12.10, 13.12, 60.25
 Plessington (Plesyngton), Robert, CBEx, withn of royal writ: 112.34 & n1
 Plowright, Hugh, def: *Foxton (1)*
 Plumbery [*unidentified*]
 Alice, withn: 58.20
 Robert, lay par of Kingston, plain: *Kingston (4)*
 proxy to Hugh Candlesby and William Leverton: 78.43
 Pocket (Poket)
 Brice, of Barnwell, withn: 89.37
 Margaret, of Barnwell, def: *Kirkby*
 Podington (Podyngton), John de, rector of Kingston, a'nt, def, a'nt, def, plain: lx-viii, *Kingston (1)* & n1 *Kingston(2)-(4)*, *Kingston/Gissing*
 Juliana wife of John servant of, nonparty: *Kingston (2)*
 proxy to:
 Sutton, Walter: 78.43, 78.50
 Wiltshire, John: 73.48
 represented by Thomas Gloucester: 78.43
 Poket: *see* Pocket
 Polay: *see* Pooley
 Pool (Poul)
 Alice atte, of Fulbourn, nonparty: *Free-born*
 Eleanor atte, nonparty: 52.37
 Thomas atte, of Wilbraham, plain: *Pool/Potter*
 proxy to John Wiltshire: 110.30
 William, of Cambridge, withn: 6.6 (*bis*)
 Pooley (Polay), Alice, of Sawston, def: *Curtis (1)*
 proxy to Peter Caprik: 47.33, 47.34, 48.22
 Pope
 John, snr, withn: 62.25

- John, [jnr], of Newton, plain: *Drew/Pope*
 proxy to:
 Caprik, Peter: 62.25
 Sutton, Walter: 62.20, 62.25, 80.50
 William, father of John jnr, *missio* for:
 62.25
 Popelyngton [?Poppleton], John, of Cambridge, def: *Manciple*
 proxy to John Wiltshire: 84.41
 Porter, Margery, of Swavesey, witn: 93.12
 Potter (Pottere)
 John, of Carlton, plain: *Pool/Potter*
 proxy to Walter Sutton: 110.29
 witn: 109.14
 Potton
 mr John de, BCnL (44.35, 86.3), rector of Hungry Hatley, *i.e.* Hatley St George, advocate of Ely cons (*advocatus, iuris-peritus*), off adn: xxix–xxxi, xxxvi, xli–xli, lxvii, lxxix
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 for John de Poddington (by assignment): 78.43
 plain: *Potton/Caprik*
 arbitrator: 95.5
 comm of bp: 38.26, 38.27
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 ex'r of Ralph de Guilden Morden: 65.40 (*bis*)
 off adn: xlv, lix–lx, lxiv, 54.30, 55.31
 def: *Barnwell, Gallon/Woolman, Potton/Candlesby*
 ?proxy to James de Cottenham: 64.21
 swears obedience: 54.30
 proctor for Ely clergy: 50.26
 rector of Hungry Hatley, *i.e.* Hatley St George: lxiv, 50.26
 swears obedience: B.2
 witn: 40.37, 106.33
 witn: 18.24, 18.23, 18.25, 18.26, 21.13, 27.18, 31.26, 33.7, 38.17, 39.38, 44.35, 44.36, 50.23, 72.43, 81.32, 82.30, 85.6, 111.25
 compelled: 51.15
 not cited: 52.15, 53.14
 William son of Nicholas de, of Cambridge, subdeacon, brother of St John's hospital, Cambridge, def: *Potton/Knott*
 Poultter (Pulter)
 Isabel, plain: *Poultter (1)*
 Marion, of Swavesey, def: *Poultter (2)*
 proxy to Peter Caprik: 60.21
 Thomas servant of William, def: *Foxton (1)*
 William, def: *Foxton (1)*
 Poulton (Pulton), Annora dau of John, of Ely, def: *Poulton*
 Power, Richard, of Chatteris, witn: 12.3
 Poynant [unidentified], John, of Thriplow, def: *Poynant*
 proxy to Peter Caprik: 60.26
 Poynton, John, cleric, witn: 31.21
 Prat, John, vicar of Sawston: 108.29
 Thomas, of Witchford
 compelled: 74.22
 witn: 75.20
 Prata, Pietro Pileo da, cardinal abp of Ravenna, papal nuncio in England
 dispensation from: 9.16, 103.24, 109.15
 subsidy paid to: 31.29, 36.20
 Priest (Preest), Robert, of Melbourn, residing with, *later called* familiar of, sir Roger de Trumpington, def: *Green (1)*
 proxy to Peter Caprik: 36.25
 Prime (Pryme), Isabel widow of John, of Thriplow, def: *Band*
 proxy to:

- Caprik, Peter: 27.20, 27.22, 28.18
 Hostler, John: 30.11
 Pitts, Richard: 26.23, 26.25, 27.20
 (*bis*), 27.22, 28.18 (*bis*), 30.11
 Prior, Henry, of Coton, def: *Coton*
 Pryme: *see* Prime
 Puf [*unidentified*]
 Ivette wife of Robert, def: *Puf*
 Robert, of Little Shelford, def: *Puf*
 proxy to John Wiltshire: 108.19
 Pulham, John, MA, witn: 20.17, 20.18
 Pulter: *see* Poulter
 Pulton: *see* Poulton
 Punch, John, vicar of Trumpington, nonparty, def: *Trumpington*
 Purser (*once called* Glover), William of St Mary's Cambridge: 42.26n1
 servant (*famulus*) of: *see* Cook, Robert
 Pybbel: *see* Peebles
 Pye, John, miller of Babraham, def: *Ickleton* (1)
 Pyk': *see* Pike
 Pylet: *see* Pillet
 Pyncote [*unidentified*], Joan dau of Robert, of Kingston, wife of John Madingley, plain: *Madingley*
 proxy to John Wiltshire: 58.22
 Pynel: *see* Pinel
 Pynk: *see* Pink
 Pynkeston: *see* Pinxton
 Pyron: *see* Piron
 Pyttes: *see* Pitts
 Pyttok [*unidentified*], Alice, wife of John Brigham, def: *Cattesos/Barnsdale*
 proxy to Peter Caprik: 50.21, 50.27
 Quayle (Quaille), John, vicar of Ickleton, plain: *Ickleton* (1)
 Queenborough (Queneburgh), John, of Fen Ditton, ex'r of Stephen atte Roche: 106.34
 Quernepekkere [*?cweorn+pekker*], Walter, of Cambridge, plain-a'ee: *Tydd*
 Quay (Quye)
 John, of Little Wilbraham, def: *Bette* (2)
 John de, rector of Teversham, inducted into corporal possession: 113.32
 William de, proctor, for Alan Bird: 30.4
 Radenham: *see* Bradenham
 Ragnall (Ragenhull, Ragunel), mr Robert, BCivL: xlv, 1, lxiii
 off of adn: 95.6
 witn: 70.42
 Raine (Reyne), Richard, of Milton, def: *Coggesford*
 ?Rainer: *see* Ranlyn
 Rampton
 rector of, proxy to James de Cottenham: C.6
 see also Stanton, John de
 Rand (Rande), Henry, of Barnwell, carpenter, def: *Reading/Rand*
 Randolph (Randulph), Stephen, rector of Conington, notary public, witn: B.1
 Ranlyn [*?diminutive of Ranulf*], John, of Bourn, plain: xxix, *Ranlyn/Ward*
 proxy to John Wiltshire: 102.20
 Raven (Ravene), John, of Little Easton, London dioc [Essex], *missio* for: 47.16
 Ravenna [ITA], abp of: *see* Prati
 Rayner (Reyn', Reyner)
 John, of Swavesey, witn: 93.12
 Stephen, priest, plain: *Rayner*
 proxy to John Wiltshire: 100.23
 Rayson (Raysonn, Ryson) [*?son of Rainer*]
 John, of Fulbourn, witn: 59.8
 Margaret wife of Thomas, of Milton, def: *Oak*
 Reach (Reche), of: *see* Cumpyn; Sutton
 Reading (Redyng)
 Cecilia wife of John, furbisher of Cambridge, nonparty: *Reading/Rand*
 proxy to Peter Caprik: 9.17
 John, citizen of London, farmer of Whaddon church, nonparty: *Whaddon*

- John, citizen of London, nonparty: *Caxton*
- Reche: *see* Reach
- Rede: *see* Reed
- Redyng: *see* Reading
- Reed (Rede)
- Edmund, of Chatteris, plain: *Reed (1)*
- proxy to Peter Caprik: 15.8, 15.12, 16.7, 17.7
- witn: 85.10
- Katherine dau of Edmund, of Chatteris, def (*bis*): *Blofeld*
- proxy to John Wiltshire: 58.23, 113.14
- Walter, cap of Girton, ex'r of Alexander atte Hall, priest of Howe, plain: *Reed (2)*
- appointment as coadjutor of Girton: 11.11
- monition of: 33.26 (*passim*)
- proxy to John Wiltshire: 47.31
- Redhead (Redheved)
- Agnes wife of John, of Emneth, witn: 70.43
- Alan, of Barnwell, witn: 89.37
- Reesham [Redisham], Joan servant of John, of Cambridge, def: *Lingwood (2)*
- Reeson (Revesson)
- John, of Witchford, compelled: 74.22
- witn: 75.20
- Nicholas, of Witchford, witn: 67.24
- Reeve (Reve)
- Alice wife of John, of Doddington, def: *Colacre*
- proxy to Peter Caprik: 65.32
- John le, of Madingley, plain: *Reeve*
- proxy to John Wiltshire: 84.45, 85.66
- Reigate [Surrey], castle (*castrum de Reygate*), dated at: 3.8
- Repon: *see* Ripon
- Reve: *see* Reeve
- Revere, William de, of Chichester dioc, witn: 72.48
- Revesson: *see* Reeson
- Reyn': *see* Rayner
- Reyne: *see* Raine
- Reyner: *see* Rayner
- Reynold
- Adam, dyer (*lystere*) of Cambridge, def: *Starr/Fiskerton*
- proxy to:
- Bridge, William: 43.23
- Wiltshire, John: 24.29, 24.30, 38.17, 43.23
- Alice, of Arrington, compelled: 90.22
- John, of Arrington, def: *Sutton (4)*
- John, of Cherry Hinton, witn: 20.5
- John, of Histon, def: *Couper (4)*
- Robert, of Narford, witn: 65.26
- Rich (Riche)
- Adam, of Thorney, def: *Thorney/Whittlesey (2)*
- John, of Depden, plain: *Depden*
- John, of Oakington, cap, def: *Conington*
- William, of Barton, def: *Hart (1)*
- proxy to Peter Caprik: 27.1
- William cap of Hildersham, goods in custody of: 66.37
- Richard II, king of England [1377–1399]
- accession of: lxxv
- chief notary of: *see* Ferriby, William
- writ sent from: 112.34
- Riche: *see* Rich
- Rickinghall (Rikynghale), Walter, of Little Shelford, witn: 111.21
- Riding, East (*Estridingia*), York dioc [Yorks], archdeaconry, adn of, spec comm of Richard Scrope: 52.19, 63.16
- off of: 64.15
- Riggs (Rigges), John, of Ely, cleric, def: *Riggs*
- proxy to Peter Caprik: 5.12
- Rikynghale: *see* Rickinghall
- Ripon (Repon, Rypon)

- Agnes wife of William, of Cambridge,
compelled: 63.14
- Alice wife of John, of Elsworth, def: xix,
Newman/Ripon/Smyth
- John, of Clopton, *missio* for: 74.7
- William, of Elsworth, plain: *Newman/
Ripon/Smyth*
- Robert (Roberd), Isabel, of Fulbourn, def:
Colne
- Robinson (Robynesson)
- Alice wife of Simon, witn: 92.37
- John, snr, of Swaffham Prior, def: *Robin-
son*
- Simon, of Gedney, witn: 92.37
- Roche
- John, of Fen Ditton, ex'r of Stephen atte:
106.34
- Stephen atte, rector of Ditton, testator:
106.34
- ex'rs of: *see* Canfield; Queenborough;
Roche, John
- Rochester (*Roffen*'), bp of: *see* Brinton
- Roger, John, of Barton, witn: 28.15
- Rogerson (Rogeresson), Thomas, of Witch-
ford, witn: 67.24
- Roiston: *see* Royston
- Rolf
- John, of Grantchester, plain: *Myntemor*
- John, par of Fulbourn, plain: *Hinton*
- Rome, pope of: *see* Gregory XI; Urban VI
- Roman *curia* (*romana curia*): *see* Mitchel;
Sustead, Thorp
- Rookhawe [rook+haegh], mr William de, off
adn: xlv–xlvi, xlviii–lviii, lxiv
- a'ee: *Draper, Bette (1), Cheseman (1),
Netherstreet (1), Mason (1), Hart/
Hammond, Roper, Gayton, Kingston
(1), Valley, Langton, Chandler (1)*
- proxy to:
- Caprik, Peter: 28.15, 28.16, 28.30
- Hostler, John: 13.7, 17.6, 28.23, 29.13,
29.16, 29.18, 30.10, 32.7
- Pitts, Richard: 11.13, 12.8, 13.7, 14.7,
17.6, 18.5, 25.23, 25.24, 25.25,
28.15, 28.16, 28.20, 28.23, 29.13,
30.10, 32.7
- Wiltshire, John: 66.33
- successor to: *see* Bowet
- swears obedience: 11.10 (*ter*)
- witn: 24.1, 33.7, 34.5
- Roos: *see* Ross
- Roper (Ropere), Margaret, of Cambridge,
a'nt: *Roper*
- Roray [?Rory], William, of Elm, witn: 20.26
- Rose
- Alice: 37.15
- Amy, of Cambridge, nonparty: *Smyth (2)*
- Nicholas, of Lolworth, def: *Aston*
- Ross (Roos), Nicholas, DCivL, rector of Tat-
tershall, Lincoln dioc, off and comm of
bp: ix, xvii–xviii, xxx–xxxii, xxxv–xxxvi,
xliv, xlvi–xlvi, lviii, lxii, lxv–lxvi, lxxi,
lxxx–lxxxii, A.0, A.2, B.0, C.0, C.8, 2.0,
2.1, 3.7, 3.8, 4.0, 4.10 (*bis*), 5.0, 5.10,
5.14, 5.15, 6.0, 7.18, 8.0, 9.0, 9.5, 9.14,
9.15, 9.19 (*bis*), 10.0, 11.0, 11.11, 11.12,
11.14 (*ter*), 12.0, 13.0, 14.0, 15.0, 16.0,
17.0, 17.15 (*bis*), 18.22, 18.23 (*bis*), 18.24
(*bis*), 18.25, 18.26, 19.0, 19.21, 20.0,
20.14, 20.19, 20.21, 20.24, 20.25, 20.27,
20.31
- acta* in residence of: C.2, 11.10 (*bis*);
13.10
- death of, noticed: 24.19, 24.21, 25.27,
33.26 (*ter*), 37.16
- ex'r of John Sackville: 20.29 (*bis*), 24.19
- predecessor of: 9.18
- Rouen (*Rothomagen*') [FRA], abp of: *see*
Lestranges
- Rougham (Rugham), Richard, servant of: *see*
Sampford
- Rous, Rose, of Barnwell, plain, a'ee : *Rous/
Smyth*
- Royston (Roiston), testament written in:
17.15
- Royston (Roiston), Amy, of Cambridge,

- a'ee: *Stow* (3)
- Rudham
- Joan, of Ely, withn: 66.24
- John, of Ely, withn: 42.37
- Rugham: *see* Rougham
- Rumbold
- John, of Elm, withn: 20.26
- John, of Melbourn, withn: 49.26
- Russel
- Henry, of Croyden, def: *Lavender*
- John, of Ely, def: *Burwell* (1)
- John, of Knapwell, withn: 79.37
- Ryder (Rydere), Matilda, of March, withn: 77.45
- Rypon: *see* Ripon
- Ryson: *see* Rayson
- Sackville (Secchevill, Sechevill', Segevyle), John, corrodary of St John's hospital, Cambridge, testator: 20.29, 24.19 (*bis*)
- Robert, servant of, resident of St John's hospital, Cambridge, testator: 63.30
- Sadler (Sadeler', Sadelere)
- Agatha, of Cambridge, John, servant and ex'r of: 84.48
- Alice, residing with Walter Smyth, of St Andrew's Cambridge, plain: *Sadler/Lister*
- Thomas, of Madingley, withn: 25.18
- Saffrey (Safrey): 19.25n1
- John, plain: *Saffrey* (2)
- proxy to John Wiltshire: 75.40
- John (?*same*), of Wimpole, def: *Saffrey* (1)
- proxy to William Killerwick: 19.25, 24.14
- John, of Stowe [*?cum* Quy], withn: 86.21
- (Listed below are place and personal names that have the initial element 'Saint' in whatever language. For dedications of churches and religious houses, see the place where the church or religious house is located.)
- Saint-Antoine-en-Viennois (*hospitalis Sancti Antonii, Vien' diocesis*) [dép. Isère, FRA]: 56.14; *see also* London, city, St Anthony's
- St Botolph: *see* Cambridge, churches, *and* Corpus Christi
- St Giles: *see* Cambridge, churches; Tydd St Giles
- St Ives (*Sanctus Ivo*) [Hunts], of: *see* Sampford
- St Ives (*Sanctus Ivo*), brother John de, cellarer *then* subprior of Ely cathedral priory: A.1, 65.39
- St John (Seynt John), John, of Lichfield [*?dioc or Staffs*], nonparty: 102.25
- St John the Evangelist: *see* Cambridge, town
- St Mary's College: *see* Cambridge
- 'St Minion', Egidius of: *see* Sánchez
- St Neots (*Sanctus Neotus*) [Hunts], of: *see* Gallon
- St Paul (Seyntpoul), Thomas, of Chatteris, ex'r of John Brown: 103.27
- St Peter: *see* Cambridge, churches *and* Peterhouse
- Salisbury (*Sar'*), dioc, of: *see* Bakewhyt; Masham; Wiltshire, John *and* Thomas
- Salisbury (*Sar'*), [Wilts], cathedral, canon of: *see* Dalby; Wormenhale
- Salisbury, Joan, of Cambridge, def: *Poulter* (1)
- Salman, Etheldreda dau of Nigel, of Trumpington, def: *Ernest*
- proxy to John Wiltshire: 75.39
- Sampford, Robert de, former servant of Richard Rougham, now residing with Roger Bullman, cordwainer of St Ives, def: *Webster*
- Sampson, William, of Boxworth, withn: 45.26
- Sánchez Muñoz (*Sancti Minionis, recte Sanctii Munionis*), Gil (*Egidius*), canon of Valencia, papal nuncio, subsidy paid to: 31.29 & n2, 36.20
- Sanctus Ivo: *see* St Ives
- Sanctus Neotus: *see* St Neots
- Sander (Saundre)
- Alice wife of Henry, def: *Landbeach*

- proxy to Peter Caprik: 90.35
 Henry, of Landbeach, def: *Landbeach*
 proxy to Peter Caprik: 90.35
 Santer (Santre)
 John, jnr, coadjutor of William Santer, rector of Girton: 11.11, 33.26 (*ter*)
 John, def: *Chesterton* (3)
 John de, priest (*another*), coadjutor of William Santer, rector of Girton: 33.27
 John, snr, of Chesterton
 nonparty: 33.26 (*bis*)
 witr: 37.16
 mr William, rector of Girton, nonparty: *Girton*
 Sar': see Salisbury
 Sare
 Joan wife of John, jnr, def: *Candlesby* (4)
 Joan wife of John, of Cambridge, def-a'nt: *Sare*
 proxy to:
 Caprik, Peter: 36.5, 39.5
 Pitts, Richard: 39.5
 John, of Cambridge, def-a'nt: *Sare*
 proxy to:
 Caprik, Peter: 36.5, 39.5
 Pitts, Richard: 39.5
 witr: 72.48
 John (?*same*), jnr, of Cambridge, def: *Candlesby* (4)
 Sarson (Sareson), John, of Swavesey, dec'd, ex'r of: see Wake
 Saundre: see Sander
 Sauston': see Sawston
 Savage, Adam, sergeant, def (3): *Dalling/Savage*
 Sawston (Sauston')
 church, *acta* in: lxix, 46.18, 47.17, 47.34
 John vicar of, plain: *Sawston* (1) & n1 *Sawston* (2)–(3)
 proxy to John Wiltshire: 53.25
 witr: 44.23
 of: see Alymer; Brinkley; Bygott; Cobbet; Cutler; Curtis; Dovenel; Gobat; Kentish; Milner; Moor; Pooley; Prat; Shakedale; Smyth; Webbe; Whitby
 vicar of (?*same as* John, vicar of)
 ex'rs of, plain: *Sawston* (4)
 proxy to Robert Foxton: C.2, 31.28
 see also Prat
 Say, John, of Stretham, priest, dean of Ely: 28.32
 Schanbery: see Shanbery
 Schedecaump', -es: see Camps, Shudy
 Schelford: see Shelford
 Schrovesbury: see Shrewsbury
 Schuman: see Shuman
 Screyth: see Streit
 Scot
 John, of Bottisham, def: *Anglesey/Burton/Peacock*
 John, of Cambridge: see Margaret
 Margaret wife of John, butcher of Cambridge, def (*bis*): *Caldecote/Taylor/Choke*
 proxy to Peter Caprik: 56.16, 57.21
 Thomas, of Witchford, def: *Ely* (1)
 proxy to Hugh Candlesby: 5.13
 witr: 81.18
 Walter, layman of Hardwick, witr: 23.4
 William, of Swavesey: 103.18
 William, of Witchford, witr: 67.24
 Scottow (Scothowe), John, sergeant, witr: 32.14
 Screyth: see Streit
 Scrope (Scrop'), Richard, canon of York, off and comm of bp: xviii, xxx–xxxv, xxxvii, xxxix–xli, xlv, l, liv–lv, lx, lxii–lxiv, lxvii–lxviii, lxxi–lxxii, lxxv–lxxvi, lxxx, 24.0, 24.15, 24.24, 24.25, 24.26, 24.27, 24.28, 25.0, 25.4, 25.19, 26.0, 26.12, 26.28, 26.29, 26.30, 27.0, 27.25, 28.0, 28.10, 28.18, 28.32, 29.0, 29.3, 29.10, 29.24, 30.0, 31.21, 31.27, 31.29, 31.30, 31.31, 33.0, 33.23, 33.26, 34.0, 34.20,

- 34.21, 34.24, 36.19, 36.20, 36.21, 36.22, 36.27 (*passim*), 36.28 (*passim*), 36.33, 37.16, 37.26, 37.28, 38.0, 38.3, 38.13, 38.25, 38.26, 38.27, 39.35, 39.37, 39.44, 42.0, 42.8, 42.15, 42.35, 42.41, 43.0, 43.36, 44.36, 49.24 (*ter*), 50.23, 50.24, 50.25, 50.26, 51.0, 51.18, 51.23, 52.0, 52.17, 52.19, 52.26, 52.33, 52.34, 52.35, 52.36, 52.37, 53.0, 53.16, 53.21, 53.22, 53.23, 53.24, 53.32, 53.33, 53.34, 54.0, 54.17, 54.30, 55.31, 55.35, 56.0, 56.14, 56.15 (*bis*), 58.0, 58.24, 58.27, 58.29, 68.35, 86.3, 113.33 (*bis*), 57.0
- acta* in residence of: 20.36, 23.2, 23.3 (*bis*), 23.4, 24.15, 24.18, 24.19, 24.21, 24.33, 25.27, 25.28, 27.24 (*ter*), 37.27, 39.40
- comm gen: 52.25
- inceptor of canon and civil law: 49.25
- inceptor of civil law: 24.1
- inhibited: 27.18
- keeper of the free chapel of Tickhill [Yorks]: 31.26, 39.38
- letter of: 27.24
- predecessor of: 25.27: *see* Ross
- professor of canon and civil law, chanc of Cambridge
- acta* in residence of: 70.42
- witn: 72.9
- supplication of: 89.35
- Scutt (Scut)
- Alice wife of William, of Downham, witn: 38.24
- William, of Downham, witn: 38.24
- Seaborn (Sebern), Henry, of Elsworth, plain: *Chapman* (3)
- Secchevill, Sechevill', Segevyle: *see* Sackville
- Segyn [Sedgin], John, mill-owner of Hadstock: 39.28 & n3, 40.26, 41.26
- Selby
- mr Ralph de, off adn: xlv, li, lxiii
- a'ee: *Townsend, London*
- comm gen of adn, witn: 68.35
- comm of off adn, witn: 74.40
- compelled: 78.12
- obedience of: 85.45
- mr Robert, proctor for collegiate church of St John's Beverley: 58.29
- Selvald [?shallow wood], Katherine, wife of John Russel, def: *Burwell* (1)
- proxy to John Wiltshire: 71.20
- Sergeant (Seriaunt, Sergeaunt)
- Anna dau of John, of Ely, plain-a'ee: *Clerk* (1)
- proxy to:
- Caprik, Peter: 20.10
- Killerwick, William: 19.13, 19.14
- John, layman of Hardwick, witn: 23.4
- Serle, Margery, wife of Thomas, of Trumpington, witn: 89.36
- Seuster, -e: *see* Souster
- Seward (Siward), John, nonparty: 68.35
- Seynt John: *see* St John
- Seyntpoul: *see* St Paul
- Shakedale [*unidentified*], Stephen, of Sawston, witn: 92.38
- Shanbery (Schanbery) [*unidentified*], William, of Chesterton, intervening a'nt, def, a'nt: xviii-xix, xxxi, *Gransden/Shanbery*
- proxy to:
- Bowet, Henry: 7.4, 9.5, 17.3
- Candlesby, Hugh: 6.4 (*bis*), 6.7, 6.14
- Cottenham, James de: 6.4 (*bis*)
- Hostler, John: 13.4, 30.21
- Pitts, Richard: 12.8, 13.7, 14.7, 17.6, 18.5, 25.23, 25.24, 25.25, 28.15, 28.16, 28.20, 28.23, 29.13, 30.10, 32.7
- Shangton (Shanketon), Henry de, rector of Hadstock, plain: *Hadstock*
- Shede Caumpes, Shedecaump', -es: *see* Camps, Shudy
- Sheehan, Michael: xlv n, lvi n
- Shelford (Schelford), Adam, of Hinton
- compelled: 25.12

- witn: 26.9
- Shelford, Great (Schelford *Magna*)
 church, alms-seeking in: 52.35, 52.36
 of: Chapman, Joan *and* Lawrence; Speed, John
 rector of, proxy to James de Cottenham: C.3; *see also* Donnebrigge
- Shelford, Little (Schelford *Parva*)
 church, marriage before: 106.32
 of: Chapman, Margery; Page, John; Puf; Taylor, William; Virley, Richard
 rector of: C.3
 proxy to Robert Foxton: 31.28
 spec comm of?: 72.52
 Walter rector of, witn: 106.33
- Shenegeye: *see* Shingay
- Shepereth: *see* Shepreth
- Shepherd (Shepherde), Thomas, of Croxton, plain, plain-a'ee: liii, *Shepherd/Wright*
 proxy to:
 Killerwick, William: 29.4
 Sunday, William de: 15.14
- Shepreth (Shepereth')
 of: *see* Cottel; Fuller
 vicar of: C.3; *see also* Elys
- Shingay (Shenegeye), deanery: B.1, C.1, C.4
 dean of: *see* Cockerel; Cook
- Shingay (Shenegeye)
 vicar of: C.4
see also Ive
- Shipdam (Shipedam)
 Amy, of Cambridge
 compelled: 77.32
missio for: 81.24
 Richard, witn: 5.14
- ?Shoeman: *see* Shuman
- Shrewsbury (Schrovesbury), John, cordwainer of St Edward's Cambridge, def: *Shrewsbury*
- Shudy Camps : *see* Camps, Shudy
- Shuman (Schuman) [?Shoeman]
 Margery wife of Simon, of Cambridge, def: *Bayser*
 proxy to John Wiltshire: 34.19, 36.12
 Thomas, of Cambridge, witn: 81.25
- Siger (Sigar, Sygar)
 Henry, of Histon
 compelled: 92.18
 witn: 93.9
- Isabel servant of John, of Lolworth, plain: *Siger (2)*
 proxy to Peter Caprik: 86.26 (*bis*)
- Isabel widow *and* ex'x of John Siger of Cottenham, plain: *Siger (1)*
 proxy to Peter Caprik and Richard Ferriby: 85.30, 97.3
- John, of Cottenham, dec'd
 ex'rs of: *see* Thomas; William, ?of Histon
 widow and ex'x of: *see* Isabel
- John, of Lolworth, John servant of, proxy to John Wiltshire: 85.56; *see also* Isabel, servant
- Thomas, of Histon, ex'r of John Siger of Cottenham, plain: *Siger (1)*
 proxy to Peter Caprik and Richard Ferriby: 85.30, 97.3
- William *al.* Kyne, of Histon, compelled: 92.18
- William, of Long Stanton, cap, def: *Stow (2)*
 proxy to Peter Caprik: 38.28
- William, ?of Histon, ex'r of John Siger of Cottenham, plain: *Siger (1)*
 proxy to Peter Caprik and Richard Ferriby: 85.30, 97.3
- Silkwoman, Cecilia, par of St Andrew's Cambridge, nonparty: 20.14
- Silverley (Silverle), John, of Swaffham, witn: 65.36
- Simond (Symond), John son of William, of Leverington, def: *Simond*
- Sitria, [commune Isola Fossara, prov. Anco-

- na, ITA], St Mary's abbey in (*Sancte Marie in Citria in Lombardia*), OSB (Camaldolese), dioc Nocera [Umbra] (*Nucian'*), monk of: *see* Boxted
- Siward: *see* Seward
- Skinner (Skynnere)
- Alexander, of Bottisham, def, plain: *Glover, Skinner*
- proxy to John Wiltshire: 84.46, 85.42
- Agnes wife of John, ex'x of John de Spain: 66.37 (*bis*)
- Joan, of Cambridge
- compelled: 30.13
- witn: 31.13
- John, of Halstead, witn: 62.22
- John, of Linton, ex'r of John de Spain: 66.37 (*ter*)
- Margaret, of Holy Trinity Cambridge, def: *Dunton*
- Robert, of Cambridge
- compelled: 68.32
- witn: 70.30
- Robert, of Depden [Norf], plain: *Depden*
- proxy to John Wiltshire: 85.70
- Skirbeck (Skirbek), Lawrence, tailor of Cambridge, proxy to Peter Caprik, Richard Ferriby, Walter Sutton, and John Wiltshire: 81.39
- Skynnere: *see* Skinner
- Slory [*unidentified*], John, of Chesterton, def: *Slory/Angold*
- proxy to Walter Sutton: 75.42
- Smart (Smert), Simon, par of Wickham, plain: *Wickham (2)*
- proxy to John Wiltshire: 26.22
- Smerles [*unidentified*], Robert, of Downham, third party: 94.21 (*passim*)
- Smert: *see* Smart
- Smyth
- Adam servant of John, of Barnwell, def, a'nt: *Rous/Smyth*
- ?proxy to John Wiltshire: 86.47
- Alan, of Over, witn: 61.1
- Geoffrey, of Chesterton, def: *Gransden/Shanbery*
- compelled: 13.4
- proxy to:
- Candlesby, Hugh: 6.14
- Pitts, Richard: 5.10, 6.14
- witn: 6.4, 14.4, 15.4 (*bis*)
- Henry, rector of Haddenham, proxy to John Lakenheath: C.9
- Hugh, of Barnwell, witn: 89.37
- John, ?of Foxton, def: *Foxton (1)*
- John, jnr, of Ickleton, ex'r of Juliana Canon: 53.34
- John, jnr, par of Knapwell, plain: *Knapwell*
- John, of Barnwell, witn: 89.37
- John, of Croxton, plain: *Smyth (1)*
- John, of Helmingham, witn: 74.8
- John, of Littleport, testator: 34.27
- John, snr, of Ickleton, ex'r of Juliana Canon: 53.34
- Margaret, of Westley Waterless, a'ee: liv-
lv, *Bargon*
- proxy to Peter Caprik: 33.22, 34.6
- Matilda wife of John, of Cambridge, a'nt: *Smyth (2)*
- Reginald, witn: 70.38
- Richard, of Helmingham, witn: 74.8
- Richard, of West Wrating: 5.9
- proxy to Peter Caprik and William Killerwick: 5.9
- Thomas, of Eltisley, plain: *Newman/Ripon/Smyth*
- proxy to John Wiltshire: 100.17
- Thomas, of Haslingfield, def: *Sawston (3), Kingston/Gissing & n2*
- proxy to Peter Caprik: 96.10
- Thomas, of Wilbraham, witn: 110.13
- William, of Foxton, def: *Foxton (1)*
- William, of Steeple Morden, plain: *Smyth (3)*

- Snailwell (Snaylwell), John, perpetual vicar of St Botolph's Cambridge, def: *St Botolph*
- Snow
 Agnes, of Emneth, plain: *Foxton/Snow*
 proxy to Walter Sutton: 69.2 (*bis*)
 John, of Stanton, plain-a'nt: *Snow*
 proxy to John Wiltshire: 98.21
 John (*another*), parish cap of Willingham, custodian of vacant benefice, 20.26, 23.2
- Sollars (Solers), John, rector of Hildersham, def: *Hildersham*
- Solsa [*unidentified*], Margery, of Swavesey, def: *Andre (2)*
 proxy to John Wiltshire: 102.24
- Somner (Somenor), Richard, witn: 79.11
- Sondeye: *see* Sunday
- Souche [Zouche], sir Hugh la
 men of the *familia* of: 60.21
 nonparty: 71.35
 ?servants of: *see* Angold, John; Andre, John
- Souster (Seuster, Seustere)
 Isabel, of Swaffham, plain-a'ee: *Daines*
 proxy to:
 Hostler, John: 42.8, 43.8, 44.8
 Pitts, Richard: 42.8
 Joan, proxy to William Bridge: 43.18
- Souter (Soutere), Henry, of Over, def: *Baldwin*
- Spain (Spaigne), John de, vicar of Linton, testator: 66.37
- Spaldewick: *see* Spaldwick
- Spalding (Spaldyng)
 John, plain: *Spalding (1)*
 Thomas, of Ely, cap, plain: *Spalding (2)*
 proxy to John Wiltshire: 107.23
- Spaldwick (Spaldewik), Richard de, MA, of Lincoln dioc, witn: 20.35
- Sparhawk (Sparhawk), Robert, of Cambridge, def: *Willingham (2)*
- Speed (Sped)
 John, of Great Shelford, ex'r of John Til-
 er, of Cambridge, def: *St John*
- Matilda, of Heacham, Norwich dioc [Norf], nonparty: 71.42 (*passim*), 89.33 (*bis*)
- Spenser
 John, vicar of Little Abington, dec'd, non-
 party: *Abington (1)*
 Juliana, ex'x of John Brigham of Newn-
 ham, def: *Brigham*
- Spinner (Spynnere)
 Isabel, of Bourn, plain-a'ee: xxxi, *Day*
 proxy to Thomas Gloucester: 6.8, 6.16,
 9.9 (*bis*)
 Joan, of Whittlesey, *al.* Squire of Kirkby
 [?Lincs], def: lvi, *Chilterne*
- Sprotford, Richard, lay par of Kingston, plain: *Kingston (2)*
- Squire (Squyer), John, rector of Stow cum Quoy: 108.44
 see also Spinner, Joan
- Stafford, John, rector or keeper of the free chapel of Whittlesford Bridge: 24.28 (*bis*)
- Stanford, ex'rs of mr Roger de, late rector of Over, plain (*bis*): *Stanford*
 proxy to John Wiltshire: 45.37, 47.24
- Stannard (Stanhard)
 John, of Bourn, ex'r of John Crook of
 Bourn, plain: *Grigg/Crook*
 John, jnr (?*same*), of Bourn, witn: 62.28,
 63.22
 John, snr, of Bourn, witn: 62.28, 63.22
 Thomas son of John (?*same*), def: *Stan-
 nard*
- Stanton
 Alice dau of Robert: *see* Burwell
 James, of Rampton, ex'r of John de, def:
 Rampton
 John de, rector of Rampton, dec'd, ex'rs
 of: *see* Payn; Stanton, James *and* Wil-
 liam; Trukke; Wells
 proxy to ?: 55.32

- William, of Stretham, ex'r of John de, def: *Rampton*
- Stanton, Long
churches
All Saints', rector of, proxy to James de Cottenham: C.6; *see also* Large
St Michael's, rector of, proxy to James de Cottenham: C.6
of: *see* Adam; Burwell; Killingworth; Payn; Siger; Snow
- Stapleford, Walter vicar of, 'imprisoned at Ely as convicted cleric': C.3, 9.18
see also Mason, Reginald, vicar of
- Starr (Sterre)
John, tailor, withn: 89.38
Margery, of Cambridge, plain: *Starr/Fiskerton*
- Steeple: *see* Morden, Steeple
- Stenkyn [*unidentified*], John, of Wimpole, plain: *Stenkyn*
- Sterling (Sterlyng'), Roger: xxxviii
proctor for:
Angold, William: 16.3, 17.3
Day, Nicholas: 16.5
Reed, Edmund: 16.7
Hitchcock, Joan *and* John: 16.4
substitute for Peter Caprik: 15.15
- Sterne, Thomas, of Cottenham, proxy to Peter Caprik: 85.58
- Sterre: *see* Starr
- Sterresbruggh': *see* Sturbridge
- Stetchworth
Simon vicar of: C.2 (*bis*)
vicar of, proxy to Robert Foxton: 31.28
see also Wright
- Stisted (Stistede), Margaret, of [West] Wickham, def: *Burwell* (2)
proxy to Walter Sutton: 45.36, 46.24
- ?Stockill: *see* Stokhale
- Stokes, Joan, of Trumpington, a'ee: *Thresher*
proxy to:
Caprik, Peter: 52.29, 52.30
Wiltshire, John: 52.30
- Stokesley (Stokeslee), Richard, of Westley Waterless, plain, def: *Stokesley, Bowet*
advocate of: *see* Bowet, advocate
proxy to John Wiltshire: 28.27, 29.20
- Stokhale [?Stockill], John, of Histon, proxy to John Wiltshire: 56.18
- Stone (Ston), John atte, of Witchford, withn: 69.1
- Stortford (Storteford), William de, cleric of London dioc, withn: 27.24
- Stow (Stowe) [cum Quy] *or* [Longstowe], of: *see* Pate
- Stow cum Quy
cap of: *see* Elys
John cap of, plain: *Stow* (1)
of: *see* Baker; Bird; Carlton; Fowler; Hubert; Kinman; Leach; Lomb; Newman; Saffrey
rector of: *see* Squire
proxy to Robert Foxton: C.2
Thomas rector of, plain: *Stow* (2)
see also Quy
- Stowe, Long: *see* Longstowe
- Stowe
Joan wife of Thomas, compelled: 30.13
Thomas, of Cambridge
compelled: 30.13
withn: 31.13, 76.38
- Stratford (Stretford'), John, abp of Canterbury [1333–1348]: *see* Citations to Canon Law
- Streit (Screyth, Streyth)
Gilbert, of Heydon, proxy to Peter Caprik and William Killerwick: 5.9
John, of Weston Colville, residing at Linton, farmer of the church of Linton, def: *Hadstock*
proxy to:
Caprik, Peter: 5.9
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- Wiltshire, John: 39.30, 40.25
- Stretford: *see* Stratford
- Stretham
 of: *see* Andre; Brettenham; Curtis; Dymock; Hank; Hul; Say; Taylor; Webster; Wright
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- Stretton, mr Robert de, rector of Stretham: C.9
- Streyth: *see* Streit
- Strike (Stryk), John, of Chesterton, def: *Reed* (2)
- Strug [*unidentified*], William, of Bottisham, withn: 71.27
- Stryk: *see* Strike
- Stuntney (Stunteneye), of: *see* Woodcock
- Sturbridge (Sterresbruggh') in Cambridge
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- Stybold [*unidentified*]
 John, of Melbourn, def: *Ferrer*
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- Sudbury
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 Thomas, inceptor of civil law, withn: 31.21
- Sunday (Sondeye), mr William de, proctor for Thomas Shepherd: 15.14
- Sustead (Sustede), mr Robert, DCivL, rector of Willingham (Wyvelyngham), nonparty: *Willingham* (1)
 absent at *and* died at Roman curia: C.6, 20.26
- Sutton
 Edward vicar of, def: *Sutton* (2), *Mepal*
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 of: *see* Barre; Bond; Boxworth; Carter; Couper (*bis*); Harrison; Manger; Messenger; Palfreyman; Wake; Wallesshef; Watt; Weston; Wimpole; Yonge
 vicar of, proxy to Robert Foxton: C.9, 31.28; *see also* Lacey
- Sutton, Lincoln dioc [?Lincs], of: *see* Col-linson
- Sutton
 Alexander de, cap celebrating at Linton church, def: *Sutton/Linton*
 John, bowyer (*bowyere*) of Cambridge, plain: *Bower*
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 Matilda, servant of Robert Baylham, of Cambridge, plain: *Sutton* (4)
 Thomas, par cap of Hardwick, withn: 23.4
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- Feltwell, Joan: 75.42
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 William de, cap of Wimpole, a'nt: *Sutton (1)* & n1
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 Swaffham (Suafham, Swafham) (*undifferentiated*), of: *see* Bekedale; Daines; Dash; Hitchcock, Robert; Souster; Taylor, Isabel
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- Swan (Swon)
 Joan, of Thriplow, former wife of John Poynaunt, def: *Poynaunt*
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- Swanton, Robert, of Cambridge
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- Swavesey (Swaveseye)
 of: *see* Andre; Bennet; Bette; Bradenham; Caster; Cottenham; Drayton; Eddings; Gibb; Lovechild; Porter; Poulter; Raine; Sarson; Scot; Solsa; Taylor; William; Tyes; Wake; Ward; Whiteside
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- Swettok [*unidentified*], William, par of Fulbourn, plain: *Hinton*
- Swetyngt [*unidentified*], Matilda, of Croxton, def: *Smyth* (1)
- Swon: *see* Swan
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 John, of Wilburton, cap, def: *Fisher/Frost*
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 Robert, of Wilburton, cap, def: *Candlesby* (3)
- Tattershall, Lincoln dioc [Lines], rector of: *see* Ross
- Tattershall (Tateshale), John de: *see* Tittleshall
- Tavern, Isabel, of Cambridge, godmother of the children of Stephen Barnwell, def: xxxii-xxxiii, *Barnwell/Tavern*
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- Taylor (Taillor)
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- Richard, of St Michael's Cambridge, def: *Taylor (1)*
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- Tilla, of Littleton, def: *Lovechild*
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- William, of Little Wilbraham, def: *Bette (2)*
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- William, *yconomus* of par's of Teversham, nonparty: *Teversham (5)*
- William *al.* Aldous (Alcous), residing in Cambridge, def: *Brodyng & n2*
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 comm gen of off adn, def: *Horn*
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 Tod, Richard, of Litlington, plain: *Tod*
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- Treves [?Trevis], Alice, of Halstead [Leics],
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- Trew (Trew), John, of Witchford, witn: 69.1
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 Richard (?*same*), resident of St John's
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- Trump (Trumpe), Robert, of Great Abington,
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- Tuffield (Tyffeld), John, proctor, for vicar of
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- Tyars (Tyard), Stephen, of Whittlesey, plain:
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- Ufford, Ellen, nun of Swaffham priory, witn:
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- Umfrey: *see* Humphrey
- Upex [*unidentified*], John, cap of St Katherine's
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- Valley (Valey), Margaret, of Cambridge,
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- Veysey (Veysi), Henry, of Trumpington,
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- Vercelli, [prov. Piemonte, ITA], abbey of
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- Viner (Vyneor), Joan, servant of Peter Glover,
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- Vinter (Vynt'), Thomas, cap of a chantry in
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- Wafer (Wafre), Christine, def: *Dalling/
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- Wait (Wate), Nicholas, dean of Ely, inhibi-
 tion by: 104.7
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- Robert, of Swavesey, ex'r of John Sarson,
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- Walden (Walden') [?Saffron Walden, Essex]
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- Waller (Walour), Walter, of Thriplow, com-
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- Walpole (Walpol)
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- Walsh (Walssh)
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 de Guilden Morden: 65.40 (*bis*)
- Matilda wife of Nicholas, def: *Tod*
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- Wanton, Leticia, wife of Geoffrey, *missio*
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- Warboys (Wardeboys), William, def: *Little-
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- Ward (Warde)
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- Cecilia wife of Robert, of Bourn, plain:
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- John, lay par of Knapwell, plain, def:
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- Robert, of Wisbech, plain: *Wardale*
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- Warden (Wardeyn), Matilda dau of John, of
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- Warde: *see* Ward
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- Warlock (Warlok), William, of Cottenham,
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- Warwick (Warrewic), Marion, of Howe,
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- Wastnage (Wasteneys), Eva, prioress, and
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- Wate: *see* Wait
- Waterbeach, vicar of: C.6
- Waterman, Nicholas, of Lynn, witr: 5.5
- Watson (Wattesson), John, of Lolworth,
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- Watt (Watte), Agnes wife of William, of Sut-
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- Watton [Yorks], rector of: *see* Difford
- Weasenham (Wesenham), John, vicar of
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def-a'ee: *Worlidge/Mason*
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- Wendy
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The index also collects the material found in the notes and introductions to the cases, particularly where it casts light on the institutions at stake in the cases. It does not index subjects to specific cases or entries when the references can be found in the Introduction or the IPP. A few references in the Introduction to persons are included here, in addition to the IPP, where the Introduction gives detail about the person and the references are scattered. For the most part, individual Latin words and phrases are found in the Glossary and not here, and most of those found here are cross-referenced in the Glossary. Hence, a search for a Latin word or phrase is best begun with the Glossary. Abbreviations are as in the IPP.

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 (John Grantham, cap; obedience)
- of Ely: C.8 (certification of citation), C.9

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- of Holland [Lincs]: 62.22 (*Brodyng, mis-sio* to)
- of Shingay: 73.42 (John Cockerel, cap; obedience), 108.38 (William Cook, cap; obedience)
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- deanery: B.1 (beneficed clergy in deaneries of Barton, Bourn, Cambridge, Camps, Chesterton, and Shingay to be cited by off adn), 42.41 (letter of off to clergy of deaneries of Barton, Chesterton, Ely, and Wisbech concerning alms-seeker); *see also* IPP Barton, deanery; Bourn, deanery; Cambridge, deanery; Camps, deanery; Chesterton, deanery; Dunwich, deanery; Ely, deanery; Holland, deanery [Lincoln dioc]; Shingay, deanery; Wisbech, deanery of Wisbech, relations with Ely cons: p. lxxv
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- death: *see* IPP Edward III; Ross, Nicholas; *see also* curia, Roman; deceased; testamentary cases and cross-references there collected
- debt: *see* breach of faith; warning, to pay
- debt to the church: *see* ecclesiastical financial
- deceased
- clergy and religious: *see* IPP Amys, Thomas, rector of Downham (testator); Beadshall, Richard, rector of Hardwick (intestate); Bear, William, former master of St John's hospital Cambridge; Burton, Geoffrey, cap residing in Anglesey priory (testator); Campion, John, rector of Landbeach (testator); Fool, William, vicar of Cherry Hinton (testator); Glenthams, William, rector of Cranford (testator); Griffin, Thomas, rector of Wimpole (testator); Guilden Morden, Ralph, rector of Little Granden (testator); Halle, Alexander atte, priest of Howe (testator); Hinxton, John, vicar of All Saints' Fulbourn (testator); Lacey, Edward, vicar of Sutton (testator); Mitchel, Robert, rector of Tydd St Giles (testator); Morton, Ralph, rector of Granden (testator); Roche, Stephen, rector of Ditton (testator); Sawston, ?John, vicar of (testator); Spain, John, vicar of Linton (testator); Spenser, John, vicar of Abington (testator); Stanford, Roger, rector of Over (testator); Stanton, John de, rector of Rampton (testator); Sus-tead, Robert, rector of Willingham (*see Willingham* (1)); Thorp, John de, rector of Cottenham (testator)
- laity: *see* IPP Baldwin, John, of Cambridge (testator); Bassingbourn, Robert (testator); Brigham, John, of Newnham (testator); Brown, John, of Chatteris (testator); Canon, Juliana, corrodiary of Ickleton (testatrix); Clerk, Ralph, of Cambridge (testator); Coneston, Alice, wife of Thomas of Cambridge (testatrix); Cook, Colette, widow of

- Thomas of Ely (testatrix); Couper, Agnes, of Histon (testatrix); Couper, Lawrence, of Chesterton (testator); Crisp, John, of Comberton (testator); Dogget, William, of March (intestate); Crook, John, of Bourn (testator); Doggett, William, of March (intestate); Feltwell, John de, of Chesterton (testator); Ferriby, Peter, merchant of ? (testator); Fisher, Agatha, of Aldreth (testatrix); Fulbourn, John (1), of Cambridge (testator); Hervey, Alice, dec'd in Ickleton priory (testatrix); Height, Simon, of Bassingbourn (testator); Hostler, Henry, of Cambridge (testator); Hunt, John, of Brampton [?Hunts] (testator); Lyte, Walter, of Comberton (testator); Lytton, Christine, corrodiary of St John's hospital Cambridge (testatrix); Perkin, Joan, wife of Thomas of Pampisford (testatrix); Sackville, John, corrodiary of St John's hospital Cambridge (testator); Sackville, Robert servant of John, resident of St John's hospital Cambridge (testator); Sadler, Agatha, of Cambridge (testatrix); Sarsen, John of Swavesy (testator); Siger, John, of Cottenham (testator); Smyth, John, of Littleport (testator); Thorp, Adam de [of Cambridge] (body abducted); Tiler, John, of Cambridge (testator); Tod, John, of ?Litlington (testator); White, John, of Fowlmere (testator); Wimbush, Juliana, wife of John of Cambridge (testatrix); Warlock, William, snr, of Cottenham (testator); Witrick, John, of Fowlmere (testator)
- defamation cases: p. xx, xxii, xxvi-xxix, xlii, xlix-l, liii-liv, lx n, lviii, lxx, lxxiii, lxxviii, lxxxiii, *Allain, Baker (2), Barker, Bassingbourn (1) (a), Bayser, Bower, Brice, Brinkley (1), Caldecote/Taylor/Choke (a), (b), Carter, Caster (3), Catt, Cattel, Chapman (1) (a), (b), Chapman (3), Cheseaman (3), Colacre, Colchester, Couper (1) (a), ?(b), ?(c), Couper (2), Cumpyn, Curtis (2), Dix, Dunton, Edlin, Ferrer, Finchingfeld (2), Gallon/Woolman (b), Garland, Glover, Greatford (b), Grigg, Grinder, Halle, Hart (1), Herte-coumbe, Hind, Hostler, Hubert, Hunn, Johns, Keech, Lichfield (3), Lingwood (1), ?Little, Lokenore, Lohworth, Lovely, Manciple, Morris (2), Newman/Ripon/Smyth (a), ?(b), Oak, Osborn, Pike, Ranslyn/Ward (a), (b), Reed (1), Reeve, Sare, Shepherd/Wright (b), Skinner, Smyth (1), Snow, Spalding (1), Stokesley, Taylor (2), Taylor (4), Teversham (1), Thriplow, Tiler, Tod, Trinity (2), Trukke (2), Virley, Wake, Waltesshef (a), (b), West, Wilcock, Willingham (2) (a), (b), Wiltshire, Wolverton, Wormegay*
- defect of birth: *Drayton*
- defects: 23.4 (in church and rectory), 33.23 (in chancel, books, and ornaments of church and rectory), 109.27 (in roofing of chancel)
- see also* property of church, maintenance
- defendant: *see* IPP Adkin; Albin; Alcock; Alderman (*bis*); Allain; Alwyn; Andre (*passim*); Angold; Ansell; Aylesbury; Bacon; Baker; Baldock; Baldwin (*bis*); Ballard; Barber (*bis*); Barnsdale; Barnwell, prior and convent of; Barnwell, Stephen; Baron; Barton, William vicar of; Bass; Bassingbourn, Robert vicar of; Bassingbourn, Margaret; Baylham; Beardfield; Bennet; Bette; Beveridge; Biley; Bilney; Binham; Bird (*bis*); Bittering; Blauncpayn; Bluntisham (*ter*); Bond (*bis*); Bourn, John; Bowl (*ter*); Bowler; Boxworth, John; Boyden; Boyton (*bis*); Boyton (*bis*); Bracer; Bradbury (*bis*); Bridge; Bridgeman; Brigham; Brinkley, John of Fulbourn; Brown, Henry *and* John; Browning; Brundish; Buckland; Buggs; Burden; Burton; Burwell (*bis*); Bury; Butcher; Bygott; Cakebread; Caldecote, John vicar of; Cambridge, deanery, dean of; Cambridge, churches, Holy Sepulchre, vicar of; Cambridge, St John's hospital, master of; Cambridge, King's Hall, master and scholars of (intervening, ?def); Cambridge, Corpus Christi and St Mary's College, master and scholars of; Candlesby; Carlton, Thomas, of Bottisham; Carter; Castelleto; Caster; Cattesos; Chaden-

hale; Champain; Chapman (*ter*); Chelstre; Cheney; Chesterton, William, vicar of; Chilterne; Christmas (*bis*); Church; Clench; Clerk; Clifford (*bis*); Cobbe; Codling; Colne, prior and convent of; Colne, Thomas; Coe; Cook, Isabell, John, Margaret, Michael, *and* Robert; Cordell; Cotes; Couper (*passim*); Curtis; Dalling; Danny; Dash; Davy; Delhay (*bis*); Dende; Denis; Denyfield; Derby; Difford; Donnebrugge; Dovenel; Draper; Drayton, Stephen; Drew; Dullingham, Robert vicar of; Dunwich, John de; Durrant; Edmond; Ellington (*bis*); Ely (archdeaconry), off of adn; Emm; Emmison; Ernest; Eustace; Everard; Eversden, Little, Roger vicar of; Eye; Eyre; Felice; Feltwell (*bis*); Fielding; Figg; Finchingfeld (*bis*); Fisher (*ter*); Fiskerton (*bis*); Fitton; Folville (*bis*); Fool; Foulman; Fowler; Frances; Freeborn; French; Frost (*bis*); Fulbourn, Agnes; Fulbourn, John (2); Fuller (*bis*); Gallon; Garthmaker; Gerant; Gerard; Gibb; Gidding, Geoffrey (*bis*); Gilbert (*bis*); Gisne; Gissing (intervening); Goadby; Gobat; Godmanchester; Good; Gransden, Margaret (*bis*); Grantham; Greatford; Grebby; Gregory, Emma; Grigg; Haimes; Hain; Hakhay; Halden; Halpenny; Hankin; Hare; Hart (*passim*); Henny; Henry; Herne; Herteshull; Hervey; Hinton, Cherry, John vicar of; Histon, St Etheldreda's, Henry vicar of; Hitchcock (*ter*); Hockley; Hogon; Hostler; Howe, Matilda; Hubert; Hull (*bis*); Humbleton; Humphrey; Hundereder; Hunnings; Hunt; Ingham; Jocelyn; Johnson; Joseph; Kelful; Kembtheved; Kentish; King; Kinman; Kirkby, William; Kirkham; Knott; Kymwell; Lakenheath (*bis*); Langdon; Larke; Law; Leach (*ter*); Leicester (*ter*); Leighton; Lenton; Lessing (*bis*); Leverton; Lile; Lingwood (*bis*); Lister (*ter*); Little; Littlebury; Lomb; Loot; Lopham; Lovechild; Lucas; Madingley, John; Malin; Marris; Marsh; Marshall; Martin (*bis*); Marvel; Mason; Mayhew; Melbourn, John vicar of; Merton, prior and convent of; Messenger; Milner (*ter*); Mitelway; Moll; Molt (*passim*); Moor (*bis*); Morris; Mortimer; Mu-

riel (*bis*); Mustell; Myntemoor; Natesby; Netherstreet; Neve; Newman; Newmarket; Newton, Elias; Norris; Northampton, Nicholas; Northern; Page (*bis*); Palmer (*bis*); Pape; Payn; Peebles; Perkin; Philip (*bis*); Pinxton; Plowright; Pocket; Podington (*bis*); Pooley; Popelyngton; Potter; Potton; Poulter (*ter*); Poulton; Poynant; Priest; Prime; Prior; Puf (*bis*); Punch; Pye; Pyttok; Quy; Raine; Rand; Rayson; Reed; Reesham; Reeve; Reynold (*passim*); Rich (*ter*); Riggs; Ripon; Robert; Robinson; Rose; Russel (*bis*); Saffrey; Salisbury, Joan; Salman; Sampford; Sander (*bis*); Santer; Sare (*bis*); Savage; Scot (*ter*); Selvald; Shanbery; Shrewsbury; Shuman; Siger; Simond; Sisted; Skinner, Alexander *and* Margaret; Slory; Smyth, Adam, Geoffrey, John of Foxton, Thomas of Halingfield, *and* William of Foxton; Snailwell; Sollars; Solsa; Souter; Sparhawk; Speed; Spenser; Spinner; Stannard; Stanton (*bis*); Stokesley; Streit; Strike; Stybold (*bis*); Stybold; Sutton, Edward vicar of (*bis*); Sutton, Alexander; Swan; Swetery; Swetyngt; Tate (*bis*); Tavern; Taylor, Joan, John of St Benet's, John of St Michael's, Lawrence, Peter (*bis*), Richard, Tilla, William of Little Wilbraham, William of St Botolph's, *and* William *al.* Aldous; Terrington; Thurrock (*ter*); Tiler; Tittleshall, John de; Toller; Treves; Troft; Trukke; Trump; Upex; Wafer; Wake; Walpole; Walsh (*bis*); Warboys; Ward (*bis*); Wastnage; Watt; Webster; Wells (*ter*); Wendy, Richard vicar of; West; Wetyng; Whitehead (*bis*); Whiteside; Whithobbe; Wilcockson; Wiles; Wilkinson; Williamson; Wimpole, John; Winchcomb (*bis*); Wisbech, Isabell; Wise; Witham; Wolron; Wood; Woodcock; Worsley; Wrettil; Wright (*ter*); Wrong; Wymark

defendant-appellant: *see* IPP Thorney, abbot and convent of

defendant-appellee: *see* IPP Adam (*bis*); Arnold; Bird; Carter; Clerk; Comberton, Amy; Daines; Day; Dreng; Fletton; Frost; Gransden, Margaret; Jocelyn; Joly; Neal; Netherstreet; Piron; Sare (*bis*); Tydd;

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- see also* Glossary, *denunciare*
- detention of money: *see* ecclesiastical financial
- dilapidation: *see* administrative cases, title; ecclesiastical financial, title; property of church
- diocese: *see* IPP Avignon, dioc; Bath and Wells, dioc; Chichester, dioc; Durham, dioc; Ely, dioc; Lichfield, dioc; Lincoln, dioc; London, dioc; Nocera [Nocera Umbra], dioc; Norwich, dioc; Salisbury, dioc; Valva [e Sulmona], dioc; Vienne, dioc; Winchester, dioc; Worcester, dioc; York, dioc
- disbarment: *see* court cases; proctors of Ely cons
- dispensation, papal: p. xlvii (9.16); *see also* IPP Prata
- divination: *see* clergy, discipline
- divorce cases: *see* matrimonial cases, divorce; matrimonial cases, marriage and divorce
- doctor of canon law, of canon and civil law, of civil law: *see* university degrees
- Dominican: *see* orders, religious
- dyer: *see* trades and occupations, secular
- earl: *see* IPP Fitzalan (*bis*)
- ecclesiastical financial (revenue) cases: p. xx, xxi, xxviii
- augmentation of vicar's portion: p. xxvi, xxviii *Westley (2)*
- burial rights: p. xxii, *Trinity (3)*; *see also* warning, not to abduct
- chancel, repair of [defects in]: *Kirtling/Bernard, St Botolph*
- ?debt to the church: *Barton (3) (a)*
- detention of money received from the common chest of church: *Chesterton (3)*
- farm of church, unlawful: p. lxvii, *Candlesby/Wilburton*
- mortuary: p. xxvi, lxxviii, lxxxiii-lxxxiv, *Mepal, Teversham (2)*, *Thorney/Whittlesey (2) (d)*, *Witchford*
- oblations (offerings): *Thorney/Whittlesey (2) (c)*, *Trinity (1)*
- obstruction of: *Knapwell (c)*
- pension: p. xxvi, *Barton (2)*, *Caxton, Whaddon, Wickham (1)*
- rent, non-payment of: p. xxviii, *Swaffham (2)*
- rents and dues, subtraction of: p. xxvi, *Leverington*
- salary, excessive, of chaplain: *Stow (2)*, *Walpole*
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- see also* benefice; property of church; tithes cases
- ecclesiastical testamentary cases: p. xx, xxi
- edition, this: *see* register of the official of Ely, edition
- Edward III, king of England: p. xlv, lxxv, lxxix; *see also* IPP s.n.

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Ely, church of (*ecclesia Eliensis*): *see* Glossary, *ecclesia*

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Humbleton, Hundreder, Joseph, Kingston (1), Kingston (3), Kirkby, Kymwell, Langdon, Leicester, Leverton, Lingwood (2), Lingwood/Howe, Little (b), Littleport/Lakenheath, London, Lovechild, Mason/Baker, Mepal, Netherstreet (1), Netherstreet (2), Page, Pattishall/Candlesby (b) (c), Potton/Candlesby (b) (c), Potton/Knott, Poulter (2), Poynant, Puf, Riggs, Roper, Sadler/Lister (b), Saffrey, Shelford, Shepherd/Wright (a), Shrewsbury, Simond, Slory/Angold (a) (b), Smyth (2) (a) (b), St Botolph, Starr/Fiskerton (b), Sutton (2), Sutton (3), Sutton/Linton, Taylor (1), Townsend, Trukke (1), Upex, Valley, Webster (b), Whiteside, Wilcockson, Wolron, Woodway, Wright, Wrong

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- execution (*execucio*): p. xlviii–xlix, 18.24 (at end), 9.2, 9.17, 9.21, 10.4, 11.2, 20.14, 24.21, 26.28, 27.23, 34.13, 36.21, 36.27, 36.28, 36.33, 38.26, 40.26, 41.26, 42.30, 54.27, 55.23, 56.5, 57.18, 58.16, 59.19 (etc), 63.19, 63.20 (etc), 65.20 (etc), 67.7 (etc), 67.11, 67.35, 68.12 (etc), 68.31, 70.7, 70.14, 70.37, 71.29 (etc), 75.33, 76.15, 77.36, 80.13 (etc), 80.26 (etc), 80.27, 80.50, 81.38, 83.38 (etc), 86.34 (etc), 86.35, 89.27 (etc), 89.34, 90.30, 92.27, 94.28 (etc), 94.29, 103.12 (etc), 106.9, 109.15 (etc), 110.16 (etc), 110.19 (etc), 110.23, 111.13 (etc)
- see also* court cases, execution of sentence; dean of Cambridge (letter of execution); suspension for contumacy (execution ordered); Glossary, *execucio*
- executor: *see* IPP Baldwin (*bis*); Beardfield; Beveridge; Bilney; Borel; Bridge; Bromholm; Burton (*bis*); Cambridge, churches, All Saints' Jewry (*bis*), William, vicar of; Cambridge, town, St John's hospital, master of; Campion; Canfield; Canon, John; Carlyle; Carter, William ('supervisor' of 2 other ex'rs); Comberton, William vicar of (*bis*); Cook, John; Cottenham, Simon de; Couper; Deven; Dreng; Difford; Drayton, Stephen; Elgey; Ferriby; Fiddler; Fisher; Fuller; Gerard; Griffin; Hunt; Huntingdon, John; Hutchin; Ketelby; Land; Leach; Marris; Mitelway; Neal; Norman; Onn; Payn; Potton; Queenborough; Reed; Roche, John; Ross; Sadler; Sawston, vicar of, ex'rs of; Siger (*bis*); Skinner, John, of Linton; Smyth, John, jnr, of Ickleton and John, snr, of Ickleton; Speed; St Paul, Thomas; Stannard; Stanton, William; Tod; Trukke; Wake; Walsh; Ware (*bis*); Warlock; Wells, John atte (2); White; Willmin; Wimbush; Witrick; Yonge
- executrix: *see* IPP Amys; Bassingbourn, Margaret; Chapman; Clerk; Couper; Elgey; Feltwell; Fulbourn, Agnes; Gibb; Hostler; Siger; Skinner, Agnes; Spenser; Walsh; White (*bis*); Witrick
- fair: *see* marriage, at
- fame, public: *see* marriage, by
- familiar (*famulus, de familia*): *see* IPP Souche, men *de familia* of; *see also* servant; Glossary, *famulus*
- farm (of church or mill): *see* ecclesiastical

- financial; Glossary, *firma* (listed)
- fish: *see* tithes cases, *St Peter*, and *Teversham* (3)
- fisher: *see* trades and occupations, secular
- flax: *see* tithes cases, *Thorney/Whittlesey* (1)
- foliation: *see* register of official of Ely
- form, under a certain: *see* Glossary, *sub certa forma*
- exceptions: p. lxxxiv
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- fornication: *see* clergy, discipline; sexual offenses
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- (The par's in *Kingston* (2), although they are called 'lay' in the IPP (and are lay), they are not so marked in the text, perhaps because the case is *ex officio*.)
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form; Glossary, *sub gestura sua*
- pension: *see* ecclesiastical financial
- perjury: 38.38 (def cited for, *Stow* (2)), 41.28
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on ground of possible, *Little*); *see also*
breach of faith cases
- physician (*leche*): *see* trades and occupa-
tions, secular
- plaintiff and/or promotor: *see* IPP Adkin;
Allain; Andre; Aston; Baker; Bakewhyt;
Baldwin (*ter*); Barker; Barre; Barton, Wil-

- liam vicar of; Bassingbourn, Robert vicar of (*bis*); Bayser; Bernard; Bette; Beveridge; Bigg; Bilney; Binbrook; Blofeld; Bonaleyn; Bowet; Brackley; Bradenham; Bradenho; Branch; Brettenham; Brian; Brice; Bridge; Brinkley, rector of; Brodyng; Brook; Brown; Burton; Burwell; Cakebread; Caldecote, Agnes (*bis*); Cambridge, churches, St Giles', clerk of; Cambridge, town, St John's hospital, master and brothers of; Cambridge, town, Peterhouse, master and scholars of; Camps [Castle], Ed[ward] cap of; Candlesby; Canon; Caprik; Carter; Caster (*bis*); Catt; Cattel; Cattesos; Champain; Chapman (*ter*); Cheseman; Choke; Clerk; Clopton, rector of; Coche; Coggesford; Colacre; Colchester; Collin; Collins; Conington, Stephen rector of; Coton, Nicholas rector of; Cottenham, par's and wardens of; Cottenham, Simon de; Couper (*bis*); Crisp; Cumpyn; Curtis (*bis*); Danhurst; Daniel; Dill; Dix; Drew; Dunham; Dunton; Durrant; Eddings; Edlin; Elsworth, Robert de; Ely, city, cathedral, brother John; Ely, city, St John's hospital, master and brothers of; Emneth, Agnes; Ferrer; Finchingfeld; Fisher; Foxton, Margaret; Foxton, Robert; Fulbourn, William; Fuller; Gallon; Gamlingay, Robert vicar of one portion of; Garland; Geoffrey; Gibb; Gilbert; Gillet; Glasswright; Glover; Godfrey; Godmanchester; Greatford; Green (*bis*); Grigg; Grinder; Halle; Hankin; Harsent atte Wood (*bis*); Hart (*bis*); Herd; Herne; Hertecombe; Hind; Honyter; Hoot; Horkesley; Horn; Hostler; Hubert; Hunn (*bis*); Hunt; Hykeney; Ickleton, John vicar of; Ing; Jack; Jocelyn; Johns; Keech; Kellock; King; Kingston, par's of; Lavender; Lessing; Leverington, par's of; Lewin; Lichfield, John (*ter*); Lingwood; Little; Littleport, Walter vicar of; Lokenore; Lolworth, Richard cap of; Lovely; Malin; Malt; Manciple; Marion; Marker; Marling; Mason (*bis*); Mead; Mepal, Robert rector of; Mill; Milner (*bis*); Morris (*bis*); Myntemoor; Netherstreet; Newman; Norman; Oak; Oliver; Osborn; Painter; Pardon; Pattishall; Peacock; Perry (*bis*); Pertesen; Petworth; Pickerell; Pike; Pitts; Plumbery; Podington; Pool; Pope; Potter; Potton; Poulter; Pyncote; Quayle; Ranlyn; Rayner; Reed (*bis*); Reeve; Rich; Ripon; Rolf (*bis*); Rous; Sadler; Saffrey; Sawston, John vicar of and vicar of, ex'rs of; Seaborn; Shangton; Shepherd; Siger (*passim*); Skinner, Alexander and Robert of Depden; Smart; Smyth, John, jnr, of Knapwell, John of Croxton, Thomas of Eltisley, and William of Steeple Morden; Snow; Spalding (*bis*); Sprotford; Stanford; Stannard; Starr; Stenkyn; Stokesley; Stow cum Quy, John cap of and Thomas rector of; Sutton, John; Sutton, Matilda; Sutton, Walter; Sutton, William de; Swaffham [Bulbeck], prioress of; Swaffham Prior, St Mary's, vicar of; Swettok; Taylor, Agnes, Geoffrey, Isabell, John of Cambridge, and John par of Wickham; Teversham, par's of, rector of, and Richard cap of; Thorney, abbot and convent of; Thriplow, John (2); Tiler; Tod; Toweslond; Tredgett; Trenet; Troft; Trukke; Trumpington, John vicar of; Tyars; Viner; Virley; Wake; Waltesshof; Ward; Wardale; Warden; Warlock; Webster; Weedon; West; Westley Waterless, Richard vicar of; Weston, John; White (*bis*); Whittlesey, churches, St Mary's, vicar of; Wickham [West], par's of; Wigenhall; Wigenhall; Wilcock; Williamson; Willingham, Agnes; Wiltshire; Winchcomb (*bis*); Wolverton; Woodway; Woolfrey; Wormegay
- plaintiff-appellant: *see* IPP Bond; Couper (*bis*); Snow; Worlidge
- plaintiff-appellee: *see* IPP Angold; Baldock; Clay; Clopton, Avis; Elsworth, Robert de; Fisher; Frobisher; Hook; Maxey; Peck; Quernepekkere; Sergeant; Shepherd; Souster; Spinner
- ploughwright: *see* trades and occupations, secular
- pope: p. xxviii, xlv, lxxv; *see* benefice, provision; curia, Roman; dispensation, papal; legate, papal; nuncio, papal; IPP Gregory XI; Urban VI
- portion, vicar's: *see* ecclesiastical financial, augmentation

- portioner: *see* IPP Gamlingay
- possession: p. lxxvii (of parish church); C.2 (corporal, of vicarage); 4.10 (corporal, of keepership); 11.14 (of receiving obedience); 18.24 (*missio in*, i.e., induction); 33.23 (goods of dec'd in, of); 38.26 (of parish church); 38.27 (of parish church); 44.18 (of par's right to receive divine services); 45.25 (of clerical state [*presbyteratus et clericatus*]); 47.29 (goods of dec'd in, of); 56.15 (corporal, of priory); 59.28 (of clerical state [*clericatus*]); 65.36 (of right or quasi-right to receive tithes); 70.41 (of vicarage); 92.9 (of right or quasi-right to receive mortuary); 106.17 (lands and possessions with which church is endowed); 107.17 (*id.*), 108.17 (*id.*), 113.10 (*id.*), 113.32 (corporal, of parish church); 113.33 (corporal, of vicarage);
see also benefice, provision . . . induction
- Potton, John, advocate of Ely cons (throughout), comm, off adn (not later than 7 Dec. 1377 – not later than 25 Feb. 1379): xix–xxxi, xxxvi, xli, xlv & n, lix–lx & n, lxiv, lxxvii, lxxix; *see also* IPP s.n.
- poulterer: *see* trades and occupations, secular
- Premonstratensians (Norbertines): *see* orders, religious
- presentation to benefice: *see* benefice, provision
- priest: *see* IPP Andre; Bilsdon; Campion; Coton, Nicholas rector of; Ely, William de; Elys; Fish; Ford; Frances; Gervase; Hampshire; Kymwell; Moor; Myntemoor; Petyt; Rayner; Reed; Say; Wells, John atte (2); Wollaston
see also deacon, subdeacon
- prior: *see* IPP Anglesey priory, prior of and brother William, prior of; Binham, prior of; Hatfield, prior of; Norton, Ralph de, prior of Barnwell
see also prior(ess) and convent; prior and chapter; subprior
- prior and chapter: *see* IPP Ely, city, cathedral
- prior and convent: *see* IPP Barnwell, prior and convent of; Binham, prior and convent of; Colne, prior and convent of; Mer-ton, prior and convent of
- prioress: *see* IPP Ickleton, prioress of; Pillet, Alice, prioress of St Radegund's Cambridge; Swaffham [Bulbeck], prioress of; Wastnage, Eva, prioress of Swaffham
see also prior(ess) and convent; abbot and convent
- prioress and convent: *see* IPP Haliwell, prioress and convent of; Swaffham [Bulbeck], prioress and convent of
- priors of dioc: *see* IPP Ely, dioc, abbots, priors
- priory: *see* IPP Angelsey, priory; Barnwell, priory; Cambridge, town, St Radegund's priory; Ickleton, priory; Swaffham [Bulbeck], priory; Swavesey, priory (OSB alien)
see also houses, religious; prior(ess); prior(ess) and convent
- prison (gaol): p. lxxvii
at Cambridge castle, signified excommunicates in: p. xxxiii; 63.31; 100.2; *see also* signification
- bp's at Ely, vicar of Stapleford in as convicted cleric: *see* IPP C.3; 9.18
- claim that def cannot appear for fear of: 67.15 (cf. 52.37, def dares not appear *quia prosecutus est per emulos suos per brevia regia*)
- probate: p. x, xx, xxi, xxiv, lxxvii, lxxviii
misconduct of archdeacon's court with regard to: lviii–lix
of testaments of beneficed clergy: p. x, lxxvii
- probate proceedings: p. lxxvii, 17.15, 19.23 (*Abington*), 20.23 (*Downham*), 20.27 (*Cottenham (1)*), 20.29, 20.32, 24.18 (*Swaffham (1)*), 34.23 (*Anglesey/Burton/Peacock*), 34.27, 34.28, 34.29, 34.31, 42.35 (*Hervey*), 48.24 (*Rampton*), 53.34, 63.29, 63.30, 65.40, 66.37, 79.44, 82.43, 83.45, 83.46, 84.47, 84.48, 84.49, 85.43 (*Landbeach*), 85.46, 85.47, 85.48 (*Comberton (2)*), 89.42, 103.27, 106.34
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- meaning of term: p. xxxiii–xxxiv
- oath of: p. xxxvi, 39.39; *see also* warning, to take
- of Ely clergy: *see* election of proctors; warning, to pay
- see also* proxy; substitute; substitution; synod
- proctor general of Ely consistory: *see* IPP Candlesby; Caprik; Ferriby; Leverton (‘exercising the office of’; cf. *Leverton*); Pitts; Sutton, Walter; Wiltshire
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- professor
- of canon and civil law: *see* IPP Scrope
- of theology: *see* IPP Gotham; Paris
- see also* university degrees
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- promotor: *see* plaintiff; *ex officio* promote cases
- province: *see* IPP Canterbury, province; York, province; *see also* constitution, provincial; council, provincial
- provision to benefice: *see* benefice, provision
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master of; Campion; Camps, [Castle], rector of; Candlesby; Canon; Carlton, rector of *and* William rector of; Carlton, Thomas, of Bottisham; Carter; Caster (*bis*); Catt (*bis*); Cattesos; Caxton, vicar of; Chandler; Chapman (*passim*); Chatteris, vicar of *and* Robert vicar of; Cheney; Chese-man (*bis*); Chesterton, vicar of; Church; Clay (*bis*); Clench; Clerk (*ter*); Clopton, Avis; Clopton, rector of; Cobbe; Cobbet; Coche; Colacre; Colchester; Colne, prior and convent of; Cook, Isabell; Cook, John; Cook, Margaret; Cook, Michael; Cottenham, par's of; Cottenham, rector of; Couper (*bis*); Crisp; Croxton, rector of; Croydon, John vicar of; Cumpyn; Curtis; Daines; Danhurst; Dash; Day; Delhay (*bis*); Derby; Dereham, abbot of; Ditton, Fen, rector of; Donnebrugge; Dorward; Draper; Draper; Drayton, Dry, rector of; Drayton, Fen, rector of; Drayton, Nicholas; Dreng; Drew; Dullingham, vicar of *and* Robert vicar of (*bis*); Dunton; Durrant; Edlin; Edmond; Elm, rector of (*bis*); Elm, vicar of (*bis*); Elmham; Elsworth, Robert de; Ely, archdeaconry, off of adn; Ely, dioc, clergy of; Everard; Eversden, Little, rector of; Feltwell; Ferrer; Fielding; Finchingfeld (*bis*); Fisher; Fitton; Folville; Fool; Foxton (par); Foxton, Margaret; Freeborn; French; Frobisher; Frost; Fulbourn, churches, All Saints', vicar of; Fulbourn, churches, St Vigoris, rector of; Fulbourn, par's of; Gallon; Gamlingay, rector of *and* rector of one portion of; Garland; Gayton; Gerant; Gidding, mr Geoffrey; Gilbert (*bis*); Girton, rector of; Glover; Goadby; Godfrey; Godmanchester; Gransden, Margaret; Grantchester, rector of; Grantham; Grebby; Green; Grigg; Haimes; Hakhay; Halden; Halliwell, prioress and convent of; Halle; Hammond; Hardwick, rector of; Harlton, rector of; Harsent atte Wood; Hart; Hatfield, prior of; Hatley, East, rector of; Herbert; Herd; Herteshull; Higgon; Hilder-sham, rector of; Hinton, Cherry, rector of *and* John vicar of *and* William vicar of; Hinxton, vicar of; Histon, churches, St Andrew's, rector of *and* Roger rector of;

Hitchcock (*ter*); Hogon; Hoo; Hostler (*ter*); Hubert (*bis*); Hull; Hunnings; Hunt (*bis*); Hykeney; Ickleton, prioress of *and* vicar of; Ing; Jocelyn; Keech (*bis*); Kelful; Kembtheved; Keterston; Kingston, rector of; Kirkham; Knapwell, rector of *and* Richard rector of; Knott; Kymwell; Landbeach, rector of; Langton; Larke; Leach; Lessing; Leverington, par's of *and* rector of; Lile; Lingwood; Lister (*bis*); Little; Littlebury; Littleport, Simon vicar of; Lolworth, rector of *and* Richard cap of; Lomb; Longstowe, rector of; Lovely; Lynn, Alice; Lynn, St John's hospital; Madingley, John; Madingley, vicar of; Malton, rector of; Manger; Martin; Mason (*ter*); Milner (*passim*); Milton, rector of; Moll (*bis*); Molt (*bis*); Morden, Steeple, rector of; Mortimer; Moulton; Mustell; Myntemoor; Neal; Netherstreet; Newman; Niselle; Oak; Oakington, vicar of; Oliver; Orwell, rector of *and* vicar of; Painter; Palfreyman; Pampisford, rector of; Papworth Everard, rector of; Pate; Peasey; Peck; Peebles; Perkin; Perten-sen; Petworth; Pickerell; Pike; Pinxton; Piron; Pitts; Plumbery; Podington; Pool; Pooley; Pope; Potter; Potton; Poulter; Poynaunt; Priest; Prime; Puf; Pyncote; Ranlyn; Rayner; Reed (*ter*); Reeve (*bis*); Reynold; Rich; Riggs; Rookhawe; Saffrey (*bis*); Salman; Sander (*bis*); Sare (*bis*); Sawston, vicar of *and* John vicar of; Scot (*bis*); Selvald; Sergeant; Shanbery; Shelford, Great, rector of; Shelford, Little, rector of; Shepherd; Shuman; Siger (*passim*); Sisted; Skinner, Alexander *and* Robert of Depden; Skirbeck; Smart; Smyth, Adam, Geoffrey, Henry, Margaret, Richard of West Wrating, Thomas of Eltisley, *and* Thomas of Haslingfield; Snow (*bis*); Solsa; Souster (*bis*); Spalding; Spinner; Stanford; Stanton, John, ex'rs of; Stanton, Long, churches, All Saints', rector of *and* St Michael's, rector of; Sterne; Stetchworth, vicar of; Stokes; Stokhale; Stow cum Quay, rector of; Streit (*bis*); Stybold (*bis*); Sutton, John; Sutton, vicar of *and* Edward vicar of; Sutton, William de; Swaffham [Bulbeck], prioress *and*

- prioress and convent of; Swaffham Prior; Swaffham, Margaret; Swaffham, Thomas; Swan; Swavesey, vicar of; Tate; Taylor, Agnes, Geoffrey, Isabell, Joan, John par of Wickham, Lawrence, Peter of St Michael's Cambridge, Tilla, *and* William bursar of Teversham; Teversham, rector of *and* Richard cap of; Thorney, abbot and convent of; Thresher; Thriplow, John (2); Thriplow, rector of; Thurrock; Tittleshall, John de; Tod (*bis*); Toweslond (*bis*); Tredgett; Troft; Trukke; Trumpington, John vicar of; Tyars; Valley; Virley; Wake; Walsh (*bis*); Waltesshef; Ward (*bis*); Wardale; Webster; Weedon; Wells, Alice atte; Wells, John (1); Wendy, Avis; Weston Colville, rector of; White; Whittlesey, St Andrew's, vicar of; Wickham [West], par's *and* rector of; Wighenham; Wilcock; Wildman; Wiles; Wilkinson; Williamson; Willingham, Agnes; Willingham, rector of; Wimpole, John; Wimpole, rector of; Wise; Wolverton; Woodway; Worlidge; Worsley; Wrattling, West, vicar of; Wright false: p. xxxv, xxxix–xl & nn
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- purgation, canonical: p. xxvii (*ter*), xxviii, xxxii, lxvii, 5.24 (*bis*), 18.27, 21.13, 24.15, 24.21, 24.23, 31.21, 39.21, 39.23, 39.43, 46.29, 47.20, 47.26, 47.27, 48.20, 49.20, 49.28, 52.37, 53.24, 54.28, 55.22, 56.19, 63.21, 68.35, 78.16, 82.41, 84.40, 86.39, 86.48, 89.39, 98.15, 111.26
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- quiring: *see* register of official of Ely
- questor: *see* alms-seeker
- records of Ely dioc: *see* IPP Ely, dioc
see also register
- rector: *see* IPP Abington Pigotts, rector of; Alderford, Ed[war]d, rector of Weston; Amys, Thomas, rector of Downham; Ansell, Thomas, rector of Carlton; Aston, mr Thomas de, rector of Warboys; Baiey, Philip, rector of West Wickham; Balsham, rector of; Barnard Castle, mr Thomas of, rector of Lolworth; Barnet, mr John de, rector of Leverington; Bartlow, rector of; Bassingbourn, rector of; Beadshall, Richard, rector of Hardwick; Bernard, mr John, rector of Kirtling; Bland, William (de), rector of Walton; Bowet, mr Henry, rector of Croft; Boxworth, rector of; Bridge, mr William de, rector of Teversham; Brinkley, rector of *and* John rector of; Brook, William atte, rector of Carlton; Burrough, rector of; Cambridge, churches, St Benet's, rector of *and* John rector of; Cambridge, churches, St Michael's, rector of; Campion, John, rector of Landbeach; Camps, [Castle], rector of; Carlton, rector of *and* William rector of; Carlton, Thomas, rector of Stow cum Quy; Caxton, rector of; Chesterton, rector of; Childerley, Great, rector of; Childerley, Little, rector of; Church, John atte, rector of Landbeach; Clopton, rector of; Conington, rector of *and* Stephen rector of; Cotton, rector of *and* Nicholas rector of; Cottenham, rector of; Coveney, Alan rector of; Croxton, rector of; Dalby, mr Thomas de, rector of Tydd St Giles, *later* rector of Cottenham; Difford, John, rector of Watton; Ditton, Fen, rector of; Doddington, rector of *and* John rector of; Donnebrugge, William, rector of Great Shelford; Downham, Thomas rector of; Drayton, Dry, rector of; Drayton, Fen, rector of; Duxford, St Peter's, rector of; Elm, rector of; Elsworth, rector of; Eltisley, rector of; Eltisley, Robert de, rector of Heacham; Eltisley, Robert de, rector of St Andrew's Histon; Ely, archdeaconry, adn, rector of Wilburton; Eversden, Little, rector of; Fowlmere, rector of; Fulbourn, churches, St Vigoris, rector of; Gamlingay, rector of a portion of (*see also* rector, Oliver; rector, corporate); Girton, rector of *and* Walter rector of; Glenthams, William, rector of Cranford; Goddington, Robert de, rector of Newton; Godrich, Richard, rector of Kneesworth; Gransden, Little, rector of; Grantchester, rector of; Graveley, rector of; Griffin, mr Thomas, rector of Wimpole; Guilden Morden, Ralph de, rector of Little Gransden; Hardwick, rector of; Harlton, rector of; Hatley St George, rector of; Hatley, East, rector of; Hildersham,

rector of; Hinton, Cherry, rector of; Hinton, churches, St Andrew's, rector of *and* Roger rector of; Horningsea, rector of; Horseheath, rector of; Kingston, rector of; Knapwell, rector of *and* Richard rector of; Landbeach, rector of; Large, Richard, rector of Long Stanton All Saints'; Leverington, rector of; Linton, rector of; Lolworth, rector of; Longstowe, rector of; Lovely, Richard, rector of Maulden; Malton, rector of; Martin, Robert, rector of Abington Pigotts; Mepal, Robert rector of; Mepal, Thomas rector of; Milton, rector of; Mitchel, Robert, rector of Tydd St Giles; Morden, Steeple, rector of; Morton, Ralph de, rector of Gransden; Newmarket, mr Thomas de, rector of Dry Drayton; Newton, rector of; Oliver, Thomas, rector of a portion of Gamlingay; Orwell, rector of; Over, rector of; Pampisford, rector of; Papworth Everard, rector of; Papworth St Agnes, rector of; Pattesley, Thomas de, rector of Cottenham; Petworth, William, rector of Elm; Podington, John de, rector of Kingston; Potton, mr John de, rector of Hungry Hatley; Quy, John de, rector of Teversham; Rampton, rector of; Randolph, Stephen, rector of Conington; Roche, Stephen atte, rector of Ditton; Ross, Nicholas, rector of Tattershall; Santer, mr William, rector of Gorton; Shangton, Henry de, rector of Hadstock; Shelford, Great, rector of; Shelford, Little, rector of *and* Walter rector of; Smyth, Henry, rector of Haddenham; Sollars, John, rector of Hildersham; Squire, John, rector of Stow cum Quy; Stafford, John, rector of Whittlesford Bridge; Stanford, mr Roger de, late rector of Over; Stanton, John de, rector of Rampton; Stanton, Long, churches, All Saints', rector of *and* St Michael's, rector of; Stow cum Quy, rector of *and* Thomas rector of; Stretton, mr Robert de, rector of Stretham; Sustead, mr Robert, rector of Willingham; Teversham, rector of; Thorp, John de, rector of Cottenham; Toft, rector of; Troft, Richard de, rector of Knapwell; Walton, Wood, William rector of; Wells [next the Sea], rector of; Weston Colville, rector of; Whittlesford, rector of;

Wickham [West], rector of; Wilbraham, Little, rector of; Wilford, mr John de, rector of Doddington; Willingham, rector of; Wimpole, rector of; Winestead, Peter, rector of Conington; Woughton, Hugh, rector of Knapwell

corporate: *see* IPP Cambridge, churches, St Michael's, rectors of, Michaelhouse; Cambridge, churches, St Mary the Great, rectors of [King's Hall]; Cambridge, town, Michaelhouse, master and scholars of, rectors of Barrington; Caxton, rectors of (dean and brothers of Windsor); Chesterton, rector of [abbey of Sant'Andrea (OCist) Vercelli (ITA)]; Duxford, St John's, rectors of [master and scholars of Clare Hall Cambridge]; Gamlingay, rector of a portion of, scholars of Merton Hall Oxford; Horningsea, rectors of, St John's hospital Cambridge; Litlington, rectors of (master and scholars of Clare Hall Cambridge); Swavesey, priory, as rector of Swavesey; Thorney, kitchener of, rector of Whittlesey; Thriplow, rectors of, master and scholars of Peterhouse Cambridge; Windsor, dean and brothers of, rectors of Whaddon

see also appropriator; income; church, use of; patron

see also chaplain, vicar

rectors of dioc: *see* IPP Ely, dioc, abbots . . . rectors

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acta in: *see* IPP Elm

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income of: *see* IPP Cambridge, town, Corpus Christi and St Mary's College, master and scholars of

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Vetus liber archidiaconi Eliensis: p. xlix

vicar: *see* IPP Abington, Great, vicar of; Abington, Little, vicar of *and* John vicar of; Arrington, vicar of; Babraham, vicar of; Bachelor, William vicar of Grantchester; Barrington, vicar of; Barton, vicar of *and* William vicar of; Bassingbourn, Robert vicar of, perpetual; Binbrook, John de, vicar of Little Abington; Bottisham, vicar of *and* William vicar of; Bourn, vicar of; Boxworth, Richard de, vicar of Guilden Morden; Brian, William, perpetual vicar of Barton; Broughton, Thomas de, vicar of St Mary's Swaffham; Caldecote, vicar of *and* John vicar of *and* Nicholas vicar of; Cambridge, churches, All Saints' Jewry, vicar of *and* William, vicar of; Cambridge, churches, Holy Sepulchre, vicar of *and* John vicar of; Cambridge, churches, Holy Trinity, vicar of; Cambridge, churches, St Botolph 's, vicar of *and* John vicar of; Cambridge, churches, St Clement's, vicar of *and* Adam vicar of; Cambridge, churches, St Edward's, vicar of *and* John vicar of *and* William vicar of; Cambridge, churches, St John's Milne street, vicar of; Camps, deanery, Richard dean of, vicar of Westley Waterless; Camps, Shudy, vicar of; Carlton, John de, vicar of Barrington; Caxton, vicar of *and* Bartholomew vicar of; Chatteris, vicar of *and* Robert vicar of; Chesterton, vicar of *and* William vicar of; Comberton, vicar of *and* William vicar of; Congresbury, John de, vicar of Elm; Croydon, vicar of *and* John vicar of; Downham, John de, vicar of St Mary's Swaffham Prior; Dullingham, vicar of *and* Robert vicar of; Duxford, St John's, vicar of; Egmere, John, vicar of St Edward's Cambridge; Elm, vicar of; Elsworth, Robert de, perpetual vicar of St Mary's Whittlesey; Elys, Robert, vicar of Shepreth; Eversden, Great, vicar of *and* Roger vicar of; Fool, William, vicar of Cherry Hinton; Foxton, vicar of; Fulbourn, churches, All Saints', vicar of; Gamlingay, Robert vicar of a portion of; Harston, vicar of; Hasling-

field, vicar of; Hauxton, vicar of; Hinton, Cherry, John vicar of; Hinxton, vicar of; Histon, St Etheldreda's, vicar of *and* Henry vicar of; Ickleton, vicar of *and* John vicar of; Impington, vicar of; Ive, John, vicar of Shingay; Kymwell, Nicholas, vicar of Caldecote; Lacey, Edward, vicar of Linton; Lacey, Edward, vicar of Sutton; Lakenheath, Simon de, vicar of Littleport; Linton, vicar of; Littleport, Simon vicar of *and* Walter vicar of; Madingley, vicar of; Malt, John, vicar of Witchford; Mason, Reginald, vicar of Stapleford; Mead, William atte, perpetual vicar of Swaffham Prior; Melbourn, vicar of *and* John vicar of; Meldreth, vicar of *and* Robert vicar of; Milton, vicar of; Moor, Walter de la, vicar of Elm; Morden, Guilden, vicar of; Newton, mr William de, vicar of Wisbech; Norton, John de, perpetual vicar of St John's Milne street Cambridge; Oakington, vicar of *and* John vicar of; Orwell, vicar of; Prat, John, vicar of Sawston; Punch, John, vicar of Trumpington; Quayle, John, vicar of Ickleton; Sawston, vicar of *and* John vicar of; Shepreth, vicar of; Shingay, vicar of; Snailwell, John, perpetual vicar of St Botolph's Cambridge; Spain, John de, vicar of Linton; Spenser, John, vicar of Abington; Stapleford, vicar of *and* Walter vicar of; Stetchworth, vicar of *and* Simon vicar of; Sutton, vicar of *and* Edward vicar of; Swaffham [Bulbeck], vicar of *and* Nicholas vicar of; Swaffham Prior, St Cyriac's, vicar of; Swaffham Prior, St Mary's, vicar of; Swavesey, vicar of; Tadlow, vicar of; Thriplow, vicar of *and* Thomas vicar of; Tiler, John, vicar of Caldecote; Trumpington, vicar of *and* John vicar of; Waterbeach, vicar of; Weasenham, John, vicar of Melbourn; Wendy, vicar of *and* John vicar of; Wentworth, John vicar of; Westley Waterless, vicar of *and* Richard vicar of; Whaddon, vicar of *and* Thomas vicar of; Whittlesey, churches, St Andrew's, vicar of *and* John vicar of; Whittlesey, churches, St Mary's, vicar of; Wiggenhall, Thomas de, perpetual vicar of Holy Trinity Cambridge; Wilbraham, Great, vicar of; Winchcomb, Richard, vicar of West-

- ley Waterless; Witcham, Richard vicar of; Witchford, John vicar of; Wrating, West, vicar of *and* William vicar of; Wright, John, vicar of Stetchworth
- see also* chaplain; ecclesiastical financial, augmentation; jurisdiction, ecclesiastical, excommunication; property of church, vicarage; rector; warning, to repair
- vicar general in spiritualities of bp: *see* IPP Wormenhale
- comm of: *see* IPP Gloucester
- vicarage (*vicaria*), either the physical building or the office of vicar: C.2, 7.18, 9.18, 18.22, 19.21, 19.22, 20.31, 20.35, 24.18, 24.20, 24.21, 38.23, 63.27, 65.36, 70.41, 73.49, 80.46, 84.14, 104.8, 113.33
- see also* ecclesiastical financial, augmentation; jurisdiction, ecclesiastical, excommunication; property of church, vicarage; vicar; warning, to repair
- vicars of dioc: *see* IPP Ely, dioc, abbots . . . vicars
- visitation of sick and pregnant: *see* sacraments
- violence against cleric, cases: p. xx, xxvi, xxvii–xxviii, lxxviii; 41.29 (*Foxton*); *Bette* (2), *Carlton* (2), *Clerk* (2) (a), (b), *Pardon*, *Rayner*, *Stannard*, *Westley* (1)
- assault: p. xxvi, *Coton*, *Gilbert*, *Hervey* (b), *Hart* (2), *Kymwell*, *Netherstreet* (2); *see also* IPP Cambridge, churches, St Giles', assault; Fulbourn, churches, St Vigoris
- homicide of a priest: *Kymwell*
- incitement of violence: p. xxvi, *Gilbert* (b)
- vocabulary: *see* register of official of Ely
- wardens (*custodes*): *see* Glossary, *custos*
- warning (*monicio*): p. x; *see also* excommunication, on penalty of; Glossary, *monicio*
- against impeding synod: 18.23, 31.26
- against abuse of jurisdiction: 18.24 (to off adn), *Wisbech* (to dean)
- not to abduct body: 112.31
- to appear: 54.33
- to be present at admission of with's if desired: 33.6, 78.9, 79.38, 89.37, 90.34
- to pay
- costs: 33.21 (defamation), 36.27 (false appeal), 36.28 (*id.*)
- debt: 9.17, 47.31 (owed dec'd), 51.23 (*id.*), 55.28
- mortuary: 95.8
- proctors in parliament: 36.20
- tithes: 72.48, 94.38
- to perform penance: 11.8
- to reside, 18.22, 19.24 (*Carlton* (1)), 113.23
- to repair vicarage house: 18.22
- to respond: 26.12, 47.38
- to return excessive salary: 38.28
- to return lost money: 113.24
- to serve as cap: *Girton*, *Conington* (a), *Knapwell* (a), *Stow* (2)
- to take proctors' oath: 85.44
- water, holy: *see* benefices and offices, clerk
- weaver: *see* trades and occupations, secular
- widow: *see* IPP Bassingbourn, Margaret; Bird, Amy; Clerk, Agnes; Cook, Colette; Couper, Katherine; Doggett, Mabel; Elgey, Avis; Eyre; Fisher, John, of Aldreth; Fowler, Agnes; Fulbourn, Agnes; Goodspeed; Gransden, Margaret; Hostler, Heloise; Jocelyn, Anastasia; Knott; Natesby; Prime; Siger, Isabell; Tydd, Matilda; White, Joan
- Wisbech: *see* deanery, of Wisbech
- witness
- examination of: p. lxxix, lxxx–lxxxi; *see also* Glossary, *missio*
- in case: Acres; Adamson (*bis*); Alderford; Alderheth; Allain, Geoffrey; Allain, Margaret; Allain, William; Andre, John, of Hemingham; Andre, Richard; Avenel; Aylmer (*bis*); Bailey (*ter*); Baker; Bassingbourn, Robert vicar of; Baunche; Baylham; Beal; Beard; Beardfield; Benethewode; Bennet; Bernard (*bis*); Biley; Bilney; Bircher;

- Bird; Blaunche; Bluntisham; Boch;
 Bond (*ter*); Boston (*bis*); Bourn, dean-
 ery, Roger dean of; Bowet; Bowl (*bis*);
 Boyland; Bradenham (*bis*); Brampton,
 William; Bray; Brewster (*ter*); Bridge-
 man; Brigham (*ter*); Brown (*bis*);
 Browning; Brush; Buck; Bunch (*bis*);
 Bunch; Burwell; By; Byfold; Bytham;
 Caldecote, Thomas; Cambridge,
 churches, Holy Sepulchre, John vicar
 of; Cambridge, churches, St Benet's,
 John rector of; Cambridge, churches,
 St Botolph's, John vicar of; Cambridge,
 churches, St Clement, Adam vicar of;
 Cambridge, churches, St Edward's,
 John and William vicar of (*bis*); Cam-
 pion, John, of Hinton; Campion, John,
 of Pampisford; Camps, deanery, John
 apparitor of; Candlesby; Caprik; Carl-
 ton, William rector of; Case; Castel-
 laere; Castelleto; Caster; Catt; Chan-
 dler (*bis*); Chapman (*bis*); Chatteris,
 vicar of and Simon parish clerk of;
 Cheseman; Chesterton, William vicar
 of; Clay; Clerk; Cobbet (*bis*); Colches-
 ter; Coneston; Congresbury; Cook,
 Agnes; Cook, Margaret; Cook, Robert;
 Cook, Thomas (*bis*); Cook, William, of
 Barnwell; Cornwall; Cotel (*ter*); Cot-
 tenham, John; Cottenham, Margaret;
 Cottenham, Simon de; Couper; Craft;
 Crane; Crisp (*ter*); Crust; Cumpton;
 Curtis; Cutler; Daggar; Dale; Dalling
 (*ter*); Danhurst (*bis*); Dawe; Day (*bis*);
 Dobbin; Donat; Donne; Downham,
 Amy; Downham, John, jnr; Down-
 ham, Matilda; Drax; Drew (*ter*); Duke;
 Dunham; Dunwich, John de; Dymock;
 Eddings; Elgey (*bis*); Ellick; Elm,
 Richard de; Elm, vicar of; Ely, city,
 churches, St Mary's, Robert cap of;
 Ely, Robert de; Ely, William de; Elys;
 Emm; Emneth, Isabel de; Emneth,
 John de; Emneth, Matilda de; Emneth,
 Thomas former cap of; Esmond; Est-
 croft (*bis*); Everard (*bis*); Fairchild;
 Fielding; Fisher; Foort; Ford, John
 atte, of Wimpole; Forster; Fox; Fox-
 hall; Foxton, Robert; Freeborn; Frere,
 Alice; Frere, Roger; Frisby; Frost (*bis*);
 Fuller; Garnes (*bis*); Gayle; Geake;
 Geen; Gellion; Gibb; Gibben; Gidding,
 John; Gidding, William; Gilbert (*bis*);
 Gloucester, Thomas; Glover; God-
 dington; Goodman (*bis*); Grantham
 (*bis*); Gras; Greenfield; Grigg; Hadlee;
 Hampshire; Hank; Harger; Harsent,
 Alice; Harsent, Margaret; Hart (*bis*);
 Helbend; Helder; Henry; Hoddeston;
 Hodgson; Hogepond; Holbeck; Hol-
 pit; Holt; Hostler; Howlett; Jack (*bis*);
 Johns; Kembtheved (*bis*); Kentish;
 Killerwick, William, of Trumpington;
 Killerwick, William, of York dioc;
 Killingworth; Kimberlee; King (*bis*);
 Kingston, Agnes; Kirkby, John de;
 Knight; Kydecote; Kymwell; Lathe;
 Laurence (*bis*); Lawrence; Leach; Lee;
 Legat; Lepper (*bis*); Lessy; Leverich;
 Leverton; Lindsey; Lister (*bis*); Lit-
 win; Lockyer (*bis*); Lord; Lovechild;
 Mabb (*bis*); Maberly; Makesake;
 Male; March, Alice wife of John of;
 March, John son of Thomas of; Mar-
 ris (*bis*); Mason; Matthew; Mayne;
 Meadow; Meldreth, Robert vicar of;
 Mey; Milkstreet; Milkstreet; Milner;
 Molt (*ter*); Monstone; Moor, William
 atte; Morden, John; Mower; Much;
 Neal (*bis*); Neve; Newhouse; Norris;
 Northern; Norton, Geoffrey; Oak-
 ington, John; Osborn (*bis*); Outlaw
 (*bis*); Payn; Peebles; Penrith; Pinel;
 Pink; Piper (*bis*); Piron; Pleasington;
 Plumbery; Pocket; Pool; Pope; Por-
 ter; Potter; Potton; Power; Poynton;
 Prat; Rayner; Rayson; Redhead (*bis*);
 Reed; Reeson (*bis*); Reynold (*bis*);
 Rickinghall; Robinson; Robinson;
 Roger; Rogerson; Rookhawe; Roray;
 Rudham (*bis*); Rumbold (*bis*); Russel;
 Ryder; Sadler; Saffrey; Sampson; Sare;
 Sawston, John vicar of; Scot (*bis*);
 Scottow; Scutt (*bis*); Serle; Shakedale;
 Shelford, Adam; Shuman; Siger; Sil-
 verley; Skinner (*bis*); Smyth (*passim*);
 Somner; Stannard (*bis*); Stone; Stowe;
 Strug; Sudbury; Sutton, Walter; Sut-
 ton, William de; Swaffham, Basilia
 de; Swan; Swanton; Taylor (*passim*);

Termynor; Thresher; Thriplow, John, of Barnwell; Thriplow, Richard cap of; Thriplow, Thomas vicar of; Thriplow, William; Tilney, John; Tittleshall, John de; Tomlin; Toneld; Tonewell; Toney; Toweslond; Trew; Trumpington, John vicar of; Truss; Tydd; Tydd; Tydd St Giles, parish caps of; Ufford; Veysey; Virley; Wade; Walter (*bis*); Walton; Ward; Wardale; Warin; Warwick; Waterman; Watson; Webbe, Isabell; Webbe, Lucia; Webbe, William; Webster; Wells, John atte (1); Wendy, Richard vicar of; Weston, mr Robert de; Weyland; Wheelwright; Whiteside; Wich; Wicken; Wight; Willey; William (*ter*); Willmet; Wiltshire, John de; Wiringe; Wiseman; Wolde; Wolstontton; Wright (*ter*); Wykes; Wynde; Yutte

of royal writ: *see* IPP Plessington

to *acta*: *see* IPP [. . .], John; Allain, John (*passim*); Andre, Thomas; Anglesey priory, brother William prior of; Barnard Castle, mr Thomas of, rector of Lolworth; Bassingbourn, Robert vicar of; Beveridge; Bland; Bocking, John de; Bottisham, mr Nicholas de; Bowet; Bracher; Briggs; Cambridge, town, St John's hospital, master of; Campion, John, of Hinton; Camps [Castle], Ed[ward] cap of; Candlesby; Caprik; Collinson; Colville; Comberton, Thomas de; Cook, William *al.* Clerk; Coton, Nicholas rector of; Cottenham, James de; Cotton; Craise; Dalby; Denford; Doke; Dunham; Eltisley, Robert de, of Heachham; Eltisley, Robert de, of Lincoln dioc; Eltisley, Thomas de; Ely, mr Thomas de; Eversden, Great, Roger vicar of; Fishwick; Ford, John atte, of Barton; Foxton, Robert; Foxton, Simon cap of; Frances; Gainsford; Gloucester, John; Gloucester, Thomas, comm gen of bp; Gloucester, Thomas, comm gen of off; Gloucester, Thomas, witn; Godrich; Gotham; Hilton; Holbech; Irby; Killerwick, William, of York dioc; Kynsley; Laas; London, mr Thomas de; Masham; Mepal, Thomas

rector of; Moor, Walter de la; Morton; Moulsham; Newton, John de; Newton, mr William de; Newton, Thomas; Norton, John de; Norton, Ralph de; Ockham; Oliver; Petworth; Pinxton; Potton, John; Pulham; Ragnall; Randolph; Revere; Rookhawe; Santer; Scrope; Selby, mr Ralph de (*bis*); Shelford, Little, Walter rector of; Shipdam; Spaldwick; Stortford; Sutton, Walter; Sutton, William de; Thriplow, John; Tilney, mr Alan de; Tittleshall, John de; Tittleshall, mr William de; Trumpington, John de; Westley Waterless, Richard vicar of; Whittlesey, St Andrew's, John vicar of; Wickham, William; Willingham, mr William; Wiltshire, John de; Wiltshire, Thomas; Wormenhale, mr Thomas (*bis*); Wroth; Wymer; Yaxley

to illegal solemnization: *see* IPP Gobat, John; Webbe, Dulcia; Webbe, William
see also compelled; warning, to be present; Glossary, *missio*

wood: *see* tithes cases, *Kingston/Gissing*

woolman: *see* trades and occupations, secular
words and phrases: p. lxxvii–lxxxv; *see also* Glossary

wright: *see* trades and occupations, secular

writ of Richard II (quoted in full): 112.34; *see also* consultation; prison, claim; prohibition; signification

yconomus: *see* Glossary, s.v.

Glossary

This glossary provides brief explanations of the Latin phrases that occur in the abridgements and the Introduction with references to where they occur. It also references places in the text where we discuss the meaning of a word or phrase. Further, it references words or phrases that one of our readers found puzzling. References are to entries or to page numbers in the Introduction.

a gravamine – (appeal) from an allegedly unlawful act by the judge *a quo*, roughly equivalent to the modern interlocutory appeal, contrasted with an appeal *a diffinitiva*, from a definitive sentence: p. xlvī–xlvii, li, lv, lxxii n70; see also *provocatio*

ab iniqua, [*tamquam*] – (appeal from a judgment [*sententia*] as) from one inequitable – we probably should be thinking of the literal meaning of *inequus* here: 17.5, 29.4, 33.11, 34.1, 43.23 (in judgment without *ab*), 44.4, 44.27, 53.12, 56.5, 58.10, 67.10, 69.2, 74.17, 86.3, 86.7, 86.9, 86.14, 86.23, 86.25, 86.26, 86.30, 86.47, 92.6, 107.2

ab ingressu ecclesie suspensio – suspension from entry into the church – the mildest form of excommunication – normally imposed after the first failure to respond to a citation: see Subject Index, s.v. ‘suspension’

ab instancia diei (dimittere) – to dismiss from whatever is required by the process on that day – see Latham, s.v. *instancia*, OED s.v. ‘instance’, meaning IV.8: 33.15, 55.20, 58.18, 58.26, 86.42

acta – literally ‘things done’ – the register records the *acta* of the official and his commissaries whether done in or out of the formal sessions of the court: see Subject Index, s.v.

actis continuo, articulo – ?conforming to the acts: 74.17 & n4

ad proponendum ominia in facto (seu iure) consistencia – literally ‘to propose everything consisting in fact (or law)’ – a term assigned by the court when it is trying to move the parties along to a conclusion: 10.6, 11.5, 14.3, 16.3, 24.12, 30.7, 30.11, 31.12, 33.11, 36.7, 44.3, and *passim*

ad proximum consistorium – to the next consistory, i.e., the next formal session of the court – used when a case is continued after all that can be done in the present session is done: *passim*

ad unum annum – (entry into religion and profession) for one year – this would seem to be similar to the modern temporary vows: 89.38

admittere – ‘acknowledge’, ‘admit’ – many of the uses of this word in the register are not quite caught by English ‘admit’, particularly where an inferior ‘admits’, i.e., acknowledges, that a superior has become his superior: A.1 n2, and *passim*, particularly in A–C

anullare – medieval spelling of classical *annullare*: p. xiv

apostoli – dismissory letters (given by the judge *a quo* when an appeal was taken) – the standard formula for taking an appeal called for the appellant to ask for these three times, though that is not always stated in the record: 18.2; 24.15, 17.5, 33.11, 44.4, 53.12, 58.10, 63.28, 65.24, 67.10 (grant of entire process in place of), 69.2 (*acta* assigned in place of), 71.39n3, 74.17, 86.26, 86.30

appellacio tuitoria – an appeal to the court of Canterbury for protection pending an appeal to the Apostolic See: 11.14 (*ter*)

apud acta, appeal: 56.5, 67.10, 69.2, 86.3, 86.7, 86.9, 86.23, 86.14, 86.25, 86.26, 86.30, 86.47, 92.6, 92.36, 94.21, 100.13 (in archdeacon's court), 107.2

apud acta, proctor – done in court, as opposed to *litteratorie* – the vast majority of proctors are constituted *apud acta*, in court, with the client present, and the use of the phrase suggests that the only writing was that in the register – some of the proxies *apud acta* contained in the numbered *acta* are sufficiently complicated that we imagine that the proctor or his client had a written form which he handed to the registrar: *passim*

aquebaiulus – holy water clerk: 111.29

artus – ‘strict’, ‘tight’, in the context of sequestration: 9.20, 19.21, 23.3, 48.24, 65.40, 66.37

ascencio – medieval spelling of classical *ascensio* (the feast): p. xiv

astrictus – ‘bound to’, ‘obliged to’, in the context of profession of canonical obedience: A.2, 3.8, 24.1, 31.30, 78.1

brevettus – Latham, s.v. *brevettum*, ‘brief’ for collection of alms; OED s.v. ‘brief’: 27.24

causa . . . primarie mota – case brought at first instance: *see* p. lxxvii–lxxix (listed and discussed)

cedua – *see silva cedua*

census – a tax: *see* Subject Index, s.v. ‘tax’

clamdestine – medieval form of classical *clandestine*: p. xiv

clausula – ‘clause’, Latham, s.v. – usage in the register is confined to standard clauses which are then given in abbreviated form: 11.14 (*cum illa clausula coniunctim et divisim*, in commission), 38.26 (*id.*, *bis*), 113.33 (*id.*), 62.22 (*cum clausula substituendi*, in proxy)

clerus scholaris – ‘school clergy’ – seems to refer to beneficed clergy in the deanery of Ely considered as a group; in the margin Foxton calls it *congregacio*; it may, however, refer to clerical scholars considered as a group, or, as Dr Brady suggests, to the clergy associated with the bishop's grammar school at Ely: C.8; *see also* Subject Index, s.v. ‘clergy of Ely dioc’

cohercio – medieval form of classical *coercio*: p. xiv

collegium – ‘college’ – a coporate ecclesiastical, but secular, body – by contrast with later times, the term is used rarely, most consistently in the context of the royal free chapel at Windsor, the full title of which seems to have been ‘the dean and brothers of the college of Windsor’, but which is frequently shortened to ‘the dean and college of Windsor’; of the later Cambridge and Oxford colleges, only Corpus Christi and St Mary's Cambridge is called a college, ‘the master and scholars of the college of’: *see* Subject Index, s.v. ‘college’

commorans – literally ‘staying’ in or with – frequently with jurisdictional implications, almost always with social implications – not always indicated in the IPP, but all instances are gathered in the Subject Index, s.v. ‘resident’

*compar*⁴ = *comparet* (preferred) or *comparuit*: p. xv–xvi (discussed), Table 8

competetrix, competitorices – a female party to a case in which two women are claiming to be married to the same man: 36.33 (plural), 80.31 (singular)

confessare, consenciit – medieval forms of classical *confiteri, consensit*: p. xiv

confirmacio – see *sub pena confirmacionis*

consensit eidem ita quod esset fidelis – she consented to him so that he would be faithful: 87.37 & n2

consistencia – see *ad proponendum omnia*

contemptus (4th declension) – contempt: see *contumacia*; Subject Index, s.v. ‘contempt’

contraxerunt – medieval from of classical *contraxerunt*: p. xiv

contumacia – contumacy – failure to appear in response to a citation either *ex officio* or at the instance of party – the word is not so strong as *contemptus*, and does not necessarily imply, as does *contemptus*, deliberate disobedience – it is the subject of many entries, the pattern of which (not always fully followed) calls for giving the contumacious person the opportunity to appear at the next session and/or proceeding with what is to be done at that session in *penam contumacie* of the absent person, followed, in succeeding sessions, by suspending that person from entry into the church, publicly denouncing him/her as suspended, excommunicating him/her, denouncing him/her as excommunicate, and referring him/her to the bishop for significance: *passim*

cornariis, ?modifying *cereis* – candles at the four corners of a coffin: 20.22 & n.b

cum dicte partis appellate copiam poterit optinere – *copia* here seems to be being used in its older sense of ‘access to’: 78.15 & n2, 78.16 & n1

cum instancia – ‘with urgent entreaty’ – usually addressed to superior or equal, but once found in a court order: 24.21, 26.12, 37.26 (court order), 42.27, 45.24, 82.45,

cum potestate concordandi dicta testium – ‘with the power of reconciling the statements of the witnesses’: p. lxxix (listed and discussed)

custos – keeper, custodian, warden – in the context of benefices (or even the diocese), it refers to the person, normally called ‘keeper’, entitled to the income and/or to administer – in the context of lay parishioners, it probably refers to the officers later called ‘church wardens’ – the concept of *custodia*, as, for example, in the sequestration of the goods of vacant benefices, is closely related, but here the agent noun *custos* is not found: 4.10 (*magister et custos* of hospital), 7.19 (*custos spiritualitatis* during vacancy of see), 24.28 (*custos* of free chapel), 27.24 (*magister et custos* of hospital), 31.26 (*custos* of free chapel), 39.38 (*id.*), 70.35 (*parochiani et custodes* of a parish), 89.37 (*custos* of hospital) ; see also Subject Index, s.v. ‘custodian’, ‘keeper’

dat ‘without or with *est* and with or without *dies* = *datur, datus est, data*: p. xiv

de calumpnia, de collusionione – see *iuramentum*

de facto – implies not *de iure* – occurs most often in the context of wives or marriages: 1.2, 1.8, 6.11, 19.15, 20.21, 30.21, 38.26 (a pronouncement that a rector is removed *de facto* from possession of his church because of defect of birth: *a qua [ecclesia] de iure ammotus est, de facto ammovemus*), 49.24, 49.25, 49.26, 62.22, 66.33, 71.42, 74.17, 85.2, 89.38 (*religionis ingressus, regule professio et ordinis suscepicio, sic de facto presumpti, subsistere non possunt nec debent de iure*), 89.42 (probate *de facto*), 97.13, 102.25

de familia – see *famulus*

de iure – occurs less frequently: 89.36 (*illud tamen matrimonium subsistere non potest de iure*), 89.38 (above, under *de facto*)

de malicia – see *iuramentum*

de parentela – of the kin: 104.7

de veritate dicenda – see *iuramentum*

dec'v(n)imus = *decernimus* or *decrevimus*: p. xiv, xvi

decret' – *decreto* (impersonal ablative absolute) preferred: p. xiv & n

denunciare (in various forms) – public proclamation (= *publice nunciare*) – in the case of suspension and excommunication it seems to refer to a separate step in the process – occurs frequently enough in a general sense or where what is being proclaimed is ambiguous that the Subject Index lists all instances of the word s.v. 'denunciation', with excommunication and suspension separated only where it is unambiguous that this is what is meant – *execucio* may be synonymous when suspension or excommunication is being referred to

ecclesia Eliensis – 'the church of Ely' – the diocese considered corporately, but usually referring to the cathedral: A.3 (*capitulum ecclesie Eliensis*, i.e., the cathedral chapter), 7.19 (*tempore vacacionis ecclesie Eliensis*, i.e., the vacancy), 31.29 (*censum annuum ecclesie Eliensis debitum*, i.e., an annual tax on the clergy owed to the cathedral), 41.29 (the shrine of St Etheldreda in *ecclesia Eliensi*, i.e. the cathedral); 89.41 (20s to be paid *fabrice ecclesie Eliensis*; *circuibit ecclesiam Eliensem more penitencie*, i.e., in both cases, the cathedral) ; see also Subject Index, s.v. 'tax'

Edmundus, Edwardus – Edmund, Edward: p. lxxix–lxxx

egregias personas – distinguished people (to whom a *missio* is to be sent rather than compelling them to come to testify in court): 83.42

eorum conscienciis relinquendo / relinquentes – the matter is left to their consciences: see p. lxxix–lxxx (listed and discussed)

ex officio – when applied to cases it roughly corresponds to our 'criminal' as opposed to *ab instancia* ('instance'), which roughly corresponds to our 'civil' – the phrase can apply, however, to anything that the judge does of his own motion – the office of the judge could be 'promoted' by a private party, in which case it was called *ex officio promotio*: A.2 (causes), 12.6 (articles), 14.6 (positions), 31.21 (*obiecto sibi ex officio*), 39.40 (*id.*), 42.22 (witness repeated), 44.22 (*id.*), 46.29 (case *ex officio promotio*, but not so stated), 47.18 (witnesses produced), 47.38 (*obiecto sibi articulo oretenus*), 52.25 (day assigned), 52.26 (intention to proceed), 52.27 (*id.*), 52.28 (*id.*), 52.35 (*impetitus ex officio*), 52.36 (*id.*), 52.37 (called), 55.31 (called to reply), 56.19 (*id.*), 58.28 (articles objected), 59.25 (*articulato sibi ex officio*), 59.25 (to be called), 59.27 (*articulato per nos ex officio ad promotionem*), 60.20 (penance enjoined), 63.19 (execution ordered), 65.29 (called), 66.33 (annulment), 67.17 (articles objected), 70.38 (*probaciones ex officio nostro ministrandas*), 71.34 (witness produced), 71.38 (witness cited), 72.42 (intention to proceed), 74.17 (witness produced), 82.41 (cited *super sibi obiciendis ex officio ad promotionem*, then *articulato per nos ex officio mero*), 90.30 (execution ordered), 101.21 (def charged), 102.27 (*fore vocandam ad personaliter respondendum officio nostro*), 108.22 (absolution)

____, called, after *pax*: p. xxvi–xxix (listed and discussed)

____, cited: 5.10, 5.12 (but not so stated), 5.14 (but not so stated), 7.19, 15.10 (*ad promotionem*), 16.11 (*ad promotionem*), 18.31 (but not so stated), 20.14 (*ex officio mero*), 24.24, 45.26, 45.29, 46.28, 47.29, 47.32 (*ad promotionem*), 49.21, 59.28, 62.27 (*ad promotionem*), 70.37 (*ad promotionem*), 109.26 (cited *super sibi obiciendis*), 110.31 (cited *super sibi obiciendis ad promotionem*), 111.26

____, matter or case moved: 1.6, 1.8, 6.11, 20.12, 77.47

____, *see also* Subject Index, s.v. ‘citation’, ‘*ex officio* cases’, ‘*ex officio promoto* cases’

ex habundanti – out of abundance of caution: 107.26 & n2

excepto die et consule – ?omitting the purely formal parts – this strange phrase, occurring only once, follows after the court has decreed that copies should be made for the defendant of the citation, certification, commission, judicial acts, and letter of institution; the context suggests that the copies may omit the purely formal parts of these highly formal documents: 73.49

execucio – ‘execution’ – in some cases it seems synonymous with public pronouncement (see *denunciare*); in other cases it is unclear what is to be done – *see* Subject Index, s.v. ‘execution’ (all instances of the word listed); cf. Subject Index, s.v. ‘court cases, execution of sentence’; ‘dean of Cambridge (letter of execution)’; ‘suspension for contumacy (execution ordered)’

fabulator – gossip: 68.35

facere executionem erga venerabilis patris subditos in libris officialis archidiaconi pendentes – literally ‘make execution against many subjects of the bishop pendent [the subjects, that is] in the books of the official of the archdeacon’ – this may refer to the archdeacon’s official’s ordering execution of his judgments, but it seems more likely that it refers to the archdeacon’s official’s making general legislation: p. xlviii–xlix; 26.28; *Camps*, case introduction; *see also* Subject Index, s.v. ‘court of adn, claim that, ?off adn’

famulus, de familia – ‘familiar’ – for the most part, we have translated the word as ‘servant’ – in the context of tradesmen, it may suggest a formal or informal apprentice – *serviens* seems synonymous, but is applied most often to women – *famula* is not found; *ancilla* occurs twice – *de familia* occurs once (60.21), where it may have a pejorative connotation: *see* Subject Index, s.v. ‘servant’ (list with Latin designations)

fideilesio, fidei lesio – breach of faith: p. xiv; *see also* Subject Index, s.v. ‘breach of faith’

firma, firmarius – farm, farmer, i.e., lease, lessee of a church, or, in one case (6 entries), a mill: 7.4, 7.15, 15.18, 18.12, 34.22, 36.26, 37.13, 38.12, 39.16, 39.27 (mill), 39.28 (mill), 40.20, 40.25 (mill), 40.26 (mill), 41.21, 41.25 (mill), 41.26 (mill), 42.21, 43.20, 43.39, 44.21, 56.12, 63.33, 72.48

immediate exemptum – ?exempt from intermediate jurisdiction: 7.12 & n1; cf. 24.19, 55.31, 63.29

in forma – ‘in form’ – throughout the register, the court is said to have done things *in forma iuris*, i.e., in the proper legal form – in two places (35.18, 44.35) abjuration *sub pena nubendi*, q.v., is said to be *in forma communi*, ‘in the common form’ – that leaves 6 places where *in forma* is used without a qualifier; in all of these instances a party has made some sort of argument and is given a day to put it *in forma*, i.e., in the proper legal form for such an argument (compare *sub certa forma*): 6.3, 37.26, 41.22, 75.39, 85.12, 88.26

inactitata – things registered – *see* Latham s.v. *inactito*: 34.1

instancia – *see ab instancia, cum instancia*

ipso facto – automatically: 100.20

ita quod non sit melior condicio occupantis – in proxies given to more than one proctor, this means that if one begins the case the other is not excluded from later taking up the representation: 5.11, 45.37 & n1

iuramentum de calumpnia, de collusione vitanda, de malicia, de veritate dicenda – oath about calumny, about avoiding collusion, about ‘malice’ (perhaps in this context not quite so strong a word as is the English), about speaking the truth: *see* p. lxxx (discussed), Table 7 (listed and classified)

iurisperitus (iuris peritus) – literally ‘expert in law’ – the term is often applied to advocates, and it is probably they who are being referred to in the formula frequently found in sentences: *de consilio iurisperitorum nobis assidencium*: p. xxx, 5.12, 15.12, 17.5, 18.2, 18.14, 18.23, 18.24, 18.25, 18.26, 20.6, 20.17, 29.3, 29.4, 30.8, 31.26, 33.11, 34.12, 34.20, 37.12, 37.26, 38.13, 38.24, 38.26, 38.27, 43.23, 44.4, 44.18, 44.22, 47.18, 50.19, 51.17, 53.12, 56.5, 58.10, 58.11, 65.36, 66.38, 67.10, 67.11, 69.2, 72.9, 73.16, 73.26, 74.17, 77.37, 77.47, 80.50, 81.31, 83.11, 84.22, 85.6, 85.17, 86.3, 86.7, 86.9, 86.23, 86.25, 86.26, 86.30, 89.36, 89.38, 90.10, 90.22, 92.6, 92.9, 92.26, 92.36, 95.2, 107.2, 107.4, 108.12, 111.1, 111.11, 113.29; *see also* IPP Dalby; Eltisley, Robert and Thomas; Gloucester; Newton, John; Potton; Willingham, William

laudum – a record of a judgment; by transfer, the judgment itself: p. xliii; *see also* Subject Index, s.v. ‘Arundel, *laudum*’

legalior persona – a more lawful person – occurs in the context of a defendant being called to respond personally to articles rather than having his proctor respond to them – compare the common-law ‘law worthy’, applied to oath-helpers: 12.6, 27.10, 44.23

litis contestacio – joinder of issue – after this point certain kinds of exceptions (defences), such as recusal of the judge, were not supposed to be brought: *see* Subject Index, s.v.

litteratus – lettered – appears in lists of witnesses to *acta* – may be being applied to laypeople who are literate, though in one case (Morton) both *clericus* and *litteratus* are used: *see* IPP Cottenham, Simon de; Denford, John; Doke, John; Morton, Mr William de; Wymer, William de

locorum vicinitas – proximity: 5.10

magestas – medieval spelling of classical *maiestas*: p. xiv

mandatarius – anyone who received a mandate, ‘mandatary’ – in practice the word seems generally to be confined to those who were supposed to serve process for the Ely cons: 6.9, 18.28, 38.26, 39.11, 55.31, 64.19, 67.35, 71.33 (of court of Canterbury), 74.35, 78.14, 78.15, 78.16, 89.37, 106.30; *see also* Subject Index, s.v. ‘certificate of citation’

mandatum – any sort of command or commission, with emphasis on the former: *passim*

monicio – literally ‘warning’ – the appearance of this word in the marginalia and its accompaniment, sometimes, with various forms of *canonica* leave little doubt that that this is a technical term – the issuance of a *monicio*, at least in some instances, may have justified the imposition of excommunication without further warning – appears in a wide variety of contexts – there is no trace of the later canonical distinction between *monicio* and *monitorium*: *see* Subject Index, s.v. ‘warning’

missio – a commission to someone to examine witnesses where the witnesses are – the reason for the commission can normally be inferred from the entry (e.g., the witness is old and infirm or out of the diocese), but is not always stated: 28.29, 29.13, 32.7, 34.4, 37.15, 44.9 (to chanc

of university to cite a scholar), 44.23, 46.18, 47.16, 47.17, 52.19, 54.17, 55.16, 57.12, 58.12, 58.17, 62.22, 62.24, 65.28, 74.7, 74.8, 77.8, 77.29, 78.29, 79.38, 81.24, 82.9, 83.42, 85.62, 89.37, 90.34, 92.38, 92.90, 107.15, 107.16, 108.19, 112.18

nec per partem producentem stetit – nor was it the fault of the producing party: see p. lxxx–lxxxi (listed and discussed)

non compar^t, ideo s'et v' = non comparet, ideo suspendimus [illum/illam ab ingressu ecclesie] et vocetur [ad proximum consistorium], 's/he did not appear, therefore we suspended him/her [from entry into the church], and let him/her be called [to the next consistory]: p. xiv, xvi–xvii

non instetit pro citatione habenda – he did not insist on having a citation: 45.12; cf. 45.17 & n2, 45.18; see also p. lxxxi (discussed)

oretenus – 'orally', as opposed to 'in writing': p. xxv, lxxxiii, lxxxiv; C.1, 5.13, 6.3, 11.6, 12.8, 15.8, 16.9, 16.11, 17.10, 17.11, 30.21, 90.35, and *passim*.

papirus – literally 'reed-paper', 'papyrus', but the context suggests a generic reference to a document without regard to the stuff of which it was made: 20.29, 63.28

pax – literally 'peace', a settlement of a case: see Subject Index, s.v. 'settlements'

per sententiam precepti – 'by sentence of commandment': 47.31 & n1

perhendingans – resident (in the context of a religious house): 34.23, 42.35, 63.29, 65.36 (*ter*); see also Subject Index s.v. 'resident, of religious house'

periculum anime – danger to the soul: 6.9, 6.10, 12.6; see also p. lxxxi–lxxxiii; Subject Index, s.v. 'danger to soul'

procurator – 'agent' or 'attorney' – by itself the word does not necessarily imply any particular legal expertise, but many of those who appeared in the Ely consistory clearly had some, most particularly those who were designated 'proctors general' (*procuratores generales*): see pp. xxxiii–xxxiv; Subject Index, s.v. 'proctor'

prot(h)ocollum – 'protocol' – appears three times in the marginalia to describe the recording of a general sentence issued by the official in advance of or in a synod and three times describing a notarial document recording an act of appeal: 18.3 (marginalia), 18.24 (*id.*), 25.3 (notarial record of appeal), 31.26 (marginalia), 35.4 (notarial record of appeal), 36.3 (*id.*)

provocatio – 'challenge' – the word in various forms occurs only in proxies in conjunction with *appellatio* and probably refers to the technical name for appeals from a feared *gravamen* as opposed to one that had actually been suffered: 2.10, 4.9, 5.11, 11.12, 24.29, 26.22, 27.21, 28.31, 31.24, 31.25, 33.22, 34.18, 34.26, 35.5, 36.31, 36.32, 36.34, 36.35, 37.20, 37.21, 39.30, 40.31, 43.33, 44.29, 45.32, 51.24, 52.30, 56.11, 58.23, 64.27, 66.34, 67.36, 68.38, 68.40, 75.41, 76.40, 77.46, 79.43, 80.39, 81.39, 82.46, 82.47, 82.48, 83.50, 84.45, 84.46, 94.32, 100.16, 102.20, 102.21, 102.22, 102.23, 102.24, 103.20, 109.23, 111.27, 112.25, 112.26, 112.27, 112.28, 112.32, 113.27; see also p. lxxii n70

purgacio cum quinta / sexta manu – normally the number of hands includes that of the one who is purging himself (thus, *cum sexta manu*, means with 5 compurgators), but in one case an order to purge *cum sexta manu* is said to be fulfilled *cum quinta manu*: 68.35 & n2

purgatrices – female compurgators: 5.14

quo ad hunc actum – in so far as this stage of the process is concerned: 44.22, 67.26, 85.20 & n1

quod prius pareat offenso – that he first face up to the offense: 47.38 & n1

registrum, registrarius – normally ‘register’, i.e., the book, and ‘registrar’, but sometimes *registrum* fits better with ‘registry’, or, as in the phrase *penes registrum*, ‘in the custody of the registrar’: p. xxii–xxiii, 5.4, 7.19, 9.5, 9.20, 14.6, 14.7, 20.27, 24.28, 27.24, 33.26, 34.27–34.29, 38.25, 38.28, 46.26, 47.29, 49.27, 50.11, 50.25, 54.23, 68.32, 68.34, 70.43, 89.35, 105.1, 108.46, 113.9 & n2, 113.21; *see also* Subject Index, s.v. ‘register’, ‘registers’, ‘registrar’

res iudicata – similar to the modern phrase, it means that the matter has been adjudicated and so cannot be relitigated – as applied to marriage cases, the exceptions are as important as the rule: 24.26 (claim in a marriage case), 33.23 (judgment of bishop of Norwich in a financial matter)

restitutio in integrum – a broad power of a judge to put things back to where they were previously – power to request and receive it is included in proxies that are fully spelled out (listed under *provocatio*) – its use in the register seems to be confined to situations in which a mistake was made in a previous stage of the proceedings: 71.25 (*per viam restitutionis in integrum*), 77.8 (granting of another *missio*), 111.5 (to reexamine the *impuberes, facta prius restitutione in integrum*)

sede vacante – the see being vacant, i.e., between bishops: 11.14 (Canterbury)

sentencia – a judgment of an ecclesiastical court: *see* Subject Index, s.v. ‘sentence’

serviens – *see* *famulus*

servus et nativus – villein: 36.30

si sua credideri(n)t interesse – this phrase occurs three times in the register (compare the relatively common *pro suo interesse*) – it would seem to mean ‘if she/they believe(s) it to be in her/their interest’; literally, however, it probably means ‘if she/they believe(s) her/their things are involved’: 28.30 (*bis*), 58.8.

silva cedua – coppice-wood, wood grown for cutting – *see* Latham s.v.; OED s.v. ‘coppice’: 65.36 (*ter*), 94.38, 96.10, 100.19 (*bis*) (all tithes cases)

sub certa forma – ‘in a certain form’: *see* p. lxxxiii–lxxiv (listed and discussed); *see also* Subject Index, s.v. ‘form’

sub gestura sua – on the condition of his [good] behaviour: 18.11 & n2, 18.27, 18.28, 26.29, 31.21, 60.20, 70.41, 89.35; *see also* p. lxxxiv–lxxxv; Subject Index, s.v. ‘penance’

sub pena confirmationis – if the appellant does not proceed with the appeal, the judgment below will be affirmed: 108.20

sub pena exclusionis – under penalty of exclusion: 106.11

sub pena excommunicationis sentencie late – seems to refer, in the one place where it occurs, to a court order, the violation of which will result in an automatic excommunication: 9.17 (and preceding introduction)

sub pena nubendi – a couple convicted of fornication were required to take an oath that if they committed the offense again they would automatically be married: *see* Subject Index, s.v. ‘matrimonial cases, abjuration’

sub spe pacis – in hopes of peace: *see* Subject Index, s.v. ‘settlements’

suggestio – a document filed with the appellate court when requesting that the lower court be inhibited from proceeding further; sometimes used in lieu of a libel of appeal: 3.7, 11.14, 63.23, 71.39 & n3

terminus iuris – perhaps referring to the time from one consistory to another, though a broader period similar to that of the terms of the central royal courts cannot be excluded: 63.28 & n3

viis et modis – citation ‘by ways and means’ when the cited person could not be personally served: p. lxxviii, 5.12, 49.24 (full description), 50.18, 51.18, 66.15, 66.33, 77.16, 85.39, 106.30, 107.28, 108.45; see also Subject Index, s.v. ‘citation’

yconomus – agent for a corporate body – usage in the register suggests that these *yconomi* may be church wardens: 80.42 (of Teversham), 80.48 & n2 (of church of Teversham appearing on behalf of the parishioners), 97.15 (of Elsworth church)

ymmo – medieval spelling of classical *immo*: p. xiv