SELECTED LETTERS OF POPE INNOCENT III

concerning England (1198-1216)

EDITED BY

C. R. CHENEY

AND

W. H. SEMPLE

Nelson's Medieval Texts
SELECTED LETTERS OF
POPE INNOCENT III

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Selected Letters of
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edited by
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INTRODUCTION

THE PONTIFICATE OF INNOCENT III

The pope from whose court these letters came was born in 1160 or 1161, an Italian of noble birth.¹ As Lothair of Segni, son of Count Trasimond of Segni and his wife, Clarina, of the Roman family of the Scotti, he belonged to the aristocracy which dominated the affairs of Rome and the adjacent Patrimony of St Peter in the twelfth century. An important link with the Church was provided by an uncle, who reigned as Pope Clement III from 1187 to 1191. Lothair spent some years of his youth in the schools of Paris, where he studied theology, and then (at a date unknown) moved on to Bologna to pursue a course in law. He was already a canon of St Peter’s at Rome when, in his thirtieth year, Clement III created him cardinal deacon of Saints Sergius and Bacchus (1190). Under Clement’s successor, the aged Celestine III, Cardinal Lothair is not conspicuous in the affairs of the Roman See, although his hand witnesses from time to time the solemn privileges issued by this pope.

Celestine III died on or before 8 January 1198, and on that day the cardinals elected Lothair, who took the name of Innocent. He was at this time in deacon’s orders. On 21 February he was ordained priest; and his consecration as bishop followed on the next day—Sunday, 22 February, which was the feast of St Peter in cathedra—at St Peter’s.² There he was crowned and then rode, crowned, through the city from St Peter’s to the Lateran Palace. To be pope at the age of thirty-seven was altogether exceptional. Innocent III

¹ For a recent account of the pope’s early life see Maccarrone, “Innocenzo III prima del pontificato.” (Abridged references to books and articles in this and later footnotes are explained by the bibliography on pp. xxxix-xlili.)

² Afterwards the pope’s documents are dated by his pontifical year, reckoned from 22 February.
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brought to the papacy not only a keen intelligence and a scholar's training but a fervid, vigorous, and resolute policy which had been lacking under his aged immediate predecessors. When he died eighteen years later, on 16 July 1216, he left behind him a record of prodigious activity in the world of secular politics and in church government.

Innocent's pontificate has often been regarded as the period in which the medieval papacy most clearly approached its ideal of a united Christendom, in which a church hierarchy, strictly subordinated to the pope, would direct the spiritual life of the people and guide the policies of lay rulers. This is questionable. Later in the thirteenth century papal control of the hierarchy tightened still more, and the popes of the fourteenth century, despite serious reverses, still played an important part in international politics. But the grandeur of the unattained ideal was at least seen as a distant view by Innocent III and his contemporaries, and the vision faded thereafter. This pope, by his ceaseless concern with the affairs of all Christendom and by his insistence on his rights and duties as God's vicegerent, summed up all the efforts of his predecessors. In the sermon preached on the consecration of the pope, Innocent emphasised his splendid isolation, chosen as he was to be the steward of God's household. 'Only St Peter,' he says, 'was invested with the plenitude of power. See then what manner of servant this is, appointed over the household; he is indeed the vicar of Jesus Christ, the successor of Peter, the Lord's anointed... set in the midst between God and man... less than God but greater than man, judge of all men and judged by none.'

1 See the end of Letter 2 (p. 8), and P. 199, 352, 439 (all written in the first pontifical year).

2 Migne, ccxvii. 658. This phrase recalls St. Bernard, De consid. iv. 7. 23 (Migne, clxxii. 788). Cf. 'vicarius Jesu Christi' in P. 942 and in no. 67 below. See also M. Maccarrone, 'Il papa, vicarius Christi; testi e dottrina dal sec. xii al principio del xiv,' in Miscellanea Pio Pae' ini, i (Rome, 1948), 427-500.
Again and again during his pontificate, Innocent III returned to this idea: his is the only universal power because he alone has responsibility before God for all Christians. Nor was the statement of superiority a theory devoid of practical consequences. Within a week of his consecration, the pope wrote in a letter to the archbishop of Ravenna: 'the liberty of the Church is nowhere better served than where the Roman Church obtains full power both in temporal and in spiritual matters.'

In conformity with this idea, the pope used every opportunity to strengthen his political power in those cities and lordships of central Italy which formed of old the Patrimony of St Peter, and to establish a political, feudal, superiority over other states. He did much in central Italy to curb the independence of feudatories and civic power. Further, he obtained recognition of feudal overlordship over the kingdoms of Sicily, Aragon, Portugal, Hungary, and—late in his pontificate—England and Ireland. In May 1213 King John made over his kingdoms to be vassal-states of the Apostolic See (see letters nos. 53, 63, 67 below). The political authority the pope thus gained, apart from some small monetary profit, was chiefly useful to secure favourable conditions for the pope's legates and the local hierarchy. But in England before 1213, and in countries where no comparable political nexus was formed, Pope Innocent found other occasion and justification for entering the political arena. And he seldom justified his intervention in the vassal-states on the grounds of mere feudal right. Thus, his condemnation of Magna Carta, which had been extorted from his vassal, King John, lays less stress on lordship than on the principles of canon law (no. 82). For Innocent's greatest claim was a universal one: as vicar of God he was answerable for the souls of kings, and kings 'so venerate this vicar that, unless they seek to serve him devotedly, they doubt if they are reigning properly' (no. 67).

1 Pott. 30, cf. 531
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His most striking application of this claim was in the matter of the Empire, where he asserted his right, not indeed to elect, rather to examine the credentials of the emperor-elect before he bestowed the necessary consecration upon him. But that case lies outside the scope of this book. Innocent's relations with the two Angevin brothers, Richard I and John, and their great French rival, Philip Augustus, illustrate sufficiently the theory and practice of papal intervention. The intervention is to secure peace between states, to reconcile a monarch with his subjects, to confirm or condemn a treaty, to enforce the recognition of a widow's rights, to promote a crusade. The pope usually moves first by way of gentle monition and exhortation (nos. 2, 57, 72, 78). But he does not hesitate to substitute orders and threats when mild words fail to influence. We see him also use ecclesiastical censures on behalf of Richard I to secure repayment of the king's ransom (no. 2). He repeatedly assists Richard's successor against rebels by ordering their excommunication (e.g. nos. 14, 74-5, 80). He demands that truce be made between the English and French kings, and will not tolerate delay (no. 2, cf. 19, 21). It is evident, yet desirable to emphasise, that most of this correspondence was prompted by the representations of interested parties in the Curia. Just as the pope hears judiciously disputes within the normal scope of the canon law on the petition of an appellant, so we may safely infer, when we are not explicitly told (e.g. no. 2), that some appeal or démarche by a secular ruler or his subjects lies behind almost every one of these letters. Innocent responds on the grounds that injustice has been done, that some one is sinned against, that disorders arise from warfare (no. 19), or that a crusade is hindered (no. 68). One of the most important occasions for his intervention arose in 1203-4, at the instance of King John, who was being driven from Normandy by King Philip of France. Innocent's first letter drew from Philip Augustus an indignant repudiation of the
pope’s right to interfere in a case between him and his vassal, and this drew from Innocent very careful statements of the grounds for action. The letter to the prelates of France (no. 21) was later chosen to be included in the Decretals, ‘no doubt,’ says Carlyle, ‘because it appeared to give the pope all the power he required, while avoiding the appearance of direct intervention in political controversies.’ This letter, with the ones which preceded it (cf. nos. 19, 20), and the condemnation of Magna Carta (no. 82) display excellently the nature of the arguments by which Innocent III defended his plenitude of power in the political sphere.

The pope’s dealings with political rulers were constantly affected by the mixture of temporal and spiritual obligations which characterised the entire hierarchy of the Church. Innocent brought down ecclesiastical censures on rulers of states because they attacked the Church’s property or ministers. Again, the most striking example concerns the Empire, where the pope not only excommunicated Otto IV but also released his subjects from their allegiance. But England, too, affords the spectacle of an entire kingdom laid under interdict for years on end, the consequence of a dispute between pope and king about the election of the archbishop of Canterbury (nos. 29-32, etc.) ; and before this occurred, the pope had had occasion to rebuke the English kings about their treatment of the clergy (nos. 4, 17, cf. 35).

From the papal point of view, England (with which the following letters are all concerned) was not only a political state, in the government of which the pope, as God’s vicar, might intervene from time to time as the needs of justice and ecclesiastical liberty demanded. It was also a province (or rather, two provinces) of the Latin Church. Because Innocent III’s pretensions were as great in the sphere of church government as in temporal affairs, there was no department

\[1\] Med. political theory, v. 165
of English church life in which papal control was not felt. The control, moreover, was direct and continuous, not indirect and casual. The pope alone could translate a bishop from Dalmatia to exercise his pastoral office on the Scottish border (no. 18), and out of the plenitude of his power could provide an Italian relative with a canonry at York (no. 52). An English saint could not be venerated at his tomb in Lincolnshire without papal authorisation (no. 10). Abbots appealed to the pope against the excesses of the archbishops (nos. 15, 73). Bishops had recourse to him for rulings on doubtful cases of law (no. 22) and for apostolic backing to their own diocesan authority (nos. 3, 23). Roman money-lenders even invoked his authority to recover moneys owing to them by an English nunnery (no. 33). An enormous amount of litigation was argued before the pope or his delegates. Some important cases dragged out their weary course at Rome, but countless others were heard in England by English prelates and dignitaries and officials, acting as the pope’s representatives (nos. 11, 86).

All the surviving chronicles and records of the first decades of the thirteenth century put together do not suffice to give us the facts we could wish for about Anglo-papal relations, but the letters of Innocent III are the most copious and most trustworthy single source that we have. The surviving correspondence is for the most part one-sided: petitions and letters to the pope are, for this period, comparatively scarce, and seldom can be connected directly with existing papal letters. Even so, the letters of Innocent III are an incomparable record. The didactic element in them is strongly marked. The pope stands out as a man devoted to his pastoral task, uplifted rather than depressed by its responsibilities, teaching even when

1 The papal registers contain some letters addressed to the pope (cf. below, p. xxi) and in the Epistolae cantuarienses there are many more. A dozen more are recorded on the rolls of the English royal chancery.
he is obliged to expostulate. The letters show him also to be zealous for the faith, strong in legal science and subtle in diplomacy, and tirelessly active. The amplitude of expression and the narrative of events which the letters often contain give them unique importance as historical material. While their statements have an unmistakable face-value, a student of papal methods of diplomacy and administration may derive advantage from considering as well their form and the circumstances of their issue.

Yet it may be well to warn the reader of this anthology against two dangers. In the first place it is natural for a twentieth-century reader to tire of the verbosity, the piling up of epithets, the elaborate expressions of humility and affection—natural for him to discount the tropes as mere verbiage which meant little or nothing to the correspondent. But the exuberant literary form represented a long tradition; it is unlikely that it affected contemporaries as it affects us; and in the careful hands of Innocent III and his draftsmen it could be adapted to the needs of each occasion. The second danger is of a different sort. We may be tempted, if we regard some of these letters in isolation, to think that Pope Innocent III was far more powerful, far better informed about the affairs of Christendom, than events proved him to be. We may even forget that secular princes refused to accept Innocent’s political claims at his own valuation. In fact, the pope’s spiritual censures often went unheeded. His material resources were not sufficient to enforce his threats. The distance of England from Rome (a speedy journey occupied four weeks) meant that local developments commonly overstrapped the pope’s information and his mandates might be out-of-date before they were issued. Allowance made for these considerations, the papal letters remain an inexhaustible treasure for the historian.
THE LETTERS

Before proceeding to explain the objects of the present selection, we shall consider briefly the formal characteristics of the letters and their transmission. They were produced by the papal chancery, a department which in Innocent III's time was of great antiquity, strong traditions, and conservative habits. It had established strict rules for the guidance of its draftsmen and scribes. This generalisation may be illustrated by a point of style and a point of calligraphy: (i) The mode of address used by the popes in their letters for many centuries obeyed the same rigorous rules. No single correspondent was ever given the dignity of a plural pronoun, such as the pope now applied regularly to himself. While an archbishop or bishop, once he was consecrated, was the pope's venerabilis frater, all other persons were diculti filii or dilecte filie, except for royal persons who (unless excommunicate) were invariably addressed as carissimi(e) in Christo filii(e).

(ii) The papal scribes were instructed, in writing the date at the end of a letter, never to divide an element of the date between one line and the next, as Dat | Laterani or ii kal. | Maii. Quite apart from established conventions of this sort, the chancery of Innocent III asserted the pre-eminence of the papacy among the governments of Europe by maintaining a singularly high level of penmanship in a form which was based on the Carolingian minuscule but traced some of its features to a more ancient curial script. It also practised more carefully than other chanceries of the day the formal diction and rhythmical cadences demanded by the rules of the cursus. The
fashion for this had been introduced into the curia when John of Gaëta became chancellor in 1089 and was more highly developed by Albert de Morra (chancellor 1178-87).1 Innocent III could lay down as a partial, if not infallible, test of a suspect document falsitas in modo dictaminis.2 Both in handwriting and in literary style the papal chancery set an example which influenced ecclesiastical chanceries all over Europe and which was not altogether disregarded by lay chanceries. In 1212 the pope, at the request of Simon de Montfort, allowed one of the officials of the papal chancery to accept the post of head of Simon’s chancery.3

A scholar who examined very many original papal letters of this period has said: ‘the scriptores literarum apostolicae of the thirteenth century were, judged by the results of their activity, very well-trained and conscientious workers,4 and R. L. Poole speaks of ‘the severely regulated work of the chancery of the beginning of the thirteenth century which is as perfect in its calligraphy as it is diplomatically without fault.’5 Despite the encomium of modern scholars, the more trivial rules of the papal chancery were not always observed by its clerks. Moreover, we occasionally find slovenly writing in letters of Innocent III,6 slips in spelling,7 and grotesque misinterpretation of place-names.8 A letter could even be granted to the abbot and convent of Loufclt (Luffield), when the house was in fact a priory (no. 69); and in 1206 and 1207 the chancery clerks repeatedly miscalculated the indictment in dating solemn

1 He became Pope Gregory VIII (1187) and so gave the name stilus gregorianus to the cursus as practised in the curia.
2 Pott. 365 (Decretals, V. 20, 5). On the cursus in general, see the works of A. C. Clark and Mr Denholm Young.
3 Pott. 4589 4 Baumgarten, loc. cit. p. 345
4 Lectures, p. 122
5 e.g. Bodleian Libr., Northants ch. a 1 (1) for the prior and monks of Daventry, 28 November 1209
6 Nos. 67, 69, 81 below. The most remarkable is the writing of partes for partes in the magnificent no. 81.
7 Especially, but not exclusively, in the register-copies

1639)
privileges. These indeed bear witness to some degree of supervision of the scribes. Already by 1212, if not earlier, a special *corrector litterarum apostolicarum* was instituted, but his precise status and duties at this time are uncertain.

The products of the chancery in this period may be divided into two broad categories as regards both form and content:

(i) The privilege (*privilegium*), of which R. L. Poole wrote:

'The Privilege is as a rule the instrument of the grant or confirmation of rights of property and jurisdiction to churches and religious houses. It was a title-deed, to be preserved in a muniment chest and produced on solemn occasions. Therefore it was drawn up on a great skin of parchment and made imposing by means of elaborate formulae and certificates of authenticity.'

While many features of Innocent III's privilege went back to the early days of the Roman Church, in all respects it resembled exactly the privileges of his predecessors for nearly a century, and the form remained unchanged for half a century more. It was distinguished from other types of document by its size and broad margins and the immensely elongated letters of its first line, by the device of the rota and the monogram, and by the crosses and signatures of pope and cardinals and datary. Its formulas enable us to distinguish the privilege at a glance, even when copyists have failed to reproduce the chief marks of its magnificence. Its greeting is a greeting 'in perpetuum,' and it concludes with elaborate sanctions and a three-fold 'amen.' Since it was used for a comparatively limited class of business, its clauses are stereotyped, repeated in one privilege after another. Exceptions,

1 Delisle, *loc. cit.* pp. 55-8
2 Nos. 33, 38, 82 below, and Cheney, 'A neglected record,' p. 235, n. 4
4 Poole, *op. cit.* p. 100
5 See the article by Katterbach and Peitz (very fully illustrated), and Cheney, 'Some papal privileges,' pp. 49-53.
however, do occur, and the only privilege in the following selection is the solemn document confirming to King John and his successors the realms of England and Ireland to be held as fiefs of the pope and the Roman Church (no. 67). The original is a masterpiece of calligraphy, on a sheet of thick parchment measuring approximately 24 by 27¼ inches.

(ii) The simpler form of letter (*littere*) was used in almost all the business of the papacy; and we may summarily describe letters according to their subject-matter, under four heads: (a) letters of protection and indulgences in response to petitions (*littere gratioso* or *tituli*), (b) decretals, or replies to enquiries on points of law (*decretales* or *rescripta*), (c) mandates on judicial and administrative matters (*littere de iustitia* or *mandamenta*), and (d) political correspondence (*littere de curia* or *littere secreta*). Samples of all these types of business will be found in the following selection.

Letters of all sorts were written less ornately than privileges, without blank margins, and with smaller lettering. Like the privileges they were sealed with the leaden *bulla*, a two-faced seal of which the design was ancient, and which was normally suspended on cord passed through two holes in a fold at the foot of the parchment. In the attachment of the seal to the parchment we find two materials in use. Whereas the *littere gratioso* shared with the privilege the distinction of silken cord, of red and yellow intermixed, all other types of letter were sealed with hempen cord. A further distinction marked off the *littere gratioso* from all others. They were meant to be durable title-deeds and therefore were careful exercises in penmanship; the pope’s name was written in elongated letters and the

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1 Some of the Latin names given in parentheses only came into use later in the thirteenth century. For other terms see Delisle, *loc. cit.* p. 18.
2 Poole, *op. cit.* pp. 119-20
3 'The distinction was not perhaps inflexibly observed until the middle of the thirteenth century,' *ibid.* p. 116. It is observed in all the letters of Innocent III to England which have been noted.
initial letter of each clause was made large and ornate. The use of the 'titulus' (a characteristic abbreviation-mark of the papal chancery) and lengthy ligatures of $c\sim t$ and $s\sim t$ add to the appearance of formality in this class of letter. All classes of letter normally bore the greeting 'salutem et apostolicam benedictionem,' and all, by the time of Innocent III, have the same precise but short form of dating.

Some of this correspondence (apart from privileges and letters of grace) was despatched from the curia in the form of letters close (littere close). For these the papal bulla served not only to authenticate but to fasten, so that no one could read the letter without tampering with the fastening. This method of sealing might also be used to permit the enclosure of one letter in another. Letters close of the twelfth century are known, and it is altogether likely that they were used in very early times, but their nature was such that the originals were not likely to be permanently preserved. Their method of despatch did not involve any change in the drafting or writing of the document and consequently we can seldom say that a letter was sent closed unless we see the tangible traces of closure on an original. Two original letters close are included in our selection (nos. 12, 72), and possibly an original enclosure (no. 78).

These various types of letter exhibit a wide variety of composition, ranging from extreme brevity to the extreme

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1 But see the qualifying remarks of Baumgarten, loc. cit. p. 350.
2 cf. no. 44, n. 1 below.
3 The term is used by Innocent III in 1203 (P. 2012). For letters close of this pope see Cheney, 'A neglected record,' pp. 235-7.
4 On the method of fastening see Poole, op. cit. pp. 121, 202, and the facsimiles cited below.
5 See nos. 36, 45, and 78 below. Innocent III wrote in 1207: 'Presentes autem litteras preter morem clausas dirigimus, ut in illis sigillum et annulos et alias quasdam litteras mittamus inclusas' (P. 3143). cf. E. Berger, Registres d’Innocent IV, i. p. lxv.
6 See facsimiles in Brackmann, pl. 6 (1120 and 1214), Battelli, pl. 9b (1181), A. de Botard, Manuel de diplomatique, i (1929), Album pl. 3 (1188).
7 Baumgarten printed the shortest original known to him. It is a
of wordiness, from the commonplace expression of banalities to original and elaborate disquisitions on the priestly office. Commissions and mandates contained clauses which were for ever recurring and which could be strung together by inferior clerks with the help of formularies and precedent-books. Some categories were 'in common form' (in forma communi, sub forma communi) and, at least later on in the thirteenth century, were issued by an official of the chancery without reference to the pope.¹ We may observe in these letters the emergence of some of the recurrent formulas. Thus, the earliest use in a judicial mandate of the final clause: 'Tu denique, frater episcopo . . .' seems to be in December 1212.² The old clause 'Quod si omnes his exequendis ne quiveritis interesse . . . ,' which is found as late as 6 April 1201 in no. 9 below, was already being displaced by 'Quod si non omnes hiis potueritis interesse,' which thereafter became the normal (cf. no. 11).

Many letters of grace and all encyclical and diplomatic correspondence had to be shaped carefully as occasion demanded. Letters of grace were the work of the superior notaries, and since they were read in the pope's presence before they were engrossed,³ the pope may sometimes have taken a hand in the drafting, much as King Henry II of England intervened (so we are told) to provide a better formula in a letter of grace of Honorius III, measuring 13.8 × 10.5 cm., and its text contains only twenty-one words. cf. no. 61 below, with a text of thirty-eight words.

¹ References to these common-form letters occur in P. 1170, 2880, 3053, 4733, 4873; and see no. 12 below. cf. the development of judicial writs 'of course' in the English chancery in the same period.
² Pott. 4626-8 etc. This and its variants are extremely common in the last years of Innocent III. cf. nos. 54, 79 below.
charter for Battle Abbey.\textsuperscript{1} The same may well be true of letters which report judgments by the pope himself (e.g. no. 15). As for letters on ecclesiastical politics—the summonses to crusades, the exhortations to princes to maintain peace, the threats of interdict to avenge offences against the Church—these provided the widest scope for free composition and for authoritative statements of the pope’s \textit{plenitudo potestatis}. Who drafted these letters we do not know. It is commonly assumed that these were utterances of the great pope himself. The recurrences of certain themes in letters written throughout the pontificate, the taste for particular biblical passages, the intensely personal tone underlying the pomp and the rhetoric, all support this supposition. In sentiment, too, there is much which recalls the other writings attributed to Innocent III—notably the sermons and the treatise \textit{De sacro altaris mysterio}. At the same time, we must squarely face the facts that there is no positive proof of the pope’s drafting of any particular letter and that we cannot hope to distinguish certainly between those which he wrote and those written by high officials of the curia who shared his views and his intellectual background, and acted under his instructions. Nor must we assume that the most eloquent or the most profound letters were necessarily those which the pope himself composed.

During the twelfth century we usually find at the head of the chancery a chancellor, who is also a cardinal, who has been trained as a scribe or notary of the chancery. Five of these chancellors were men of sufficient mark to become popes, including the great canonist, Rolandus Bandinelli (Alexander III) and another canonist who gained still more fame as an expert in grammar and rhetoric, Albert de Morra (Gregory VIII).\textsuperscript{2} Innocent III’s last chancellor, Thomas of

\textsuperscript{1} See V. H. Galbraith, ‘A new charter of Henry II to Battle Abbey,’ \textit{EHR.} lxxi (1937), 67-73

\textsuperscript{2} Bresslau, i. 241-3 and Poole, \textit{Lectures}, pp. 78-83
INTRODUCTION

Capua, was the author of a widely diffused treatise on letter-writing. It seems probable, therefore, that the chancellor, as well as the pope himself, made a definite impression on the more important products of his department; but we have no means of estimating this. With Innocent III we reach the last three papal chancellors to be appointed in the thirteenth century. Until 1205 and from May 1213 to March 1216 the chancery was apparently ruled by a vice-chancellor or notary, and after Innocent's death a vice-chancellor is the highest official. Why the office of chancellor, held by a cardinal, should thus fall into disuse we cannot say; but it is noteworthy that its disappearance anticipates by only a few years a similar change in the royal chanceries of France and England. Contrary to the usual practice, Innocent III had not on his accession left in office his predecessor's chancellor, but he may have employed some of the senior draftsmen of the preceding pontificate; a stylistic comparison of the letters of Celestine III and Innocent III might have interesting results.

Whatever our difficulty in determining the authorship of letters, two things are certain: the persistence of a traditional style and the copying of one letter in another. When, as often, the chancery had to send letters on the same matter to several persons, or to the same person several times, the draftsman made double use of the best passages, even at intervals of several years. In no. 3 below, we even have an example of a preamble copied by Innocent III's chancery from a letter of Clement III, at least seven years earlier in date. Again, four canonisations performed by Innocent III between 1199 and 1215 and was elevated to the cardinalate and the chancellorship in March 1216. For his writings see Emmy Heller, Die Ars dictandi des Thomas von Capua (Heidelberg, 1929).

1 Bresslau, i. 248. Thomas apparently ruled the chancery during 1215 and was elevated to the cardinalate and the chancellorship in March 1216. For his writings see Emmy Heller, Die Ars dictandi des Thomas von Capua (Heidelberg, 1929).

2 Innocent III's chancellors were John, cardinal deacon of S. Maria in via lata (Jan.-Dec. 1205), John, cardinal deacon of S. Maria in Cosmedin (Dec. 1205-May 1213), and Thomas, cardinal deacon of S. Maria in via lata and cardinal priest of S. Sabina (Mar.-July 1216).
1203 called forth bulls expressed in part in identical terms. The fourth bull, canonising Wulstan of Worcester (14 May 1203) is abridged in the papal register with a cross-reference to the bull of 30 January 1202 in favour of Gilbert of Sempringham.\(^1\) It is evident that the registers served as formularies.

Another source of the phraseology of papal letters is less often noticed. Papal mandates and rescripts usually follow, in some degree at least, the words of the petition or enquiry to which they provide answers.\(^2\)

**The Manuscript Tradition**

What proportion of Innocent III's letters to England has survived? And by what channels have they come down to us? It is impossible to give a satisfactory answer to the first question; but the answer to the second question will suggest that the losses since the thirteenth century have been very numerous, and possibly as many as the survivals. We only possess a few dozen originals (that is, the actual pieces of parchment written and sealed in the Roman curia) and most of those owe their survival to the fact that they were either sought by or addressed to the king, or else entered the public records for some reason or other during the Middle Ages.\(^3\) The dispersal of monastic archives in the sixteenth century and the neglect of episcopal archives account for some of the losses, but a good part may be attributed to deliberate destruction. For in the period of the Reformation papal bulls became symbols of alien government and treasonous connexions. An

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\(^1\) For the latter see no. 10 below. The other three are P. 573, 1000, 1900. See also no. 38, n. 5; no. 87, n. 6 below.

\(^2\) See no. 22, n. 10; and cf. P. 1328: ‘ut litterarum tuarum verbis utamur’

\(^3\) Some which escaped early from the public records found their way into the Cottonian collection and so into the British Museum. At present the Public Record Office contains twenty-one originals of Innocent III, the British Museum ten.
order went out for their burning in January 1536.1 No one any longer regarded papal privileges as effective title-deeds, or the records of papal litigation as binding on Englishmen. To judge by the extreme paucity of original bulls in the muniments of our cathedral chapters, the destruction was general. Copies naturally fared better. In almost every cartulary of a cathedral or religious house were copied confirmations of rights and possessions granted by successive popes; and most cartularies contained as well the records of litigation in which judges-delegate recited verbatim the mandates they received from Rome. Monastic historians of the better informed and more industrious sort included in their compilations the text of important decretals and diplomatic letters.2 These copies owed their preservation to the company they kept. They were saved because the cartularies and chronicles had some practical value or contained some matter to interest the genealogist or the lawyer. A few letters of peculiar importance were also entered contemporaneously on the rolls of the royal chancery,3 just as some letters of King John and other princes found their way into the registers of Innocent III.4

All these copies were taken, directly or indirectly, from the original sent from Rome to England. It is another source which provides the majority of our texts. The medieval papacy established and extended its authority on the basis of tradition, and the tradition of the Roman Church was maintained by its care in preserving its archives. In the days of the ancient Roman Empire the popes had learnt from the imperial chancery the need for keeping registers of correspondence.

When, in A.D. 476, Pope Simplicius wanted to impress on the

2 cf. p. xxxv below (Epist. cant.), and nos. 1, 45, 81, 85
3 cf. nos. 66, 68, 70, 74, 75, 81, 83, 84
4 The register about the Empire contains a fairly high proportion of letters to the pope. In the other registers, from the third to the fifteenth year, there are thirty-five.
emperor in Constantinople the doctrine of Leo the Great’s letters, he was able to send copies from his archives.¹ For the next eleven hundred years the registers of correspondence of the papal chancery served to accumulate legal proofs and precedents. Incomplete though they were in the early years of the thirteenth century, they provided guidance for chancery officials and curial lawyers, and were available for inspection by litigants, who might strengthen their case by reference to the unregistered copies of papal privileges and judgments. In 1170 Archbishop Thomas Becket had written to the papal notary Gratian, to ask that the more important of the pope’s letters in the dispute with Henry II should be inserted in the register.² Giraldus Cambrensis, at Rome in 1200, obtained permission to copy letters from the register (now lost) of Pope Eugenius III (1145-53).³ In 1214 Innocent III’s chancery was able to send to Blanche of Navarre an extract from the pope’s register of the second year (May 1199), bearing upon the unlawful marriages of Conrad of Montferrat and Henry of Champagne with the queen of Jerusalem.⁴ Of registers older than the end of the twelfth century few now remain,⁵

² Materials hist. Thomas Becket (Rolls series), vii. 353: ‘Provideat etiam vestra discretio ut urgentiores et efficaciores litterae quas dominus noster pro ecclesia regi Anglorum transmisit, registro inserantur, quia posteris magnum incitamentum est virtutis, quotiens eos animaverint exempla maiorum. Ad negotium vero nostrum spectantes quas acceperimus remittimus vobis, ut si forte editorum exemplaria desint, ea mutuare possitis a transcriptis.’ The last sentence is disquieting in its suggestion that the papal chancery might be willing to enregister copies of letters formerly despatched without seeing the originals.
³ Opera (Rolls series), iii. 180. Nearly five hundred years earlier Bede had been able to obtain from Rome copies of the letters which Gregory the Great sent to Augustine in England, and it is probable (though not certain) that these copies were taken from the registers.
⁴ Pott. 716, 4940
⁵ Gregory VII’s register (1073-85) may be the original (lately questioned by Leo Santifaller, Beitr. zur Gesch. der Beschreibstoffe im Mittelalter, i (1953), 97-119). All other remains are later copies (Gregory I, John VIII, Anacletus II), or else extracts. On the loss of the early registers see Poole,
but six volumes of Innocent III’s original registers survive and thereafter the series is fairly complete.⁷

The surviving registers of Innocent III, with one exception, are arranged more or less chronologically in sections corresponding to the years of the pontificate:²

Reg. Vat. 4 contains letters of years 1 and 2 (which ended 21 Feb. 1200).

Reg. Vat. 5 contains letters of years 3-7 (ended 21 Feb. 1205); but the section for the years 3 and 4 has suffered so many losses that only four small fragments of the register for the third year remain.

Reg. Vat. 6 is a small volume, out of series, concerned with imperial business and bearing its original title: ‘Regestum domini Innocentii tertii pape super negotio Romani imperii’. The letters range in date from 1199 to 1209.

Reg. Vat. 7 contains letters of years 8-9 (ending 21 Feb. 1207).

Reg. Vat. 7A contains letters of years 10-12 (ending 21 Feb. 1210).

Reg. Vat. 8 contains letters of years 13-16 (ending 21 Feb. 1214).

The total number of letters contained in these registers is approximately 3700.³ Large parts of the register for the third year and the entire registers for years 4, 17, 18, and 19 are missing. The register for the seventeenth year is a total loss,

Footnotes:

² For a full list see Sussidi per la consultazione dell’Archivio vaticano, vol. i (Studi e Testi, 45, Rome, 1926).
³ The last sixteen letters of book XI (all undated), in Reg. Vat. 7A, seem to be a short misplaced decretal-collection (Migne, ccxxv. 1567-90, cf. Kempf, Die Register, pp. 95 sqq.). Letters near the end of book XV, in Reg. Vat. 6, belong to the beginning of the sixteenth pontifical year (Migne, ccxvi. 771-6, 780-1).
⁴ This includes some seventy-four letters addressed to the pope.
but for the other years the deficiency is mitigated slightly by the survival of a table of contents, written on three parchment quires in the time of Innocent VI (1352-62), of the registers for years 3, 4, 18, and 19.¹

With the exception of Reg. Vat. 8, which is a copy made during the pontificate of Urban V (1362-70),² all these registers of Innocent III are the original records made by the scribes of the chancery from the engrossed letters or the rough drafts.³ But what part of the pope's correspondence do these registers contain? The question is answered by Stephen, bishop of Tournai, a canonist of the twelfth century:⁴ 'It is the custom of the Roman church' he says, 'that when it sends a letter to anyone on important business, it keeps a copy itself; all these copies are put into one book called a register.' This is palpably untrue as regards the registers of the thirteenth century. Many important letters were not enregistered, and we cannot in all instances tell why. It is a question which arises in connexion with other medieval chanceries and has engaged the interest of students of diplomatic for a long time. The papal registers are demonstrably incomplete records, and the registrar can never have aimed at including copies of all the letters despatched. In the early years of Innocent III there was probably no separate body of clerks concerned with registration and this did not form an inevitable part of the

¹ The table was printed by August Theiner in 1863, in Veha monumenta slavorum morid., pp. 47-70, and was used by Potthast.
² Denifle, Archiv, ii. 21, 43, 74, n. 2.
³ It used to be maintained by Delisle and others that all the registers except the register about the Empire were fair copies, roughly contemporary but not of the same authority as a first copy, taken directly from the draft or engrossment. This was contested by Peitz (‘Das Originalregister,’ pp. 159-84); his opinion is supported strongly by the evidence adduced by von Heckel and by Kempf. Fr. Kempf believes that quire 11 (fos. 76-83) of Reg. Vat. 7 may possibly be a fair copy by a contemporary scribe (Die Register, pp. 32, 26).
⁴ Summa, quoted by Bresslau, i. 121, n. 2. Pope Benedict XII implied that as much, and more, was usual in the fourteenth century: cf. E. Berger, Reg. d'Innocent IV, i. p. xv.
process of issuing letters.¹ The stricter organisation introduced into the registry in 1206 under the new chancellor, John, cardinal deacon of S. Maria in Cosmedin,² did not involve any increase in the proportion of letters enregistered. Twice as many letters had been enregistered in the first year of Innocent III as in any subsequent year of his pontificate, and the annual number during the years 5 to 16 fluctuates between 162 and 277. Foremost in this selection of letters chosen for registration come those required for the use of the curia: the most important diplomatic correspondence, and letters which provided formulas to be used again. But in this category there are occasionally startling omissions. Of letters to England we should expect to find in the surviving registers nos. 16 and 44 below, and two letters concerning the fortith of 1199;³ but they are not there. In another class come letters of grace and letters about lawsuits. These escaped registration unless the petitioner took special care (and probably paid a special fee) to have them enregistered. Giraldus Cambrensis, to whom we are beholden for various sidelights on curial procedure, tells how he caused certain papal commissions to be enregistered in 1203, and implies that this was no invariable procedure.⁴

We must not expect to find in the registers exact reproduction of the original letters. To begin with, the protocol is always abridged. This consisted of the pope's name and title, the addressee's, and a form of greeting. Normally the scribe omitted this protocol entirely and wrote the name of the addressee in the margin as a guide to the rubricator, who wrote the rubrics later (but not much later). Other clauses

¹ von Heckel, Festschrift A. Brackmann, p. 436
² Kempf, especially pp. 22, 27, 128
³ EHR, lxiii. 347-50
⁴ Opera (Rolls series), iii. 288. Pothenast calendars 213 letters of Innocent's fifth year (1202-3), of which 162 are enregistered. The un-enregistered 51 include only one (P. 1769) which was not sought by a beneficiary or litigant—which was, in other words, issued spontaneously by the curia.
of common form are indicated more often than they are written in full. In the matter of dates, different scribes had different practices. While some copied the dating clause in extenso, others abridged to 'Dat' etc. v id. Iunii or 'Dat' ut supra or 'Dat' ut in alia'. Sometimes their practice suggests that they were copying from a draft or from an uncompleted engrossment, but frequently their exemplar must have been the finished letter, ready for transmission to the addressee. All these vagaries, however, do not usually affect the trustworthiness of the text, that is, the central part of the letter. The work was executed conscientiously, the handwriting was regular and clear, and inaccurate transcription was rare.

But still we may be led astray by the enregistered copy of a papal letter. If it was copied from a draft, the draft may have been re-touched before engrossment. If it subsequently became a document of interest to the canonists, there was even a risk that the enregistered copy would be re-touched to provide a better legal text. Finally, the fact of registration does not prove beyond doubt the despatch of a letter: it may have lain unclaimed by the petitioner or superseded by some fresh administrative order or diplomatic action. Letters were sometimes sent out from the curia which were only to be published in certain circumstances. These considerations explain why it is always desirable to compare the copy of a letter in the papal register with any copy derived from the letter as the addressee received it. The register may well

1 Kempf, p. 127. cf. Berger, Reg. d'Inocent IV, i. p. xviii
2 No. 45 gives an example of abridgment in the narrative part of a letter by the omission of names of certain envoys which appeared in the original letter (cf. P. 107). Names are often misspelt in the registers (cf. above, p. xvii); for other scribal errors see nos. 2, 15, 37.
3 Kempf, pp. 107 sqq., 127. No case is observable in the decretales printed here.
4 No. 4 shows two versions of a letter: the second version was probably despatched, but we cannot be sure.
5 See no. 60 below, and cf. Tillmann, 'Ueber päpstl. Schreiben' and Kempf, Thronstätigregister, p. 110, n. 25
furnish the more accurate text, but this is not a foregone conclusion, and a copy from the archives of the recipient at least establishes that the letter reached its destination.

One other source of copies remains to be mentioned: the decretal-collections put together by canonists late in the twelfth and early in the thirteenth centuries, culminating in the Decretals of Raymond of Penafort issued by Pope Gregory IX in 1234. The canonists who collected letters of Innocent III seem (like most of their predecessors) to have relied mainly on the copies provided by the papal registers. These canonists' texts are therefore more or less faithful copies from the registers and have no independent value for establishing the text of the original. We need only take cognizance of the decretal-collections when the register and the original are both missing. This affects certain decretals of the third and fourth years of Innocent III. In our selection it means that we rely on the law-books for letter no. 6 about Mauger, bishop-elect of Worcester.

Editions of the Letters

So far no comprehensive or critical edition of Innocent III's letters has been attempted. The nearest approach to completeness was made by August Potthast, whose Regesta (1874-75)

1 See Kuttner, Repertorium
2 Holtzmann, 'Die Register Papst Alexanders III,' and 'Ueber eine Ausgabe der päpstl. Dekretalen'
3 cf. Innocent III to the University of Bologna concerning Compilatio III (Friedberg, Quinque compil., p. 105). Von Heckel finds very few letters of Innocent III used by the canonists Gilbertus and Alanus which were not taken from the registers in the first place. Among these he counts the celebrated injunctions for Subiaco (P. 1734) of which Alanus gives the preamble missing from Migne. But this preamble is in Reg. Vat. 5 fo. 23r (printed Pitra, i. 490). The other letters in Alanus which were apparently not enregistered have addressees in Bologna or Northern Italy (von Heckel, 'Gilbertus-Alanus,' pp. 157-64). See further, Kempf, Die Register, pp. 87-102.
4 They are usually abridged, sometimes 'doctored,' and often copied at second- or third-hand (von Heckel, loc. cit. pp. 158-62).
5 cf. P. 1519
provides a Latin abstract not only of all the letters in the then published registers, but also of many other letters preserved in the archives of recipients all over Europe. Potthast made little attempt to discover unprinted letters and pardonably failed to notice every single one that was printed. Although much must be forgiven a scholar who executes an undertaking of this size and although Potthast's sins of commission were remarkably few, the 5482 entries in the Regesta under the name of Innocent III are not a safe or complete guide to that pope's correspondence. Apart from Potthast, the printed collections of the letters are all primarily editions of papal registers. Guglielmo Sirleto, librarian of the Vatican, published an edition of Reg. Vat. 4 (containing letters of years 1 and 2) in 1543, and this formed the basis of editions by Cholin (1575) and the Venetian printers (1577). Then, in 1625, Paul Du May printed a selection from the register of the years 13-16, taken from a manuscript which was probably the original register and the exemplar of Reg. Vat. 8; a complete edition of this manuscript was published by François Bosquet in 1635.

In 1682 Etienne Baluze published a more comprehensive edition than any earlier. It included the whole of the material so far known together with fragments of the register for the years 3-7 (corresponding to Reg. Vat. 5), the register concerning the Empire (Reg. Vat. 6), and the register for the years 10-12 (Reg. Vat. 7A). Baluze also included a large appendix of letters drawn from other sources. It was a fine work, carefully executed, worthy of its distinguished editor. But Baluze

1 Nos. 38, 45-9, 70, 72
2 Nos. 9, 11, 12, 16, 33, 34, 42, 44, 69, 71, 73, 78, 79, 86 are omitted by Potthast. In all, over 200 letters of Innocent III to England not recorded in Potthast have been noted.
3 Luchoir believed that Sirleto did not use Reg. Vat. 4, but his arguments are not convincing.
4 Du May's selection includes two letters (pp. 10, 145) sent to England, no 65 below and P. 4000.
had not the advantage of access to the Vatican registers, and where he did not rely on earlier editors, he had to content himself with manuscript transcripts, on which he seems to have made a few tacit alterations. Some of Baluze’s work was done again by La Porte du Theil for the great series of Diplomata, etc. which he edited with Bréquigny, and his edition included for the first time the years 8-9 (made from a copy of Reg. Vat. 7). These editions served the Abbé Migne, who reproduced the texts of Baluze and La Porte du Theil without improvement, but with many minor errors. Migne’s edition, which is the most widely diffused and commonly quoted, represents seventeenth-century standards of editing without maintaining the level of accuracy of the first editors. In short, it is not trustworthy.¹

A brief calendar in English of the letters concerning Great Britain and Ireland was prepared by W. H. Bliss (1893); this includes no letters except those still existing in the Vatican registers.²

A small selection of facsimiles of the manuscripts was published in Denifle and Palmieri’s magnificent portfolio in 1888, and in 1927 Fr. Peitz produced a complete facsimile of the register concerning the empire. This register has more recently been the subject of a model critical edition by Fr. Kempf (1947) and a convenient text for students edited by Professor Holtzmann (1947-48).

Objects of the Present Work

The first object of this selection of Innocent III’s letters concerning England has been to illustrate as many as possible

¹ For more elaborate accounts of the various editions of letters from the registers the reader is referred to the studies by Luchaire, Delisle, Denifle, von Heckel, and Peitz.

² Thus, it omits the letters of book XVI nos. 173-6 (P. 4891-3, 4895) which stood on pages now missing from the end of Reg. Vat. 8. It also omits, unjustifiably, P. 91, 347-8, 645, 653, 915, 922, 924, 935, 1264, 1673, 1735, 1828, 1892a, 2089, 2090, 2480, 2646, 2803, 2982, 3495, 3703, 3719, 3908, 4541, 4706, 4779, 4863. Many of these are enregistered by cross-reference ‘in eundem modum.’
of the aspects of papal government and diplomacy. Secondly, letters have been chosen because they reveal the pope's judicial and administrative activity—mostly in the early years of his reign, when papal relations with England were easier than later on and less clouded by the internal political troubles of England. These letters are chosen, not for the particular events which they record, but because they are good samples of the way in which the papal plentitude of power worked and of the language in which it was expressed. Naturally, they include letters which, being regarded in Innocent's own day as exemplary pronouncements, were picked for inclusion in the official law-books of the Roman Church. Of this number are the famous reply to the bishop of Ely's questionnaire (no. 22) and 'that lovely decretal' (as the Worcester annalist called it) which discusses the election of Mauger to the see of Worcester (no. 6).

In the political correspondence selection has involved ruthless elimination. It seemed best to include most of the important letters concerned with the interdict on England, with John's submission to the pope, and with the struggle over Magna Carta, at the expense of excluding entirely other interesting but less momentous affairs. The interdict on England arose from the disputed election to Canterbury, 1205-7, but the correspondence on this matter is mostly omitted, with the excuse that it has recently been surveyed as a whole by Professor David Knowles. Ideally, one would include the pope's more important pronouncements concerning the projected crusade against the infidel, which he always had at heart and which coloured much of his policy. Reference to this topic will be found in many of the letters here printed,\(^2\)

\(1\) _EHR_, liii. 211-20; cf. _BIHR_, xxi (1948), 233-8. The Canterbury election should not be treated in isolation. The letters of Innocent III and John about the election to the Norman see of Séez well illustrate the points at issue (see below, no. 17, n. 18).

\(2\) Nos. 19, 19, 51, 58, 66, 72, 74, 77, 78, 80, 82, 83, 85, 87
but the great summons to all Christendom sent out in April 1213 (a copy of which was addressed to all Christ’s faithful in England) is too long for inclusion.\(^1\) The letters about commuting crusaders’ vows also had to be omitted.\(^2\) Other topics which perforce are omitted include Queen Berengaria’s dower\(^3\) and King Richard’s legacy to Otto IV;\(^4\) the celebrated case of Giraldus Cambrensis and the see of St Davids;\(^5\) and Anglo-Norwegian relations, represented by a warning addressed to Archbishop Hubert against the anti-papal King Sverri of Norway.\(^6\) One single lawsuit called for seventeen surviving letters from the curia in the early years of Innocent III; the dispute between Christ Church, Canterbury, and the archbishop over the latter’s proposal for a collegiate church at Lambeth; these letters are easily accessible, with the other sides of the correspondence, in the remarkable collection made by the monks of Canterbury and edited by Stubbs as *Epistolarum Cantuariensium* in 1865.

A minor object of this volume is to increase the number of texts readily available to students. In picking letters to illustrate church government (as distinct from letters chosen because they record important historical events), we have aimed at including some of the less well-known of Innocent III’s letters. Other things being equal, the un-printed has

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\(^1\) Pott. 4725; so also the letter directed to the archdeacon and chancellor of London and Master Philip of Oxford (? or Osford, *Ann. mon.* iii. 49) which follows this in the register (P. 4727). Note also letters preliminary to the Fourth Crusade, 1198-1201 (P. 347; 351; 922; 1346: 922 is translated by Lunt, *Palal revenues*, ii. 82).


\(^4\) Pott. 1235, 1302, 1651, 2583, 2688.

\(^5\) These and related documents, mostly found in the *De invectionibus* of Giraldus Cambrensis, are calendared by J. Conway Davies, *Episcopal acts and cognate documents relating to Welsh dioceses 1066-1272*, vol. i (1946).

been preferred to the printed, and the original to the copy. The value of the collection would obviously be enhanced by the inclusion of related letters to the pope and other illustrative material, but the scheme of this series did not allow the space required for this. As it is, the problem of choosing between eighty and ninety letters from five or six hundred has been a hard one, and not all readers will approve the choice. To mitigate the faults of the selection, and at the risk of overloading footnotes, we have introduced references to many other letters addressed to England, so that readers may at least be guided to material for which there was no room here. A special index of letters of Innocent III is added to make reference easy.

**Method of Editing**

A few words must be added about the method of this edition. Most of the selected letters have been printed before, but the attempt is made in all cases to verify and correct the existing printed texts. For the letters derived from the papal registers photographs were used, kindly supplied by the photographic service of the Vatican Library in February 1947. When the text is printed from a manuscript in England, the manuscript has been examined.

When the original letter despatched from the curia exists, that has been the basis of this edition, and copies (other than the enregistered copy, if any) are seldom noted in the apparatus. When no original has been traced, all surviving copies in manuscript have been taken into account, except for those in the decretal-collections. The characteristics of the enregistered copies make desirable the comparison wherever possible with copies from other sources. This selection has revealed no startling divergence between the original or its copy and the register, but the former sometimes provides a name or date unrecorded
by the registrar. Reg. Vat. 8, being a fourteenth-century copy of the lost original register, calls for special treatment, and its readings have been checked with the printed edition of François Bosquet, which (as described above) was probably copied from the original.¹

The edition of each letter follows, with the minimum of alteration, the first text to be named in the apparatus, and the variant readings of other texts are not noted if they are insignificant or obviously erroneous. In a few cases, editorial emendations of the chosen text are incorporated, with an explanatory note. Many of the texts are taken from the registers, and the abridgments of the registers have usually been reproduced, in order to save space. In these cases the protocol is nearly always represented by a short rubric. It would be possible, so strict were the rules of the papal chancery in these matters, to reconstruct all the original addresses without danger of error.² But enough examples of the full forms to satisfy the students of diplomatic are given in the protocols of letters drawn from other sources. Names which are indicated by initials in the text are extended (where possible) in the translation.

A note at the foot of the first page of each letter enumerates the texts used, but does not refer to manuscripts which could safely be ignored in this edition. Nor does it refer to all previous editions of a letter but only, as a rule, to Migne, Rymer’s Foedera, or some equally well-known source. Thus, the reference ‘Whence Migne,’ following references to manuscripts, omits the intermediate editions of Bosquet, Baluze, and

¹ No. 47, n. g provides an instructive example of the emendation of Reg. Vat. 8 by reference to Bosquet’s text.
² The only room for divergence was in the personal names of addressees, which might be given in full, or designated by an initial or a full point or the gemmipunctus (...). The last two methods were common and ensured that a letter addressed to a person who was only designated by his office reached the holder of that office, whoever it might be (cf. Rockinger, pp. 198, 366, 463).
INTRODUCTION

others, from which Migne took his texts. The errors of previous editors have not been noted, apart from errors of dating.

In each letter the orthography of the principal text is followed. It will be observed that not only cartulary-copies of letters vary in their spelling of common words, but the same word may be variously spelt by a single scribe of the papal chancery in a single document.¹ The edition does not reproduce the punctuation of the manuscripts or their use of capital letters.

¹ cf. p. 215: obtulit, optuolit
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LATIN TEXT
and
ENGLISH TRANSLATION
I

Innocentius episcopus servus servorum dei carissimo in Christo filio Ricardo regi Anglorum illustri salutem et apostolicam benedictionem.  

INTER OPES TERRENAS quas mortalis oculus concupiscit, quasi cariora desiderat aurum obrizum et lapides pretiosos. Licet autem hiis aliisque divitiis excellentia regalis habundet, in signum tamen dilectionis et gratie, quatuor anulos aureos cum diversis lapidibus pretiosis tue magnitudini destinamus; in quibus te volumus spiritualiter intelligere formam et numerum, materiam et colorem, ut misterium potius quam donum attendas. Rotunditas enim eternitatem significat, que initio caret et fine. Habet igitur regalis prudentia quid in anuli forma requirat, ut de terrenis transeat ad celestia, de temporalibus ad eterna procedat. Quaternarius autem, qui numerus est quadratus, constantiam mentis insinuat que nec deprimi debet adversis nec prosperis

Selected variants of P. are noted here.

* om. protocol, supplied according to common form, and address as rubric: Illustri regi [Anglie added over erasure, sixteenth century hand] V ; Innocentius papa tertius I. regi Anglorum etc. P.  
* add et P.  
* add principatum credimus obtinere P.

1 This complimentary letter and the rings were entrusted to King Richard’s envoy, William, bishop of Lisieux, who was at the papal Curia on important diplomatic business, and the king received it along with no. 2 below. His reply is in the papal Reg. super negotio imperii, no. 4 (Migne, ccxvi. 1000, Kempf, p. 15). This letter and the accompanying gift may be a veiled encouragement to the king to support his nephew Otto’s claim to the Empire (see below, no. 2). The pope remained for the present neutral, but his sympathies lay with Otto: cf. F. Kempf, ‘Die zwei
TO KING RICHARD

I

Innocent, bishop, servant of the servants of God, to his well-beloved son in Christ, Richard, illustrious king of the English, greeting and apostolic benediction. ¹

Among the earthly valuables which the human eye covets, it desires, as specially precious, refined gold and precious stones. Though your royal Excellency abounds in these and other treasures, still as a token of our love and favour we send to your Highness four golden rings set with different jewels. We wish you, in a spiritual sense, to comprehend the significance of these, of their shape, number, material and colour, so that you may heed not so much the gift as its mystical meaning.² For roundness betokens eternity, which is without beginning or end: your royal wisdom, therefore, is informed what significance to look for in the shape of the ring—that you may pass from earthly things to heavenly and advance from the temporal to the eternal. The number four, as a quadrate numeral, suggests the equipoise of mind, which should neither be depressed by adversity nor elated by success; and this state it

³ It was common in the Middle Ages to employ precious stones and metals as symbols of spiritual qualities. The treatment above resembles that of the ninth-century De rerum naturis of Rabanus Maurus (lib. xvii, ch. 7, 12). Migne, cxi. 470, 475), though they do not exactly correspond. Innocent III himself applies symbolism to the ring, gold, precious stones, and numbers, in his work 'De sacro altaris mysterio' (Migne, ccxvii. 773), but interprets his material quite differently. In the IV Lateran Council he uses the number 4 to justify the new law of marriage contained in ch. 50: 'Quaternarius enim numerus bene congruit prohibitioni coniugii corporalis... quia quatuor sunt humores in corpore, quod constat ex quatuor elementis.'
elevari; quod tunc laudabiler adimplebit, cum quatuor virtutibus principalibus fuerit adornata, videlicet iustitia, fortitudo, prudentia, temperantia. Intelligas igitur in primo iustitiam quam exercatas in iuditiis; in secundo fortitudinem quam exhibeas in adversis; in tertia prudentiam quam observes in dubiis; in quarto temperantiam quam in prosperis non dimittas. Per aurum vero sapientia designatur; quia sicut aurum preniet universis metallis, sic sapientia donis omnibus antecellit, propheta testante qui ait: Requiescit super eum spiritus sapientie et intellectus, et cetera. Nichil est quod magis oporteat regem habere. Unde rex ille pacificus Salomon solam a deo sapientiam postulavit, ut populum sibi commissum sciret provide gubernare. Porro smaragdi viriditas fidem, saphiri serenitas spem, granati rubicunditas caritatem, topauii claritas operationem significat, de qua dominus ait: Luceat lux vestra coram hominibus, ut videant opera vestra bona et glorificent patrem vestrum qui in celis est. Habes igitur in smaragdo quod credas, in saphiro quod speres, in granato quod diligas, in topatio quod exercas, ut de virtute in virtutem ascendas, donec deum deorum videas in Sion.

Dat’ Rome apud Sanctum Petrum, iii kal. Iunii pontificatus nostri anno primo.

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4 add bonam P.
5 om. pontificatus nostri anno primo, supplied according to common form V; om. dating clause P.
6 Isa. 11:2
7 3 Reg. 3:9 (Vulgate), 1 Kings 3:9 (A.V.)
will laudably attain when adorned with the four main virtues—justice, courage, prudence, and temperance. You must understand therefore, firstly, the justice you should exercise in your law courts; secondly, the courage you should display in adversity; thirdly, the prudence you should observe in perplexities; fourthly, the temperance you should never abandon in success. By gold is betokened wisdom; for, just as gold excels all metals, so is wisdom superior to all other gifts, as the prophet testifies when he says, 'The spirit of wisdom and understanding will rest upon him.' There is no quality which it more befits a king to possess. Hence it was that King Solomon, the man of peace, asked from God wisdom and wisdom alone, that he might be able prudently to govern the people committed to his care. Further, the emerald's greenness betokens faith; the clearness of the sapphire, hope; the garnet's redness, charity; and the radiance of the topaz, the practice of good works—of which the Lord says, 'Let your light so shine before men that they may see your good works and glorify your Father which is in heaven.' You find, therefore, a lesson in each stone—in the emerald, to believe; in the sapphire, to hope; in the garnet, to love; and in the topaz, to do good; so that 'from strength you may ascend to strength, until in Zion you behold the God of gods.'

St Peter's, Rome, the 29th of May, in the first year of our Pontificate.

5 Matt. 5:16
6 Ps. 83:8 (Vulgate)
Regi Anglie.\(^a\)

**Ecclesiæ suam**, quam per Salomonem dominus et amicam et sponsam frequenter appellat, flori lillii elegantii quadam et quasi expressa similitudine coaptavit. Ait enim: *Sicut lilium inter spinas, sic amica mea inter filias.*\(^1\) Lilium quidem quanto fortiores spinarum sustinet punctiones, tanto vim odoris copiosioris emittit, et quo plus leditur, redolere suavius comprobatur. Unde sibi merito comparatur ecclesia sponsa Christi, que cum tribulationibus multis inpetitur, tunc potissimum in soliditate fidei pro tuenda justitia roboratur et in ipsis punctionibus adversitatumque molestias constanter et firmior inventur. Nos vero, quos ad eis regimen quanquam non suffragantibus meritis divina providit dispositio eligi et assumi, illam concepimus firmiter voluntatem, ut neque mors neque vita ab amplexu nos possit seu observatione iustitie revocare. Sane venientes ad presentiam nostram venerabiles frater noster . .Lexoviensis episcopus et dilectus filius magister Garnerus nuntii tui,\(^2\) petitiones quas nobis ex parte regia obtulerunt, sincero affectu, quantum cum deo et honestate potuimus, curavimus promovere.


\(^a\) om. protocol; address as rubric V.

\(^1\) Cant. 2:2. cf. St Bernard's treatment of the simile, *In Cant.* serm. 48 (Migne, clxxxii. 1012).

\(^2\) William de Rupierre, bishop of Lisieux (c. 1192-1201) had been to Rome early in 1197 on King Richard's behalf, to secure the transfer of Les Andelys and the site of Château Gaillard from the archbishop of Rouen to the king. He was back in Normandy in autumn 1197. He was probably sent to Rome again to get papal confirmation of the agreement between king and archbishop, dated 26 April 1198 (P. 107).
To the king of England.

The Lord, who often in the Song of Solomon refers to his Church as love and spouse, in an elegant and almost pictorial simile has likened it to the flower of a lily, saying, 'As the lily among thorns, so is my love among the daughters.' The more savage the pricking of the thorns which the lily endures, the more abundant the volume of perfume it emits; and the more it is torn, the more fragrantly it is proved to smell. Hence the Church, the spouse of Christ, is with good reason compared to a lily; for it is especially when assailed by many tribulations that in solid faith it is strengthened to defend justice and is found more steadfast and firm amid the very stabs and harassments of trouble. We, whom the divine ordinance (though not on the score of our merit) has caused to be elected and appointed to the government of the Church, have conceived this as our immovable purpose—never to be separated either by death or by life from embracing and maintaining justice.

Your envoys, our venerable brother the bishop of Lisieux and our beloved son Master Garner,² presenting themselves before us have preferred on the royal behalf petitions which with unfeigned affection we have caused to be advanced, as far as we could, having regard to God and righteousness. But if perhaps in some respect

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² Master Garner witnessed a royal charter at Talmont, 4 November 1197.
Rogamus autem et monemus attentius serenitatem regiam, quatinus si forte in aliquo effectus tuo desiderio non respondet, non nostre umquam duritie inputetur, cum honestis et iustis petitionibus excellentie tuo benigni semper et faciles proposuerimus inveniri, sed iustitie potius que officii nostri debitum certos fines transgredi non permittit, ad quam tenendum firmiter et servandam in suarum primitii litterarum serenitas regia nos monuit et induxit. Ceterum, super eo quod predicti tui nuntii postularunt, ut nobilem virum . . filium ducis Austrie ad restituendum pecuniam quam pater suus in periculum anime sue a te, dum redires ab obsequio Iesu Christi, pro redemptione tua violenter extorsit, et in ultima voluntate penitentia ducit us per eundem filium suum tibi restituendum mandavit, auctoritate apostolica cogeremus; 3 noveris nos eadem nostris litteris iniuoxisse ut predictam pecuniam sine difficultate qualibet restituere non omissat, alienquin venerabili fratri nostro . . Salzburgensi archiepiscopo litteris nostris iniunximus ut ipsum ad restitutionem eiusdem pecunie faciendam moneat diligentius et inducat, et per severitatem ecclesiasticam appellatione remota compellat. Verum quia circa personam nobilis viri . . ducis Suevie quaedam audivimus immutata, eadem ad presens scribere cautela prohibente nequivimus ut

3 Frederick, duke of Austria, died 16 April 1198, before this letter was written. He was son of Duke Leopold, who captured Richard on his return from the Third Crusade in December 1192. Leopold died in December 1194 after promising the archbishop of Salzburg, on oath, that Richard's hostages should be released and his ransom-money remitted. Innocent's letter to Frederick, dated 30 May 1198, is P. 231. A letter went at the same time to the archbishop of Salzburg.

4 Philip, duke of Swabia, brother of the Emperor Henry VI (who died 28 September 1197) was elected king of the Romans at Mühlhausen 8 March 1198. Philip's succession was disputed by Otto of Brunswick, son of Duke Henry the Lion and nephew of King Richard, and Otto was chosen
the result does not correspond to your wish, we earnestly beg and warn your Majesty never to impute it to callousness on our part, since we have always endeavoured to be found kindly and well-disposed towards honourable and just petitions from your Excellency: but rather to justice, which forbids us in our official duty to overstep certain fixed limits and which your Majesty in the exordium of your letter admonished and engaged us firmly to hold and maintain.

Now as touching the request which your envoys have made, that by apostolic authority we should compel the noble son of the duke of Austria to restore the money which his father, to the peril of his soul, forcibly extorted from you as ransom on your journey back from the Crusade, money which the duke, moved by repentance, in his last words commanded to be restored to you by this son; be it known to you that in our letter we have charged him not to fail in restoring the money and not to make any difficulty whatsoever; otherwise, we are by letter directing our venerable brother the archbishop of Salzburg diligently to warn and urge him to make restitution of the money and to compel him thereto by ecclesiastical discipline without appeal. But because we have heard of certain changes affecting the position of the noble duke of Swabia, for the present we have cautiously refrained from writing to command him

by another group of electors at Cologne 9 June 1198. Meanwhile, the pope watched the course of events without supporting either claimant. The situation was complicated by the support which Philip of Swabia and Otto of Brunswick received respectively from the kings of the west, Richard I of England and Philip II, Augustus, of France. The disputed succession in Germany aggravated the rivalry between England and France which Innocent III, like Celestine III before him, was trying to heal. At the same time, papal interests were firmly opposed to traditional imperial claims in Italy.
iuxta postulationem tuam pecuniam quam a te Henricus, quondam imperator, frater ipsius contra deum et in periculum anime sue exorterat violenter, dum de transmarinis partibus remeares, deberet tibi restituere; presertim cum eiusdem fratris sui thesaurus ad eum esset ipso mortuo devolutus, et ipse vel heres sit, vel tutor heredis. Verum tamen scripsimus venerabili fratri nostro Magdeburgensi archiepiscopo, ut ducem ipsum ad restituendum pecuniam ipsam moneat diligentius et inducat. Alioquin tantam iniuriam non poterimus sub dissimulatione transire quin in eundem ducem et terram eius sine cuiuslibet acceptione persone nostri officii debitum et severitatem curemus ecclesiasticam, sicut iustum fuerit, exercere. Insuper scribimus carissimo in Christo filio nostro . . illustri regi Navarre ut pecuniam et castella sancti Johannis de Pedeport et Rocca bruna, que pater suus tibi cum filia sua concessit in dotem, sine aliqua difficiletate restituat. Alioquin venerabili fratri nostro . . Narbonei archiepiscopo, cui iam alia vice, si bene recolimus, super hoc scripsimus, nostris damus litteris in mandatis ut ipse eum per censuram ecclesiasticam ad hoc monitio premissa, sine appellationis obstaculo, iustitia mediante compellat. Ad hec, cum idem nuntii a nobis cum instantia postulassent ut karissimum in Christo filium nostrum Philippum illustrem Francic

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6 Ludolf, archbishop of Magdeburg (1192-1205) was the chief Saxon supporter of Philip of Swabia. Innocent's letter to him, 31 May 1198, is P. 295. There is no evidence that Richard recovered any of his money.

7 Richard had married Berengaria, daughter of Sancho VI of Navarre, at Limasol in Cyprus, 12 May 1191. For her marriage-portion see Martène and Durand, Ampl. collectio (1724-33), i. 995, and for later correspondence about it, see above, p. xxxv. Innocent's letter to Sancho VII (1104-1234), dated 29 May 1198 (P. 226) threatens ecclesiastical censures if the castle of St-Jean-Pied-du-Port (Basses Pyrénées) and 'Rochabrun' are not delivered; no money is mentioned. There is no evidence that the territory was ceded to Richard.
that, in accordance with your request, he should return
to you the money which his brother Henry, once
emperor, in opposition to God and to the danger of
his own soul had forcibly exacted from you on your
return journey from overseas; (for the duke is now
responsible, because his brother’s treasure passed to
him on Henry’s death and he is now the heir or guardian
to the heir). We have, however, written to our venera-
ble brother the archbishop of Magdeburg instructing
him diligently to advise and urge the duke to restore
the money.⁵ Otherwise, we shall be unable to let
such a grave wrong pass unnoticed, but shall take steps
to apply to the duke and his territory, without respect of
persons, what is required of our office and such eccle-
clesiastical discipline as will be just. Further, we are
now writing to our well-beloved son in Christ, the
illustrious king of Navarre, directing him to restore
without question the money and the castles of St
Jean-Pied-du-Port and Rochabrun which his father
made over to you as his daughter’s dowry.⁶ In the
alternative we are writing to our venerable brother,
the archbishop of Narbonne,⁷ (to whom, if we remember
correctly, we once before wrote about this matter),
directing him that, after a warning, he should justly
compel the king of Navarre to this course by ecclesias-
tical censure without appeal.

In addition, when the same envoys had insistently
asked us to compel our well-beloved son in Christ,
Philip the illustrious king of France,⁸ to restore the

⁵ Berengar, archbishop of Narbonne (1190-1207), a bastard of Raymond
Berengar, count of Barcelona. There is no trace of letters to him on this
subject.
⁶ Philip II, Augustus (1180-1223) returned before Richard I from the
Crusade and, in his absence, invaded the Vexin.
regem ad restitutionem castraorum illorum et terre compellere deberemus que contra protectionem ab apostolica sede tibi concessam invaserat, antequam de peregrinationis obsequio ad propria remeares,\(^a\) dilectus filius magister W. de Sancto Lazaro nuntius eiusdem regis se constanter pro eodem opposuit; illum ad hoc asserens non teneri, cum pactiones et conventiones sollemnes, que inter vos precesserant et hinc inde fuerant roborate, tua magnificentia non servasset et per te fuissent primitus violate; maxime cum sororem ipsius \(^9\) dimiseris et aliam tibi curaveris matrimonio copulare;\(^10\) et quia post arreptum iter Ierusolimam adeundi, cum acquisita quelibet deberetis habere communia, pecuniam a rege Tancred\(^{\text{11}}\) receptam et thesaurum de Cipro\(^{\text{12}}\) habitum tua sibi communicare noluerit magnitudo; immo in transmarinis partibus dampna ei plurima et injurias irrogarat, suos milites immo consanguineos ab ipsius devotione et servitio subtrahendo, propter quod non sine confusione sua coactus fuerat ad propria remeare. Adiecit etiam quod ubi restituatus fuisti proprie libertati, cum eo super omnibus querelis voluntate spontanea transegisti, quin potius post pacem adinvicem factam multa tibi castra de mera liberalitate donavit. E contra vero predicti nuntii serenitatis tue nichilominus constanter proponere curaverunt quod post fedus prius inite\(^a\) et iuramento firmate societatis,\(^{13}\) idem rex Francie tibi

\(^{\text{9}}\) Alice, second daughter of Louis VII and his second wife, Constance. Her marriage to Richard had been agreed upon by Henry II and Louis VII on 6 January 1169, but never took place. She remained in English hands until 1195.

\(^{\text{10}}\) Berengaria; cf. n. 6

\(^{\text{11}}\) Tancred of Lecce, king of Sicily (1190-94). At Messina in October 1190, Richard I forced a treaty on Tancred whereby Tancred paid him £15,000 (of which the French king obtained a third); Tancred's payment was in respect of the dower of Richard's sister, Joan, widow of King William II of Sicily.
castles and territory which, contrary to the protection given you by the Apostolic See, he had seized before your return to your own kingdom from the performance of your pilgrimage; our beloved son, Master William de St Lazare, envoy of the king of France, stoutly fought the case for the king—asserting that his master is not obliged to do this, because your Majesty had not kept the pacts and solemn agreements entered into and established between both parties at an earlier date, and because these agreements had first been violated by you, particularly in your rejection of the king's sister ⁹ and your resolve to marry another; ¹⁰ and he further alleges that, after the start of your journey to Jerusalem, though you were pledged to share between you all acquisitions, your Highness refused to divide with him the money received from King Tancred ¹¹ and the treasure taken in Cyprus; ¹² and further, that your Highness had inflicted on him overseas many losses and wrongs by seducing from his allegiance and service his knights and even his kinsmen, on which account he had been compelled, not without shame, to return to his own realm. The envoy also added that, after your restoration to personal liberty, you voluntarily settled all differences with Philip, who after this reconciliation actually gave you many castles out of sheer generosity.

In answer, the envoys of your Majesty continued confidently to allege that, after the covenant of alliance earlier established and confirmed by oath, ¹³ the king of France had been the first to wrong you, namely at Messina, where, being called on to furnish aid in meeting

¹² Taken by Richard from Isaac Comnenus, ruler of Cyprus, May 1191.
¹³ Presumably the treaty between Richard and Philip, made at Vézelay, early in July 1190.
primus iniuriam intulisset, apud Messanum videlicet, ubi insurgentibus hominibus Tancredii regis in tuos, de impendendo tibi auxilio requisitis, non solum defecerat, sed etiam propria manu tres de hominibus tuis occiderat t cum balista. Post quod factum cum se penitutine duci assereret, inter vos pactio intercessit: in qua pro decem milibus marcis argenti, quas ei reddere promisisti, predictus rex a contrahendo cum sorore sua matrimonio te absolvit, et Gisortium cum Wlcssino tibi quietum in perpetuum omnino dimisit. Asserebant quoque de thesauro Cipri, et de pecunia a Tancredio habita, preterquam de dote sororis tuæ I. illustris quondam regine Sicilie, idem regi, sicut de ceteris, ad voluntatem tuam plenissime satisfactum: ita quod cum predictus rex Francie ab orientali terra discederet, sub iuramento promisit quod terram magnificentie tue tibi conservaret integram et illesam in eo statu in quo fuerat quando Ierosolimitanum iter fueratis aggressi, quouaque reversus ad propria moram quadraginta dierum in terra propria peregisses; contra quam promissionem eandem terram et castra non fuerat veritus occupare. Super quibus conventionibus litteras eiusdem regis patentes apud tuam asserebant magnitudinem residere. Conventiones vero quas idem magister W. de Sancto Lazaro, persona tua libertati proprie restituta, inter te ac predictum regem ultimo intervenisse retulerat, idem nuntii tui, si que fuerant, asserebant prefatum regem Francie primitus violasse; cum etiam si qua tunc pacta subieras, spoliatus eadem subiisses, propter

14 This treaty was made at Messina in March 1191. The terms are uncertain (cf. L. Landon, Itinerary of Rich. I (Pipe Roll Soc., n.s. 13, 1925), pp. 226-34).
16 Presumably a reference to the treaty of Louviers, January 1196 (see Powicke, Loss of Normandy, pp. 160-2). The phrase 'spoliatus eadem
an attack of king Tancred's men against yours, he had not merely defaulted, but with his own hand killed three of your men with a cross-bow. After this outrage he declared himself moved by remorse and another agreement was reached between you on these terms for a sum of 10,000 silver marks which you undertook to pay him, the king released you from the engagement to marry his sister and resigned to you in perpetuity Gisors with the Vexin. Your envoys further declared that, in accordance with your wishes, the fullest satisfaction was made to Philip both on all other matters and in respect of the Cypriot treasure and the money received from Tancred, except for the dowry of your sister Joan once the illustrious queen of Sicily: so that Philip on his departure from the Orient promised on oath to preserve your Majesty's territory intact and unharmed in the exact state in which it had been when you and he set out on the Crusade, and so to preserve it until the lapse of forty days after your return to your kingdom; contrary to this undertaking, however, he had not scrupled to occupy the said territory and fortified places. They declared too, that the letters patent of Philip relating to these agreements were in the possession of your Highness. As to the agreements alleged by Master William de St Lazare to have been ultimately made between you and Philip after your restoration to personal liberty, your envoys declared that, if such agreements had in fact existed, the king of France broke them first; although even if you did give any undertakings at that time, you made them when deprived of your property; and therefore, they said, you were in no way obliged to keep them.

subiesses' refers to the principle that 'Spoliatus ante omnia restituaturo'; cf. p. 106 n. 6 below.
que ad ea dicebant nullatenus te teneri. Licet itaque et hec et alia multa pars utraque proponeret que pro ipsis facere videbantur, quia tamen causarum merita partium assertione panduntur, et ipsi personam standi in iudicio non habebant, non potuimus salva iustitia in ipso negotio sine veritatis inquisitione procedere. Nos ergo iuxta regie petitionis instantiam, propter has et alias necessitates quamplurimas, factulate nobis a Christo concessa, nacta quoque temporis oportunitate condigna, dispositis prius que tam circa Urbem quam circa regnum Sicilie necnon et aliud ecclesie patrimonium fuerint disponenda, licet multe nobis et magne sollicitudines ex diversis causis incumbant, si tamen ille nobis annuerit a quo speramus dirigiri gressus nostros, partes vestras, ut tamen nos ad provisionis debitum non ligemus, nisi aliud impedimentum occurrat, intendimus visitare; ut super hiis et aliis, que toti Christianitati credimus profutura, deliberatione probra vidi procedamus. Si vero desuper datum non fuerit, per legatos nostros quod iustum fuerit sine personarum acceptione, favente domino, statuemus. Illud autem serenitatem regiam nolumus ignorare quod quantum-cunque nobis molestum existeret prefatum regem Francie ac te ipsum in aliquo molestare, non poterimus aliquatenus sustinere quis vos ad pacem ineundam pariter et servandum per districtionem ecclesiasticam ratione previa compellamus; non de nostris viribus confidentes, sed de illius omnipotentia cuius vices, licet immeriti, exercemus in terris.

Dat’ Rome apud Sanctum Petrum, ii kal. Iunii.

17 After the death of Henry VI in 1197, his widow Constance survived as guardian of their infant son Frederick, who was to hold the kingdom of Sicily in fee from the pope. Frederick was crowned at Palermo 17 May 1198. The disturbed state of the kingdom called for the new pope’s close attention, even before the death of Constance (27 November 1198) gave him the guardianship of Frederick.
Though each side made these and many other allegations which appeared to support their own case, yet because only the strong points of cases are revealed in the rival statements of parties and because the envoys were not authorised to plead formally in court, we could not, if we were to safeguard justice, proceed in this matter without an enquiry into the truth. Therefore, to meet the urgency of the king’s petition, and for these and many other necessary reasons, by the authority vested in us by Christ, and when a suitable time has been found, and after settling all matters requiring to be settled both in Rome and in the kingdom of Sicily and the rest of the Church’s patrimony, though weighed down by many grave anxieties from various causes, nevertheless, with the approval of Him by whom we trust our steps are guided, we propose (without binding ourselves to the obligation of a promise, in case another impediment should arise) to visit your country, so that by prudent deliberation we may proceed to deal with these and whatever other matters we think likely to benefit all Christendom. But if this be not granted us from above, then by our legates, without respect of persons and under the favour of God, we shall decide as we shall deem just. And we would not have your Majesty unaware that, greatly though it would distress us in anything to cause distress to the king of France and yourself, we shall be utterly unable to refrain, under the guidance of reason, from compelling you by ecclesiastical punishment to make and preserve peace. We shall do so, not trusting in our own strength but in the might of Him whose authority we as Vicar, however unworthily, exercise on earth.

St Peter’s, Rome, the 31st of May.
Wigorniensi episcopo.\textsuperscript{a} 1

Quamvis ad abolendam symoniacam pravitatem a predecessoribus nostris varia emanaverint instituta,\textsuperscript{b} usque adeo tamen in quosdam Satane filios morbus ille irreptit ut adhuc, peccatis exigitibus, nec leni potuerit medicamine nec igne curari, quin eo potius iniquitatis semina pullularint quo amplius sollicitudo messorum ea nissa est suffocare. Significasti siquidem nobis quod in diocesi tua in tantum simoniaca labes prevaluit ut quidam publice fuerint ipsius contagio maculati nec crimen suum aliqua possint tergiversatione celare. Eapropter, venerabilis in Christo frater, tuis precibus annuentes, eos quos tibi constiterit reos esse criminis memorati, appellatione frustratoria non obstante,\textsuperscript{c} canonice puniendi liberam tibi concedimus auctoritate apostolica facultatem. Nulli ergo etc.\textsuperscript{b}

Dat' Rome apud Sanctum Petrum,\textsuperscript{c} v idus Iunii.

Pott. 265, mis-dated. Text. V: Reg. Vat. 4 fo. 64r no. ccxlv (later no. 256, later 261). Whence Migne, ccxiv. 220 (lib. i ep. 261), reading date as 'vi id. Iun.' A letter 'd' in the margin of the register may be written by the canonist who selected letters for his collection (Kempf, Die Register, pp. 88-90). cf. n. 1 below.

\textsuperscript{a} om. protocol, address as rubric V
\textsuperscript{b} For the common form see below no. 42, with the probable substitution here of concessionis for confirmationis.
\textsuperscript{c} abridged to Dat' etc. V. Place-date conjecturally supplied (the pope being at St Peter's on 6 and 13 June).

1 John of Coutances, dean of Rouen, elected bishop of Worcester in January 1196, was consecrated 20 October 1196 and died 24 September 1198.

This letter was included in the decretal-collection of Gilbertus Anglicus (V. 2, 8) but was not used by other canonists. The opening clause (to the word 'suffocare') is identical with that of a decretal in the same collection (V. 2, 3) attributed to Clement III, which acquired more celebrity and of
To the bishop of Worcester.

Although various Decretals were issued by our predecessors to suppress the sin of simony; yet this disease has so spread among certain children of Satan that so far (as a retribution for sin) it has proved impossible to cure it either by gentle treatment or by cautery, but the seeds of the mischief have sprouted the more vigorously, the more the care of the reapers has tried to choke them. You have indicated to us that in your diocese the plague of simony is so widespread that certain individuals are now openly marked with the infection and cannot by any shift hide their sin; therefore, venerable brother in Christ, we assent to your entreaties and by apostolic authority we grant to you discretionary power to punish canonically, notwithstanding any appeal to frustrate justice, any persons whose guilt in this sin you shall have established. Wherefore, let no man etc:

St Peter’s, Rome, the 9th of June
R. Anglie regi illustri.\textsuperscript{a}

\textbf{Apostolica sedes universorum Christi fidelium mater et magistra,}\textsuperscript{2} non ab homine sed deo potius constituta, tunc vere matris affectum et magisterii redolet disciplinam, cum ad benignitatem gratie diliget filios et discipulos ad iustitie dirigat equitatum. Non enim potest vel dissipulare matrem vel magisterium qualibet occasione negligere, que a domino in signum dilectionis oves dominicas pascendas in beato Petro receptit et ligandi et solvendi ab eodem et in eodem obtinuit potestatem. Ad id autem iuxta pastoris officii debitum excuendum circa nostre promotionis inicia regia serenitas per litteras, quas penes nos in tue serenitatis testimonium reservamus, efficaciter nos induxit, dum ut benigne tractaremus subditos et in causis sine personarum accetione procedere curaremus, nec declinantes ad dexteram nec ad sinistram,\textsuperscript{3} per easdem litteras et consuluit salubriter et humiliter postulavit, addens quod sic possemus cervices sublimium et superborum colla calcare.\textsuperscript{4} Ex pastorali igitur officii sollicitudine

Pott. 682, 683. \textit{Text.} V : Reg. Vat. 4 fo. 156r-v (nos. lviii and lx, later nos. 57 and 59). Whence Migne, ccxiv. 595-7 (lib. ii epp. 57, 59). Two versions of a letter, both with the same rubric. cf. n. c.

\textsuperscript{a} om. protocol, address as rubric V

\textsuperscript{1} The register records two letters to the king under the same date (cf. n. c). The second adds to the first the threat of interdict. Probably the second and more rigorous version was despatched, since it is noted in the register after version 2 that a letter had been written about it to the papal legate (Migne, ccxiv. 598). The first version could not be cancelled, because the second referred back to it.

King Richard died three weeks before this letter was written.

\textsuperscript{2} mater et magistra: this sort of title for the Apostolic See, which was popular with Innocent III (e.g. P. 48, 322, 365, 381, 399, 533, 684, 686,
To Richard, illustrious king of England.¹

The Apostolic See, constituted not by man but by God as the mother and teacher of all Christ's faithful,² most truly exercises its maternal affection and its educative discipline when it loves its sons with a kindly graciousness and guides its pupils by a rule of even justice. It cannot for any reason either ignore its rôle as mother or neglect its rôle as teacher; for from the Lord through St Peter it has received, as a token of love, the Lord's sheep to feed, and from the same Lord through St Peter it has been given the power of binding and loosing. The discharge of these rôles in accordance with the duty of our pastoral office was powerfully urged on us by your Majesty in a letter sent at the beginning of our pontificate (the which letter we keep in our records as evidence of your Majesty's view): in it you gave the salutary counsel and made the humble request that we should treat our subjects kindly and be careful to proceed in lawsuits without respect of persons, swerving neither to the right hand nor to the left—adding that thus we should be able to trample under foot the necks of the haughty and proud.⁴

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¹ 703, 862, 863, 4677, and no. 17 below), was anticipated by earlier popes: cf. Reg. Gregory VII, book i no. 15.
² The phrase (reminiscent of the O.T.) was popular with Innocent III himself; cf. nos. 29 and 54 below, P. 199, BIHR, xxi. 237, and Migne, ccxvii. 786.
³ We do not possess the homily which Richard I addressed to Innocent on the latter's accession, but it evidently struck the pope as inappropriate, and he refers to it in other letters (p. 4 above, and P. 386, 429). cf. Gervase of Canterbury's reference to a letter (Works, i. 571), and another letter in Epp. Cantuar., p. 403.
provocati et regalis consili consilii continentiam recolentes, venerabili fratri nostro G. Eboracensi archiepiscopo ad sedem apostolicam recurvisit nec voluimus nec deuimus audientiam vel iustitiam denegare. Conquerebat enim se per magnificentiam tuam temporalibus archiepiscopatus sui redditibus destitutum et quod longo fuerat afflicktus exilio et in iuriam totius cleri mendicare coactus, supplex et humilis proponebat. Volentes itaque ipsum tanquam fratrem nostrum et ecclesie filium diligere ad gratiam, et te tanquam catholicum principem et apostolice sedis filium specialem ad iustitiam dirigere conservandam, imo directum potius exhortari, cum in contemptum eius cuius minister existit, et apostolice sedis iuriam, que ipsum in partem sollicitudinis evocavit, et tuam etiam, ut prosequamur verum, vereundiam, cuius est frater, redundet ministrum dei sollicitudinis nostre consortem et regali stirpe progenitum mendicare: serenitatem regiam omni affectione qua possumus rogandam duximus et monendam quatinus tam nos quam te ipsum ab huius onere difficulatatis absolvat et a labilis liberes detractorum, qui non solum que perperam temptantur ad detracionem assumunt, sed etiam, secundum prophetam, exacerunt ut gladium linguas suas, tetenderunt arcum rem amaram, ut sagilitent innoxios in occultis. Attendas

honore V

Geoffrey, archbishop of York, was a bastard of Henry II. He was elected bishop of Lincoln April 1173, and archbishop of York August 1189 (consecrated 18 August 1191). Early in 1198 he was reconciled after prolonged dispute with King Richard, at the cost of over £1,500 (Pipe Roll 9 Richard I, p. 45). While he was in Normandy with the king trouble arose over appointments in the archbishop's gift which had been made by the king. Richard made their ratification a condition of Geoffrey's return to his see (Hoveden, iv. 66-7). Geoffrey went to Rome, and obtained this letter. At the same time a similar letter was sent to the archbishop of Rouen and the abbot of Perseigne, and separate instructions to the legate, Peter Capuanus (P. 678, 682*, 683*). If we may believe Hoveden,
Moved, therefore, by concern for our pastoral office and recalling the substance of your royal advice, we did not wish, nor think it our duty, to refuse audience and justice to our venerable brother Geoffrey, archbishop of York, on his having recourse to the Apostolic See. He complained that by your Majesty's action he had been deprived of the temporalities of his archbishopric, and as a humble suppliant he set out how he had been afflicted by a long banishment and compelled to live in beggary, to the dishonour of the whole clergy. Because we wished, therefore, to shew him a gracious affection as our brother and a son of the Church, and to guide you as a catholic prince and a specially dear son of the Apostolic See,—nay, both to guide and exhort you—to uphold justice; and because the destitution of a servant of God, a partner in our own responsibility, and a man of royal lineage, causes dishonour to Him whose servant he is, and injury to the Apostolic See which called him to share its duty, and (not to shirk the truth) shame to yourself as his brother, we have thought fit, with all possible affection, to beg and warn your Majesty to free us and yourself from the weight of this burden and from the abuse of slanderers, who seize not on misdeeds nly as material for calumny but, in the words of the prophet, have whetted their tongues like a sword and bent their bows to shoot their arrows, even bitter words, that they may shoot in secret at the perfect.

Richard's envoys had warned him what to expect before his death on 6 April.

6 The contrast between the pope's plenitudo potestatis and the pars sollicitudinis which falls to other prelates is a commonplace in the writings of Innocent III (cf. Migne, ccxvii. 665). It appears in St Bernard, De consideratione, ii. 8, 16 (Migne, clxxii. 752) and Alexander III (Migne, cc. 737), and goes back to Leo the Great (ep. 14, Migne, liv. 666).

7 Ps. 63:4-5 (Vulgate), 64:3-4 (A.V.)
igitur quanta nos infamia, quanta te detractio sequetur, si vel iusta petitio exulis non introiret in aures nostras, vel te fratri exilium non moveret; et eundem archiepiscopum ob reverentiam apostolice sedis, que te tanquam filium diliget specialem et in hoc et maioribus de celsitudinis tue sinceritate confidit, in plenitudinem gratie regalis admittas, et diligas sicut fratrem et velut Christi ministrum honores, ut in uno et eodem negotio deum tibi reddas propicium, consulas apostolice sedis honoris, tue saluti provideas, et fratri subvenias exulanti. Memor esto salubris consilii quod nobis per tuas litteras, ut diximus, prebuisti; et dum secundum illud nos agere recognoscis, quod agimus approbes et regaliter exequaris, ne qui nos iuste in omnibus procedere suggestisti, secundum iusticiam agentibus te opponas, sed taliter ad exhortationem nostram cures et cum eodem archiepiscopo convenire quod iura eius auferre vel minuere minime videaris et ipse contra suam et ecclesie non veniat honestatem. Ad id autem laudabilius et celerius exequendum venerabilem fratrem nostrum . . Rothomagensem archiepiscopum et dilectum filium . . abbatem de Persagna, de quorum discretione plene confidimus, duximus deputandos, qui honestum modum pacis inveniant et eundem archiepiscopum regie benivolentie reconciliare studeant, et in tue serenitatis devotione ac obsequio solidare. Quod si forte, quod absit, per eos tractatus pacis iuxta votum nostrum et

8 Walter of Coutances, bishop of Lincoln 1183-84, archbishop of Rouen 1184-1207, a highly trusted counsellor of King Richard. Three days before this letter was written, he had invested John with the duchy of Normandy in the cathedral of Rouen.
9 Adam, abbot of the Cistercian abbey of Perseigne (dioc. Le Mans) was a distinguished scholar, who in 1198 was the king's confessor. In
Reflect, therefore, what infamy would attach to us and what obloquy to you, if we should not listen to an exile’s just petition or if you should be unaffected by your brother’s banishment. From respect, therefore, for the Apostolic See which loves you as a specially dear son and trusts your Majesty’s integrity both in this and in more important matters, receive the archbishop fully into your royal favour, love him as a brother, and honour him as Christ’s servant; and thus simultaneously you will win the favour of God, guard the honour of the Apostolic See, provide for your own salvation, and help your brother in exile. Recall the salutary advice which, as already said, you gave us in your letter; and recognising that we are acting on that advice, approve of our action and implement it royally: do not, after recommending us to proceed justly in all things, now oppose our application of the principle; but, complying with our exhortation, try to make an agreement with the archbishop that will clear you of seeming to cancel or curtail his rights and will save him from impairing his own and the Church’s honour. To complete this quickly and creditably, we have thought fit to depute two men in whose discretion we have full confidence, our venerable brother the archbishop of Rouen⁸ and our beloved son the abbot of Perseigne:⁹ their task is to find an honourable settlement and to work zealously both to restore the archbishop to the royal favour and to establish him in loyal obedience to your Majesty.

But if it prove impossible (which God forbid!) by

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⁸ Rouen: He was one of those chosen by the pope to seek peace between the kings of France and England (P. 3355).
desiderium non poterit consummari, eundem archiepiscopum ad temporalia restituere non omittas, nec impedias quominus in spiritualibus credite sibi dispensationis officium exequatur; sciturus nos dilecto filio P. Sancte Marie in Via Lata diacono cardinali, apostolice sedis legato, dedisse firmiter in mandatis ut apud te monitis et exhortationibus diligenter insistat quod eidem archiepiscopo possessiones subtractas sine dilatatione et difficultate restituas universas, et de proventibus inde percepitis et damnis illatis satisfacias competenter, ita quod si ipse aliquid serenitati regie tenetur exsolvere, tibi cum integritate persolvat, nisi forsan quod tibi debebatur de ipsius proventibus a te vel aliis tuo nomine sit perceptum. Alioquìn, cum serenitatem tuam super hoc semel et iterum et rogaverimus efficaciter et monuermimus diligenter, etsi molestius nobis quam tibi futurum existat, si te occasione qualibet molestemus, quia tamæ a predicto tue serenitatis consilio declinare nec volumus nec debemus, ne culpa tua nobis et in presenti ad detentionem et in futuro imputetur ad penam, eidem cardinali dedimus in mandatis ut magnificentiam tuam ad hoc per interdictum totius Eboracensis provincie appellatione remota compellat; et si nec sic infra tempus quod idem legatus tibi statuerit effeceris quod mandamus, ex tunc totam Angliam sublato appellationis obstaculo subiciat sententiae interdicti. Eligas igitur sicut vir providus et

6 no. Iviiii ends at this point, with the dating clause as below. No. Ix provides the following paragraph, introduced by the words: Apostolica sedes etc. usque in finem et hoc plus V.

10 Peter Capuanus, cardinal deacon of S. Maria in Via Lata (later cardinal priest of St Marcellus) was sent into France as papal legate late in 1198, mainly for three purposes: to preach the crusade, to make peace between the two kings, and to hasten the reconciliation of Philip II of France
their mediation to conclude a treaty of peace in accordance with our prayer and desire, you must not omit to restore the archbishop to his temporalities; and in spiritualities you must not prevent him from discharging the stewardship entrusted to him; for let it be known to you that we have given firm instructions to our beloved son Peter cardinal deacon of S. Maria in Via Lata, legate of the Apostolic See,¹⁰ urgently to press on you by warnings and exhortations the need to restore without delay or obstruction all properties wrongfully withheld from the archbishop, and adequately to compensate him for the revenues drawn therefrom and for any losses caused—on condition that, if the archbishop is under bond to pay any sum to your Majesty, he should pay it in full, unless it happen that the debt owed has already been collected from his revenues by you or by agents acting in your name.

Otherwise, since we have already more than once sent to your Majesty strong entreaties and urgent warnings on this matter, and although it would be more grievous to us than to you if for any reason we should cause you grief, nevertheless, because we neither will nor ought to depart from your Majesty’s advice mentioned above, and lest your fault, being ascribed to us, should bring upon us calumny now and retribution hereafter, we have instructed the cardinal to compel your Majesty to this course by an interdict, without appeal, on the whole province of York; and if you have not even thus obeyed our command within a time which the legate will prescribe, he is immediately to lay all

with his Danish wife Ingeborg (Gesta Innocentii (Migne, ccxiv), cap. xlvii; P. 347, 348, 360-2). The legate negotiated a five-year truce between Philip and Richard on 13 January 1199 (Powicke, Loss, pp. 183-5).
discretus in nobis potius matris affectum quam magistri experiri rigorem, qui sine multa molestione nostra te molestare non possimus, et in his etiam salutem tuam sollicite procuramus nec nobis causam vel occasiонem aliquatenus tribuas per quam fervorem illum tepescere facias quo non mediocriter sumus ad tuum promovendum honorem accensi.

Dat' Laterani, iii kal. Maii.  

4 Dating clause of no. lviii; no. lx (like no. lix) reads: Dat' ut supra. V
England under sentence of interdict, postponement by appeal being refused.

As a prudent and discreet man, choose therefore to find in us, not a teacher's sternness, but a mother's love—for we cannot cause you pain without much pain to ourselves, and moreover in all this we are anxiously seeking your salvation; and do not in any respect give us cause or occasion for allowing that warmth of affection to cool which in no ordinary degree kindles us to advance your honour.

The Lateran, the 28th of April.
Episcopo, decano, et subdecano Lincolnensiisibus.\footnote{1}

Ad auditiam nostram, dilecto filio magistro Helia de Chevele\footnote{2} significante, pervenit quod cum ecclesiam de Chevele auctoritate sedis apostolice canonice fuisse aequat et aliandam pacifice possedisset, gravissimo tandem regis metu quod eam resignaret iurare coactus eam in eorum ad quos pertinebat\footnote{3} manibus resignavit. Quia vero que vi metusve causa fiunt carere debent robore firmitatis, discretioni vestre per apostolica scripta mandamus quatinus, si eundem magistrum eo metu ad resignationem faciendam vobis constiterit fuisse coactum qui potuerit et debuerit cadere in constantem,\footnote{4} non obstante iuramento predicto, quo non ad non repetendum sed ad resignandum solummodo tenebatur, pre-fatam ecclesiam ei per censuram ecclesiasticam, sublato appellationis obstaculo, restitui faciatis. Nullis litteris veritati et iustitie, et cetera.\footnote{5} Quod si omnes, et cetera, duo vestrum, et cetera.\footnote{6}

Dat Laterani, nonis Februarii.


\footnote{1} om. protocol, address as rubric V. In margin: (Hoc capitulum) est Extra, De his que vi metusve causa fiunt.
\footnote{2} For extension in common form see no. 9 below.

\footnote{1} Bishop Hugh I (St Hugh of Avalon), 1186-1200; Roger de Rolveston, dean, 1195-1223; Richard Kentensis or William de Bramfield was sub-dean at this time (Registrum antiquis. Lincoln, ed. C. W. Foster and K. Major, v. 97 n.). These three also acted as judges-delegate in the case between Honorius and Roger of St Edmunds over the archdeaconry of Richmond (Hoveden, iv. 182).

\footnote{2} Chieveley, Berkshire; the church was in the patronage of Abingdon Abbey. Pope Celestine III (1191-8) ordered that Master ‘Helyas de Chivel,’ although beneficed elsewhere, should have possession of the church of Chivel which his relative (consobrinus) G. had possessed (Singer, \footnote{1} Neue
To the bishop, dean, and subdean of Lincoln.¹

It has come to our hearing, on information from our beloved son Master Elias de Chieveley,² that having canonically obtained the church of Chieveley on the authority of the Apostolic See, and having had peaceful possession for some time, he was at length compelled, through his very great fear of the King, to promise on oath to resign it, and has in fact resigned it into the hands of the appropriate persons.³ But because actions done under duress or through fear ought not to have binding force, by apostolic letter we command you that, if it be established to your satisfaction that Master Elias was forced to resign by such fear as could and should affect a man of courage,⁴ then notwithstanding the aforesaid oath (by which he was bound only to resign, but not precluded from seeking reinstatement) by ecclesiastical censure you will cause the aforesaid church to be restored to him without appeal.

No letter prejudicial to truth and justice etc. If you cannot all etc., then let two of you etc.

The Lateran, the 5th of February.

¹ Beiträge,' pp. 155-6, 240); perhaps another claimant instituted a plea in the royal court and obtained judgment against Master Elias in that court (cf. no. 17 below). Master Elias of Chieveley witnesses an act of the bishop of Winchester, 12 February 1196 (Cart. mon. S. Johannis Bap. de Colecestria (Roxburghe Club, 1897), i. 79), and appears in episcopal acts and other documents of the diocese of Salisbury from 1201 to 1216.
² i.e. to his ecclesiastical superior. The Gloss refers to Decretals, 1.
³ 4 and 8.
⁴ The reference is to Digest, iv. 2, 6: 'Metum autem non vani hominis sed qui merito in homine constantissimo cadat.' Other references occur in nos. 15, 82 below. See S. Kuttner, Kanonisitiche Schuldlehre (Stud. e testi, 54, 1935), pp. 308-33 and cf. T. F. Tout in EHR, xvii (1903), 402-3. See also the Gloss on Decretals, 1: 40, 4 at causa.
Cantuariensi archiepiscopo.\textsuperscript{1}

\textit{Innotuit nobis olim tam per tuas literas quam quorundam suffraganeorum tuorum et dilectorum filiorum prioris et conventus Wigorniensis ecclesie quod eadem ecclesia destituta pastore dicti prior et conventus dilectum filium magistrum M. archidiaconum Ebroi-censem \textsuperscript{2} in pastorem animarum suarum unanimiter elegerunt et cum eius tibi fuisse electio presentata confirmationem usque in adventum ipsius qui absens eligebatur et inscius distulisti; qui tandem quod factum fuerat audito ad presentiam tuam devotus accessit, et preter opinionem omnium qui nichil obstare credebant quem statim concors et canonica deberet electio confirmari, spontanea tibi et secreta confessione monstravit quod conscientia eius aliquantisper ex natalibus esset lesa, et quod ad tante dignitatis apicem preter indulgentiam sedis apostolice nollet aliquatenus promoveri propositum, etiamsi promoventem benignum et facilem inveniret. Tu autem sicut vir providus et discretus, intellecta conscientia eius, noluisti protinus ad confirmationem procedere, sed nobis et rei seriem per tuas intimasti literas et per eas ipsius magistri merita et scientiam commendasti.}

Pott. 953. Formerly in register (cf. n. 1 below). \textit{Text conflated from Friedberg's apparatus to Decretals, I. 6, 20, based on Gilbertus Anglicus (I. 10, 4) and \textit{Compilatio III} (I. 6, 5). The text is abridged in Gilbertus (cf. von Heckel, 'Gilbertus-Alanus,' etc. p. 186).

\textsuperscript{a} All texts read Eboracensem.

\textsuperscript{1} Hubert, archbishop of Canterbury, 1193-1205. This letter may be dated late February 1200, since it is the first letter in the table of contents of the mutilated register of the pope's third year, which began on 22 February 1200.

\textsuperscript{2} Master Mauger, King Richard's physician, was archdeacon of Evreux, in Normandy, not of York, as the decretal-collections and the annals of
To the archbishop of Canterbury.¹

It became known to us some time since, by letters both from you and from certain of your suffragans and from our beloved sons the prior and chapter of the church of Worcester that, the church having lost its pastor, the prior and chapter unanimously elected as pastor of their souls our beloved son, Master Mauger, archdeacon of Evreux;² and that, on his election being presented to you, you postponed confirmation of it until his arrival in person—he having been elected in his absence and without his knowledge. When at length he learnt what had been done, he devoutly came into your presence and (contrary to the general opinion, since all believed there was no impediment to the prompt confirmation of a unanimous and canonical election) he revealed to you in a voluntary and private confession that for some time he had been conscience-stricken in respect of his birth; and he stated that, without the indulgence of the Apostolic See, he refused to advance a single step towards an office so exalted and important, even though he should find the promoter to be well-disposed and willing.

You as a prudent and discreet man, on learning of his conscientious scruple, decided not to proceed immediately to the confirmation, but in a letter to us you both indicated the history of the case and commended Master

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¹ Worcester (Ann. mon. iv. 390) say. John of Coutances, bishop of Worcester, died 24 September 1198. According to Hoveden, King Richard 'gave the bishopric' to Mauger, who is described as bishop-elect on 23 or 24 August 1199 (Hoveden, iv. 78, R.C'h. p. 12).
Capitulum autem eiusdem ecclésie quare per te fuisset electionis confirmatio protelata se ignorare per literas suas nobis transmissas exposuit, et eam petiti per sedem apostolicam confirmari, presentato nobis electionis decreto subscriptionibus eligentium roborato. Quidam autem suffraganeorum tuorum, quod per tuas literas videbaris obscure aliquantulum innuisse, per suas literas in aliquibus expressurunt asserentes eum fuisse filium cuiusdam militis et ab eo ex quadam ingenua et non coniugata susceptum. Interim vero idem magister ex insperato ad presentiam nostram accessit et quod nobis de nativitate ipsius per literas aliquorum suffraganeorum tuorum fuerat intimatum exposuit, et adiecit quod nunquam pater ipsius habuerat uxorem sed matri eius virginitatis florem preripuerat quasi furtim et ipsa infra quadriennium a nativitate eius matrimonium non contraxit. Nos ergo cum fratribus nostris habito super hoc diligentì tractatu, relectis canonibus, quosdam invenimus qui non legitime genitos promoveri vetant ad officium pastorale, causam forte trahentes ex lege divina per quam spurii et manzeres usque in decimam generationem in ecclesiam dei prohibentur intrare. Invenimus etiam alios qui undecunque genitos non prohibent ad sacros ordines promoveri dummodo sibi merita suffragentur, asserentes quod culpa parentum non est filiis imputanda. Et ad hoc probandum inducunt quod dominus noster Iesus Christus non tantum ex alienigenis sed etiam ex adulterinis voluit commixtionibus nasci, qui est sacerdos in eternum secundum ordinem Melchisedech. Hii etiam scripture divine videntur inniti

1 The gloss on decreto says: the decree ought to contain the whole course and form of the election, the names of the electors and their agreement and the signature (subscription) of each.
Mauger's merits and learning. The chapter of the church in its letter to us stated that it did not know why you had postponed confirmation of the election, and, presenting to us the decree of election supported by the electors' signatures, asked to have it confirmed by the Apostolic See. Some of your suffragans stated explicitly in their letter what in your letter seemed rather obscurely suggested—that he was the son of a certain knight by an unmarried woman of free birth. Meanwhile, Master Mauger unexpectedly arrived in our presence; he set out the circumstances of his birth exactly as they had been reported in your suffragans' letter, and added that his father had never been married, but had secretly seduced his mother as a virgin, and that she was not married until four years after his birth.

We have discussed this matter carefully with our brethren. On reviewing the canons, we have found some that forbid the elevation to pastoral office of men not born in wedlock: these are doubtless based on the divine law by which illegitimate children and bastards are prohibited from entering the Church until the tenth generation. We have also found others that raise no objection to the taking of holy orders by individuals no matter from what source sprung, provided they have merits to support them; these hold that the sin of the parents should not be visited on the children, and in proof they adduce the argument that 'our Lord, Jesus Christ, who is a priest after the order of Melchisedech for ever,' chose to be born of a line which had included not only foreign but even adulterous unions.' This second group of canons also seems to

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4 Deut. 23:2
5 Jerome, In evang. Matt. 1 quoted by Gratian, Decretum, 1. 56, 9.
6 Ps. 109 (A.V. 110): 4 etc.; cf. no. 53 n. 5 below.
qua dicitur: *Filius non portabit iniquitatem patris et pater non portabit iniquitatem filii;* per quam antiquum videtur proverbium removeri quod inter filios Israel dici solebat: *Pateres comedurunt uum acerbam et dentes filiorum obstupescunt.*

Quidam vero ad concordiam discordantia revocantes, repugnantiam canonom predicorum sopire quodammodo videbantur, dicentes quod illegitime geniti si religiose fuerint aut in cenobiis aut in canonici conversati a sacris ministerii minime revocentur; et inter illegitime genitos quidam asserunt eos solos a sacris officiis prohibendos qui paternam incontinentiam imitantur.

Et hii quoque videntur auctoritate divine legis inniti qua dicitur: *Ego sum deus zelotes visitans peccata patrum in filios usque in tertiam et quartam progeniem in his qui oderunt me gratis,* quasi dicat: in his qui circa me paternum odium imitantur. Verum quia canon concilii Lateranensis a bone memorie Alexandro predecessore nostro editus in synodo generali primis concordans canonibus non solum tales vetat in episcopos promoveri verum etiam eligentibus penam infligit, immo ipso facto eandem penam asserit incurrisse, ut secundum hoc caonn late sententie esse videatur cuius tenor talis est: *Ne vide- licet quod de quibusdam pro necessitatibus temporis factum est in exemplum trahatur a posteris, nullus in episcopum eligatur nisi qui de legitimo matrimonio sit natus, circa finem subiungens: Clerici sane si contra formam istam quemquam elegerint, et eligendi tunc potestate privatos et ab ecclesiasticis

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7 Ezek. 18:20  
8 Ezek. 18:2  
9 Decretum, I. 56, 1  
10 This quotation (from Exod. 20:5) loses whatever force it may have in the context, if gratis—causelessly—is removed: and gratis is an importation, arising from a perhaps natural confusion with the well-known oderunt me gratis of Ps. 34:19 and 68:5, repeated 1 oh 15:25.  
11 The Third Lateran Council, 1179 (c. 3, Decretals, I. 6, 7) was held by Pope Alexander III, distinguished long before he became pope as a canonist, under the name of Rolandus Bandinelli.
depend on Holy Writ where it says, 'the son shall not bear the iniquity of the father and the father shall not bear the iniquity of the son'"—a passage which appears to set aside the ancient proverb once current among the children of Israel, 'the fathers have eaten sour grapes and the children's teeth are set on edge.'

A third group of canons, trying to harmonise differences, seemed partly to reconcile the discrepancy between the first two groups by saying that the illegitimate are not to be barred from holy offices if they have lived religious lives in monasteries or in canonries; and some in this group assert that among the illegitimate only those who follow their fathers' incontinence should be barred from sacred offices. These canons, too, appear to have the support of the divine law, where it says, 'I am a jealous God, visiting the iniquities of the fathers upon the children unto the third and fourth generation of those who hate me without cause'—which is as if God said, 'those who follow their fathers' hatred of me.'

But there is a canon of the Lateran Council, issued in general synod by our predecessor Alexander of happy memory, which agrees with the first group of canons mentioned above: it not only forbids such men to be advanced to bishoprics but also imposes a penalty on the electors, and, in fact, declares that the electors have thereby incurred the penalty—which seems to shew that the condemnation in the canon applies generally: it runs as follows, 'Lest action taken in individual cases to meet the necessities of the time should be interpreted as a precedent by posterity, no one is to be elected bishop except a man born in lawful wedlock'; and again at the end it adds, 'If the clergy have elected any man contrary to this ruling, they are to know that they are immediately deprived of their power of...
beneficiis triennio se noverint esse suspensos: sane predictus canon, qui non per eum qui canones non nosset antiquos sed per illum qui plene noverat canonicas sanctiones in concilio multorum iurisperitorum est editus et ipsius approbatione concilii roboratus, natis de non legitimo matrimonio omnem videtur in episcopos promovendi aditum preclusisse, cum id etiam ad consequentiam trahi prohibeat quod pro necessitate innuit prioribus temporibus esse factum, licet nichil amplius quam necessitas dispensantem ad dispensationem inducat. Preterea electionem talium asserit nullam esse dum in penam statuit electorum ut tunc eligendi potestate se noverint privatos, quod nichil esset si tunc non occurreret electio facienda, quod fieri non posset priori electione seu nominacione durante. Ex quo patet electionem huiusmodi per ipsum canonom irritatam. Etsi canonom iste illegitime genitos fortius persequatur quod electionem talem innuit nullam esse, nobis tamen per eum adempita non fuit dispensandi facultas, cum ea non fuerit prohibentis intentio, qui successoribus suis nullum potuit in hae parte prejudicium generare, pari post eum immo eadem potestate functuris, cum non habeat imperium par in parem; sed ea tantius fuerit mens ipsius ut, quia ex eo quod aliquando ex dispensatione pro necessitate temporis factum fuerat quidam gratiam in licentiam extendentes et inde sumentes exemplum se licite credebant eligere tales et indifferenter huiusmodieligebant, talia fieri prohiberet. Unde gravem electoribus penam inflixit. Deliberavimus tamen cum

18 cf. Digest, xxxvi. 1, 13 § 4 and iv. 8, 4
electing and suspended from ecclesiastical benefices for three years.’ This canon was issued, in a council of many canon lawyers, not by a man without knowledge of the ancient canons, but by one fully acquainted with canonical sanctions, and it was affirmed by the council’s approval. It appears to stop all possibility of promoting the illegitimate to episcopal rank, since it prohibits making a precedent of any action which, it hints, was taken in earlier times to meet a special necessity—even though special necessity be the sole motive influencing the dispensing authority to allow the dispensation. Moreover, it implicitly declares the election of illegitimates to be null and void, when it fixes as penalty for the electors the instant loss of their power to elect—a meaningless penalty, unless the election were still pending, which it could not be if the previous election or nomination still held good. Clearly then, such an election was invalidated by this canon.

Now although this canon penalizes the illegitimate by implying that such an election is null, nevertheless it did not take from us the power of dispensation: that was not Alexander’s purpose in the prohibition: he could not, in the matter of dispensation, establish a decision prejudicial to his successors who after him were to exercise power equal to, or rather, identical with his own; for equal has no authority over equal.12 His purpose was solely to prohibit such elections because, as a result of action occasionally taken by dispensation to meet a necessity of the time, certain persons (extending a concession into a general permission, and regarding it as a precedent) believed they were legally entitled to elect the illegitimate and in fact did elect them without concern; hence the heavy penalty he imposed on the electors.
fratribus nostris utrum in tali casu et cum tali persona deberemus misericorditer dispensare vel iuris potius servare rigorem. Invenimus enim a bone memorie Urbano papa predecessore nostro in casu multo difficiliori cum Cenomanensi dispensatum electo qui fuerat filius sacerdotis\textsuperscript{13} et Legionensi episcopo qui post consecrationem suam humiliter fuerat et sponte confessus quod fuisse ex matre non legitima procreatus quam pater vivente uxore propria cognovisset.\textsuperscript{14} Sed idem Urbanus prohibuit ne id quasi pro regula in posterum ad consequentiam traheretur.\textsuperscript{13} Videbatur enim quod, cum cum illigelime natus fuisse aliquandiu dispensatum et ex certa causa forsitan in posterum dispensandum, in hac causa celerius deberet dispensatio indulgeri, illi persone videlicet que minus imperfectionis plus perfectionis habebat. Multa enim in hoc casu dispensationem inducere videbantur, literarum scientia, morum honestas, vite virtus, et fama persone, multipliciter a quibusdam fratribus nostris qui eum in scholis cognoverant approbante. Faciebant etiam ad id non modicum concors capituli Wigorniensi electio, petitio populi, assensus principis, votum tuum, suffraganeorum suffragia, et humilis devotio confitentis, qui sponte ac humiliter suum maluit confiteri defectum quam lesa conscientia thronum conscendere pastoram. Habito igitur super hoc cum fratribus nostris diligentissi tractatu, intelligentes Wigorniense capitulum eundem magistrum non humiliter postulasse sed impriode potius elegisse, cum ad obtinendum dispensationis beneficium procedendum fuisset non per electionem inhibitam sed

\textsuperscript{13} Decretum, I, 56, 15

\textsuperscript{14} Decretum, I, 56, 14
However, we have discussed with our brethren whether in such a case involving such a person we ought to grant a dispensation from pity or whether we should maintain the rigour of the law. We found that, in a much more difficult case, our predecessor, Pope Urban of happy memory, granted a dispensation to the bishop-elect of Le Mans who was the son of a priest,\textsuperscript{13} and also to a bishop of Leon who after his consecration had humbly and voluntarily confessed that he was the son of an unmarried mother with whom his father had associated while his lawful wife was still alive.\textsuperscript{14} But Urban forbad this decision to be regarded as a rule of law or made a precedent for the future.\textsuperscript{13} It was clear to us that, though for some time back dispensations had been granted to the illegitimate and might possibly in the future have to be granted for a specific reason, the dispensation ought to be given more readily in a case of this type, namely, where the person's perfection exceeded his imperfection. In Master Mauger there were many qualities that seemed to prompt us to a dispensation—his education, his honourable character, his virtuous life, and his personal reputation vouched for by some of our brethren who knew him in the schools. Other points which added no little weight were his unanimous election by the chapter of Worcester, the petition of the laity, the king's assent, your own prayer, the suffragans' support, and the man's humble devotion in making his confession, for voluntarily and humbly he chose to confess his defect rather than mount the episcopal throne with guilt on his conscience.

Having thoroughly discussed all this with our brethren, and knowing that the chapter of Worcester had not humbly postulated Master Mauger but had elected him without due thought—though, to obtain the benefit
per postulationem permissem, electionem ipsam predicti canonis auctoritate cassatam denunciamus irritam et inanem, parcentes non modicum Wigorniens capitulo quod eis nec penam infligimus expressam in canone supradicto nec probare cogimus ignorantiam quam allegant. Et quamvis post cassationem huiusmodi a nobis a multis fuerit humiliter supplicatum ut propter causas predictas dignaremur cum eo misericorditer dispensare, cum ad dispensandum in talibus nullus se casus habilior posset afferre, quia tamen predicto capitulo liberam facultatem eligendi vel postulandi volumus reservare, supplicationem huiusmodi que nomine capituli non siebat, cum non ad postulandam dispensationem sed ad petendam confirmationem ipsius capituli fuerint nuncii destinati, ad presens non duximus admittendam, decernentes irritum et inane quicquid super ordinatione ipsius episcopatus ante susceptionem literarum nostrarum fuerit attemptatum. Volumus igitur et mandamus quatenus per Cantuariensem provinciam ex parte nostra facias districtius inhiberi ne, quod de multis in eadem provincia (quod sine pudore non dicimus) inordinate noscitur esse factum, de cetero

5 some early texts read premissem

15 Postulation was the procedure whereby an electoral body sought the pope’s confirmation, as an act of grace, of an appointment to which there was some canonical impediment, in a case which merited dispensation. See Decretals, I. 5 and cf. the gloss on the word permissem.

16 The gloss explains that normally they should prove that their ignorance was not crassa et supina.

17 In a letter (31 Oct. 1269) to the chapter of Lincoln, the pope emphasised the exceptional merit required in a candidate of illegitimate
of dispensation, they ought to have proceeded not by the forbidden way of election, but by the approved method of postulation; we declare this election (invalidated already by the authority of the above canon) to be null and void: and to the chapter of Worcester we shew much forbearance in not inflicting on them the penalty named in the above canon, and in not compelling them to prove their plea of ignorance. And although after the quashing of the election many have humbly supplicated us to deign, for the reasons stated above, to grant him a dispensation out of pity since no more suitable case for a dispensation under this head could present itself, yet because we wish to reserve to the said chapter complete freedom to elect or to postulate, we have decided not to allow such a supplication for the present, because it was not made in the name of the chapter, whose envoys were sent, not to postulate a dispensation, but to seek confirmation of the election; but at the same time we decree to be null and void any step which may have been taken to fill the see before the receipt of this letter. Wherefore we will and command that, on our behalf, you should cause a strict prohibition to be issued throughout the province of Canterbury to the effect that in future there should not be attempted, contrary to the above ruling, any such irregular action as is

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birth; apparently St Hugh, as bishop of Lincoln, had picked his canons with little regard for legitimacy (P. 2905). At this time the archbishop of York and the bishop of Salisbury were bastards.
contra formam supra dictam nullatenus attemptetur. Sed si Wigorniense capitulum eundem magistrum propter prerogativam meritorum ipsius duxerit postulationem, postulationem ipsius apostolice sedi presentare procuret. 18

18 If this letter left Rome late in February 1200, its contents must have been communicated speedily to the chapter of Worcester, for the postulation of Mauger was made in time for him to be consecrated at Rome on 4 June.
known (and with shame we mention it) to have been taken in respect of many persons in that province. But if the chapter of Worcester should think fit to postulate Master Mauger on his exceptional merits, let it arrange to present the postulation to the Apostolic See.
... Lincolniensi episcopo.¹

Dilectus filius A. capellanus, in nostra presentia constitutus, sua nobis confessione monstravit quod, cum quadam corporis molestia gravaretur, ita quod et somni et cibi desiderium raptum videretur ab eo, ut comedendi appetitum aliquantulum excitaret, equum quem nutricerat ascendit; qui, cum non plene pareret habenis,¹ sed preter sessoris arbitrium suis saltibus lasciviret, ipse, ut eius refrenaret impetum, et freno vim intulit et equum calcaribus stimulavit. Cumque, fracto freno, equus quasi proprio relictus arbitrio curreret festinanter, ei mulier quedam veniens ex obliquo et infantulum baiulans obvivavit; in quam equus irruens, procul proiecto sessor, puerum predictum oppressit, et capellanus ipse ex repentino casu vix mortis pericum evitavit; sed, ad ultimum convalescens, divina celebrare postmodum non presumptis. Quia vero nobis non constitut de premisso, fraternitati tue per apostolica scripta mandamus quatumin super hiis inquiras diligentiis veritatem, et si rem inveneris taliter processisse, cum idem capellanus nec voluntate nec actu homicidium perpetrarit nec dederit operam illice rei, non impedias quominus divina possit officia celebrare.²

Dat' Laterani, vi idus Novembri.

Pott. 1158. Text. V: Reg. Vat. 5 fo. 9r (formerly fo. 65), no. xviii (formerly xvii). Whence Migne, cccxiv. 898 (lib. iii ep. 19).

Included in the decretal-collection of Gilbertus Anglicus, app. tit. 26 and other compilations, and in Decretals, V. 12, 13.

* om. protocol, address as rubric. In margin: hoc capitulum (thirteenth century hand) and hoc capitulum est Extra De homicidio (seventeenth century hand), and Nota (monogram in red) V. Kempf suggests that the monogram is the mark of the canonist selecting letters for his collection (Die Register, p. 89).

¹ abenis V

² Hugh, bishop of Lincoln (1186-1200), died on 17 November, before this letter can have reached him, and no successor was appointed until 1203 (cf. no. 17, n. 17 below).
To the bishop of Lincoln.¹

Our beloved son A., a priest, appearing in our presence, by his own confession disclosed to us that, being so badly troubled by a certain physical ailment that desire for sleep and food seemed to have left him, with the idea of wakening some slight appetite for a meal he mounted a horse he had bred. The horse not being completely obedient to the reins, but prancing and leaping contrary to the rider’s will, he pulled hard on the bridle and pricked with the spurs in order to curb its impetuosity. But the rein snapped, and the horse, as left to its own caprice, bolted at a gallop—when a woman, approaching from the side and carrying a baby, met it. The horse collided with her, threw its rider to a distance, and crushed the child. The priest himself, as a result of his sudden fall, was brought almost to the gates of death: ultimately he recovered, but has not since resumed to celebrate mass. As the foregoing account is uncorroborated, by apostolic letter we command you carefully to enquire into the truth and, if you find the occurrence to have happened as stated, not to debar the priest from celebrating the divine offices, since he will have committed homicide neither by will nor act, nor have deliberately attempted anything unlawful.²

The Lateran, the 8th of November.

² St Augustine discusses the question of accidental homicide in Ep. xlvii. 5—a passage incorporated in Decretum, II. 23, 5, 8: ‘Neque enim reus est christianus, si bos eius aliquem feriendo vel equus calcem iaciendo aliquem occidat. . . . Absit ut ea, quae propter bonum ac licitum facimus aut habemus, si quid per haec praeter nostram voluntatem cuiquam mali accidenti, nobis imputetur.’ Another accident with a horse occasioned a rescript to the bishop of Padua in 1201 (P. 1328).
I. illustri Anglorum regi.¹

Cum carissimus in Christo filius noster Philippus rex Francorum illustris non potuerit te absolvere a debito quo teneris inclito regi Ottoni nepoti tuo in Romanorum imperatorum electo¹ quemadmodum nec ipse rex Otto te posset absolvere a debito quo teneris prefato regi Francorum, cum et ratio dictet et natura deposit ut avunculus debeat subvenire nepoti, profecto iuramentum quod eidem regi Francorum diceris prestitisse,² ne videlicet subvenires prenominato regi nepoti tuo, debet illicitum iudicari. Nos igitur et tue salutem et sue utilitati paterna volentes sollicitudine providere, quia secundum prophetam debemus dissolvere colligationes impietatis et fasciculos deprimentes,³ iuramentum huiusmodi quantum ad hunc spectat articulum tam a te quam ab hiis qui pro te taliter iuraverunt decernimus non servandum, serenitati tue per apostolica scripta mandantes quatinus eo penitus non obstante debitum illi subsidium et favorem impendas.⁴


¹ om. protocol, address as rubric V

¹ Otto IV, son of Henry the Lion, and of Matilda, elder sister of King John, was publicly accepted as King of the Romans by Innocent III on 1 March 1201 (cf. no. 2, n. 4 above).
² By the treaty of Le Goulet (May 1200), John undertook not to help Otto with money or men, directly or indirectly, without the counsel and assent of Philip (A. Teulet, Layettes du Trésor des Chartes, i (1863), 218b). According to Hoveden (iv. 116) he made this the excuse for withholding from Otto the legacy of Richard I to his nephew (cf. no. 17 below). Octavian, cardinal-bishop of Ostia and legate in France, was instructed...
To John, illustrious king of the English.

Our well-beloved son in Christ, Philip, illustrious king of the French, had no power to release you from the duty by which you are bound to your nephew, the renowned King Otto, now elected to be emperor of the Romans,¹ any more than King Otto would have power to release you from the duty by which you are bound to the king of the French; and therefore, since reason prescribes, and nature demands, that an uncle should assist his nephew, undoubtedly the sworn undertaking which you are said to have given to the king of the French²—namely, not to assist the said king your nephew—must be judged unlawful. Wishing, therefore, with fatherly care to provide for your salvation and Otto’s advantage, and because in the words of the prophet it is our duty ‘to loose the bonds of wickedness and to undo heavy burdens,’³ we decree that the sworn undertaking, as far as concerns this clause, is not to be kept either by you or by those who attested it as your agents; and by apostolic letter we command your Majesty to give Otto the help and favour which you owe him—the oath to Philip notwithstanding.⁴

¹ In August-September 1200 to relax any undertaking which ran contrary to papal policy in the appointment of the emperor (P. 1232).
² Isa. 58:6; cf. the use of this text in no. 82 below (also in P. 1292, 2556).
³ Possibly written as early as March 1201, though dated by Kempf at the beginning of November 1201. The pope returned to the attack in P. 1519, which combines the substance of this letter and P. 1302 (cf. EHR, lxi (1949), 368).

Exposita nobis dilectorum filiorum . . prioris et monachorum sancti Andræ de Norhant² petìtio continebat quod cum omnes ecclesias eiusdem ville canonice possideant³ auctoritate sibi apostolica confirmatas⁴ quidam de parrochiis ecclesiisum illarum capellas fundare, erigere altaria, et parrochianos suos ad divina officia et ad sepulturam etiam in eorum prejudicium recepire non formidant. Quoniam igitur omnibus volumus iura sua illibata servari presentium vobis auctoritate mandamus quatenus presumptores illos ut a tanta decetero temeritate desistant monitione premissa per censuram ecclesiasticam sublato appellationis obstaculo ratione previa compellere non tardetis, nullis litteris veritati et iustitie prejudicantibus sique apparuerint a sede apostolica impetrat.⁵ Quod si omnes hiis exequendis nequiveritis interesse duo vestrum ea nichilominus exequantur.⁶

Dat' Laterani, viii idus Aprilis pontificatus nostri anno quarto.

Not in Potthast. Text. Bedleian Libr., Northants ch. a. 4 no. 7. Original mandate, approx. 6 in. x 5½ in.; seal and cord missing.

¹ Hubert Walter, archbishop of Canterbury (1193-1205), William of Ste Mère-l'Église, bishop of London (1199-1221), Eustace, bishop of Ely (1198-1215). All three had been civil servants before they became bishops, and all were frequently employed to act on papal mandates. For Eustace see also no. 22, n. 1.
² The Benedictine priory of St Andrew, Northampton, was one of the most important English houses of the congregation of Cluny. Its records are widely scattered. Another original papal letter for the house (from Innocent IV) is Cambridge Univ. Libr. MS Dd. iii. 65.
³ Under the grant of Earl Simon de Senlis I, founder of the priory.⁶
Innocent, bishop, servant of the servants of God, to his venerable brethren the archbishop of Canterbury and the bishops of London and of Ely,\(^1\) greeting and apostolic benediction.

The petition of our beloved sons the prior and monks of St Andrew, Northampton,\(^2\) which has been laid before us, states that, though they possess canonically all the churches of that town,\(^3\) churches confirmed to them by apostolic authority,\(^4\) yet individuals in the parishes of those churches dare to found chapels, to erect altars, and receive their fellow-parishioners to the divine offices and even to burial, to the prejudice of the prior and monks.

Since, therefore, we wish all men to have their rights preserved intact, we command you by the authority of the present letter not to delay but, guided by reason, to compel these audacious men by ecclesiastical censure, after due warning and excluding appeal, to desist for the future from such outrages: and no letter, which may be laid before you as obtained from the Apostolic See, is to prejudice truth and justice.\(^5\) But if all of you cannot take part in discharging this business, let two of you discharge it, notwithstanding.\(^6\)

The Lateran, the 6th of April, in the fourth year of our Pontificate.

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\(^1\) cf. W. Dugdale, *Monasticon anglicum*, (1817-30), v. 190-1, including a confirmation by Bishop Hugh I of Lincoln.

\(^2\) Pope Eugenius III (1145-53) confirmed to the priory 'all the churches of the same town with all their appendages' (Holtzmann, *Papsturkunden*, I. ii. 298 no. 55).

\(^3\) This clause, though of common form, has many variants. One appears in no. 35 below; for other variants, see P. 34, 49, 188, 3063, 4579.

\(^4\) This phrase was taken to cover impediments of law as well as of fact: see Celestine III in *Decretals*, I. 3, 13. For the modification of the clause see no. 11 below, and Introduction, p. xxi.
Innocentius episcopus servus servorum dei venerabili fratri archiepiscopo Cantuariensi salutem et apostolicam benedictionem.

Cum secundum evangelicam veritatem nemo accendat a lucernam et ponat illam sub modio sed super candelabrum, ut omnes qui in domo sunt videant, b pium pariter et iustum est b ut quos Deus merito sanctitatis coronat et honorat in celis, nos venerationis officio laudemus et glorificemus in terris, cum ipse potius laudetur et glorificetur in illis qui est laudabilis et gloriöus in sanctis. a Pietas enim promissionem habet vite que nunc est et future, dicente domino per prophetam, Dabo vos cunctis populis in laudem, gloriam, et honorem, b et per c se pollicente, Fulgebunt iusti sicut sol in regno patris eorum. a Nam, ut sue virtutis potentiam mirabiliter manifestet et nostre salutis causam misericorditer operetur, fideles suos quos semper coronat in celo, frequenter etiam honorat in mundo, ad eorum memorias signa faciens et prodigia per que pravitas confundatur heretica et fides catholica confirmetur. Nos ergo, frater archiepiscopo, quantas possumus etsi non quantas debemus omnipotenti deo gratiarum


The full collation of D is given below.

a accendit D
b est D; om. CH
c per erased D
Innocent, bishop, servant of the servants of God, to his venerable brother the archbishop of Canterbury, greeting and apostolic benediction.

According to the Gospel truth, 'no man lighteth a candle and putteth it under a bushel but on a candlestick that all who are in the house may see it'; therefore it is good and just that those, whom God crowns and honours in heaven as a reward for holiness, we on earth should praise and glorify with the service of veneration, since in them He rather is praised and glorified who 'is worthy of praise and of glory in His saints.' For piety holds the promise of life both present and future since, speaking by His prophet, the Lord says, 'I will set you before all peoples for a credit and a glory and an honour'; and then, speaking for Himself, He promises, 'The righteous shall shine forth as the sun in the kingdom of their Father.' So, wishing to manifest wonderfully the might of His power and mercifully to effect our salvation, not only does He always crown His faithful ones in heaven but also often honours them on earth—at their tombs doing signs and marvels which will confound the perversity of heretics and strengthen the catholic faith.

Therefore, brother archbishop, we render thanks to Almighty God (not indeed such thanks as we ought, but

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1 cf. Matt. 5:15, Luc. 8:16. The text had been taken by Ailred of Rievaulx for his sermon on the translation of Edward the Confessor in October 1163.
2 Dan. 3:52 and Ps. 67:36 (Vulgate)
3 Zeph. 3:20 and 1 Pet. 1:7
4 Matt. 13:43
(1039)
referimus actiones, quod in diebus nostris ad con-
firmationem catholicc fidei et confusionem heretice
pravitatis, evidenter innovat signa et mirabilia potenter
inmutat, faciens eos coruscare" miraculis qui fidem
catholicam tam corde quam ore necnon et opere
tenuerunt. Inter quos beate memorie magister Gil-
bertus," fundator et institutus ordinis de Sempingham,7
qui degens olim in mundo magnis meritis prepollebat,
nunc vivens in celo multis" coruscat miraculis ut eius
sanctitas veris et certis indicis comprobetur. Licet
enim ad hoc ut aliquis sanctus sit apud deum in ecclesia
triumpnante" sola sufficiat finalis perseverantia, teste
veritate que dicit quoniam" qui perseveraverit usque in
finem, hic salvus erit," et iterum, Estofidelis usque ad mortem
et dabo tibi coronam vie"; ad hoc tamen ut ipse sanctus
apud homines habeatur in ecclesia militante, duo
sunt necessaria, virtus morum et virtus signorum,
merita videlicet et miracula, ut hoc et illa sibi invicem
contestentur. Non enim aut merita sine miraculis, aut
miracula sine meritis plene sufficiunt ad perhibendum
inter homines testimonium sanctitati, cum interdum
angelus sathane transfiguret se in angelum lucis8 et quidam

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4. choruscare D and hereafter
5. Gillebertus D and hereafter
6. Sempingham D and Semp' hereafter
7. multis D; magnis CH, corrector of G adds vel multis
8. triumphante D
9. om. quoniam D
10. scilicet D

5 Gilbert of Sempringham (c. 1083-1180) was son of a Norman knight
living at Sempringham, Lincolnshire. After studying in Paris and serving
in the household of the bishop of Lincoln, he founded monastic establish-
ments, primarily for nuns, but including Austin canons. He retired from
active control of the Order c. 1176-78. The papal bull of canonisation is
important as one of the earliest of Innocent III's pontificate (preceded
by those for Homobonus of Cremona, 12 Jan. 1199, and the Empress
Cunegunda, 3 Apr. 1200). Many formulas which were used for the two
such as we can), because in our days, for the strengthening of catholic faith and the confounding of heretical perverseness, He manifestly performs wonders and powerfully works marvels, causing those who have held the catholic faith in heart, word, and deed to shine gloriously with miracles. Among these is Master Gilbert of blessed memory, the founder and organiser of the Order of Sempringham, who on earth was once eminent for great merits, and now alive in heaven shines with many miracles so that his sainthood may be established by genuine and unmistakable proofs.

To be a saint in God's presence in the church triumphant calls for one thing only, perseverance to the end—as witness the word of Truth which states: 'But he that endureth to the end shall be saved,' and again: 'Be thou faithful unto death, and I will give thee a crown of life'; but to be accepted for a saint among men in the church militant, two things are essential—holiness of life and mighty signs, that is, merits and miracles, so that each may reciprocally bear witness to the other. Separately, merits without miracles or miracles without merits are not fully sufficient to establish sainthood here on earth, for sometimes an angel of Satan transforms himself into an angel of light; and there are Pharisees preceding cases appear again in this bull, and this bull provided the model for the canonisation of St Wulstan in 1203 (cf. above, Introduction, p. xxiv). In the case of St Gilbert all the preliminary documents remain to show the beginnings of the strict procedure introduced by Innocent III in such matters. It was with this pope that the papacy explicitly claimed sole right to control canonisation (see Foreville, op. cit., S. Kuttner, 'La réserve papale du droit de canonisation,' Rev. hist. de droit français et étranger, 45, xvii (1938), 172-228, and E. W. Kemp, Canonization and authority in the Western Church (1948), pp. 100-6.

6 Matt. 10:22
7 Apoc. 2:10
8 2 Cor. 11:14
opera sua faciant ut ab hominibus videantur; sed et magi Pharaonis olim signa fecerunt, et Antichristus tandem prodigia operabitur, ut si fieri possit in errorem etiam inducantur electi. Unde, quandoque testimonium operum est fallax et deceptorium, ut in ypcritis, et miraculorum quoque testimonium interdum fallit et decipit, ut in magis. Verum, cum et merita sana precedent et clara succedunt miracula, certum prebent indicium sanctitatis, ut nos ad ipsius venerationem inducant, quem deus et meritis precedentibus et miraculis subsequentibus exhibet venerandum; que duo ex verbis evangeliste plenius colligitur qui de apostolis loquens aiebat, Ilii profecti predicaverunt ubique, domino cooperante et sermonem confirmante, sequentibus signis. Licet ergo iamdudum dilecti filii prior et conventus de Sempingham postulassent a nobis ut sancte recordationis magistrum Gilebertum, qui quondam fuit eorum ordinis institutor et quem piis asserunt ante mortem operibus floruisse certisque post mortem coruscare miraculis, sanctorum ascriberemus cathalogo venerandum, noluimus petitioni eorum protinus acquiescere; sed de operibus et signis et miraculis eius indagare voluimus plenius veritatem, preter id quod karissimus in Christo filius noster Johannes, rex Anglorum illustris, cum magnatibus suis, et tu cum tuis suffraganeis, necnon et memorati prior et conventus de Sempingham cum multis abbatibus et prioribus, de virtute morum et

1 exhibet D; exibet CH  
2 cathalogo D; cathalago CH  
3 add sanctis D  
4 Matt. 23:5  
5 Exod. 7:11-12  
6 Marc. 13:22  
7 The text of the petition is in Foreville, pp. 13-15. This followed an enquiry on 9 January 1201 undertaken at the instance of a papal nuncio, Master Philip the notary (ibid. pp. 1-12).  
8 King John’s letter (2 Mar. 1201) is in Foreville, p. 26, together with the testimonial of Geoffrey FitzPeter, the justiciar, Archbishop Hubert,
who do their works to be seen of men: even the magicians of Pharaoh once did marvels, and Antichrist in the future will work wonders, 'to seduce, if it were possible, even the elect.' Hence at times the evidence of works is unreliable and delusive as, for example, in hypocrites: and the evidence of miracles is also on occasions misleading and deceptive, as in the case of magicians. But when sound merits come first and are followed by notable miracles, they afford a sure proof of sainthood—to inspire in us a veneration for the man whom God by preceding merits and following miracles presents as worthy of veneration: and these two conditions for sainthood are more fully inferred from the words of the Evangelist when, speaking of the Apostles, he said: 'They went forth and preached everywhere, the Lord working with them and confirming the word with signs following.'

Our beloved sons, the prior and convent of Sempringham, had long ago petitioned us to inscribe on the roll of saints as worthy of veneration the founder of their Order, Master Gilbert of holy memory, whom they aver to have abounded in good works before his death and now after his death to be resplendent with undeniable miracles. But we refused to agree immediately to their request, and decided to examine more fully the truth concerning his works, signs, and miracles—in addition to the information about the holiness of his life and his mighty signs so faithfully communicated to us by our well-beloved son in Christ, John, illustrious king of the English and by his nobles, by you also and your suffragans, as well as by the prior and convent of Sempringham along with many other abbots and priors.

and various of the suffragans and monasteries of the province (ibid. pp. 12-25).
de virtute signorum ipsius nobis fideliter intimastis. Quocirca, volentes in tanto iudicio diligentiam omnimodam adhibere, tibi et venerabili fratri nostro episcopo Eliusensi ac dilectis filiis de Burgo et de Wardun abbatibus, per scripta nostra dedimus in mandatis ut, auctoritate nostra suffulti, ad locum pariter accedentes, toti ipsius ordinis collegio ieiunium indiceretis sollemniter triduanum, ut fratres et sorores postularent et implorarent ab eo qui est via, veritas, et vita super hoc aperiri viam inveniendi veritatem ad vitam; ac deinde non solum per testimonia, sed per testes, per famam quoque vulgatum et scripturam auctentiam, de virtute morum et de virtute signorum, operibus videlicet et miraculis, inquireretis certitudinem diligenter, cunctaque fideliter conscribentes sub testimonio sigillorum vestrorum per viros idoneos qui fidem etiam nobis super hiis facerent, in presentia nostra iurati, ad sedem apostolicam transmittere curaretis, ut per inquisitionem vestram diligenter instructi, ad divini nominis gloriem et catholice fidei firmamentum securius in ipso negotio procedere valeremus; quod si non omnes hiis possetis exequendis adesse, tres ea nichilominus adimplerent. Qui mandatum nostrum fideliter exequentes, cum quartus propter necessariam causam interesse non posset, tres ex vobis, videlicet tu, frater archiepiscopo, et memorati episcopus et abbas de Burgo, ad locum pariter accedentes et peragentes universa
Wishing, therefore, in a case of such importance to exercise the utmost care, we wrote to you and our venerable brother the bishop of Ely\textsuperscript{18} and our beloved sons the abbots of Peterborough\textsuperscript{16} and Wardon,\textsuperscript{17} directing you\textsuperscript{18} in reliance on our authority to proceed together to Sempringham and there solemnly proclaim a three days' fast for the whole community of the Order, that the brethren and sisters might ask and implore Him, 'who is the way, the truth, and the life,'\textsuperscript{19} to open in this matter a way of finding the truth that leads to life; then, by evidence, by witnesses, by common report and authentic documents, to seek diligently for complete certainty about the holiness of his life and his mighty signs, that is, his works and his miracles. All this you were faithfully to record in writing and transmit under the testimony of your seals to the Holy See by suitable envoys who were also to vouch for these matters under oath in our presence—so that, being exactly informed by your enquiry, we might proceed in this matter with more certainty, to the glory of the divine name and the strengthening of catholic faith. But, if all of you could not take part in discharging this commission, three were to discharge it, notwithstanding.

Though one of the four for a necessary reason could not take part,\textsuperscript{20} three of you, namely, you, brother archbishop, with the bishop of Ely and the abbot of Peterborough, faithfully executing our mandate,\textsuperscript{20} went together to the place and did everything according to

\textsuperscript{20} The records of the enquiry, held after three days' fast, on 26-8 September 1201, and Archbishop Hubert's report to the pope, are in Foreville.

\textsuperscript{31} The abbot of Wardon was at the General Chapter of his Order at Citeaux (Foreville, p. 30).
secundum mandati nostri tenorem, testes iuratos tam religiosos quam seculares, tam clericos quam laicos, tam viros quam mulieres, super virtute signorum que per merita ipsius magistri G. dicebantur ostensa, examinare diligentius procurastis, quorum attestationes fideliter conscribentes, sub vestris nobis sigillis transmisistis inclusas, que licet evidentia fuissent et certa, quia tamen tam multa fuerunt et varia ut non oportuerit ea presentibus litteris annotare. Super honestate vero conversationis ipsius que per se publice innotescit, viros religiosos qui ei multis temporibus familiarius assistere consueverant et quos eius secreta conversatio non latebat, diligenter requiere studuisistis, qui omnes concorditer testificati sunt et constanter, quod eius vita immaculata perseveravit et sancta. Erat enim admirandus in abstinentia, preclarus in castitate, in oratione devotus, et in vigiliis assuetus, circa curam gregis sui provida discretione sollicitus et horis quibus poterat libenter contemplationi vacabat, ut in terris positus actionis et contemplationis vices mirabiliter alternaret, tanquam in scala Iacob nunc ascendentis nunc descendentes angelos sequeretur; cui quando cum fratibus et sororibus fuit familiaris collatio, iuxta quod de Samuele legitur, non cecidit de verbis eius in terram, sed secundum doctrinam apostoli, ociosus sermo de ore eius rarius procedebat, sed qui ad edificationem fidei bonus erat ut daret gratiam audientibus. Quamvis...
the tenor of our instructions. You conducted a careful examination of witnesses on oath (monastic as well as secular, clergy and laity, men and women alike) concerning the mighty signs which were said to have been manifested through Master Gilbert's merits, and the depositions of these witnesses you faithfully put in writing and despatched to us enclosed under your seals. These evidences were clear and indubitable, but so numerous and of so many kinds that it has seemed unnecessary to describe them in the present letter. But as regards the integrity of his life which is a matter of common knowledge, you set yourselves carefully to question the canons who had often been accustomed to wait upon him and so were conversant with his private life: and they all testified consistently and steadily that his life remained stainless and holy. He was admirable in abstinence, renowned in chastity, devout in prayer, and regular in vigils, unremittingly tending his flock with a wise sagacity, and gladly giving himself to meditation at whatever hours he could: in fact, while still on earth, he marvellously alternated activity and contemplation, as though imitating the angels ascending and descending on the ladder of Jacob. Whenever he had friendly converse with the brethren and sisters, it was with him as is read of Samuel, 'none of his words fell to the ground'; but, in keeping with the apostle's teaching, rarely did 'idle talk proceed out of his mouth' but only 'such as was good for the edifying of faith to minister grace unto the hearers.' Among

(The Gilbertine rite, ed. R. M. Woolley (Henry Bradshaw Soc., vols. 59-60, 1921-2), i. 119). Gregory the Great makes Jacob's ladder signify the active and contemplative lives (Reg. epp., i. 24). His interpretation appears in the Bible Gloss at this point; and Innocent may have taken it thence or from the original.

24 1 Reg. 3:19 (Vulgate), 1 Sam. 3:19 (A.V.)

25 Eph. 4:29
autem multa vitam eius preclaram reddiderint, hoc tamen eum precipue insignivit quod, spontaneam eligens paupertatem, omnia temporalia sibi a deo prestita fratrum et sororum quos sub regulari disciplina prudenter instituit et sollicite custodivit necessitatibus deputavit; cui processu temporis tantam deus adauxis gratiæ et virtutem quod novem construxit sanctimonialium monasteria et quatuor canonicas regulares in quibus, eo tempore quo migravit ad dominum, preter quamplures viros religiosos, mille et quingente sorores vivebant, deo iugiter famulantes. Ad maiorem vero cautelam, quinque de fratribus ordinis memorati ad nostram presentiam accedentes, examinari fecimus, sub iuratoria cautione, qui de piis eius operibus et claris miraculis multa nobis concorditer retulerunt. Nos ergo, de meritis et miraculis eius, multis et magnis non solum testimoniis sed et testibus, cerciores effecti, cum iuxta testimonium angeli ad Tobiam, sacramentum regis abscondere bonum sit, opera vero dei revelare et consieri sit honorificum; ut secundum prophetam laudetur deus in sanctis suis, ipsum beatum Gilebertum cathalogo sanctorum ascripsimus eiusque memoriam inter sanctos decrevimus celebrandam. Quapropter, fraternitatem tuam monemus et exhortamur in domino, per apostolica tibi scripta mandantes, quatinus quod nos sollemniter et caute statuimus, tu humiliet et devote conserves, faciens festivitatem ipsius per tuam provinciam sollemniter celebrari, ut meritis eius et precibus apud misericordissimum iudicem misericordiam consequaris.
the many actions which made his life famous, one particularly distinguished him—that he chose voluntary poverty and assigned all the worldly wealth granted him by God to the needs of the brethren and sisters whom he skilfully organized and carefully guarded as a regular Order. In the process of time God so greatly increased his grace and holiness that he built nine convents for nuns and four for regular canons, in which at the time of his death there dwelt, in addition to many canons, one thousand five hundred nuns constantly serving God. For the greater precaution, we caused to be examined on oath five brethren of the Order who presented themselves before us: and they unanimously reported to us many instances of his pious works and famous miracles.

Wherefore, being assured of his merits and his miracles both by much important evidence and by many important witnesses; and because (by the angel’s message to Tobias) to conceal a king’s trust is good, but to reveal and declare the works of God is glorious; and in order that, in the Psalmist’s words, ‘God may be praised in his saints’—we have inscribed the blessed Gilbert on the roll of saints and have decreed that his memory is to be celebrated among the saints. Accordingly, we notify you and exhort you in the Lord, commanding you by apostolic letter to observe humbly and devoutly what we have solemnly and with care ordained. You will cause his festival to be solemnly celebrated throughout your province, so that by his merits and prayers you may obtain mercy before the most merciful Judge. And when so requested by the

19 Tobias 12:7 20 Ps. 150:1 (Vulgate) 21 Letters of Archbishop Hubert enjoining observance of the feast of St Gilbert are in Foreville, pp. 36, 37
Et cum a fratribus ordinis de Sempingham fueris requisitus, corpus confessoris eiusdem cum honore ac reverentia debita elevare. Collectas autem in commemoratione eius dicendas edidimus quas in hac pagina duximus subscriendas: Plenam in nobis, eternae salutis, tuae virtutis operare mediarem ut, qui preclara beati Gileberti confessoris tui merita veneramur, ipsius adiuti suffragis, a cunctis animarum nostrarum langoribus liberemur. Qui vivis et cetera. Accepta tibi sit, domine, quesusus, hæc oblato salutaris, ut sicut beato Gileberto confessori tuo proficit ad honorem, ita nobis famulis tuis proficiat ad salutem. Per dominum. Quod a te, domine, descendit ad nos, ut te, quesusus, a nobis ascendet, ut intercedente beato Gileberto confessore tuo, purificet quos redemit Iesus Christus, filius tuus, dominus noster, qui tecum.

Dat Anagnie, iii kalendas Februrarii pontificatus nostri anno quarto.
brethren of the Order of Sempringham, you are to effect
the translation of the said confessor's body with due
honour and reverence.\textsuperscript{31} We have published Collects
to be used for his commemoration and these we have
thought fit to append on this page: \textsuperscript{32}

Work Thou in us, eternal Saviour, the full healing of Thy
power that we, who now venerate the glorious merits of Saint
Gilbert, Thy confessor, may with the help of his intercession be
freed from all the ailments of our souls. Who livest and reign-
est etc.

Accept, O Lord, we pray, this redeeming sacrifice that, as it
avails for the honour of Saint Gilbert, Thy confessor, so for us
thy servants it may avail unto salvation, through our Lord etc.

O Lord, we beseech Thee, may that which came down from
Thee to us ascend from us to Thee,\textsuperscript{33} that by the intercession
of Saint Gilbert, Thy confessor, it may purify those redeemed
by Jesus Christ, Thy Son, our Lord, who with Thee etc.

Anagni, the 30th of January, in the fourth year of
our Pontificate.

\textsuperscript{31} The collects are found (as Collect, Secreta, and Postcommunio)
in a mid-thirteenth century Gilbertine missal and in the fourteenth
century service contained in Digby MS 36, with trifling variants (The Gilbertine rite,
i. 116, 126; ii. 26-7).

\textsuperscript{32} cf. Ioh. 3:13; 6:51; 6:59. Innocent III once preached on the
first of these texts ('No man hath ascended up to heaven, but he that came
down from heaven, even the Son of man which is in heaven'), on the feast
of the Assumption of the B.V.M. (Migne, cxvii. 521).
Innocentius episcopus servus servorum dei dilectis filiis . . de Sancto Hoswaldo ¹ et . . de Pontefracto ² prioribus et R. decano de Ledesham ³ Eboracensis diocesis salutem et apostolicam benedictionem.

LECTA Nobis dilecti filii W. de Midelton petivit demonstravit quod . . pater ipsius quandam terram de Eglefetham ⁴ quondam Yvoni de Crossebi ⁵ Eboracensis diocesis pro certa summa pecunie pignori obligavit et licet tam idem Ivo dum viveret quam R. filius eius post decessum ipsius de terra illa sortem sit et amplius assecutus, dictus tamen R. eam in salutis sue periculum detinet et reddere contradicit. Ideoque discretioni vestre per apostolica scripta mandamus quatinus si res ita se habet ⁶ dictum R. ut sua sorte contentus predictam terram et quicquid ultra sortem percepit restitutum conquerenti per penam in Lateranensi concilio contra usurarios promulgatam ⁷ appellatione remotae cogatis. Testes autem qui nominati fuerint si se gratia odio vel timore subtraxerint per censuram

Not in Potthast, not in register. Text. P.R.O., Papal bulls 64(1). Original mandate, approximately 6½ in. × 5½ in.; slightly damaged, with leaden bulla pendent on hempen cord.

¹ Priory of Austin canons of St Oswald, Nostell (West Riding, Yorks.). The prior was Ralph (1199-1208).
² Priory of Cluniac monks of St John the Evangelist, Pontefract (West Riding, Yorks.). The prior was Hugh (c.1184-c.1203).
³ This may be Roger of Ledsham, rural dean of Pontefract between 1191 and 1203 (W. Farrer, Early Yorks. charters, ii. 415).
⁴ ? Ecclefechan, co. Dumfries
Innocent, bishop, servant of the servants of God, to his beloved sons the priors of St Oswald¹ and of Pontefract² and Roger dean of Ledsham³ in the diocese of York, greeting and apostolic benediction.

The petition of our beloved son William de Midelton has been read to us: it set forth that his father once pledged a piece of land at Ecclefchan⁴ to Ivo de Crosby⁵ of the diocese of York as security for a certain sum of money, and that, though the said Ivo in his lifetime and his son Richard after his death gained from that property the capital and more, nevertheless the said Richard, to the peril of his salvation, still holds it and refuses to return it. Therefore by apostolic letter we command you that, if the case is as stated,⁶ you should compel, without appeal, the said Richard to content himself with his capital, and to restore to the complainant the said land and any takings in excess of the capital sum, on threat of the penalty published in the Lateran Council against usurers.⁷ If any witnesses cited have withdrawn through favour, hatred, or fear,

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¹ One Ivo de Crosby is a frequent witness to charters of Robert de Brus II in the second half of the twelfth century and appears with his son Richard in documents of 1170 × 1190 and 1174 × 1191 (Farrer, op. cit. ii. 3-8, 111-12). Robert de Brus was lord of Annandale, in which region lay Ecclefchan: hence the suggested identification in the preceding note.

⁶ See Innocent III’s comment on the significance of these words in P. 3122: the executor of a mandate was obliged thereby first to make formal inquiry into the truth of the petitioner’s statement (cf. no. 7 above).

⁷ Third Lateran Council, c. 25 (Decretals, V. 19, 3)
ecclesiasticam cessante appellatione cogatis veritati testimonium perhibere.\(^8\) Quod si non omnes hiis exeundemis potueritis interesse, duo vestrum ea nichilo-
minus exequantur.\(^9\)

Dat' Laterani, ii\(^a\) non. Martii pontificatus nostri anno quinto.

\(^{8}\) the parchment is torn and the numeral is perhaps vi

\(^{9}\) For this provision, which is a common form, see Code, IV. 20, 16 and 9 and Decretals, II. 21, 1, etc.
you are to compel them, by ecclesiastical censure without appeal, to give evidence establishing the truth.⁸

But if you cannot all take part in discharging this business, let two of you discharge it, notwithstanding.⁹

... The Lateran, the 6th of March, in the fifth year of our Pontificate.

⁸ cf. no. 9 above
Innocentius episcopus servus servorum dei venerabili fratri . . Cantuariensi archiepiscopo 1 salutem et apostolicam benedictionem. 2

CUM SECUNDUM APOSTOLUM 3 qui altari deservit 4 vivere debat de altari et qui ad onus eligitur repelli non debat a mercede, patet a simili ut clerici vivere debant de patrimonio Iesu Christi cuius obsequio deputantur, sicut ipsa nominis ratio persuaedet. Cum enim a 'cleros quod est sors vel hereditas clerici appellentur; 5 quia in sui ordinatione vel assumuntur in hereditatem domini vel assecuntur hereditatem in ipso ut vere possint psallere cum prophet: 'Dominus pars hereditatis meae; 6 dignum est ut ecclesie stipendiis sustententur in qua et per quam divinis obsequius ascribuntur. Licet autem predecesores nostri ordinationes eorum qui sine certo titulo promoventur in iniuriam ordinantium irritas esse voluerint et Inanes, 7 nos tamen benignius agere cupientes tam diu per ordinatores vel successores eorum provideri volumus ordinatis donec per eos ecclesiastica beneficia consequantur, ne forte

Not in Potthast. Text. O : Canterbury : Canterbury, Christ Church, muniments of the Dean and Chapter, Chartae antiquae, A. 191. Original letter close, approx. 8½ in. x 7½ in.; five slits on each side for closing; seal and cord missing. On dorse, in the usual position: 'Cantuariensi archiepiscopo pro Adamo diacono.'

1 Hubert Walter, archbishop of Canterbury (1193-1205)
2 The form of this letter was, with some variants, widely used in the early years of Innocent III. It first appears in a letter to the bishop of Zamoira, in favour of a subdeacon, Bernard, on 3 April 1198 (P. 71, Decretals, III. 5, 16). This earlier letter was of particular importance because it extended to a subdeacon the rule laid down in III Lateran Council, c. 5 (Decretals, III. 5, 4) in respect of priests and deacons. It effected by means of a simple 'letter of justice'—a letter in common form—the same result as did a papal provision. For the importance of the form in canon law, its variants, and its incorporation in decretal-collections and formularies, see von Heckel, 'Die Verordnung Innozenz III,' and 'Zur Gesch. der Forma Cum secundum apostolum,' and Gilbertus-Alanus,
Innocent, bishop, servant of the servants of God, to his venerable brother the archbishop of Canterbury, greeting and apostolic benediction.

According to the Apostle he who serves the altar should live of the altar and he who is chosen for a task should not be denied the reward of his labour; and by analogy it is clear that the clergy should live of the patrimony of Jesus Christ to whose service they are assigned—as the etymology of the word 'clergy' suggests. For the clergy are so called from ἐκλήρος (which means a portion or inheritance), because in their ordination they are either co-opted into the inheritance of the Lord or in Him attain their inheritance, so that they can truly sing with the Psalmist, 'The Lord is the portion of mine inheritance': therefore it is proper that they should be supported by the revenues of the Church, in which and through which they are set apart for the service of God. Though our predecessors ruled that the ordinations of those who are promoted without a definite title should (to the detriment of the ordainers' rights) be null and void, we however, desiring to act more considerately, rule that provision for the ordained should be made by their ordainers or ordainers' successors until, through them, they obtain ecclesiastical benefices, so that we may not seem with

p. 320. Von Heckel did not know this letter to Hubert Walter, but shows that the archbishop received another in similar terms concerning another deacon ('Zur Gesch.,' p. 87). The archbishop had applied the rule of III Lateran to subdeacons in his Council of Westminster, 1200 (c. 6).

3 1 Cor. 9:13-14 and 1 Cor. 3:8
4 cf. Decretum, I. 21, 1 (from Isidore of Seville)
5 Ps. 15:5 (Vulgate), 16:5 (A.V.)
6 cf. Decretum, I. 70, 2. The III Lateran Council (1179) had already reacted against the old law of the Church in this matter (cf. n. 2 above).

"Title" is used in the ecclesiastical sense of a sphere of work and source of maintenance.
clamores pauperum clericorum quos in aures domini Sabaoth credimus introire 7 indurata facie 8 negligere videamur. Inde est quod cum dilectus filius Adam lator presentium a te fuerit sicut asserit in diaconum ordinatus nec ullum sit ecclesiasticum beneficium assecutus, fraternitati tue per apostolica scripta mandamus quatinus si dilecti filii . . abbas de Hida 9 . . Sancti Dionisii 10 et . . de Sudwihe 11 priores dio-
cesis Wintoniensis, quibus examinationem ipsius duximus committendum, eum idoneum reppererint et ecclesiasticum beneficio non indignum, tamdui ei vite necessaria congrue subministres donec per te competens fuerit ecclesiasticum beneficium assecutus. Quod si eum ad presentacionem alicuius vel aliquorum ecclesiasticorum virorum qui ei providere possint in competenti beneficio ordinaveris, 9 per representantem vel successorem ipsius si ille forte decessit iuxta prescriptam formam ei facias provideri, 11 sciturus pro certo quod si per examinationem eorum fuerit repperitus idoneus et tu ei neglexeris providere, cum id nobis per eorum litteras innotuerit te ad id per districtionem ecclesiasticam compellemus, quia sicut nolumus iniusta precipere sic cum iusta precipimus volumus efficaciter exaudiri.

Dat' Laterani, viii idus Martii pontificatus nostri anno quinto

7 Iac. 5:4. 8 cf. Ierem. 5:3: 'induraverunt facies suas supra petram.'
9 Benedictine abbey of Hyde, or La Hida, near Winchester. The abbot was John Suthil (d. 1222).
10 Augustinian priory of St Denis, Southampton.
stony countenance ⁸ to disregard the cries of the poor clergy which we believe enter into the ears of the Lord of Sabaath.⁷ Hence, since our beloved son Adam, the bearer of this letter, was (as he maintains) ordained deacon by you and has not obtained any ecclesiastical benefice, we command you by apostolic letter that, if our beloved brethren the abbot of Hyde ⁹ and the priors of St Denis ¹⁰ and of Southwick ¹¹ in the diocese of Winchester (to whom we have thought fit to commit his examination) find him to be a proper person and not unworthy of an ecclesiastical benefice, you should fittingly provide for him the necessities of life until through you he has acquired a suitable ecclesiastical benefice. If you have ordained him on the presentation of some ecclesiastical patron or patrons who can make provision for him in a suitable benefice, you will cause provision to be made for him in the same fashion by the patron or, if he be dead, by his successor.¹² For be assured that, if by the examiners’ enquiry he be found a proper person and if you have failed to make provision for him, as soon as we are informed thereof by the examiners’ report, we will compel you by ecclesiastical discipline to make provision. We have no wish to order what is unjust: but, when we order what is just, we wish to be obeyed with effect.

The Lateran, the 8th of March, in the fifth year of our Pontificate.

¹² The clause ‘Quod si . . . provideri’ does not appear in the letter to the bishop of Zamorra, where the bishop is said to have promoted Bernard to the subdiaconate ‘nullo presentante.’ It occurs in the similar letter of 21 August 1169 to the archbishop of Rouen (P. 824), reading ‘representationem’ for ‘presentationem,’ and ‘promovisti’ for ‘ordinaveris.’ For a reference to the clause in 1206 see P. 2880.
Illustri regi Anglorum.  

In medio duorum hostium positus miser homo, dum caro adversus spiritum et adversus carnem spiritus concupiscit, 1 dum corpus quod corruptitur aggravat animam, 2 vix potest in carne carnis sordes exuere, et cum corruptibili non corrumpi; cum sepe Dalida prevaleat in Sansonem et capiatur in amplexu virginis etiam unicornis. 3 Sane nulla pestis efficacior ad nocendum quam familiaris inimicus, 4 quoniam inimici hominis domestici eius, 5 quibus tanto minus resistitur quanto difficilior evitantur. Quis autem pugnam huiusmodi lesem putet, quis eam valeat evitare, cum apostolus etiam de se dicit: Video aliam legem in membris meis, repugnament legi mentis mee et captivantem me in lege peccati que est in membris meis, 6 nisi qui eius exemplo castigaverit corpus suum et in servitutem redegerit, 7 ut caro spiritui et sensualitas serviat rationi. Non enim in hoc conflictu finis est equanimitas expectandus, aut tamquam tutius medium eligendum, ut vel neutri faveatur omnino vel uterque pariter foceatur, sed iuvandus est spiritus et caro contraria subiuganda. Verum dum caro spiritum vel spiritus culpatur carnem, immo ut rectius dicamus impugnat, nemo vivit absque peccato; quoniam si dixerimus


1 om. protocol, address as rubric V
2 Gal. 5:17
3 Sap. 9:15
4 The medieval notion that the unicorn could only be captured when lured by a virgin derives from the early Christian Bestiary of "the Physiologus." The pope's reference to it here may be influenced by those theological interpreters who saw in this piece of "natural history" a symbol of Christ's incarnation.
5 Boethius, Consolation of philosophy, iii. 5
To the illustrious king of the English.

Unhappy man is the battlefield of two enemies, for 'the flesh lusteth against the spirit, and the spirit against the flesh'; and as long as the corruptible body burdens the soul, man can hardly, while in the flesh, lay aside the impurities of the flesh or escape being corrupted with the corruptible: often Delilah prevails over Samson, and even the unicorn is captivated by a virgin's embrace. Truly, 'no plague is more potent to hurt than an enemy in the family,' since 'a man's enemies are the men of his own house,' who are less resisted as being harder to avoid. Who could regard this warfare as easy, who could avoid it—when even the Apostle Paul says of himself, 'I see another law in my members warring against the law of my mind and bringing me into captivity to the law of sin which is in my members'? None but the man who, by St Paul's example, 'has kept his body under and has brought it into subjection,' so that the flesh is subordinate to the spirit and the senses to the reason. This is not a conflict in which the end can be awaited dispassionately, or where one can adopt neutrality as safer, entirely refusing favour to either side or equally supporting both. No: the spirit must be helped and its enemy, the flesh, subjugated. But while the flesh continues to blame the spirit, and the spirit to blame or, more correctly, to assail the flesh, no man lives his life without sin; for 'if we say that we have no sin, we deceive ourselves

4 Matt. 10:36 5 Rom. 7:23 7 1 Cor. 9:27
quia peccatum non habemus, ipsi nos seducimus et veritas in
nobis non est. Et quia non tantum lusisse in culpa est, 
sed non incidere quoque ludum, ad lamentum est penitentie
recurrencium, ut sordes criminum confitentis abluantur
lacrimis et pulvis cogitationum penitentis suspiriis
exsuffletur, fiatque maius gaudium angelis dei super
uno peccatore penitentiam agente quam super nonaginta
novem iustis qui noscuntur penitentia non egere. Gaudemus
autem et tui propositi puritatem in domino commend-
mus quod, sicut venerabilis frater noster .. Cantuar-
iensis archiepiscopus nobis intimare curavit, serenitas
regia que prediximus diligenter attendens, ei peccata
sua que ab etate ineunte commisit humiliter est
confessa, et iuxta consilium eius deo satisfacere re-
promisit. Idem autem archiepiscopus saluti tue cupiens
providere, inter alia tibi diligenter consuluit ac prudenter
iniunctit ut centum milites dirigas in subsidium terre
sancte, in obsequio Crucifixi per annum integrum
morature, et monasterium construas in quo conventus
fratrum Cisterciensis ordinis statuatur. Monemus igitur
serenitatem regiam et exhortamur in domino quatinus
posteriorum obлитus ad anteriora iugiter te extendas,
and the truth is not in us.' And because the blame lies not merely in self-indulgence but in failing to end the indulgence, one must have recourse to the grief of penitence so that the filth of sin may be washed away by the tears of the confessing sinner and the dust of evil thoughts blown away by the sighs of the penitent and that there may be 'greater joy in the presence of the angels of God over one sinner that repenteth than over ninety and nine just persons which are known to need no repentance.'

We rejoice and in the Lord we commend the purity of your intention—in that (as our venerable brother, the archbishop of Canterbury has informed us) your Majesty, diligently attending to what we have said, has humbly confessed to the archbishop the sins committed since reaching manhood and, in accordance with his advice, has promised to make amends to God. The archbishop, desiring to provide for your salvation, has among other things diligently advised and prudently charged you, to send to the aid of the Holy Land a hundred knights who will remain a year in the service of the Crucified and to build a monastery in which a community of brethren of the Cistercian Order may be established. We therefore advise your Majesty and exhort you in the Lord that, 'forgetting those things which are behind, you should constantly reach forth unto those things which are before'; do not look back, but henceforth give yourself wholly to works of

royal manor of Faringdon, Berks (Ann. mon. ii. 254, and Pipe Roll 5 John (Pipe Roll Soc. n.s. 16) p. 46). About two years later they removed to Beaulieu, Hants, where their abbey was built. John alternately plundered and patronised the Cistercians. Two abbots of the Order, John of Ford and Henry of Bindon, were successively the king's confessors.

11 Philipp. 3:13
nec retrorsum respicias sed de cetero vaces operibus pietatis, et sic satisfacias de commissis ut caveas cautius committenda. Speramus enim quod, si te in operibus exerceris pietatis et feceris que sunt placita coram deo, prosperabitur regnum tuum et honor regius temporaliter etiam recipiet incrementum. Nos autem de misericordia dei omnipotentis et beatorum apostolorum Petri et Pauli auctoritate confisi, concedimus ut satisfactionis effectus, tibi ab archiepiscopo eodem iniunctus et sponte a tua devotione susceptus, in remissiorem tibi proficiat peccatorum.

Dat Laterani, vi kal. Aprilis.
piety, and make amends for past sins in such a way that you carefully guard against them in future. For we hope that, if you busy yourself with works of piety and do what is acceptable in the sight of God, your kingdom will prosper and your royal honour even in this life will be enhanced. Relying on the mercy of Almighty God and on the authority of the blessed apostles Peter and Paul, we grant that the due fulfilment of the amends, enjoined upon you by the archbishop and freely undertaken by your devotion, should avail for the remission of your sins.

The Lateran, the 27th of March.
Fraternitatem tuam credimus non latere qualiter karissimo in Christo filio nostro I. illustri regi Anglorum quantum cum deo potuimus adesse curaverimus hactenus et deferre, inter ipsas primitias promotionis ipsius ad exaltationem regiam intendentes. Ne igitur credamur mutasse propositum vel aliter quam olim sentiebamus de ipso sentire, nunc etiam ipsum sincere dilectionis brachiis amplexamur et in magnificentia sua manutenere volumus et fovere. Ideo fraternitati tue per apostolica scripta mandamus atque precipimus quatinus, siqui in Normannia vel alii partibus cis-marinis cidem regi subiectis contra eum presumpserint rebellare et ipsi debitam subtraxerint reverentiam et honorem, presumptionem eorum, auctoritate nostra suffultus, monitione premessa per censuram ecclesiasticam appellatione remota compescas, mandatum apostolicum taliter impleturus quod et nostram et regiam gratiam valeas ubierius promereri.

Dat' Laterani, nonis Maii.\textsuperscript{4}
To the archbishop of Rouen.¹

We believe you are not unaware how up to the present we have consistently given support and shewn consideration (as far as with God’s approval we could) to our well-beloved son in Christ, John king of the English, purposing to exalt his royal power from the very morrow of his accession. Lest, therefore, we should be thought to have changed our purpose or to feel differently about him now, we still enfold him in the arms of our sincere affection, and in his greatness we wish to uphold and cherish him. Therefore, by apostolic letter we charge and instruct you that, if any persons in Normandy or in other parts of King John’s territories overseas have presumed to rebel against him and have withdrawn the respect and honour due to him, then, relying on our authority, after previous warning you are to crush their presumption by ecclesiastical censure without appeal—fulfilling our apostolic command so as to earn abundantly both our favour and the king’s.

The Lateran, the 7th of May.

John to counteract growing disaffection in Spring 1202. Early in the year the Lusignans appealed to Philip Augustus, as overlord, against John’s conduct. On 25 March Philip’s envoys met John’s at Le Goulet and summoned the English king as a vassal of France to appear in Philip’s court. John’s failure to appear brought about the immediate invasion of Normandy (Apr.-May 1202), while this letter was on its way from Rome.
.. archiepiscopo Cantuariensi.\textsuperscript{a}

IN NOSTRA PRESENTIA constitutus dilectus filius R., quondam abbas Tornae,\textsuperscript{b} proposuit coram nobis quod cum olim ad eius monasterium accessisses, quod ipse in centum marcarum redditis ampliarat, et ingressus capitulum monachorum, inquisitionem cepisses facere contra eum, ipse gravari se timens, ad sedem apostolicam appellavit; tu vero appellationi non deferens, eum ab ammissionis officio suspendisti; et in eius absentia inquisitione post facta, ipsum usque ad monasterium de Ramescia, licet invitum, turpiter post te tractum, super crucem fecisti iurare quod te usque Londoniam sequeretur. Ipse igitur Londoniam veniens, appellationem quam prius interposuerat, sollemniter innovavit, et ad venerabilem fratre nostro Wintoniensem episcopum,\textsuperscript{c} et consiudices eius commissionis, obtinuit litteras destinari, quas deferendas cuidam tradidit mercatoris. Tu vero ipsum in Angliam redeundem fecisti capi Londoniis, et in Eliensi monasterio carceri mancipari. Propter quod mercator qui litteras deferebat, venire in Angliam non presumpsit. Tamdem vero

Pott. 1605. Text. V : Reg. Vat. 5 fo. 15v no. 57; whence decretal-collections (see n. 1 below) and Migne, ccxiv. 1026 (IIb. v ep. 57).

\textsuperscript{a} om. protocol, address as rubric; in margin (? seventeenth century hand): Hoc capitulum est Extra, de renunciatione, in presencia. V

\textsuperscript{b} Hubert Walter, archbishop of Canterbury 1193-1205, was also papal legate in England 1195-8.

This letter appears (abridged) in Compilatio II, I. 5, 4 and Decretalis, I. 9, 6, ascribed to Clement III. It is correctly ascribed to Innocent III in Gilbertus Anglicus, Appendix no. 11 (von Heckel, 'Gilbertus-Alanus,' pp. 220-1).

\textsuperscript{c} Robert, abbot of the Benedictine abbey of St Mary, Thorney (Cambridgeshire, diocese of Ely), became abbot in 1193.
To the archbishop of Canterbury.¹

Our beloved son Robert, formerly abbot of Thorney,² presenting himself before us has alleged that you once came to his monastery (the income of which he had increased to the extent of 100 marks of rents), and that, entering the monks' chapter-house, you began to hold an enquiry directed against himself: whereupon, fearing that he was being victimised, he appealed to the Apostolic See. You, however, did not defer to the appeal but suspended him from his administrative duties; and, afterwards completing the enquiry without his presence, you shamefully haled him in your train, reluctant though he was, to the monastery of Ramsey and compelled him to swear on the Cross that he would follow you to London. Coming then to London, he solemnly renewed his former appeal to the Apostolic See and obtained a letter directed to our venerable brother the bishop of Winchester³ and his fellow-judges of that commission: this letter he entrusted to a merchant, to carry to the bishop.

But, on his return to England, you had him arrested in London and imprisoned in the monastery of Ely; and for this reason the merchant, who was bringing the letter, did not venture to cross into England. At

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¹ Godfrey de Luci, bishop of Winchester 1189-1204.
² The abbot's movements do not emerge clearly from the pope's résumé of a long case. But, evidently, after coming to London he had renewed his appeal and carried it in person to Pope Celestine, from whom he obtained a letter authorising an enquiry by the bishop of Winchester's commission. This letter he gave to a merchant for conveyance to England, but apparently it was not delivered. He himself returned to England (cf. in Anglia redeuntum), where his treatment by the archbishop caused him to make yet another appeal to Rome.
a carcere liberatus, ad sedem apostolicam appellavit, sed tu eius appellationi non deferens, sicut prius, in ipsum depositionis sententiam protulisti, et depositum in carcerem fecisti retrudi. Ceterum, cum fuisset a vinculis absolutus, ad presentiam nostram venit, et ad venerabilem fratem nostrum . . Dunelmensem episcopum, et dilectum filium, magistrum Iohannem de Londoniis, litteras impetravit, ut super propositis diligentier inquirerent veritatem, et causam ipsam, si partes vellent, concorditer fine debito terminarent; aliquin causam sufficienter instructam ad nos remittere non differrent. Proponebat igitur idem Abbas quod predicta omnia sufficienter fuerant coram eisdem iudicibus comprobata. Verum dilectus filius magister Honorius, archidiaconus Richemundie, nuntius tuus, proposuit ex adverso quod, cum olim legationis officio fungereris, ad monasterium de Tornæia, ut ei visitationis impenderes gratiam, accessisti; cumque de vita ipsius R. diligentius inquisisses, de dilapidatione, incontinentia, et turpi eius conversatione per testimonia tibi constituit monachorum. Unde, communicato prudentum virorum consilio, eum ab amministrationis officio suspendisti, cum iuxta canonicas sanctiones de dilapidatione suspexit debeat ab amministratione suspendi. Nec appellaverat tunc temporis idem Abbas,
length he was released from prison, and again appealed to the Apostolic See; but you, as before, paid no attention to his appeal, and published against him sentence of deposition and, once deposed, you had him thrust again into prison. When released, he came to our presence and obtained from us a letter to our venerable brother the bishop of Durham and our beloved son Master John of London 4—bidding them to enquire carefully into the truth of these allegations and to decide the case by consent (if the parties were willing) in a suitable agreement; otherwise, without delay to remit to us the case properly documented. So the abbot was now 5 urging that all the above statements had already been adequately established before these judges.

Our beloved son, Master Honorius, archdeacon of Richmond, 6 your envoy, put the contrary case. He said that some time ago when you held the office of legate you went to the monastery of Thorney to confer upon it the benefit of a visitation; and, after a careful enquiry into his way of life, you found him to be convicted, on the monks' evidence, of dilapidation, incontinence, and shameful behaviour: so, having first taken the counsel of experienced men, you suspended him from administrative duties on the ground that, by the canonical decrees 7, a man suspected of dilapidation ought to be suspended from administration. Up to that point

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4 Masters Honorius, archdeacon of Richmond, was a distinguished lawyer who was now in Archbishop Hubert's service. He was also engaged at this time in the Roman Curia in establishing his claim to his rich archdeaconry (cf. P. 1190-1, 1250-2, 1285, 1338, 1402, 5035, 1692-4). For his career and writings see S. Kuttner and Eleanor Rathbone, in *Traditio*, vii (1949-51), 304-16.


(1039)
nec si appellasset etiam, tibi cum innotuerat appellasse; cum, sicut asserunt testes eius, egressus capitulum in secreto colloquatorio duxerit appellandum. Verum, cum postmodum apud Londonias appellasset, non solum appellationem interpositam recepisti, sed ministrae etiam ad prosequisitionem ipsius sufficientes expensas. Deinde, cum enormitates ipsius bone memorie G. pape, predecessori nostro, per tuas litteras intimasses, ipse tuæ fraternitati mandavit ut cum ab officio deponeres abbatie, ac carceri mancipatum tamdiu detineres, donec ad te mandatum eius denuo perveniret. Ipse igitur depositionis sententiam expavescens, in presentia multorum episcoporum et aliorum religiosorum virorum, renuntiavit spontaneus abbatie, sed post paululum penitens, se renuntiasse penitus denegavit. Tu igitur, cum metropolitanus eius existeres, et legationis officio fungereris, et ad hocesses specialiter delegatus, mandati apostolici formam sequens, propter crinimum evidentiam super abbatia ei perpetuum imponere silentium curavisti. Tandem vero, cum predicto Dunelmensi et coniudici eius sub forma predicta sententie tue foret cognitio delegata, coram eis quod idem abbas renuntiaverat a abbatie, quod incontinentie vitio laborabat, quod vasa quedam monasterii preter consensum alienaverat monachorum, quod tu eius appellationi detuleras, et expensas ministraleras appellanti, quod auctoritate litterarum predicti predecessoris nostri propter crinimum evidentiam et spontaneam cessionem processeras ad depositionem ipsius, et de speciali mandato eiusdem predecessoris

a renuntiaverit V

*The chronology may have been misrepresented by the archbishop's proctor or misunderstood by the court. Hubert could not as legate visit Thorney and suspend the abbot much earlier than the end of April 1195; and Pope Celestine III's letter, cited here, is dated 6 May 1195 (Diceto, ii. 151). Annals of Thorney confirm that Abbot Robert was deposed on
the abbot had not lodged an appeal—or, if he had lodged one, it had not been disclosed to you: for, as his witnesses state, he chose to appeal in a secret meeting after leaving the chapter-house. But later in London when he did appeal, you not only accepted the appeal but granted him sufficient expenses to prosecute it. You then wrote stating his irregularities to our predecessor, Pope Celestine of happy memory, who in reply commanded you to depose him from his abbacy and to keep him imprisoned until a further papal mandate should reach you; whereupon the abbot, dreading a sentence of deposition, voluntarily resigned his abbacy in the presence of many bishops and monks: but a little later he rued and flatly denied that he had resigned. You, therefore, being his metropolitan, and holding the office of papal legate, and having been specially delegated to take this action, adhering to the terms of the apostolic mandate imposed on him perpetual silence in respect of the abbacy because of the clear evidence of his crimes.

Ultimately, when cognizance of your sentence had been delegated by the aforesaid mandate to the bishop of Durham and his colleague, you proved before them by lawful witnesses that the abbot had resigned his abbacy, that he was afflicted by the vice of incontinence, that he had alienated some of the monastery’s vessels without the consent of the monks, that you had deferred to his appeal and had supplied expenses to the appellant, that on the authority of our predecessor’s letter you had proceeded to depose him because of the evidence of his crimes and his voluntary resignation, and then on our predecessor’s special mandate you had imprisoned him

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4 July 1195 (Dugdale, Monasticon anglic., ii (1819), 611, cf. Hoveden, iii. 299).
nostri cum in monasterio Glocestrensi, ubi prius monachus fuerat, carceri manciparas, per testes legiti-mos comprobasti; deinde autem cum iudices ipsi gesta omnia redegissent in scriptis, et terminum partibus assignassent, idem R. in manibus tuis et liti cessit, et renuntiavit spontaneus abbatie, ac tu renuntiationem eius, ad multam quorumdam religiosorum virorum instantiam, recepisti. Ceterum, licet sepedictus R. se renuntiasse abbatie ab initio denegasset, tandem tamen id in nostra presentia est confessus, adiciens quod, quia renuntiaverat spoliatus, eius renuntiatio non tenebat. 

Preterea, cum tu ei congrue promiseris providere, nec volueris adimplere promissum, nec ipse ratum habere quod fecerat tenebatur. Insuper metu fuerat ad renuntiationem inductus, cum tu ei fueris comminatus quod si ad nos cum iudicum relatione veniret, obtineres a nobis quod eum in caveam poneremus. Contra hoc autem dictus archidiaconus replicavit, quod eadem R. prodesse non poterat nec debeat quod renuntiaverat spoliatus, utpote quem non adversarius sed iudex potius spoliarat. Metus autem quem allegaverat pars adversa eam non poterat excusare, cum cadere non debuerit in constantem. Quis etenim constans presumeret quod nos ad nutum tuum aliquem retruderemus in carcerem, et tirannidem exerceremus in eos qui causas suas apud sedem apostolicam prosequuntur. Non ergo dictus R. debuit qualibet occasione presumere quod nos huiusmodi vellemus sevittiam exercere. Quod autem presumptio eius frivola fuerit, apparuit ex post facto. Licet igitur iudex non semper ad unam

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*a* Benedictine abbey of St Peter, Gloucester. Hoveden says that the abbot was imprisoned there for a year and a half (iii. 299), and the Red Book of Thorney (Cambr. Univ. Libr. Add. MS 3021 fo. 424r) states that Robert had been a monk of Gloucester.
in the monastery of Gloucester where he had earlier been a monk. When the judges had reduced to writing the whole proceedings, and had assigned to the parties a day for trial, then this same Robert quitted the suit in your favour and voluntarily placed his abbacy in your hands; and at the earnest insistence of certain monks you accepted his resignation.

The said Robert at first denied before us that he had resigned the abbacy, but finally he admitted it adding, however, that his resignation was not binding, since he had resigned when already despoiled of office. Furthermore, since you had promised to provide suitably for him and yet had refused to fulfil the promise, he on his side was not bound to regard as final what he had previously done. Moreover, he had been led by fear into resigning, because you had threatened him that, if he went to Rome with the judges’ report, you would get us to put him in ward. In answer to this the archdeacon replied that it could not, and should not, assist the said Robert that he had resigned when already despoiled of office, for he had been despoiled, not by an adversary, but by a judge. As for the fear alleged by the complainant, that could not explain away his resignation, since such fear ought not to have affected a man of courage; for what man of courage would assume that, at a nod from you, we would throw someone into prison and tyrannize over litigants prosecuting their cases at the court of the Apostolic See? Therefore the said Robert ought not for any reason to have assumed that we would practice such violence. That it was a frivolous assumption was shewn by his coming to Rome afterwards.

Naturally a judge does not concentrate on merely

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10 cf. p. 106 n. 6
11 cf. Ezek. 19:9: *miserunt eum in caveam*, a rare use of *caveam*
12 cf. no. 5, n. 4 above
speciem probationis applicet mentem suam, sed ex confessionibus, depositionibus, allegationibus, et aliis que in eius presentia proponuntur, formet animi sui motum, et tanta sit iudicialis auctoritas ut semper debeat presumi pro ea, donec contra ipsam aliquid legitime comprobetur, quare si tu contra predictum R. coram Dunelmensi et eius coniudice nichil penitus probavisses, standum tamen sententie fuerat, nisi dictus R. eam ostenderet irritandam; quia tamen, preter ista, constitit de ipsius renuntiacione spontanea, per quorumdam episcoporum litteras et confessionem ipsius, nos de consilio fratrum nostrorum ei super eadem abbatia silentium duximus imponendum. Volumus autem ut eidem, divine pietatis obtentu, de redditibus monasterii de Torneia in aliquo loco religioso congrue facias provideri. Nulli ergo et cetera, diffinitionis.

Dat' Laterani, ii non. Iunii.

1 For the extension according to common form see n. 42 below, reading diffinitionis for confirmationis

22 cf. Decretals, II. 20, 27, citing Digest, XXII. 5, 21, § 3
one kind of proof—he allows his conclusion to develop from confessions, depositions, allegations and whatever other material is presented in his court; and his judicial prestige is so great that the presumption must always be in its favour until something is lawfully proved against it (so that, even if you had not established a single point against the abbot at the enquiry before the bishop of Durham and his colleague, your sentence of deposition would necessarily have been maintained unless the abbot made a case for annulling it) : yet because, in addition to all this, the fact of his voluntary resignation has been proved by the letters of certain bishops and by his own confession, we have decided on the advice of our brethren to impose silence on him in respect of the abbacy. But we desire that, from regard to the goodness of God, you should cause suitable provision from the revenues of the monastery of Thorney to be made for him in some religious house.

Let no man therefore infringe our decision etc.

The Lateran, the 4th of June.
Innocencius episcopus servus servorum dei venerabili fratri Cantuariensi archiepiscopo\textsuperscript{1} salutem et apostolicam benedictionem.

Et quantum ad deum conscientiam debemus habere puram et quantum ad homines famam nostram conservare debemus illesam. Nostris autem est auribus intimatum quod magister Philippus notarius noster,\textsuperscript{2} dum olim fuisset a nobis in Angliam destinatus, a multis multa recepisse dicitur et etiam exegisse, que nobis magis cedunt ad dedecus quam ad honorem. Nolentes igitur famam nostram per illius insolenciam denigrari, fraternitatem tuam de qua plene confidimus rogamus attentius et monemus per apostolica tibi scripta precipiendo mandantes quatinus tam per tuam quam per Eboracensem provinciam facias caute tamen et diligenter inquiri quantum tam pro se quam pro nobis receptè a singulis vel exigit, et veritatem puram nichil tacito vel adiuncto nobis per tuas litteras non differas intimare,\textsuperscript{3} ut si bene processit eum remunerare pro ut convenit debeamus, si autem male presumcionem eius curemus taliter castigare ne nostri de cetero contra

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\textsuperscript{1} Hubert Walter, archbishop of Canterbury 1193-1205.

\textsuperscript{2} Master Philip arrived in England early in 1200 to see about the collection of the income-tax of one-fourth lately imposed by the pope on the
Innocent, bishop, servant of the servants of God, to his venerable brother the archbishop of Canterbury, greeting and apostolic benediction.

We must keep our conscience clear before God and maintain our reputation unblemished before men. It has come to our ears that Master Philip our notary, when sent by us to England some time ago, is reputed to have received, and also exacted, from many individuals many things which redound not to our honour but to our shame. As we do not wish our reputation to be blackened by any insolence of his, we earnestly ask and counsel you (in whom we have entire confidence), charging and commanding you by apostolic letter, to cause discreet and diligent enquiry to be made, both in your province and that of York, in order to ascertain how much he received or exacted from individuals as well for himself as for us, and to report promptly to us by letter the exact truth without suppression or addition, so that, if he has conducted himself well, we should fittingly reward him; but if badly, we may visit his presumption with such a punishment as will in future...

clergy for the succour of the Holy Land. He probably left England in the same year. Diceto and Giraldis Cambrensis both complain of his exactions. For his visit see Cheney, 'Master Philip.'

1 The only known text of our letter is contained in the copy of a coveting letter from Mauger, bishop of Worcester, to the abbots and priors of the diocese. Only one answer to the archbishop's enquiry is known to survive at Canterbury; and his reply to the pope has not been found.
mandatum nostrum quomodolibet attemtare presumant.

Dat' apud monasterium Sublacense, ii idus Augusti pontificatus nostri anno quinto.¹

¹ It was his visit to Subiaco on this occasion which led Innocent to issue the celebrated decretal Cum ad monasterium (addressed to the abbot and convent), a pattern for later visitors’ injunctions to monasteries (P. 1734).
prevent our agents from daring in any way to misuse any mandate of ours.

At the monastery of Subiaco, the 12th of August, in the fifth year of our Pontificate.
CUM, DIVINA TESTANTE SCRIPTURA, PATER FILIUM QUEM DILIGIT CORRIPIAT ET CASTIGET, si magnificentiam regiam, quam sincera diligimus in domino caritate, super his que contra caput et membra, nos videlicet et Romanam ecclesiam, clericos et ecclesias, dino scitur commississe, apostolicis litteris reprehendimus et etiam increpamus, ei gratum debet existere pariter et acceptum, cum hoc ex dilectione noscatur non ex indignatione aliqua provenire, presertim cum in hoc apostoli exsequamur edictum, qui episcopum instruens, inquit ad Timotheum: Insta oportune importune, argue, obserca, increpa, in omni patientia et doctrina. Cum enim inclite recordationis R. rex Anglie, frater tuus, sedi apostolice cum multa precum instansia supplicarit unde promotioni carissimi in Christo filii nostri, illustris regis Otonis nepotis eiusdem regis et tui, in Romanum imperatorem electi, efficaciter intendere dignaretur, promittens ad id efficacem se operam impensurum, eodem rege prout domino placuit sublato de medio, tu qui eidem in regni solio successisti non solum precibus sed etiam promissionibus per litteras plures et nuntios apud nos et fratres nostros pro eodem negotio instare curasti, asserens te et terram

Pott. 1831. Text. V: Reg. Vat. 5 fo. 47r-v no. 160; whence Migne, ccxiv. 1175 (lib. v ep. 160)

* om. protocol, address as rubric V
1 cf. Heb. 12:6
2 2 Tim. 4:2
3 Two letters of Richard I recommending Otto to the pope are in
To the illustrious king of England.

Holy scripture testifies that a father rebukes and chastens the son whom he loves: and so if your Majesty, whom we love with sincere affection in the Lord, is rebuked in our apostolic letter, and even upbraided, for the sins which you are known to have committed against the head and members, that is, against us and the Roman Church, the clergy and the churches, it should be pleasant and welcome to you to realise that our rebuke springs from love and not from anger—especially as, in administering this rebuke, we obey the decree of the Apostle who, in his instructions for bishops, says to Timothy, 'Be instant in season, out of season, reprove, plead, upbraid with all long-suffering and doctrine.'

Your brother of renowned memory, Richard, king of England, supplicated the Holy See with many urgent prayers that it would deign effectively to support the advancement of our well-beloved son in Christ, the illustrious king Otto, his nephew and yours, then Roman emperor elect; and he promised to contribute effective help to that end. When King Richard by God's will departed this life, you who succeeded to the throne pleaded urgently with us and our brethren on behalf of the same business, sending several letters and envoys both with petitions and promises, and declaring that you would sacrifice yourself and your

Reg. super reg. imp., nos. 4, 5. In August 1199 we hear of expenditure at the Curia of envoys sent by Richard on Otto's behalf (Foedera, 1. i. 78).

1 cf. no. 2, n. 4 above and Introduction, p. xxxv.
tuam expositurum omnino ad eiusdem negotii complementum.\textsuperscript{5} Nos vero credentes ut quod primittebas verbo curares opera adimplere, promotioni eiusdem regis sollicitius intendere procuravimus, sicut per dei gratiam effectus operis manifestat; \textsuperscript{6} sed qualiter tu postmodum, deserens nos et Romanam ecclesiam, eadem regi manum auxilii tui subtraxeris, et iuraveris contra ipsum,\textsuperscript{7} utinam nescirent alii, quia non potuit nos latere. Super quo quidem in maximo difficultatis articulo quantum in te fuit sedem apostolicam posuisti, licet ille qui ecclesiam suam non deserit, immo cum ea se asserit \textit{usque ad consummationem seculi} permansurum,\textsuperscript{8} ipsam ex alto respiciens, dignatus sit a tanto gravamine relevare, et quod ipsa incepit contra opinionem multorum de bono semper in melius prosperare.\textsuperscript{9} Gratum tamen habemus, si, quemadmodum nuper acceperimus, cum eodem rege vere pacis federa reformasti,\textsuperscript{10} gratius habituri, si ea curaveris firmiter observare. Preterea, cum venerabilem fratrem nostrum . . Bathonensem episcopum\textsuperscript{11} et quosdam abbates pro negotio crucisignatorum\textsuperscript{12} ad nostram presentiam direxisses ac nos secundum qualitatem negotii magnificentiam regiam, in his que cum deo potuimus, voluerimus exaudire, quia iuxta voluntatem tuam ex toto petitiones regias sicut nec debuimus non duximus admittendas, tu, eisdem nuntiis ad tuam presentiam redeuntibus, tanta fuisti turbatione commotus, quod publice inhibere curasti, ut nullus

\textsuperscript{5} John’s letters to the pope on this matter do not survive.
\textsuperscript{6} The pope pronounced in favour of Otto on 1 March 1201.
\textsuperscript{7} cf. no. 8 above
\textsuperscript{8} Matt. 28:20
\textsuperscript{9} Otto’s cause had improved considerably in Germany during 1202, and Innocent, despite the fact that he had accepted overtures from Philip of Swabia, still supported Otto in 1203.
\textsuperscript{10} The treaty was made at La Suze (near Le Mans) 8 September 1202: text in \textit{Mon. Germ. Hist., Constitutiones}, ii. 29 (cf. \textit{R.L.P.}, p. 18 and \textit{Reg. super neg. imp.}, no. 81).
territory to attain this object. We believed that you meant to fulfil in deed what you promised in word; and we earnestly set ourselves to support the king’s advancement—as, by the grace of God, may be seen from the result. But as for you—O that others did not know what we could not help knowing: how you later failed even the Roman Church, and withdrew your helping hand from the king, and swore an oath against him; and thus you placed the Apostolic See in the greatest difficulty within your power: but the One, who never fails His own Church and declares that He will be with it even unto the end of the world, looked down on it from heaven and graciously relieved it of such a heavy burden, and, to the surprise of many, prospered its undertaking with ever greater success.

We welcome it, however, if (as we have recently heard) you have again made a treaty with the king for a genuine peace: and we will welcome it still more if you have set yourself to keep the treaty undeviatingly.

Another matter: you sent our venerable brother the bishop of Bath and certain abbots to appear before us on behalf of the Crusaders; and when we, having regard to the nature of the business, consented to hear your Majesty on such points only as with divine approval we could, then, because contrary to your wish we ruled (as we were bound to rule) that your royal petitions were not all admissible, on the return of the envoys to your presence you broke into such a fury that you publicly prohibited any citizen of your realm from

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11 Savaric, bishop of Bath 1192-1205. He went to Rome on the king’s business in December 1200, and apparently went again in June 1202.

12 In September 1202 the pope wrote to the bishop of Ely and the abbot of Bury St Edmunds about the king’s request for the release of certain notables from their crusading vow (P. 1733). See references to other correspondence on the subject above, Introduction p. xxxv, and Powicke, Loss, p. 364.
de regno tuo legatum, vel nuntium sedis apostolice, per totum regnum, presertim per Angliam, recipere attemptaret, et licet mandatum huiusmodi tamquam indiscreete prolatum postea revocasses, in quantum tamen in ejus prolatione apostolicam sedem offenderis, cum inauditum sit aliquem principum taliter hoc fecisse, regia non debet discretio ignorare.\textsuperscript{13} Illud autem gravissimum reputamus quod, cum in regno tuo causas ecclesiasticas committimus cognoscendas, tu prohibes delegatis, ne in earum cognitione procedant, iurisdictionem nostram impediens, cum nos, si bene memineris, iurisdictionem tuam curaverimus confovere.\textsuperscript{14} Circa clericos autem et ecclesias, postquam regni solium suscepisti, qualiter te habueris in multis, et, mansuetudine regali postposita, eos feceris inhoneste tractari, non possimus sine merore recolere nec etiam sine dolore referre. Nam venerabilem fratem nostrum . . . Lemosvicensem episcopum\textsuperscript{15} expellens a sede propria, violenter ecclesiasticos redditus, sicut te non decuit, occupasti. Venerabilem quoque fratem nostrum . . . Pictavensem episcopum\textsuperscript{16} in multis aggravans et offendens, ecclesiam et diocesim suam pene penitus destruxisti. In celebrandis etiam episcoporum\textsuperscript{9} electionibus indebitam tibi vendicans potestatem et proventus ecclesiaram tuis usibus applicans, electiones niteris impedire, illosque tandem ad quos spectat electio illicita vexatione compellis, ut eligant iuxta tui arbitrii voluntatem, sicut

\textsuperscript{13} iporum (ipsorum) for eporum V

\textsuperscript{14} There appears to be no other evidence of John’s prohibition, but Diceto (ii. 72) reports an incident s.a. 1189 (cf. Tillmann, Legaten, pp. 148–9).

\textsuperscript{15} cf. no. 79 below. Royal prohibition of the hearing of a case in court christian may lie behind no. 5 above.

\textsuperscript{16} Jean de Veyrac, bishop of Limoges, 1198-1218, raised armed opposition to King John in Limousin. For an earlier papal complaint about the king’s action see P. 1711 (June 1202).

\textsuperscript{9} Maurice de Blazon, bishop of Poitiers, 1198-1215, perhaps sided with the Lusignans against John in 1201.
attempting to receive a legate or nuncio of the Apostolic See anywhere in your kingdom and especially in England. True, you afterwards withdrew this decree as being thoughtlessly issued: but, as it is unheard of for any prince to act in such a manner, a king of your understanding must be well aware how deep was the offence given to the Apostolic See by the publication of the decree.\textsuperscript{13}

Another point: we regard it as most serious that, when in your kingdom we commit the cognizance of ecclesiastical cases to delegates, you prevent the delegates from proceeding to try them, thus impeding our jurisdiction—though (if you remember) we have always been careful to safeguard your jurisdiction.\textsuperscript{14}

As regards the clergy and churches, we cannot recall without sorrow, nor report without pain, how you have behaved towards them in many matters since you came to the throne, and how, forgetting the true clemency of a king, you have caused them to be dishonourably treated. For you expelled from his see our venerable brother the bishop of Limoges,\textsuperscript{15} and you have violently appropriated the revenues of his church—a shameful thing for you to do. Also, by oppressing and offending in many points our venerable brother the bishop of Poitiers,\textsuperscript{16} you have almost completely destroyed his church and his diocese.

Next, take the conduct of episcopal elections: you are claiming for yourself power beyond your rights, you are applying the revenues of the churches to your own uses, you are attempting to prevent elections, and in the end by your unlawful persecution you are forcing the rightful electors to choose in accordance with your arbitrary decision—as you are known to have done in
de Lincolniensi ecclesia fecisse dinoscere; in qua electionem fieri non permittis, ut redditus eius, qui magni sunt, in tuis valeas manibus diutius detinere; ac de canonici Sagiensis ecclesie, quorum bona per servientes tuos occupari fecisti et eos multis affici contumeliis, quoniam in electione celebranda iuxta mandatum tuum minime processerunt, sed nec adhuc permittis Sagiensem episcopum episcopatus sui pacifica possessione gaudere. Quid etiam feceris Constantiensis ecclesie nullatenus ignoramus, licet forsan id credas ad nostram notitiam non venisse. Preterea cum venerabilem fratrem Dublinemse archiepiscopum antequam promotus esses in regem, contra eum indebete indignatione concepta, ab ecclesia sua coegeris exulare, atque ab ecclesia Romana sepe commonitus eum in gratiam tuam recipere non curaris, cum postquam te dominus ex alto respiciens in regni solium sublimavit eredemus eodem archiepiscopo divino intuitu magnificentiam regiam provisuram, et recepturam ipsum in gratiam, cui providentia divina magnificce sic providit, nostra remanimus opinione frustrati, quia nec intuitu dei nec precum nostrarum obtentu, quas pro codem archiepiscopo sepius recepisti, eodem gratiam regiam restituere procurasti, nec ut ad ecclesiam suam

17 St Hugh, bishop of Lincoln, died 17 November 1200. For the king's interference and the chapter's resistance see Hoveden, iv. 156. William of Blois, precentor of Lincoln, was elected before 6 July 1203.
19 The chronicles and records apparently throw no light on John's offence against the cathedral church of Coutances.
20 John Comyn, archbishop of Dublin, 1182-1212, left his see after placing the province under interdict in 1197 (cf. P. 373). The pope
the church of Lincoln, where you refuse to allow an election to be held, so that you may keep its large revenues still longer in your own hands; and similarly in the case of the canons of the church of Séez, where you caused the canons’ property to be seized by your servants and the canons themselves to be treated with much indignity, because in conducting the election they did not proceed in accordance with your mandate; and even to this day you do not permit the bishop of Séez to enjoy peaceful possession of his own see. We are perfectly well aware, too, of what you have done to the church of Coutances, though perhaps you think that this has not come to our knowledge.

And further: before your advancement to the throne you conceived against our venerable brother the archbishop of Dublin an unmerited resentment and compelled him to remain exiled from his church; and though often warned by the Roman Church, you did not trouble to receive him back into your favour. Later, when the Lord, regarding you from on high, had raised you to the throne, we imagined that your royal Magnificence, for whom Divine Providence had thus so magnificently provided, would from gratitude to God provide for the archbishop; but we have been disappointed in our hope because, considering neither God nor the prayers which you have often received from us on the archbishop’s behalf, you have not troubled to restore him to the royal favour; and, because you would not, you could not be moved by any entreaties to let him return to his own

followed the complaint in this letter with a threat of interdict on 21 May 1209 (P. 1910, 1911), and the king then allowed the archbishop seisin of his lands (R. mis., p. 105). The reconciliation was not lasting; the pope intervened again in December 1204 on the archbishop’s behalf (P. 2344). A final settlement was reached in the following December (R.L.P., p. 59).
ipsum redire permissiones et bona sibi restitueres ablata quibus libet potuisti, quia noluesti, precibus inclinari; quin immo extra universum regnum tuum, cum iam senex sit et decrepitus, pro cuius senectute debueras specialiter misereri, cogitare vitae necessaria mendicare. Super quibus omnibus, in quantum creatorem tuum offendieris, qui tibi tantam in terris tribuit potestatem, si diligenter attendis, timendum tibi est ne ipse qui in servis suis se ipsum honorari asserit et contemniri, iuxta verbum evangelicum ubi dicitur: *Qui vos recipit, me recipit,*21 qui vos spernit, me spernit,22 illatas iniurias servis suis et ex parte vindicet in presenti, ut tibi saltem vexatio tribuat intellectum, et etiam reservet sibi vindictam aliam in futuro. Cupientes igitur, prout offici nostri sollicitudo deposcit, mansuetudinem regiam paternis commoditionibus et a malo retrahere et ad bonum propensius invitare, magnitudinem tuam rogamus, monemus, et exhortamus in domino, in remissionem tibi peccaminum iniungentes, quatinus quid te facere debeat vel vitare magis quam hactenus feceris diligenter attendens Romanam ecclesiam que constitutione divina universorum fidelium mater est et magistra,23 et te tamquam specialsem filium sinceris in domino caritatis brachiis amplexatur, studeas attentius venerari, sicque universas ecclesias et personas ecclesiasticas regni tui diligas et honores et ab ipsorum molestiatione desistas, ipsis satisfaciens competenter in quibus eos dinosceris offendisse, quod et deum *per quem reges regnant* 24 et temporum momenta decurrunt25 tibi reddas propitium et placatum et in ecclesiis regni tui pro

21 Matt. 10:40  
22 Luc. 10:16  
23 cf. no. 4, n. 2 above  
24 Prov. 8:15  
church and to restore to him his sequestrated property; so in the end, banned from your whole realm, he is compelled to beg the necessaries of life—he, a feeble old man, for whose age you ought to have had a special pity.

If you seriously reflect how deeply on all these scores you have offended your Creator who has granted you such great power on earth, you may well fear that He, who declares himself to be honoured and despised in the persons of His servants (as is said in the Gospel, ‘Whosoever receiveth you, receiveth me,’ 21 and, ‘Whosoever despiseth you, despiseth me,’ 22) will in part now punish the wrongs done to His servants (in the hope that trouble, if nothing else, may give you understanding), and will also reserve other punishment for a future time.

Therefore, as the responsibility of our office requires, we wish by paternal warnings to recall from evil a king of your humanity and earnestly to encourage you towards goodness; and so we beg your Majesty, we warn you, we exhort you in the Lord, enjoining it on you for the remission of your sins, to give more serious thought than in the past to what conduct becomes you or does not become you, and to set yourself with more purpose of heart to revere the Roman Church which by divine appointment is the mother and teacher of all the faithful 23 and which with sincere affection in the Lord embraces you as a specially loved son; and to love and honour all churches and ecclesiastical persons in your kingdom, and desist from troubling them, and make adequate compensation to them for the wrongs which you are known to have inflicted on them—so that God, by whose will kings rule 24 and time’s seasons move, 25 may be rendered propitious and favourable to you, and so that, in the churches of your kingdom, loyal prayers
salute regia et incremento regni ad eum offerantur orationes assidue ac devote; sciturus quod, nisi premissas offensas corrigere curaveris per te ipsum et a consimilibus abstinere, nos, qui forsan in his ultra quam oportuerit nostrum pro te distulimus officium exercere, propter quod de taciturnitate nostra divinam offensam incurrisse timemus, nullatenus negligemus quin, post expectationem diutinam et admonitionem paternam, nostrum sicut convenit officium exequamur.

Dat' Laterani, x kal. Martii.
may be continually offered to Him for your Majesty's health and the increase of your kingdom.

But be assured that, if you do not personally undertake to correct the wrongs herein stated and to abstain from similar wrongs, we, who on your account have delayed exercising our duty perhaps longer than we should (and by our silence we fear that we may have incurred Divine displeasure), will by no means hesitate to carry out our duty as is fitting—after such prolonged waiting and such fatherly warning.

The Lateran, the 20th of February.
Innocentius episcopus servus servorum dei karissimo in Christo filio I. illustri regi Anglorum salutem et apostolicam benedictionem.

Ad suppositionem instantem venerabilis fratris nostrri archiepiscopi Ragusini cum a cura et sollicitudine qua tenebatur ecclesie Ragusine duximus absolvendum, eo videlicet quod ibi non poterat secure morari et si accessum haberet ad illam mortis sibi periculum imminebat. Ne vero idem archiepiscopus in vitioperium ministerii nostri defectum in temporibus paciatur, episcopatum Karleolensem et ecclesiam de Meleburn cum omnibus pertinencis eorum de munificencia ac liberalitate tua ac concessione venerabilis fratris nostri Eboracensis archiepiscopi ei benignae collatis de sedis apostolicae benignitate concedimus ad ipsius indigenciam sublevandam, serenitatem regiam


1 Bernard, archbishop of Ragusa (Dubrovnik) had been in England as early as June 1199, and a year later was given custody of the see of Carlisle, which had been vacant since Bishop Adelulph died in 1157. In 1201 the pope seems to have heard rumours of an irregular appointment at Carlisle (P. 1314) and in 1202 still regarded Bernard’s absence from Ragusa as unjustified (P. 1795).

2 William of Tyre had recently described the people of Ragusa as very ferocious, given to plundering and slaughter (Migne, cc. 266). A similar case in 1212 caused Innocent III to relieve a bishop-elect of his charge (P. 4445). This was in harmony with early canons (Decretum, I. 92, 4 and 5).
Innocent, bishop, servant of the servants of God, to his well-beloved son in Christ, John, illustrious king of the English, greeting and apostolic benediction.

At the urgent supplication of our venerable brother the archbishop of Ragusa ¹ we have thought fit to release him from the obligation of care and responsibility for the church of Ragusa by which he was bound. The reason for releasing him is that it was not possible to live there in security and, even supposing the place accessible, he was in imminent danger of death.² But to prevent the archbishop from suffering lack of the things of this world to the scandal of our ministry, by the bounty of the Apostolic See we have granted to him, for the relief of his necessity, the bishopric of Carlisle and the church of Melbourne ³ with all their appurtenances so kindly made over to him by your munificent generosity and by the gift of our venerable brother the archbishop of York; ⁴ and we earnestly request and exhort your Majesty, from respect for our prayers and regard for the

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¹ The church of Melbourne (co. Derby) was part of the endowment of the bishopric of Carlisle (cf. R.L.P., p. 7a, R.L.C., i. 676).  
² cf. P. 1902, by which Geoffrey, archbishop of York is told that archbishop Bernard is appointed but may not use the pallium and is to be obedient to Geoffrey as his metropolitan.  
³ Innocent III repeatedly insisted that he alone had the right to translate or depose bishops or receive their resignation (cf. P. 52, 108, 352, 575, 611, 665, 942 and Kempf, Die Register, pp. 109-11). In 1206 he refused to allow Gilbert Glanvill, bishop of Rochester to give up his see on grounds of age and infirmity (P. 2677).
monentes attenius et hortantes quatenus eundem archiepiscopum nostrarum precum optentu et officii pontificalis intuitu recommendatum velis habere, eius necessitati compaciens et ipsius subveniens paupertati et dona presencia per illustre munificenciam reddens ampliora, ut per hec regi regum qui sacerdos est in eternum videaris obsequium exhibere cum illud quod ministris eius impenditur sibi protestatur impendi.

Dat' Ferentini, idibus Maii pontificatus nostri anno sexto.

atenicius P. officii P. protestur P.
office of pontiff, graciously to welcome the archbishop on our commendation—sympathizing with his necessity, helping his poverty, and enhancing the present gifts by your renowned munificence, so that in this way you may be seen to render service to the King of kings who is a priest for ever, and who declares that whatsoever is given to His servants is given to Himself.

Ferentino, the 15th of May, in the sixth year of our Pontificate.
.. illustri regi Francorum.\footnote{1}

**CUM REGIA SERENITAS** non ignoret quod apud nos esse non debet acceptio personarum, non credimus eam graviter sustinere, si circa ipsam pastoralis officii debitum exequamur, ne preter divine maiestatis offensam quam si negligentes fuerimus incurreremus, apud homines quoque ministerium nostrum vituperari contingat, si etiam circa reges et principes aliquid ex contingentibus omissamus, voluntati eorum consulentes potius quam saluti. Siquidem esse non debet in ore nostro *verbum domini alligatum*,\footnote{2} sed liberum potius, ut corripiamus libere inquietos,\footnote{3} et *verbum apostoli quotiens expedit impelamus*, quod tanto magis nobis intelligimus esse dictum, quanto maiorem immo supremum locum in ecclesia obtinemus, utpote qui, vocatis ceteris in partem sollicitudinis, soli plenitudinem accepmus potestatis.\footnote{4}

Apostoli enim *verbum est*: *Argue, obsecra, increpa, in omni patientia et doctrina*,\footnote{5} et nobis loquitur dominus in propheta: *Clama, ne cesses, quasi tuba exalta vocem tuam.*\footnote{6}

\footnote{1} Philip II of France was gaining lands and supporters in his war against King John during the early months of 1203. John sent envoys to Rome in February. This attempt by the pope to make peace was disliked as much by the victorious Philip as Innocent’s early démarches had been unwelcome to Richard I at the time of his successes (cf. Innocent’s comparison of the two episodes, P. 2009). It must have reached Philip at the height of his campaign in Normandy. Fortified by the support of his nobles, he replied firmly that he was not obliged to answer to the pope for a dispute over feudal rights between himself and his vassal. cf.

\footnote{2} om. protocol, address as rubric V

\footnote{3} Pott. 1921. **Text. V**: Reg. Vat. 5 fo. 59v no 68. Whence Migne, ccxv. 64 (lib. vi ep. 68).
To the illustrious king of the French.¹

Since your Majesty well knows that with us there ought to be no respect of persons, we believe that you will not take it ill if we now discharge the duty of our pastoral office in your own case: for, if negligent, we shall incur the displeasure of the Divine Majesty; and if an occurrence involving even kings and princes were tacitly ignored because we regarded their wishes more than their salvation, our ministry might also incur the censure of men. The word of God in our mouth must not be bound,² but free, that we may freely warn the unruly³ and fulfil, whenever expedient, the command of the Apostle which we regard as addressed the more directly to us as we hold a higher position in the Church, indeed the highest position of all: for others are called to a share of responsibility, but we alone have been given plenary authority.⁴ The Apostle’s command is, ‘Reprove, plead, upbraid with all long-suffering and doctrine’;⁵ and the Lord also says to us by the prophet, ‘Cry aloud, spare not, lift up thy voice like a trumpet.’⁶ Therefore, because ‘Jesus began both to


With this letter are enregistered three others, mainly in the same terms, to the king of England, the prelates of the kingdom of France, and those of the lands of the king of England (P. 1921, 1922, the third letter, ‘in eundem modum,’ not noted in the editions).

² cf. 2 Tim. 2:9 ³ 1 Thess. 5:14 ⁴ cf. p. 11 above ⁵ 2 Tim. 4:2 ⁶ Isa. 58:1
Quia ergo cepit Jesus facere et docere, nobis relinquens exemplum ut sequamur; vestigia eius, oportet ut nos, qui vicem eius licet indigni exercemus in terris, ambulemus quemadmodum ambulavit, quantum tamen fragilitas humana permittit, et vestigia sequamur ipsius, cum: Tu me sequere inter universos apostolos Petro noverimus esse dictum. Novit autem regia celsitudo, quod inter ipsas dominice Nativitatis primitias, pacem angelus bone voluntatis hominibus nuntiavit, et in articulo passionis pacem dominus in discipulos, quasi hereditario iure, transfudit, dum, quasi ultimum testamentum conficiens, inquit eis: Pacem meam do vobis, pacem relinquuo vobis, et ut quod morturus dixerat confirmaret postmodum immortalis post resurrectionem suam hac primum voce ad discipulos fuit usus: Pax vobis, et iterum dico pax vobis. Ne igitur nos, qui sumus secundum apostolum heredes dei, coheredes autem Christi, relictis nobis hereditatis exhibeamus insignios et gratie, quam in nos habundantius pre participibus nostris effudit, ostendamus ingratos, pacem evangelizare tenemur, fillis pacis preservit, ut super eos pac nostra secundum verbum evangelicum requiescat, cum et, secundum prophetam, inquirere pacem et eam persequi teneamur. Hoc autem tanto confidentius circa regiam serenitatem exequimur, quanto dilectum filium P. tituli Sancti Marcelli presbiterum cardinalem, apostolice sedis legatum, quondam pro simili causa transmissum, benignius

5 nobis relinquens ex. ut se., modifying the quotation vobis . . . sequamini V  
6 add se V  
7 Act. 1:1  
8 1 Pet. 2:21  
9 1 Ioh. 2:6  
10 Ioh. 21:19  
11 Luc. 2:14  
12 Ioh. 14:27  
14 Rem. 8:17  
15 cf. Heb. 1:9  
16 Eph. 2:17
do and to teach, leaving us an example that we should follow his steps; we who, however unworthily, act as His Vicar on earth ought also to walk, even as He walked (that is, as far as our human weakness permits), and ought to follow His steps; for we know that to Peter, out of all the apostles, the command 'Follow me' was addressed.

Your Majesty knows that at the beginning of our Lord's Nativity the angel proclaimed 'peace to men of good-will,' and that at the time of His Passion the Lord bequeathed peace to His disciples as though to His legal heirs—saying to them, as if completing His last will and testament, 'Peace I leave with you, My peace I give unto you;' then after the Resurrection, in order to confirm as an immortal His last mortal words, His first utterance to His disciples was, 'Peace be unto you; and again I say, Peace be unto you.' Lest therefore we, who according to the Apostle are 'heirs of God, joint-heirs with Christ,' should shew ourselves unworthy of the inheritance left to us or ungrateful for the grace which He has bountifully bestowed on us above our fellows, we are bound to preach the gospel of peace, especially to the sons of peace, so that, in the Gospel phrase, 'our peace may rest upon them'; for, according to the Psalmist, it is our duty to seek peace and pursue it. This duty we fulfil towards your Majesty with the greater confidence because we know that you received kindly our beloved son Peter, cardinal priest of the title of St Marcellus, legate of the Apostolic See, previously sent to you on a similar

11 cf. Luc. 10:6
12 Ps. 33:15 (Vulgate), 34:14 (A.V.)
13 cf. p. 13 above
recepisse te novimus, et sollicitudinem nostram in eo amplius approbasse. Nosti etenim, utpote qui hoc in libro exerientie cotidiane legisti, quanta mala ex dissensione, que inter te et carissimum in Christo filium nostrum, I. regem Anglorum illustrem, peccatis exigentibus, est exorta, non solum communiter regnis vestris, sed generaliter universo provenerint populo christiano. Ecce etenim, vobis adinvicem decertantibus, destruuntur ecclesiae, pauperantur divites, pauperes opprimuntur, et, dum nec religioni nec sexui parcitur, viri religiosi qui consueverant orationi vacare, mendicare coguntur, et ille prostituuntur, quod dolentes dicimus, voluptati predonum, que virginitatem suam voverant virginitatis auctori.20 Iam quoque in christianos sumunt audaciam Sarraceniam, et qui, placatis et pacatis vobis adinvicem, exilium formidabant, animis ex vestra dissentione resumptis, fortiores in christianorum exterminium surrexerunt, presertim cum principes Galli-Cani, de quibus apud maiestatem divinam et tuam serenitatem querclam deponimus, a bono proposito recedentes, contra prohibitionem nostram in christianos convertierint arma sua, nec adhuc adicient ut resurgant,21 sed peiora prioribus, sicut nostris est auribus intimatum, proposuerint attemptare.22 Insuper, ex dissentione huiusmodi, et strages corporum sequitur et perecias animarum, de quo tanto amplius condolemus, quanto

19 Recueil d'annales angevines et vendémoises, ed. L. Halphen, pp. 21, 39, Hist. de Guillaume le Maréchal, ed. P. Meyer, ii. 89.
20 nec adhuc adicient ut resurgant. cf. Ps. 40:9 (Vulg.): numquid qui dormit non adicet ut resurget (will rise up no more); Isa. 24:20: corrueat et non adicet ut resurget (fall and not rise again); Amos. 5:1: domus Israel cecidit et non adicet ut resurget (is fallen and shall no more rise). The phrase is a Hebraism, transferred literally into the Septuagint and so into the early Latin versions. It was doubtless so familiar by the fourth century that Jerome left it in his revision of the Psalms and adopted it in his direct translation of Isaiah and Amos. The new version of the Psalms
errand, and from your attitude to him we know that you sympathized deeply with our concern; for you realise (as one read in the book of daily experience) what evils have come to the realms of France and England, and generally to Christian people everywhere, from the dispute which, as retribution for sin, has arisen between you and our well-beloved son in Christ, John, illustrious king of the English. Look! because of your conflict, churches are destroyed, the rich are impoverished, the poor are oppressed; and, since neither religion nor sex is spared, religious men who used to devote themselves to prayer are now forced to beg their bread, and women who had vowed their virginity to the author of virginity sell themselves (with sorrow we say it) for the pleasure of brigands.\(^2^9\) The Saracens, too, are now daring to attack the Christians; the infidels who, when you and John were at peace and friendly, expected to be driven from Palestine, have now as a consequence of your quarrel regained their courage and risen in greater strength to drive out the Christians—the more so, as the French leaders of the Crusade (regarding whom we lodge our complaint before God and your Majesty), falling from their good purpose, have turned their weapons against Christians in defiance of our prohibition; so far they have made no amendment,\(^2^1\) indeed we are informed that they have planned worse outrages than before.\(^2^2\) Another result of this quarrel is the slaughter of bodies and the perdition of souls—at which we feel the more grief as the

recently published by the professors of the Biblical Institute at Rome gives Ps. 409 in much better Latin: \textit{qui decubuit, non amplius resurget.} \footnote{\textbf{29} The Fourth Crusade, in the main an enterprise of the French nobility, was successively turned against Zara (Oct.-Nov. 1202) and Constantinople (May-June 1203), instead of going directly to attack the infidel in Egypt or Syria.}
anima pretiosior est quam corpus, cum, iuxta testimonium veritatis, nil prosit homini si universum mundum lucetur, et patiatur seu anime detrimentum. 23 Ne igitur sanguis tot populorum de nostris manibus requiratur, 24 ne rei tot mortium, ut sic loqui liceat, videamur, si, quod absit, tanquam canes muti non valentes latrare 25 tacuerimus in tanta necessitate populi christiani, et, velut adheserit lingua nostra faucibus nostris, 26 arguerent neglexerimus arguenda, dilectum filium . . abbatem Casemar 27 virum religiosum, providum, et fidelem nobis, et fratribus nostris merito sue honestatis acceptum ad presentiam tuam duximus destinandum, cui dilectos filios . . Trium-Fontium et . . de Duno abbates 28 duximus adiungendos, rogantes serenitatem regiam, et exhortantes in domino, et in remissionem tibi peccaminum iniungentes, quatinus ad communionem ipsorum, immo nostram verius, cum predicto rege vel statuas firmam pacem, vel treugas inaeas congruentes, ut interim de pace inter vos perpetua reformanda, salva iustitia utriusque, licentius possit et securius pertractari. Alioquin, quantumcumque tam te quam ipsum in domino diligamus, dissipulare tamen nulla ratione poterimus quin ea, que 3 dictus nuntius noster, iuxta formam sibi datam a nobis, ducerit statuenda, faciamus inviolabiliter observari. Rogamus autem serenitatem regiam, ut dictum nuntium nostrum benigne recipias, et pro reverentia apostolice sedis et nostra studeas propentius honorare.

Dat' Ferentini."
soul is more precious than the body, for the Truth itself declares, 'It is of no profit to a man to gain the whole world and lose his own soul.' Therefore, lest the blood of so many peoples should be required at our hands, and lest we should seem responsible, in a manner of speaking, for so many deaths if—which God forbid!—like dumb dogs unable to bark, we held our peace in this dire emergency of Christendom and, as though the tongue clave to our jaws, we failed to condemn what calls for condemnation: we have thought fit to send to you our beloved son, the abbot of Casamari, a man of religion, prudent, loyal to us, and acceptable to our brethren for his integrity; and we have given him as colleagues our beloved sons, the abbots of Trois-Fontaines and Les Dunes. We entreat your Majesty, we exhort you in the Lord, we charge you as you hope for remission for your sins, to make an enduring peace with King John in response to their warning which is in fact our warning, or to arrange a suitable truce so that in the interval the question of restoring a lasting peace between you can be freely and safely discussed without prejudice to either party's just claims. Otherwise, however great our love in the Lord for both of you, we shall not be able for any reason to avoid giving inviolable sanction to whatever action our envoy, in accordance with the form given him by us, shall think fit to take. We ask your Majesty to receive our envoy kindly and, in token of respect for the Apostolic See and for us, to treat him honourably.

Ferentino.

17 For the mission of Abbot Gerald of the Cistercian abbey of Casamari (dioc. of Veroli) see Cartellieri, loc. cit. and Tillmann, Legaten, pp. 90-2.
18 Guy II, abbot of Trois-Fontaines (O.Cist., dioc. of Châlons-sur-Marne) and Elias de Coxide, abbot of Les Dunes (O.Cist., dioc. of Bruges). Both seem to have died in the course of this year.
I. regi Anglorum illustri.

Quid tuis meritis debeamus conscientia te regalis edoceat, quae novit ad plenum quod in multis gratie nostrae reddideris te ingratum nec retribueris nobis iuxta quod tribuimus ipsi tibi, nec Romanam ecclesiam iuxta progenitorum et predecessorum tuorum consuetudinem curaveris, prout debueras, honorare. Verum, quia plus quid nos deceat quam quid facias t ut notamus, non tuis meritis respondentes, sed exequentes debitum officii pastoralis, ac credentes quod ex hoc amodo nobis et ecclesie Romane obsequium et devotum amplius te studeas exhibere, super negotio quod inter te et karissimum in Christo filium nostrum, Philippum regem Francorum illustrem, vertitur, quantum potuimus cum honestate, processimus, ultra etiam quam ab aliquibus crederetur, sicut dilectus filius abbas Casemar', nuntius noster, qui super hoc novit plenius veritatem, serenitati tue poterit intimare. Verum nosse te volumus quod rex ipse non se sed te potius culpabilem esse dicit discordie suscitare, ac quod non occasionem solummodo sed causam prestiteris dissentiosis affirmat. Nuper enim nobis per suas litteras et nuntios intimavit quod, cum ecclesie beati Martini Turonensis, que ab eo quicquid habet in temporalibus recognoscit, dampna


* om. protocol, address as rubric V
* faciat corr. to facias V
* affirmet V

1 The abbot of Casamari (cf. no. 19) had reported to the pope King Philip's reaction to his mission (P. 2011, 2012) and now received new instructions. At the same time the pope wrote to King Philip a long and
To the illustrious king of the English.

What we owe to your merits, your Majesty must learn from your own conscience which is fully aware that in many matters you have been ungrateful for our graciousness, neither requiting in kind the consideration we have shewn you, nor troubling to honour the Roman Church in accordance with your duty as did your ancestors and predecessors. But because we are less concerned with your conduct than with the propriety of our own, we do not repay your merits measure for measure, but we fulfil the duty of our pastoral office, believing that as a result you will from now on try to be more obedient and devoted to us and the Roman Church: and so in this dispute between you and our well-beloved son in Christ, Philip illustrious king of the French, we have proceeded as far as in honour we could—farther indeed than some might credit—as our beloved son the abbot of Casamari, our envoy,¹ who is fully apprised of the facts, will be able to inform you.

King Philip, we wish you to know, alleges that not he, but you are responsible for the dispute, and he maintains that you provided both the occasion and the cause of the quarrel; for he has lately revealed to us by letter and by envoys that you inflicted much loss and many wrongs on the church of St Martin of Tours which acknowledges whatever temporalities it has as deriving

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¹ important letter (P. 2009), in which he stated his ground for interference more clearly and cautiously than he had done in May 1203 (cf. no. 19). His new line of argument was also developed in a later letter to the prelates of France (no. 21 below).
non modica et quamplures injurias intulisses, et homines
tui quemdam ipsius hominem occidissent, licet, re-
quissitus super hoc sepius ut id faceres emendari, tres
vel quatuor terminos petieris et acceperis successive,
et rex ipse semper ad datum diem suos nuntios destinasset,
nunquam emendationem a te potuit obtenere, immo
per dilationes huiusmodi ultra unius anni spacium
eius animum suspendisti. 2 Preterea, cum hominibus
qui spectant ad feudum eius, castella et terras suas, sine
ratione, pro motu voluntatis proprie, abstulisses, ipse,
tanquam superior, spoliatorum querela pulsatus, tibi
non semel solummodo sed sepe mandavit ut id faceres
emendari, quod, licet promiseris te facturum, non
secisti tamen, sed gravatos amplius aggravasti, quod ipse
sustinuit ultra annum, satisfactionem expetens et ex-
pectans. 3 Cumque, communicato cum baronibus et
hominibus suis consilio, certum tibi terminum statuisset,
ut in eius presentia compareres, quod ius dictaret sine
retractatione facturus, licet esses ligius homo eius, nec
ivisti tamen ad diem statutum nec misisti aliquem
responsalem, sed mandatum eius penitus contemptisti.
Consequentem vero personaliter te convenit, et super
his communuit viva voce, cum non haberet in votis
ut faceret tibi guerram, si talem te circa eum qualem
tenebaris ex debito exhiberes. Verum, cum nec sic
satisfacere voluisses, licet te de baronum et hominum
suorum consilio diffidasset, 4 mota tamen guerra ad
te quatuor ex militibus suis misit, volens certificari

2 The church of St Martin of Tours had always been under the patron-
age and suzerainty of the kings of France, although it lay in the Angevin
dominions. This caused trouble in Richard I's reign. In April 1204
the pope complained of the poor state of the church, which was reduced
to ashes as a result of the war, and neglected by its clergy (P. 2199).
3 A reference to the complaints against John made to Philip, as to his
overlord, by John's vassals, the Lusignans.
1202), was condemned for contumacy, and the king of France formally
from him, and that your followers killed one of the abbey’s men: whereupon, when often summoned to have reparation made, you successively asked for and received three or four days for hearing; but though the king always sent his envoys punctually to the appointed day, he has never been able to get reparation from you—and indeed by these procrastinations you have kept his mind in suspense for more than a year.  

Then again: when without reason and arbitrarily you had deprived his lieges of their castles and lands, he as their overlord, compelled by the complaint of his despoiled subjects, commanded you not once but often to have this wrong set right; you promised to do so but did not do it—instead, you intensified the oppression—a state of affairs which he endured for over a year, seeking and awaiting satisfaction.  

Finally, taking counsel with his barons and followers, he appointed for you a definite day to appear before him and to fulfil without evasion what justice prescribed: but, though you were his liege, you neither went on the day appointed nor sent a representative: in fact you completely ignored his command.

Subsequently he met you personally and by word of mouth reminded you of these matters—for he had no desire to go to war with you, if only you adopted towards him the attitude which was required by your liege duty. But although even then you would not give satisfaction, and although on the advice of his barons and followers he had defied you, after the start of the war he sent four of his knights to you, wishing to ascertain

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broke off the feudal contract, or 'defied' him (cf. Recueil des actes de Philippe Auguste, ii. 293). There is no confirmation of Philip’s improbable statement that he had met John after his contumacy (they had met on 25 Mar. 1202), or of his more likely story of the four knights.
per eos, si velles ea que in ipsum commiseras, emendare. Alioquin, notum tibi esse volebat quod ex tunc contra te fedus cum hominibus tuis ubicumque posset iniret. Tu autem a facie te querentium abscondisti et captasti absentiam, ita quod te videre nullatenus potuerunt. Homines vero tui occurrentes querentibus nuntiavert se prescire quid eis a rege ipso fuisset iniunctum, et quod non poterant quid etiue tecum. Adiecit insuper quod eo tempore cum nullo ex hominibus tuis confederationem inierat nec hominia receperat ab eisdem; sed postmodum confederatus est cum quibusdam eorum, et a quibusdam recepisse hominia se fatetur; quod contumacie tue asserit imputandum, licet adhuc paratus existat in curia sua, si petieris, tibi iustitie plenitudinem exhibere, sufficienti tamen cautione recepta, quod iudicio curie acquiescas. Monemus igitur serenitate regiam et exhortamur in Domino quatinus ad ea que pacis sunt devotus intendas, et non solum recipias pacem vel treugas, si tibi forsitan offerantur, sed eas etiam offerre nullatenus erubescas. Caveas autem sollice ne cum iniuriosum tibi asseras dictum regem, tu ei potius iniuriosus existas, et debitam ei reverentiam subtrahas et honorem, quoniam, cognita veritate, sicut in tua tibi assistimus ratione, sic ei non possemus in sua iustitia non adesse. Ad hunc dilectum filium S. de Fossanova, Eboracensem canonicum, nuntium tuum, serenitati tue propensiis commendamus, cum apud nos in negotiis tuis sollicitudinem adhibuerit diligentem.

Dat’ ut supra.

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5 Arthur of Brittany did homage to King Philip in July 1202, and there were many other notable defections from John during the next twelve months.

6 Master Stephen de Fossanova resigned his prebend of York in 1214 in favour of his nephew, Peter (R.L.P., p. 107 cf. 138a). He was then a cardinal priest and papal chamberlain.

7 This, like the preceding three letters in the register, refers back to no. 163, dated 31 October 1203, and is very probably of the same day.
through them whether you consented to put right the wrongs you had committed against him. Otherwise, he wished you to know that from that time he would conclude a treaty against you with your feudal vassals, wherever possible. But you avoided meeting those who sought you and deliberately kept away, so that they could never meet you. Your officials, however, meeting the deputation, told them that they knew what King Philip's instructions to them were, and said that they could not have an audience with you.

King Philip further added that at that time he had not entered into an alliance with any of your lieges nor received homage from them. But later he did form an alliance with some of them and admits that he received homage from some of them. This, he maintains, must be ascribed to your own contumacy—though he is still ready, if you so request, to grant you full justice in his own court, but only after receiving an adequate guarantee that you will abide by the judgment of the court.

We therefore advise your Majesty, and exhort you in the Lord, devoutly to consider the things which pertain unto peace, and not merely to accept a treaty or truce if offered to you, but to have no hesitation in offering them yourself. And be specially careful, when you assert that King Philip has wronged you, not to be found wronging him or denying him his due respect and honour; for, when the truth of the case is known, we could not withhold from a just cause of his the support which we afford to any reasonable plea of yours.

In addition, we specially commend to your Majesty our beloved son Stephen de Fossanova, canon of York, your envoy, since in our presence he has shewn diligent attention to your business.

The 31st of October.
Archiepiscopis et episcopis per Franciam constitutis.\(^1\)

Novit ille qui nihil ignorat, qui scrutinator est cordium ac conscius secretorum, quod karissimum in Christo filium nostrum Philippum regem Francorum illustrem de corde puro et conscientia bona et fide non facta diligimus,\(^2\) et ad honorem ac profectum et incrementum ipsius efficaciter aspiramus, exaltationem regni Francorum sublimationem sedis apostolice reputantes,\(^3\) cum hoc regnum beneficium a deo semper in ipsius devotione permanet, et ab eius devotione nullo sicut credimus sit tempore discessurum, quia licet interdum hinc inde fiant immissiones per angelos malos,\(^4\) nos tamen qui Sathane non ignoramus asutias circumventiones ipsius\(^5\) studebimus evitare, credentes quod idem rex illius seduci se fallaciis non permettet. Non ergo putet aliquis quod iurisdictionem aut potestatem ipsius minuere vel perturbare velimus, cum ipse iurisdictionem et potestatem nostram im-

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\(^{1}\) Pott. 2181. Text. V: Reg. Vat. 5 fo. 120v no. 42, whence Migne, ccxxv. 325 (lib. vii ep. 42). Included in the decretal-collection of Alanus (I. 16, 1), Compilatio III (II. 1, 3), and Decretales, II. 1, 13.

\(^{2}\) om. protocol, address as rubric; in margin: hoc capitulum est Extra de iudiciis (thirteenth century hand) V

\(^{3}\) This important letter was sent to the abbot of Casamari (see nos. 19, 20 above) with new instructions, and was to be transmitted by him to the bishops of France (P. 2180). The French conquest of Normandy was nearly complete. The nuncio, after attending a great council at London in March 1204, went with English envoys to Philip in a vain attempt to arrange a truce. He stayed in France and met an assembly of the French clergy at Meaux late in June, to whom the papal letter was made known (P. 2275). The prelates were not prepared to hear King John's case pleaded but were anxious to avoid the penalties of open disobedience to the pope. They therefore appealed from the nuncio to the pope, and some of their number appeared at Rome. They claimed that their king
To the archbishops and bishops of France. 1

He, to whom nothing is unknown, who is the searcher of hearts and divine of secrets, knows that ‘out of a pure heart and of a pure conscience and of faith unfeigned’ ² we love our dear son in Christ, Philip illustrious king of the French, and that we greatly desire his honour, success, and increase, regarding the exaltation of the French kingdom as the exaltation of the Apostolic See, ³ because this kingdom, blessed by God, has always remained steadfast in devotion to Him and will never, we believe, depart from that devotion; for, though occasionally wicked angels make incursions ⁴ from this quarter or that, we who know Satan’s wiles will apply ourselves to outwit his artifices, ⁵ confident that the king will not let himself be deceived by Satan’s snares.

Let no man, therefore, imagine that we intend to diminish or disturb the king’s jurisdiction and power, when he is obliged not to hinder or curb our jurisdiction and power. When we cannot fully discharge our own

had rightly condemned King John in a feudal court on a feudal matter. John, probably convinced of the futility of a papal judgment in this case, did not prosecute his appeal at Rome, and the pope’s efforts to obtain peace failed. Just as his letter to Philip of May 1203 was answered by the lay nobility at Mantes (cf. no. 19, n. 1), so this letter of April 1204 was answered by the French clergy at Meaux in a sense distinctly unfavourable to Innocent III’s political pretentions (see Cartellieri, iv. 184-5, 202-5). A year later, in a letter to the bishops of Normandy, the pope ostentatiously refused to express an opinion on the rights of the case (P. 2434).

² ¹ Tim. 1:15
³ This sentiment is a commonplace in Innocent’s letters to France: cf. P. 199, 1649, 2275, 4678.
⁴ cf. Ps. 77 (A.V. 78): 49
⁵ cf. Eph. 4:14
pedire non debeat aut etiam coartare; cumque iurisdictionem propriam non sufficiamus explere, cur alienam usurpare vellemus? Sed, cum dominus dicat in evangelio: Si pecaverit in te frater tuus, vade, et corripite eum inter te et ipsum solum. Si te audierit, lucratus eris fratrem tuum. Si te autem non audierit, adhibe tecum adhuc unum vel duos, ut in ore duorum vel trium testium stet omne verbum. Quod si non audierit eos, dic ecclesie; si autem ecclesiam non audierit, sit tibi sicut ethnicus et publicanus, et rex Anglie, sicut asserit, sit paratus sufficienter ostendere quod rex Francorum peccat in eum, et ipse circa illum in correctione processit secundum regulam evangelicam, et tandem, quia nullo modo prosecut, dicat ecclesie, quomodo nos, qui sumus ad regimen universalis ecclesie superna dispositione vocati, mandatum divinum possimus exaudire, ut non procedamus secundum formam ipsius, nisi forsan ipse coram nobis vel delegato nostro sufficientem in contrarium rationem ostendat? Non enim intendimus iudicare de feudo, cuius ad ipsum spectat iudicium, nisi forte iuri communi per speciale privilegium vel contrarium consuetudinem aliquid sit detractum, sed decernere de peccato, cuius ad nos pertinet sine dubitatione censura quam in quemlibet exercere possimus et debemus. Non igitur injuriosum sibi debet regia sublimits reputare si super hoc apostolico iudicio se committat, cum Valentinianus inclitus imperator suffraganeis Mediolanensis ecclesie dixisse legatur: Talem in pontificali sede constituere procurate cui et nos qui gubernamus imperium sincere nostra capita submittamus et eius monita, dum tantiquam homines

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6 pecaverit V
5 coñi V
5 summittamus V
6 Matt. 18:15-17
jurisdiction, why should we wish to usurp another's? But because the Lord says in the Gospel, 'If thy brother shall trespass against thee, go and rebuke him between thee and him alone; if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the church. But if he neglect to hear the church let him be unto thee as an heathen man and a publican'; and because the king of England is ready (as he alleges) to produce ample evidence that the king of the French is trespassing against him and that he has himself proceeded by the Gospel rule in rebuking him; and because, having so far achieved nothing, he is now telling it to the church: how can we, who have been called by divine decree to govern the universal church—how can we obey the Lord's command except by proceeding as it appoints, unless King Philip, appearing before us or our delegate, shews sufficient reason to the contrary? For we do not intend to judge concerning a fief, judgment on which belongs to him, except where the application of the common law is limited by special privilege or contrary custom—but concerning sin, a judgment which unquestionably belongs to us, and which we can and should exercise against anyone.

His Majesty, therefore, should not think it damaging if he submits in this matter to the apostolic judgment; for we read that the renowned Emperor Valentinian said to the suffragans of the church of Milan: 'Take care to place in the episcopal see a man to whom even we who govern the Empire may unfeignedly bow our head, one whose admonishments when as a man we have sinned we may unquestioningly accept like a
deliquerimus, suscipiamus necessario velut medicamenta curantis;\(^7\) ut illud humiliter omittamus quod Theodosius statuit imperator, et Carolus innovavit de cuius genere rex ipse noscitur descendisse:\(^9\) Quicunque videlicet litem habens, sive petitor fuerit, vel in inicio litis vel decursis temporum curriculis, sive cum negotium peroratur sive cum iam ceperit promi sententia, si judicium elegerit sacrosancte sedis antistitis ilico sine aliqua dubitatione, etiamsi pars alia refragaverit, ad episcoporum judicium cum sermone liti- gantium dirigatur;\(^9\) cum non humane constitutioni sed divine legi potius innitamur, quia nostra potestas non est ex homine sed ex deo. Nullus enim qui sit sane mentis ignorat quin ad officium nostrum spectet de quocunque mortali peccato corripere quemlibet christi- anum et, si correctionem contemperit, ipsum per distinctionem ecclesiasticam coercere. Quod enim de- beamsus corripere ac possimus, ex utriusque patet pagina testamenti, cum clamet dominus per prophetam: Clama, ne cesses, quasi tuba exalta vocem tuam et annuncia populo meo scelera eorum;\(^10\) et subiungat ibidem: Nisi annunciaveris impio impietatem suam, ipse in iniquitate quam operatus est morietur, sanguinem autem eius de tua manu requiram.\(^11\) Apostolus quoque nos monet corripere in- quietos,\(^12\) et alibi dicit idem: Argue, obseca, increpa in omnii patientia et doctrina.\(^13\) Quod autem possimus et debeamus etiam coercere, patet ex eo quod inquit dominus ad prophetam, qui fuit de sacerdotibus Anathot: Ecce constitutui te super gentes et regna ut evellas, et destruas, et

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\(^7\) Quoted from Cassiodorus in Decretum, I. 63, 3.
\(^8\) It was fashionable in the France of Philip Augustus to stress the king’s descent from Charlemagne, which could be traced through his mother, Adela of Champagne.
\(^9\) Quoted from the Theodosian Code and Charlemagne’s capitularies in Decretum, II, 11, 1, 35 and 37. cf. A. J. and R. M. Carlyle, Medieval pol. theory, ii. 222.
\(^10\) Isa. 58:1
\(^11\) cf. Ezek. 3:18-20
\(^12\) cf. I Thess. 5:14
\(^13\) 2 Tim. 4:2
physician’s medicines.’ There is also the decree of the Emperor Theodosius, reissued by Charles, from whose line King Philip is himself descended: ‘If any man who has received leave to bring a suit into court shall at any stage in the proceedings (when he is making his plaint either at the beginning of the case or after some lapse of time, or when the case is being closed, or when the judge has already begun to deliver sentence) choose to be tried by the pontiff of the Most Holy See, then immediately, without question, and in spite of objections from the other side, he is to be sent, with the statements of the litigants, to the bishops’ court;’ but in humility we pass this over, for we depend not on any human decree but on the divine law, our authority being not of man but of God. There is no man of sound mind but knows that it belongs to our office to rebuke any Christian for any mortal sin and to coerce him by ecclesiastical penalty if he has spurned our reproof; and that we have the duty and power to rebuke is evident from both the Old and New Testaments, for the Lord proclaims by the prophet, ‘Cry aloud, spare not, lift up thy voice like a trumpet, and shew my people their transgressions,’ and also in the Old Testament he adds, ‘If thou speakest not to the wicked man of his wicked way, he shall die in the iniquity which he has wrought, but his blood will I require at thine hand.’ The Apostle also warns us ‘to rebuke them that are unruly,’ and elsewhere he adds, ‘Reprove, rebuke, exhort with all longsuffering and doctrine.’ That we have also the power and duty to coerce is evident from what the Lord says to the prophet who was of the priests that were in Anathoth, ‘See, I have this day set thee over the nations and over the kingdoms, to root out, and to pull down and to destroy, and to throw down, to build and to
dissipes, et edifices, et plantes.\textsuperscript{14} Constat vero quod evellendum, destruendum, et dissipandum est omnem mortalem peccatum. Preterea, cum dominus claves regni celorum beato Petro tradidit, dixit ei: \textit{Quodcunque ligaveris super terram, erit ligatum et in celis; et quodcunque solveris super terram, erit solutum et in celis}.\textsuperscript{15} Verum, nullus dubitat quin omnis mortaliter peccans apud dominum sit ligatus. Ut ergo Petrus divinum iudicium imitetur, ligare debet in terris quos ligatos esse constat in celis. Sed forsan dicetur quod aliter cum regibus et aliter cum aliis est agendum. Ceterum, scriptum novimus in lege divina: \textit{Ita magnum iudicabis ut parvum,}\textsuperscript{16} nec erit apud te acceptio personarum, quam beatus Iacobus intervenire testatur, si dixeris ei qui induit est veste praeclara: \textit{Tu sede hic bene; pauperi autem: Tu sta illic, aut sede sub scabello pedum meorum.}\textsuperscript{17} Et licet hoc modo procederevaleamus super quolibet criminali peccato, ut peccatorem revocemus ab errore ad veritatem et a vicio ad virtudem, precipue tamen cum contra pacem peccatur, que est vinculum caritatis,\textsuperscript{18} de qua Christus specialiter precepit apostolis: \textit{In quamcunque domum intraveritis, primum dicite: Pax huic domui. Et si fuerit ibi filius pacis, requiescet super illum pax vestra.}\textsuperscript{19} Quicunque autem non receperint vos nec audierint sermones vestros, executes foras, executite pulverem de pedibus vestris in testimonium illis.\textsuperscript{20} Quid enim est a talibus exire foras

\textsuperscript{14} Jerem. 1:10, cf. 1:11
\textsuperscript{15} Matt. 16:19
\textsuperscript{16} cf. Deut. 1:17. The pope changes the word-order and sense of the original, which was intended to secure justice for the poor as against the rich.
\textsuperscript{17} Iac. 2:3
\textsuperscript{18} cf. Col. 3:14
plant': a mortal sin must be rooted out, destroyed and thrown down. Furthermore, when the Lord gave the keys of the kingdom of Heaven to St Peter, he said to him, 'Whatsoever thou shalt bind on earth, shall be bound also in heaven: and whatsoever thou shalt loose on earth, shall be loosed also in heaven.' Now, no man doubts but that everyone who commits mortal sin is bound before God: therefore, that Peter may copy the divine judgment, he should bind on earth those who are undeniably bound in heaven.

But perhaps it will be said that kings should be treated differently from other men: but we know that it is written in the law of God, 'Thou shalt judge the great in the same way as the small: thou shalt not respect persons in judgment.' This respect of persons St James declares to occur if one says to a man clothed in goodly apparel, 'Sit thou here in a good place'; but to the poor man, 'Stand thou there, or sit here under my footstool.'

Though we are empowered to proceed thus in respect of any criminal sin so that we may recall the sinner from error to truth and from vice to virtue, yet we are specially so empowered when it is a sin against peace,—peace, which is the bond of love and about which Christ specially directed the apostles, 'Into whatsoever house ye enter, first say 'Peace be to this house'; and if the son of peace be there, your peace will rest on him'; and again, 'Whosoever will not receive you nor hear your words, when ye depart thence shake off the dust from your feet for a testimony against them.'

15 Luc. 10:5-6
16 A conflation of Matt. 10:14 and Marc. 6:11
apostolos, nisi communionem eis apostolicam denegare? Quid est excutere pulverem de pedibus suis, nisi distриctиonem ecclesiasticam exercere? Hic est etenim pulvis ille qui, Moyse cinerem de camino spargente, fuit ad plagam ulciris super omnem terram Egipti. Quam gravis autem distinctionis sententia in ultimo sint ex- amine feriendi qui non recipiunt pacis nuncios nec audiunt sermones eorum, per se ipsa veritas consequenter ostendit, non simpliciter, sed cum quadam affirmatione proponens: Amen dico vobis, tolerabилиus erit terre Sodomorum et Gomorreadrum in die iudicii quam illi civitati, in civitate cives intelligens, a quibus non excipit ipsos reges. Porro, cum secundum legitimas sanctiones quod quisque iuris in alterum statuit, alius eo uti valeat contra illum, et sapiens protestetur: patere legem quam ipse tuleris, et rex ipse Francorum contra clare memorie R. quon- dam Anglorum regem, qui,—ut salva ipsius regis pace loquamur, quia non ad confusionem eius sed ad ex- сussionem nostram hoc dicimus,—non erat eo deterioris conditionis, in bello fuerit officio et beneficio nostro usus, quomodo quod pro se adversus illum admisit contra se pro alio non admittet? Numquid apud nos debet esse pondus et pondus, mensura et mensura, quorum utrumque est abominabile apud deum? Postremo, cum inter reges ipsos formata fuerint pacis federa, et utrinque prestito iuramento firmata, que tamen servata usque ad prefixum terminum non fuerunt, numquid non poterimus de iuramenti religione cognoscere, quod

1 om. contra, interlined in a second hand V
21 cf. Exod. 9:8-9
22 Digest, II. 2 rubric: Quod quisque iuris in alterum statuerit, ut ipse cedem iure utatur.
23 Disticha Catonis (Bachrens, Postae latini minores, iii. (1881), 216), a popular school book in the Middle Ages.
25 Prov. 20:10
26 If the treaty of Le Goulet (May 1290) is meant (and no later truce is recorded) the suggestion of a time-limit is out of place. But the pope, unmindful of this treaty, may refer to the five-year truce made between Richard and Philip in January 1199 (Hoveden, iv. 79).
For the apostles to depart from such people, what is it but to deny them apostolic communion? And to shake off the dust from their feet, what is it but to apply ecclesiastical punishment? For this is the dust which, when Moses sprinkled ashes from the furnace, became a plague of ulcers on all the land of Egypt.\textsuperscript{21} The heavy sentence and penalty which at the Last Judgment will smite those who do not receive the messengers of peace nor hear their words is shewn immediately afterwards by the Truth when it declares, not simply, but with a forceful emphasis, 'Verily, I say unto you, it shall be more tolerable for the land of Sodom and Gomorrha in the day of judgment than for that city.'\textsuperscript{22}—by city meaning citizens, from whose number it does not exclude kings.

Moreover, since (according to the rules of law) any right which one man has established against another may be used by another man against the first,\textsuperscript{23} and since the wise Cato declares, 'Submit to the law you have made,'\textsuperscript{24} and since in time of war the king of the French availed himself of our office and good-will against Richard of renowned memory, formerly king of the English, who was not of inferior status to himself (with all respect to King Philip be it spoken, for we say it not to shame him but to justify ourselves), how will he refuse to allow on King John's behalf against himself what he once allowed on his own behalf against King Richard? Ought there to be in our court 'divers weights and divers measures, both of which are alike abomination to the Lord'?\textsuperscript{25} And lastly, when a treaty of peace was made between the kings and confirmed on both sides by an oath and yet was not kept for its full duration,\textsuperscript{26} how can we fail to take cognizance of a sworn obligation (which unquestionably belongs
ad iudiciim ecclesie non est dubium pertinere,\textsuperscript{27} ut rupte pacis federa reformentur? Ne igitur tantam discordiam videamur sub dissimulatione sovre, dissimulare religiosorum locorum excidium et stragem negligere populi christiani, dilecto filio . . abbati Casemarii dedimus in preceptis ut, nisi rex ipse vel solidam pacem cum predicto rege reforment vel treugas ineat competentes, vel saltem humiliter patiatur ut idem abbas et venerabilis frater noster . . archiepiscopus Bituricensis\textsuperscript{28} de plano cognoscant utrum iusta sit querimonia quam contra eum proponit apud ecclesiam rex Anglorum, vel eius exceptio sit legitima quam contra illum per suas nobis duxit litteras exprimendam, iuxta formam sibi datam a nobis procedere non omissat. Ideoque universati vestre per apostolica scripta mandamus et in virtute obedientie districte precipimus quatinus, postquam idem abbas super hoc mandatum fuerit apostolicum executus, sententiam eius, imo nostram verius, recipiatis humiliter, et vos ipsi servetis et faciatis ab alis observari, scituri quod si secus egeritis inobedientiam vestram puniemus.

Dat' Laterani.\textsuperscript{29}

\textsuperscript{27} The court christian claimed throughout the Middle Ages jurisdiction in cases of perjury.

\textsuperscript{28} William de Donjeon, archbishop of Bourges 1200-1209 (canonised 2 July 1218).

\textsuperscript{29} The approximate date can be inferred from the position in the register.
to the Church's jurisdiction\(^{27}\) so that the broken treaty of peace may be remade?

Wherefore, that we may not seem by apathy to encourage so serious a breach, or to ignore the destruction of religious houses, or disregard the slaughter of Christian people, we have ordered our beloved son, the abbot of Casamari, that—unless King Philip either remakes a stable peace with King John, or concludes a suitable truce, or at least humbly allows the said abbot and our venerable brother the archbishop of Bourges\(^{28}\) informally to ascertain whether the complaint, which the king of the English has lodged against him before the Church, is a just one or whether the exception which King Philip has chosen to state against King John in his letter to us is a lawful one,—he is to proceed in accordance with the instructions we have given him. And so, by apostolic letter we command you all and strictly charge you in virtue of your obedience, that, when the abbot has discharged the apostolic mandate in this matter, you should humbly receive his, or rather our, sentence, and observe it yourselves and see that it is observed by others; and know that, if you act otherwise, we will punish your disobedience.

The Lateran, April\(^{29}\)
... episcopo Eliensi.¹

Pastoralis officii diligentia et sollicitudo quam geris circa executionem mandatorum nostrorum et zelus tue rectitudinis nos invitant ut, quamvis simus multiplicibus negotiis occupationibus prepediti, eisdem tamen ad horam subtrahamus nos ipso, in qua tuis intendamus consultationibus responsuri.

² Consulit etenim nos tue fraternitatis discretio utrum, si delegatus a principe causam sibi commissam alii delegare voluerit, nolentem delegationem suscipere ad ipsum susciendam valeat coartare. Ad quod tibi de fratre nostrorum consilio taliter duximus respondendum, quod cum delegato a principe iurisdictio dandi iudicem sit a lege concessa,³ dummodo idem exonerare se ipsum malitioso non querat, potest compellere renuentem, eo quod iurisdictio illa nullius videretur esse momenti si coherciones aliquam non haberet. Debet tamen delegatus predictus sollicite providere ut, si personis superioribus exigente necessitate negotium duxerit delegandum, in coactionibus inferendis dignitati deferat et persone. Subsequenter etiam quesivisti utrum

Pott. 2350. Text. V: Reg. Vat. 5, fo. 159v, no. 169. Whence Migne, ccxxv. 478 (lib. vii ep. 169). The letter is found, sometimes complete, sometimes abridged, in early decretal-collections, and is contained in sections in Decretals (see notes below). These texts are not collated here. The first section is noted marginally in V: ‘hoc capitulum est Extra de officio iudicis delegati’ ¹ (thirteenth century hand) but thereafter the marginal indications are incomplete and later additions.

¹ om. protocol, address as rubric V

¹ Master Eustace (1198-1215): cf. no. 9 above and no. 30 below. The pope addressed to him no less than thirty-five extant letters, mostly mandates to judge or execute judgments; this exceptionally large number suggests that Eustace was much in demand as a judge. On this occasion he had sent to the pope some nineteen questions. ² We must admire,
To the bishop of Ely.¹

The diligent attention to pastoral duty which you shew in discharging our mandates, and your scrupulous avoidance of error, prompt us, though harassed by many claims of business, to lay them aside for a while and give our mind to answering your points of enquiry.

² As a judicious man you have consulted us on the question whether, if a delegate from the highest authority has chosen to depute to another the case committed to him, he can compel an unwilling person to undertake the deputed case. On this we have taken our brethren’s advice and think it right to reply as follows: since a delegate from the highest authority has by law been granted the legal right of appointing a judge,³ provided he has no evil motive in seeking to divest himself of the duty, he can compel an unwilling person on the ground that the legal right would seem meaningless if it carried no power of compulsion. The said delegate, however, ought carefully to provide that if, through necessity, he has seen fit to depute the business to persons of higher status he should have consideration for their rank and person in applying measures of compulsion. Following on this, you have further asked whether the

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¹ Maitland, 'the patience of Pope Innocent, who, though not without the remark that he had many other things to do, set himself down to answer this lengthy examination paper, and in so doing to declare the law of the universal church' (Roman canon law, p. 126).

² This paragraph is abridged in Decretals, I. 29, 28, where other sections of the letter follow (and cf. the preamble with Decretals, I. 29, 6).

³ cf. Code, III. 1, 5: 'A judice iudex delegatus iudicis dandi potestatem non habet, cum ipse iudiciario munere fungatur, nisi a principe iudex datus fuerit.'
cui voluerit delegatus, cum viderit expedire, possit in iungere ut ad suam presentiam citet partes, et ei, si obedire contemperit, penam infligere pro contemptu. Ad quod tue fraternitati breviter respondemus quod, cum totum negotium alii possit committere, sicut superius est expressum, citationis officium potest cuilibet, discretionem previa, demandare ac punire merito contemptorem.

4 Ex parte tua fuit insuper requisitum utrum, si aliquo causa fuerit ad archiepiscopum per appellationem delata, possit eandem iure ordinaria potestatis suffraganei sui subdito delegare vel animadvertere in eundem si causam renuerit suscipere delegatam. Ad quod utique respondemus quod archiepiscopus ipsum ad susciendam delegationem huiusmodi compellere nequit invitum, cum in eum exceptis quibusdam certis articulis nullam habeat potestatem, licet episcopus suus eidem sit metropolitica lege subjectus.

5 Postulasti preterea per sedem apostolicam edoceri si, cum a sententia lata litterarum auctoritate nostrarum, in quibus appellatio est inhibita, fuerit appellatum et littere post appellationem ad iudices alios emanarint, ad mandatum posteriorum iudicum executio sententie a prioribus demandata debeat retardari, ut priores iudices ipsam neque per se neque per alios exequantur. Nos autem inquisitione tue sic duximus respondendum quod, cum nos appellationis causam ex certa scientia iudicibus alis committimus cognoscendum, appellationem videmur recipere ac iurisdictionem priorum iudicum revocare, ut interim executio sententie suspendatur donec appellationis merita plenius sint discussa.

6 Preterea quesivisti, quando de revocatione am-

\[\text{\textit{a eis V}} \quad \text{\textit{e eandem interlined V}} \quad \text{\textit{d \ ac interlined V}}\]

\[\text{\textit{4 Decretals, I. 31, 11}} \quad \text{\textit{5 ibid. I. 29, 28}}\]

\[\text{\textit{ibid.}, I. 3, 14. For the complex question involved, see the Gloss on \textit{ambiguitur.}}\]
delegate, if he thinks it expedient, can order anyone he pleases to summon the parties to his presence and can inflict a penalty for contempt on such a person if recalcitrant. To this we briefly reply that, since he can commit the whole business to another (as stated above), he can, with discretion, depute the duty of summoning to anyone he pleases and can properly punish for contempt.

You have also enquired whether, if a case has been referred to the archbishop by appeal, the archbishop on the strength of his ordinary power can delegate it to a subordinate of his suffragan or punish such a subordinate if he refuses to undertake the case thus delegated. To this we reply that the archbishop cannot compel him, if unwilling, to undertake such a delegation, for (apart from certain definite provisions) he has no power over him, though his bishop is subject to the archbishop by metropolitan law.

Another problem on which you desire an explanation from the Apostolic See is this: if an appeal has been made from a sentence that has been delivered on the authority of a letter from us forbidding appeal and if, after the appeal, a letter has been issued to other judges, ought execution of the sentence ordered by the first judges to be held back at the bidding of the second judges, so that the first judges should not execute sentence either personally or by others? We have decided to answer your enquiry thus: when, knowing the facts of the case, we remit it on appeal to other judges for investigation, we clearly admit the appeal and cancel the jurisdiction of the first judges, so that meantime the execution of sentence is suspended until the merits of the appeal have been more fully sifted.

You have further asked: when there is doubt as to
bigitur litterarum, utri iudicum, priores an posteriores, cognoscere debeant, utrum per secundas sint prime littere revocate. Ad quod taliter respondemus quod, nisi posteriores prioribus vel eonverso duxerint deferendum, simul utrique cognoscant, et si forte nequiverint in unam sententiam concordare, quamvis plures sint ex una parte quam altera, per arbitros communiter electos a partibus huiusmodi concertatio sopiatur. Quoniam autem sub huiusmodi forma, videlicet: 'Causam quam talis adversus talem et quosdam alios super hoc et quibusdam aliis se proponit habere, duximus committendam,' a nobis littere multotiens impetrantur, sollicite quesivisti an iudex ex delegatione huiusmodi, ante personarum vel rerum expressionem, super personis vel rebus exprimendis habeat potestatem; adiciens utrum, si—antequam persone vel res expresse fuerint nominatim—super non expressis in commissione priori sed generaliter comprehensis speciales littere, que de priori commissione nullam faciant mentionem, ad alios iudices a sede apostolica emanarint, eodem vigorem debeant obtinere. Nos igitur ad hec duo taliter respondemus quod, cum generali per speciale procul dubio derogetur, iurisdiction per generales litteras attributa, per speciales, quantum ad ea que specialiter exprimuntur, penitus enervatur, licet de prioribus non faciant mentionem. Unde superflua relinquitur prima questio, etsi merito dici possit quod, donec iurisdiction revocetur, eam super rerum vel personarum articulis exprimendis obtinet delegatus, sed antequam exprimantur persone vel res, delegatus nequit iurisdictionem huiusmodi exercere.

* heedem V
† possess corrected to possit V

* The Gloss at this point refers to the rule of law contained in Digest, L. 17, 80: 'In toto iure generi per speciem derogatur.'
the cancellation of a letter, which panel of judges—
the first or the second—ought to investigate whether
the first letter has been cancelled by the second? To
this we reply: unless the second panel decides to defer
to the first or vice versa, let both investigate together;
and if they cannot come to a common finding, then,
in spite of a majority on one side, let the difference be
settled by agreed arbitrators chosen by the parties.

Because a letter is often obtained from us in a
common form of this sort—'the case, which so-and-so
claims to have against so-and-so and certain others
in respect of this and certain other matters, we have
thought fit to commit,' you have carefully enquired
whether a judge, upon a delegation of this sort, before
the express mention of the individuals or things, has
power over the individuals or things as yet unnamed;
and you add the further query—supposing, before the
individuals or things have been stated by name, a special
letter, dealing with all that was generally included, but
not specifically named, in the first commission, and
making no mention of the first commission, has been
issued by the Apostolic See to other judges, ought this
special letter to have effect? To these two points we
reply as follows: since the special has unquestionably
precedence over the general, the jurisdiction granted
in the general letter is entirely annulled by the special
in respect of the matters to which it specially refers,
even though it makes no mention of the first letter.
Hence your first query is superfluous—though it could
reasonably be said that, until the jurisdiction is revoked,
the delegate possesses jurisdiction over the various
things or individuals as yet unnamed, but, until the
individuals or things are specifically named, he cannot
exercise that jurisdiction.
Quia vero sepe contingit quod executio sententiae ordinariorum demandatur, sedem duxisti apostolicam consulendam utrum, si ordinarius ipsam iniustam esse cognoverit, debeat eam executioni mandare, an sit ei potius subsistendum. Attendentes itaque quod non cognitio sed executio tantum demandetur eidem, inquisitioni tue taliter duximus respondendum quod, cum ordinarius obsequi teneatur, etsi sciat sententiam illam iniustam, exequi nichilominus tenetur eandem, nisi apud iudicem possit efficere ut ab hoc onere ipsum absolvat.

Edoceri preterea postulasti an alicui licat sine speciali mandato apostolice sedis—delegato, qui reum propter contumaciam manifestam excommunicationis vinculo innodavit vel petitorem causa rei servande in possessionem petitorum induxit; rebus humanis exempto—eodem volenti iuri parere absolutionis beneficium impertiri vel possessionem restituere infra annum, sufficienti recepta primitus cautione. Ad quod utique dicimus quod, cum delegatus quantum ad illud maior sit ordinario, sine mandato summi pontificis excommunicatus ab huiusmodi delegato non potest per alium preterquam in mortis articulo absolutionis gratiam obtinere, nisi forsan delegatus talis extiterit cui alius succedat in onere ac honore; nec per alium quam per summum pontificem recuperare poterit possessionem amissam. Verumtamen, ne alius post annum verum efficiatur possessor, coram ordinario vel, si eius copiam

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8 Decretals, I. 29, 28
9 ibid. I. 31, 11
10 cf. Decretals, II. 15: 'De eo qui mittitur in possessionem causa rei servande.' This canonical procedure, based on a comparable procedure in Roman civil law, was designed to prevent a contumacious litigant from interfering with or abstracting the property in dispute. If
8 Because it often happens that execution of a sentence is entrusted to the ordinary, you have thought fit to ask the Apostolic See whether, if the ordinary has discovered the sentence to be unjust, he ought to put it into effect or should refrain. Considering, therefore, that he has been entrusted not with cognizance of the case, but with execution of the sentence, we have chosen to answer your point thus: since an ordinary is bound to obey, even though he knows the sentence to be unjust he is nevertheless bound to execute it—unless by making representations to the judge, he can obtain release from the duty.

9 You have also asked to be informed whether, on the death of a delegate who has excommunicated a defendant for manifest disobedience or, for the sake of preserving the property, has given the plaintiff possession of the things he claimed, it is lawful for anyone, without a special mandate from the Apostolic See, to grant this defendant the benefit of absolution if he is willing to obey the law, or to restore possession within a twelvemonth on receipt of a suitable guarantee. To this we reply that, since a delegate (as far as concerns his commission) is greater than an ordinary, a person excommunicated by such a delegate cannot, except at the point of death, be given the grace of absolution by another, without the mandate of the Pope—unless the delegate were such as to have a successor in his onerous and honourable office; nor will the defendant be able to recover the lost possession through any other than the Pope. But, so that after a twelvemonth another may not become the lawful possessor, he will be able before the ordinary (or if unable to reach him,

the contumacious party did not appear in court within twelve months, his opponent could claim 'real possession.'
habere nequiverit,\textsuperscript{9} coram publicis et honestis personis, ut quasi prescriptionem interrumpat annalem, offerre ac prestare quod iuri parebit poterit cautionem, ut sic post annum recuperare possessionem per sedem apostolicam mereatur.

\textsuperscript{11} Quesivisti etiam diligenter utrum, quando inhibetur appellatio in rescripto frustratoria,\textsuperscript{12} tantum appellatio inhibita videatur ut ab omni gravamine liceat appellare, an omnis appellatio videatur exclusa nisi tantum in casibus expressis a iure. Nos igitur attendentes quod per appellationem frustratoriam, etiamsi non fuisset inhibita, negotium non debet impediri, diligentie tue breviter respondemus quod quolibet provocatio intelligitur removeri que a iure non indulgetur expresse;\textsuperscript{13} sed, si appellans fuerit gravatus injuste, gravamen huiusmodi per superiorum poterit emendari. Verum, quia multotiens quis ad tempus per appellationem legitimam a iudicis sui quoad aliquem certum articulum eximitur potestate, tue fraternitatis nos duxit discretio consulendos utrum, si clericus excommunicationis sententia innodatus ante denuntiationem ipsius, ab ea tanquam minus rationabiliter promulgata, in eo casu in quo ante sententiam appellatio vires obtinuisse videtur, curaverit provocare, eo quod per appellationem interpositam excommunicantis videtur iurisdictioni dormitasse, tempore denuntiare possit eandem et ad tempus ecclesiasticis beneficiis spoliare, cum per provocationem taliter factam suo effectu excommunicatione non privatur. Nos itaque inquisitioni

\textsuperscript{9} nequiverint V

\textsuperscript{11} Decretals, II, 28, 53

\textsuperscript{12} The term 'frustratory appeal' was found by the canonists in Roman civil law (cf. Digest, XXII. 1, 41). See also no. 3, n. 3 above.
before worthy officials) to offer and furnish a guarantee that he will obey the law: thus he may break the pre-
scription of a twelvemonth and deserve after a year to
recover possession by leave of the Apostolic See.

You have also diligently enquired whether, when
a rescript prohibits a frivolous appeal, this prohibition
may be taken as still permitting an appeal against any
grievance, or whether appeal should be deemed en-
tirely excluded except only in the cases expressly named
in the law. Considering, therefore, that a suit ought
not to be delayed by a frivolous appeal even if it had
not been prohibited, we answer your diligent enquiry
briefly thus: any appeal which is not expressly allowed
by the law is deemed to be prohibited; but if the
appellant has been unjustly penalised, his grievance
can be adjusted by a superior. But because a lawful
appeal often temporarily exempts a man from his judge’s
power in some definite respect, you have prudently
enquired of us on a further point: if a clerk bound by a
sentence of excommunication has, before publication of
the sentence, appealed against it as being unreasonably
promulgated—and appealed in that type of case in
which appeal before sentence is deemed valid—[you
ask whether], on the ground that owing to the appeal
the jurisdiction of the excommunicating judge may be
deemed in abeyance, such a judge has power to publish
sentence on the day proposed and temporarily to deprive
the accused of ecclesiastical benefices for the reason that,
by such an appeal, excommunication does not lose its
effect. We have decided to answer your enquiry thus:

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12 See the Gloss on this word for an enumeration of the cases, and cf.
Dictionnaire de droit canonique, i (1933), 827-33 : ‘Appellatio remota.’
tue duximus respondendum quod, cum executionem
excommunicatio secum trahat et excommunicatur per
denuntiationem amplius non ligetur, ipsum excommuni-
catum denuntiare non immerito potest ut ab aliis
evitetur et illi nimirum proventus ecclesiastici merito
subtrahuntur cui ecclesie communio denegatur.

14 Cum autem sepe contingat patronos ecclesiarum
laicos nunc unum, nunc alium, ad vacantes ecclesias
presentare, sollice postulasti per sedem apostolicam
explicari an clericus, ad aliquam ecclesiam a patrono
laico presentatus, si diocesanus eius ipsum non duxerit
admittendum, ex huiusmodi presentatione aliquid iuris
assequatur in illa; et, ut forte idem ad sedem apos-
tolicam appellarit, et post appellationem ab ipso inter-
positionem idem patronus alium curaverit presentare ac
episcopus secundo instituerit presentatum, idem ab
ipsa merito debeat amoveri. Nos igitur, bone memorie
Alexandri pape predecessoris nostri vestigiis pro sui
reverentia inherentes, qui inter presentatos a laico et
clerico patronis distinguens, in presentatis a laico
conditionem possidentis censuit potiorum,16 dicimus
quod institutio presentati secundo loco a laico patrono
robur obtinet firmitatis. Verumtamen constituimus ut
episcopus qui presentatum idoneum malitiose recusavit
admittere ad providendum eidem in competenti bene-
ficio compellatur, quatinus puniatur in eo in quo ipsum
non est dubium deliquisse.

16 Interrogasti preterea utrum viris religiosis, quibus

14 Decretals, III. 38, 29

16 On one occasion Alexander III ruled (Decretals, III. 38, 24) that in
cases of lay patronage the choice between the two presentees should be left
to the bishop; in cases of ecclesiastical patronage the first presentee should
be admitted. At another time he ruled in favour of the second presentee,
admitted by the bishop ('melior sit conditio possidentis' Decretals, III.
38, 5). Innocent III has both statements in mind.
since excommunication carries with it execution of sentence and since the person excommunicated is not bound still further by mere publication of sentence, the judge can properly publish him as excommunicated so that he may be shunned by others; and unquestionably the Church’s revenues are rightly withdrawn from one to whom the Church’s communion is denied.

14 Since it often happens that lay patrons of churches present for vacant churches now one individual and now another, you have earnestly asked to have it explained by the Apostolic See whether a clerk, presented by a lay patron for a church, acquires any rights in it from this presentation if his diocesan has ruled him to be inadmissible; and if he has appealed to the Apostolic See and, after the lodgment of his appeal, the patron has presented another and the bishop has installed this second presentee, can the first properly be removed from that church? As our predecessor, Pope Alexander of good memory, in distinguishing between those presented by lay and clerical patrons, ruled that the situation of the possessor was better in the case of those presented by a layman,15 we follow closely in his steps (such is our reverence for him) and reply that the installation of a lay patron’s second presentee has firm validity. We decree, however, that a bishop who from malice has refused to admit a suitable presentee should be compelled to provide him with an appropriate benefice, so that the bishop may be punished in the same respect in which clearly he has offended.

16 You have put a further question: if monks have been given permission by the Apostolic See to convert

15 Decretals, V. 33, 19
16 (1039)
a sede apostolica est indulunt ut ecclesias suas in proprios usus possint convertere decedentibus personis earum, liceat auctoritate propria possessionem earundem ecclesiarum intrare, vel per diocesanum in ipsam sint potius inducendi. Ad quod utique respondimus quod, nisi forte in indulgentia summi pontificis id contineatur expressum: 'suo episcopo inconsulito,' in possessionem ipsarum eis non est licitum introire, quia per indulgentiam huiuscemodi episcopali iuri non credimus derogari.

18 Sollicite preterea quesivisti, cum auctoritate Dionisii fuerint parrochie limitate quatinus singularum parrochiarum proventus in usus ecclesie cederent necessarios et stipendia ministrorum, si episcopo liceat sine auctoritate summi pontificis, vel saltem absque sui capituli voluntate, viris religiosis conferre obventiones alicuius parrochialis ecclesie, sustentatione vicarii reservata. Et cum Lateranensis concilii statuta prohibeant ecclesiis novam imponi vel augeri veterem pensionem, postulas edoceri an episcopus valeat locis religiosis consentiente patrono totam ecclesiam vel de novo conferre aliquam portionem. Ad que breviter respondimus quod, salva constitutione canonica de concedenda piis locis quinquagesima portione, neque primum neque secundum facere potest episcopus, nisi de licentia Romani pontificis, preter sui capituli voluntatem.

21 Tua insuper nos duxit discretionis consulendos, si episcopus, consentiente patrono viris religiosis aliquam

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17 A grant of this kind was in this period commonly made to houses of regular canons, to allow them to serve the church with members of their own house.

18 Decretals, III. 10, 9

19 This refers to a tradition about Pope Denis (259-68), preserved in the Liber pontificalis and the Pseudo-Isidorian decretales.

20 obventiones: a term used to cover all kinds of revenue, sometimes
their churches to their own uses when the pastors of these churches die, 17 is it then lawful for the monks on their own authority to take possession of them or should they be put in possession by the diocesan? To this we reply that, unless the Pope's indult specifically says 'without consulting their bishop,' it is not lawful for them to take possession; for we do not believe that such an indult impairs a bishop's jurisdiction.

18 And you have earnestly put another question: because by Denis' authority 19 parishes were delimited so that the revenues of individual parishes might be devoted to the essential needs of the church and the stipends of the ministers, is it lawful for a bishop, without the Pope's authority or, at least, without the concurrence of his chapter, to confer on monks the obventions 20 of a parish church, the vicar's stipend being reserved? And, since the decrees of the Lateran Council 21 forbid the imposition of a new pension on churches or the increase of an old pension, you ask to be informed whether a bishop, with the patron's consent, can confer on religious houses a whole church or, as a new charge, a portion of it. To these questions we briefly reply that, saving the canonical decree regarding the payment of a fiftieth to religious houses, 22 a bishop can do neither of these things, except by permission of the Roman pontiff, without his chapter's consent.

23 Again, you have thought fit to consult us on this point: if a bishop, in making over a church to regulars with the patron's consent, uses this plain form of words,

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more particularly referring to the dues and offerings payable to a parish-church. Here the Gloss says: 'id est, fructus vel reditus.'

21 III Lateran Council, c. 7 (Decretals, III. 39, 7)
22 Decretum, II. 12, 2, 74 (C. of Toledo IX (655), c. 5)
23 Decretals, III. 24, 7

Explicari preterea postulasti utrum quis posset de molendinis et piscaris necessarias expensas deducere priusquam solvat decimas ex eisdem, sicut est in negotiatione concessum. Ad quod, sine prejudicio melioris sententiae, respondemus quod, licet circa res acquisitas vel factas de pecunia decimata, cum ipse venduntur, credamus deducendas expensas et de residuo quasi de lucro decimas persolvendas, ut si vendatur domus, ager, vinea, clibanus, molendinum, grex, aut quolibet merces; expensas tamen que fiunt pro fructibus percipiendis ex illis de quibus fructus proveniunt non credimus deducendas, etiamsi fuerint decimate; quoniam salva decima fructus efficiuntur eorum qui faciunt ipsas expensas; fructus autem ipsos alienari posse non

add ex expunged V

cathedralicum: a customary tax levied on parish-churches, due to the bishop's see. It seems to have been sometimes (but not always) identified with synodals, probably because it was levied at the bishop's synod.

Decretals, III. 30, 28
'We make over to you this church,' should it be taken that the church is thereby ceded to them for their uses, or only the right of patronage? We have decided that the right answer to your enquiry is this: if the bishop confers the church on them with the patron's consent, then undoubtedly the patron is deemed to confer what is his, namely the right of patronage; and the bishop confers whatever secular property he has in that church, so that if he receives a portion of the church's revenues that portion is transferred to their uses. But if the bishop should have no portion of that church's revenues, we believe that all the revenues, except the due called cathedricum, should be transferred to their uses. But, for the bishop's gift to be lawful, the approval of his chapter is essential.

You have further asked for an explanation of the following: can one deduct necessary expenses from mills and fisheries before paying tithes on them, as has been allowed in the case of merchandise? Without prejudice to a better opinion we reply as follows: in the case of articles which have been purchased or manufactured we believe that expenses should be deducted from the sum which is tithed when they are sold, and that tithes should be paid on the residue as being the profit (as, for example, when a house is sold, or a field, a vineyard, a bakery, a mill, a flock, or any merchandise); but, where money is expended to gain profits from a profit-making concern, we do not think this expenditure deductible even though previously subjected to tithe; for (apart from the tithe) the profits which are produced belong to those who expend the money. Such profits,

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24 Sine prejudicio melioris sententiae: the pope speaks as a doctor of law, not as legislator. The words are omitted from the text in Decretals.
credimus nisi cum onere decimarum; nec pro restaurando detrimento quarumlibet rerum ex quibus decime persolvuntur credimus deducendas expensas de proventibus decimandis, quia penes dominum res permanent restaurate, ut si pars aliqua moriatur armenti, deterioretur vinea, portio mercis depereat, vel totus elibanus destruatur.

27 Quesivisti etiam quibus indicis fides habenda sit decretalibus de quarum auctoritate iudex potest non immerito dubitare, cum plures inveniantur in compilatione scolarium et allegentur in causis, de quibus per bullam non constitit, nec ipse per metropoles insinuate fuerunt. Quia igitur sepe contingit quod etiam coram nobis decretales huiusmodi proponuntur, quas esse autenticas dubitamus, fraternitati tue benignius respondentes, auctoritate presentium duximus statuendum ut cum aliqua decretaлиз de qua iudex merito dubitet allegatur, si cadem iuri communi sit consona, secundum eam non metuat iudicare, cum non tantum ipsius quam communis iuris auctoritate procedere videatur; verum, si iuri communi dissona videatur, secundum ipsam non iudicet sed superiorem consulat super ipsa.

28 Quoniam autem per dilatorias exceptiones malitiose nonnunquam causarum terminatio prorogatur, inquisitioni tue respondendo decernimus ut infra certum tempus a iudice assignandum omnes
in our opinion, cannot be alienated without liability to tithe; and money expended to make good the loss of any tithable possessions should not, in our opinion, be deducted from income subject to tithe (for the property thus made good remains permanently the owner's)—as, for example, if part of a herd of cattle dies, or a vineyard deteriorates, or a portion of a merchant's stock is spoilt, or a baking-oven is completely destroyed.

27 You have also enquired by what proofs decretales should be tested for genuineness: for a judge can reasonably question their authority when some are to be found in a text-book for students and are cited in law-suits, though their authenticity is not attested by a seal and they have not been published by metropolitan authority. Because, therefore, it often happens that even in our court decretales are cited the genuineness of which we doubt, in graciously answering your enquiry we have thought fit, by the authority of this letter, to rule that, when a decretal is cited about which a judge can have reasonable doubt, he should not fear to judge by it if it is in keeping with the common law, since clearly he is proceeding not so much on the authority of the decretal as of the common law: but, if it seems to be at variance with the common law, he should not judge by it but consult his superior about it.

28 Since sometimes the termination of cases is maliciously postponed by delaying exceptions, in replying to your enquiry we decree that all delaying exceptions should be presented by a definite date to be fixed by

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26 dilatorie exceptions: pleadings by the defendant which delay an action. The term occurs in Roman civil law (Digest, XLIV. 1, 2 §§ 4, 3 and Institutes, IV. 13 §§ 8, 9). For exceptions in general, especially in relation to English law, see F. Pollock and F. W. Maitland, Hist. of English law (2nd ed.), ii. 611 sqq.
dilatorie proponantur, ita quod si partes extunc aliquas voluerint proponere quas non fuerint protestate, nullatenus audiantur, nisi forte de novo aliqua fuerit exorta, vel is qui eam voluerit opponere fidem faciat iuramento se postmodum ad illius notitiam pervenisse.

31 Statuimus preterea ut principales persone non per advocatos sed per se ipsos factum proponant, nisi forte adeo fuerint indiscrete ut earum defectus de iudicis licentia per alios suppleatur.

32 Cum autem sepe contingat ad diem quem index delegatus a nobis partibus assignavit, earum altera procurante ut negotium prorogetur, iudicem ipsum a rege vel archiepiscopo evocari, nos, perversorum volentes malignitibus obviare, decernimus ut si delegato constiterit hoc fuisset alcius partis malitia procuratum, ipsam puniat animadversione condigna et, ne aliquod lucrum ex huiusmodi fraude reportet, persone neutri parti suspecte quantum ad diem illum committat ipsum negotium audiendum, que in ipso appellatione remota procedat, nisi forte partes ipse consenserint negotium prorogari.

33 Preterea nos consulere voluisti an permitti debeat ministrare, si quis sine impositione manuum fuit ad ordinem diaconatus assumptus; et si confirmationis sacramentum in eo debeat iterari qui per errorem fuit non crismate sed oleo delinitus. Ad que fraternitati tue breviter duximus respondendum quod in talibus non est aliquid iterandum, sed caute supplendum quod incaute fuerat prerermissum.

Dat’ Rome apud Sanctum Petrum, xiii kal. Ianuarii.

1 oviare V

31 Decretals, II, 1, 14
32 ibid. I, 29, 28
33 ibid. I, 16, 1
the judge, so that if the parties thereafter decide to present any exceptions not previously notified they should not be heard, unless an exception has arisen on a new point or the litigant who has decided to present it gives an affidavit that it came to his notice after the appointed date.

31 Further, we decree that the principals in a suit should state their case to the court not by advocates but personally—unless they have been so incompetent that their deficiency, on the judge’s permission, requires to be made good by others.

32 Because it often happens that on the day, which a judge appointed by us has fixed for the parties to a suit, the judge himself is summoned by the king or archbishop as a result of one party’s scheming contrivance to have the hearing postponed: therefore, wishing to thwart the wicked devices of unscrupulous men, we decree that, if our delegate is satisfied that this has been contrived by the malice of a party to the suit, he should punish that party with a fitting penalty and, so that no advantage may be gained from such deceit, he should entrust that day’s hearing of the case to a person acceptable to both parties, this person to proceed without appeal on the said day unless the parties have themselves agreed on a postponement.

33 Further, you wished to consult us whether a man appointed deacon without the laying-on of hands should be allowed to act as minister, and whether in the case of one who has been anointed in error with oil instead of chrism the sacrament of confirmation should be repeated. In reply we have chosen briefly to say that in such cases nothing should be repeated, but whatever was carelessly omitted should be carefully made good.

St Peter’s, Rome, the 19th of December.
P. episcopo Wintoniensii.  

PROVIDERE RECTOREM oportet ut sollerter invigilet, ne in hiis que administramti iei incumbunt se, quod abis, exhibeat negligentem, quoniam maledictus est homo qui opus dei fecerit negligenter.  

Ut igitur super hiis que ad sollicitudinem tuam spectant sollicitius metiaris, quanta necessitate tenearis in diocesi tua correger et limam correctionis exposcunt, fraternitati tue per apostolica scripta mandamus quatinus in monasteriis et aliis ecclesias diocesana tibi lege subiectis auctoritate apostolica corrigas, tam in capite quam in membris, que secundum deum fuerint corrigenda, et consuetudines iuri et utilitati contrarias, de prudentum virorum consilio, cures in melius comutare, si forsan hii ad quos immediate pertinet corum correctio super hiis fuerint negligentis, non obstante alicuius appellationis obiectu contra regularis observantiam discipline, sic in huiusmodi ecclesiastice utilitati deserviens ut discipline proficias regulari.

Dat' Rome, vi kal. Novembris.


* om. protocol; address as rubric V

1 This is the first of a group of seven letters obtained by the bishop, within a few weeks of his consecration by the pope at St Peter’s, Rome, on 25 September, 1205 (cf. nos. 24-6 below and P. 2597, 2598, 2600. P. 2607 may have been addressed to the bishop; the register is ambiguous). Peter des Roches, archdeacon of Poitiers and a favoured clerk of King John, was elected to the see of Winchester early in 1205; Richard Poore’s election to the same see caused the case to be referred to Rome and Peter established his claim (cf. P. 2439, 2549, 2646, 2676). For his later career see DNB and Powicke, Henry III and the Lord Edward.
To Peter, bishop of Winchester.¹

A ruler should be careful to guard prudently against shewing himself negligent (which God forbid!) in matters belonging to his administration: for 'cursed be he who doeth the work of the Lord negligently.'² Wherefore in order that, in matters falling to your charge, you may seriously judge by what a strict obligation you are bound to amend the irregularities in your diocese that call for correction, by apostolic letter we command you that in monasteries and other churches subject to you by diocesan law you should correct by apostolic authority, in the head no less than the members, whatever in accordance with God's law shall require correction, and that on the advice of prudent men you should amend any customs that are contrary to law and the common good, if perhaps those to whom in the first instance such correction belongs have proved negligent. You are not to stop for any appeal contrary to the maintenance of regular discipline, for in this business you will best serve the Church's interest by promoting regular discipline.³

Rome, the 27th of October.

¹ cf. Ier. 48:10
² cf. a similar rescript, in 1202, to the bishop of Worcester, whose visitation of monasteries had been obstructed by the appeals of their abbots and priors (P. 1665) and further, Cheney, *Episcopal visitation of monasteries* (Manchester, 1931), p. 29.
Eidem.

ANNUERE SOLET SEDES apostolica piis votis et honestis petentium precibus favorem benevelum impertiri. E aperture, dilecte frater, tuis precibus annuentes, auctoritate tibi presentium indulgemus ut ca, que de pertinentibus ad episcopalem mensam vel alias ad episcopi iurisdictionem spectantibus, tam in feudis quam aliis, a predecessoribus tuis minus licite alienata repereris, nullius contradictione vel appellatione obstante, legitime valeas revocare. Nulli ergo, et cetera.

Dat' ut supra.


a om. protocol, address as rubric (cf. no. 23 above) V
b solet . . . annuentes abridged to solet et cetera usque annuentes V, here extended according to common form, cf. no. 42 below
c iurisdictionem V
d for extension according to common form, cf. no. 42 below
e referring to no. 23 above

The bishop's mensa was that portion of the property of a bishopric which was assigned to the bishop as distinct from his cathedral chapter. The same division commonly obtained in this period in Benedictine abbeys between the abbot's and the convent's mensa.
To Peter, bishop of Winchester.

The Apostolic See habitually grants the pious requests of its petitioners and shews a ready favour to their prayers if worthy. Wherefore, beloved brother, we consent to your prayers and by the authority of this letter we grant you permission legally to revoke, notwithstanding any man's opposition or appeal, such unlawful alienations as you find to have been made by your predecessors from property pertaining to the bishop's mensa or otherwise belonging to the bishop's jurisdiction, whether held in fee or by other tenure. Let no man, therefore, etc.

Rome, the 27th of October.

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The principle that unjust alienations were invalid and might be revoked was frequently asserted before the time of Innocent III: cf. Decretals, III. 10 and III. 13. Alexander III had written in this sense to the archbishop of York (Singer, JV, p. 184) and other English prelates were among those who obtained similar letters from Innocent III (P. 372, 369, 3022). In the Council of Oxford, 1222, Stephen Langton dealt with the same matter (c. 29, Wilkins, i. 590).
Eidem.\(^{a}\)

Cum sint onus honoris adnexum, ecequi debet officium qui beneficium est sortitus. Quocirca fraternitati tue per apostolica scripta mandamus quatinus tam archidiaconos quam decanos et alios tue dioecesis, ad suscipientes ordines in quibus tenentur domino deservire, si forsan infra sex menses a te commonti recusaverint ordinari, iuxta Lateranensis concilii sanctiones, appellations remota, compellas. Aliquin beneficia eorumdem tibi sit lictum personis alis, appellacione cessante, conferre, prout est in eodem concilio institutum.\(^{b}\) Nulli ergo, et cetera.\(^{c}\)

Dat' ut supra.\(^{e}\)

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\(^{a}\) om. protocol, address as rubric (cf. no. 23 above) V

\(^{b}\) for extension according to common form, see no. 42 below

\(^{e}\) cf. no. 23 above
To Peter, bishop of Winchester.

Honour involves responsibility, and a man who has obtained a benefice ought to discharge the duty of it. We therefore command you by apostolic letter that in accordance with the Lateran Council’s decrees you should compel, without appeal, archdeacons, deans, and others in your diocese to take the orders in which they are bound to serve the Lord, if so be that within six months after warning from you they have refused to be ordained. But if not, let it be lawful for you to confer their benefices on other persons, without appeal, as was enacted in the same Lateran Council.¹ Let no man, therefore, etc.

Rome, the 27th of October.

¹ Third Lateran Council c.3 (Decretals, I. 6.7) provided that if, after monition, archdeacons were not ordained deacons, and deans and others not ordained priests, within the time fixed by law, they should be removed from office and replaced by others.
Eidem.⁵

Ad audientiam nostram noveris pervenisse quod multi filii sacerdotum in diocesi Wintoniensi tenent ecclesias in quibus patres eorum proximo ministrarunt, dignitati ecclesiastice derogantes et canonicis institutis.¹ Ut igitur per tue discretionis industriam et dignitati ecclesiastice consulatur et canonica instituta servetur, fraternitati tue per apostolica scripta mandamus quatinus personas huiusmodi, quas in diocesi tua ad ecclesiarem regimen immediate patribus⁶ noveris successisse, ab ecclesiis illis, auctoritate nostra suffultus, sublato appellatiovis obstaculo, prorsus ammoveas, et studeas eas de aliis personis idonicis, ad presentationem eorum ad quos pertinet, ordinare; qui si forte favore illorum quos ibi presentaverant, vel ex malitia vel voluntate propria, personas idoneas sepe commoniti noluerint presentare, tu, nostra fretus auctoritate, secundum deum in ecclesiarem ipsarem ordinatione procedas. Contradictores, et cetera.⁷

Dat' ut supra.⁴

Pott. 2599. Text. V: Reg. Vat. 7 fo. 47r no. 147. Whence Migne, ccxv. 724, lib. viii, ep. 147

⁵ om. protocol, address as rubric (cf. no. 23 above) V
⁶ om. patribus, added in margin by second hand V
⁷ For extension according to common form, see no. 73 below
⁴ cf. no. 23 above

¹ Succession from father to son in livings was common in twelfth-century England. Decretals, I. 17 consists mainly of papal prohibitions of
To Peter, bishop of Winchester.

Be it known to you that it has reached our hearing that in the diocese of Winchester many sons of priests have churches in which their fathers ministered next before them—thus dishonouring ecclesiastical dignity and canon law. In order, therefore, that by your discreet endeavour we may safeguard ecclesiastical dignity and preserve canon law, we command you by apostolic letter that, relying on our authority, where you know in your diocese of any persons who have directly succeeded their fathers in the government of churches, you should utterly remove them from those churches, without appeal, and should diligently institute others from among suitable individuals, at the presentation of those to whom such presentation belongs. But if the latter, from favour to those whom they had already presented there, or from malice, or from wilfulness, have refused, though often warned, to present suitable persons, then relying on our authority and in obedience to God, you are to proceed with institutions in these churches. Contradictors etc.

Rome, the 27th of October.

the practice from Alexander III to Honorius III, most of them directed to English prelates. The subjects of this and another letter addressed to Bishop Peter (P. 2600) are resumed in a letter of Innocent III or IV preserved, undated, in Reg. J. de Pontissara, ed. C. Deedes (Cant. and York Soc.), ii. 753.

(1039)
Fratri Augustino ecclesie sancte Marie de Norton regulari canonico.¹

_Cum antequam esses regularem vitam professus, ex impositione baptismatis Henricus fueris appellatus, ac demum per factam professionem te, quasi mutatum in virum alterum, . . prior tuus vocari decreverit Augustinum,² nostro humiliter apostolatui supplicasti ut vel primum tibi dignaremur vocabulum restituere vel posterius confirmare, quia dubitas ne post fata per illa suffragia non iuveris que tibi fraterna caritas sub altero nominum predictorum impendet. Super quo devotioni tue duximus respondendum quod secure potes nomen tibi tempore professionis impositum retinere, sicut et nos illud indubitanter vocabulum retinemus quod nobis fuit in suscepto apostolice servitutis officio domino disponente mutatum._³

_Dat_ Ferentini, iii kal. Augusti anno nono.


³ om. protocol, address as rubric V

¹ The priory of St Mary of Norton, Cheshire, of regular canons of the Augustinian Order.

² It was not yet so usual in England as it became in later centuries for monks and canons to take a new name at profession; but a monk of Canterbury in 1186 bore the two names Andrew John: "erat enim ex fonte baptismatis et ex professione monachili binomius" (Gervase, i. 338).

³ 'Eum in summum pontificem eligentes flentem, ciulamentem, et repentem, vocantes ipsum "Innocentium" cum prius "Lotharius"
To Brother Augustine, regular canon of the church of St Mary of Norton.¹

Because before you professed the monastic life you had from baptism borne the name Henry, and because later your prior decreed that you should be called Augustine² as having by your profession been changed into a new man, you have humbly supplicated our Apostolacy to deign either to restore you the first name or to confirm the second, since you fear that after death you may derive no benefit from the prayers which your loving brethren will make for you under the second of the two names.

On this matter we have thought fit thus to answer your devotion: you can with confidence keep the name given you at the time of your profession, just as we also unhesitatingly keep the altered name which, by the will of God, was bestowed on us when we undertook the office of apostolic servitude.³

Ferentino, the 30th of July, in the ninth year of our Pontificate.

¹ Vocare tur. Gesta Innocentii pape III, c.v (Migne, ccxiv, p. xix). The term ‘apostolica servitus’ was used a week later in a letter of the pope to the doge and people of Venice (P. 2866). It was used as early as 1202 (P. 1653), and cf. nos. 47, 66 below and P. 2345. Alexander III spoke of his ‘ministerium servitutis’ (e.g., Migne, cc. 957, 1053).
Prioribus et fratribus de Kirkeham, Giseburnen', Bredlingtun', de Novoburgo, ct aliis eiusdem ordinis in Eboracensi diocesi constitutis.¹

**V**erbum est sapiens quod legitur: Omnia fac cum consilio, et post factum minime penitebis;² et illud: Ubi multa consilia, ibi salus.³ Dominus autem in evangelio de se ipso testatur: Ubiuncunque, inquiens, duo vel tres fuerint in nomine meo et ego in medio sum eorum;⁴ sicut post resurrectionem ostendit, dum discipulis de se in via loquentibus se tertium interponens interpretabatur in omnibus scripturis quae de ipso erant.⁵ Unde cum dei superexcrescente malitia multorum caritas refrigescat,⁶ expedit hic presertim qui vitam professi sunt regularem ut ad vitia resecanda et plantandas virtutes tanto consultius et cum maiori gravitate procedant quanto ipse quoque mundi senescentis defectus et humane conditionis infirmitas huic proposito potius contradicit. Monemus igitur discretionem vestram et hortamur attente et per apostolica vobis scripta mandamus quatinus vos, filii prioris, omnem, si commode fieri potest, vel pro maiori parte, annis singulis conveniatis

Pott. 3045. Text. V: Reg. Var. 7A fo. 9 nos. 32. Whence Migne, ccxv. 1128 (lib. x ep. 32)

¹ om. protocol, address as rubric V

¹ These four priories were among the largest houses of Augustinian canons in the diocese of York. This mandate anticipates the more comprehensive scheme for annual general chapters and visitations of the monastic Orders contained in the Fourth Lateran Council c. 12 (Decretals, III. 35. 7). Whether the mandate was obeyed is not known. It was superseded by the pope's letter of 29 February 1216, pursuant to the Lateran decree (Chapters of Aug. Canons, ed. H. E. Salter (1922), p. 1: not in Potthast), which set up one general chapter for all Augustinian houses in the provinces of Canterbury and York.
To the priors and monks of Kirkham, Guisborough, Bridlington, and Newburgh, and others of the same Order in the diocese of York.¹

There is an utterance of the Wise Man which reads 'Do all things with good counsel, and after the event thou shalt not regret';² and again, 'In the multitude of counsellors, there is safety.'³ And the Lord in the Gospel testifies about Himself, saying 'Where two or three are gathered together in my name, there am I in the midst of them'⁴—as indeed He shewed after His resurrection, when, joining two of His disciples as they talked of Him on their journey, 'He expounded unto them in all the Scriptures the things concerning Himself.'⁵ Wherefore, since the iniquity of the time abounds and the love of many waxes cold,⁶ it is fitting, particularly for those who have professed the monastic life, to proceed to prune vices and to plant virtues with all the greater wisdom and seriousness as the decline of an ageing world and the infirmity of the human state operate against this purpose.

We, therefore, admonish you as men of discretion, and earnestly exhort you, and enjoin upon you by our apostolic letter, that you, our sons the priors, (all of you if it can conveniently be arranged, or most of

in unum, et de ordinis reformatione tractantes, corrigatis salubri consilio que in ecclesiis vestris corrigenda videritis, et statuatis que secundum deum fuerint statuenda, non obstante appellatione in elusionem regularis interposita discipline, ita ut, cum necesse fuerit, ad ecclesiam in qua videbitur correctio facienda simul duo vel tres vestrum accedant, et correctionis officium laudabiliiter exequantur, cum de ordinis observantia non teneamini priori alterius regularis ecclesie respondere.

Dat' Laterani, xvi kal. Aprilis anno decimo.
you) should annually meet together and, discussing the improvement of your Order, should correct with salutary advice what in your churches you shall have seen to require correction and enact what by divine law will require enactment, disregarding any appeal which may be lodged to frustrate regular discipline: so much so that, when it proves necessary, two or three of you should proceed together to the church where correction appears to be needed and should laudably discharge the office of correction—in spite of the fact that, by the rule of your Order, you are not bound to answer to the prior of another monastery.

The Lateran, the 17th of March, in the tenth year of our Pontificate.
Innocentius episcopus servus servorum dei karissimo in Christo filio I., illustri Anglorum regi salutem et apostolicam benedictionem.

Cum super negotio Cantuariensis ecclesie nos tibi scripserimus humiliter et benignie, rogando et exhortando, tu nobis, ut salva pace tua loquamur, rescripisti contumaciter et proterve, quasi comminando et exprobrando. Et cum nos tibi supra ius deferre curemus, tu nobis etiam secundum ius deferre non curas, minus quam decet attendens quod, etsi tua nobis devotio sit plurimum necessaria, nostra tamen gratia tibi non parum est opportuna. Cumque nos in tali casu tantum honorem nulli principum detulerimus quantum tibi, tu nostro tantum derogare contendis honoris quantum in similis casu nullus principum derogare presumptis, quasdam frivolas occasiones pretendens quibus asseris quod electioni de dilecto filio nostro Stephanò, tituli Sancti Grisogoni presbitero cardinali, a monachis Cantuariensis celebrant non potes prestare consensum, quia


a I. C; Johanni W; om. D
b et CD; diligentere W
c et CD; ac W
d nostro C; magistro W; om. D

1 For the disputed election to the see of Canterbury after the death of Hubert Walter (13 July 1205) see Knowles, 'The Canterbury election.' By December 1206 the pope had disallowed the claim of the suffragans of Canterbury to participate (P. 2618), had quashed the election of Reginald, subprior of Christ Church and the postulation of John de Gray, bishop of Norwich (who was the royal nominee), and had induced a representative
Innocent, bishop, servant of the servants of God to his well-beloved son in Christ, John, illustrious king of the English, greeting and apostolic benediction.

On the matter of the church of Canterbury¹ we wrote to you meekly and kindly, requesting and exhorting: but you (with respect be it said) wrote back to us insolently and impudently as though threatening and expostulating. We are careful to defer to you beyond what the law requires: but you are not careful to defer to us even as far as the law requires—giving less heed than is fitting to the fact that, while your devotion to us is most essential, our favour to you is far from inopportune;² and though in such a case we have paid to no prince so much honour as to you,³ you are trying to diminish our honour more than any prince, in a like case, has ever before presumed to do—offering, as you do, certain paltry reasons which, you aver, prevent you from granting your consent to the election (recently celebrated by the monks of Canterbury) of our beloved son, Stephen, cardinal priest of the title of St Chrysogonus,⁴

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¹ Group of monks of Christ Church to elect unanimously in Rome Stephen Langton. He announced this in a letter to King John written about 20 Dec. 1206 (P. 2937) and it is to this letter that the pope first refers above. Others of his letters on the case are P. 2620, 2732-5, 2938-40, 3126. For later developments see nos. 30-2 etc., below.
² This need for mutual consideration was stressed in Innocent’s first letter to the king about this election (Cheney, ‘A neglected record,’ pp. 237-8, cf. P. 2734, 2938).
³ Cf. p. 2938
⁴ Stephen Langton came of a Lincolnshire family. He was for many years a student and teacher at Paris until, early in 1206, he was created cardinal-priest of St Chrysogonus and settled in Rome. Here he was elected archbishop of Canterbury in December 1206, and was consecrated by the pope on 17 June 1207 at Viterbo. He was then probably about fifty years old (EHR, xliv (1933), 554).
videlicet inter tuos conversatus est inimicos, et quia persona eius est e prorsus ignota. Porro, secundum f proverbium Salomonis: Frustra iacitur rete ante oculos pennatorum, g cum intelligamus id g ei non esse imputandum ad culpam sed ad gloriam h ascribendum, quod Parissius diu vacans litteralibus i studiis in tantum profecit ut meruerit esse doctor non solum in liberalibus facultatibus verum etiam in theologicas disciplinis, ac per k hoc, cum vita concordet doctrine, dignus habitus est prebendam Parisiensem optinere. Unde mirabile gerimus si vir tanti nominis, de tuo regno ducens originem, tibi potuit esse saltem quoad famam ignorantus, presertim cum scripseris illi, postquam a nobis extitit in cardinalem promotus, quod licet disposeris eum ad tuae familiaritatis obsequium evocare, gaudebas tamen quod ad maius erat officium sullimatus. Sed id m potius attendere te decuisset quod in terra tua natus est, de parentibus tibi fidelibus et devotis quodque in Eboracensi ecclesia fuerat prebendatus, g que longe maior et dignior quam Parisiensis existit. n Unde non solum ratione carnis et sanguinis, verum etiam optentu ecclesiastici beneficiori et officii, te ac regnum tuum affectu sincero diligere comprobatur. Nuntii vero tui causam aliam nobis expresserunt quare sue non prestitisti electione consensum, quia videlicet nunquam fuerat o requisitus ab illis qui eum a te debuerant postulare, asserentes quod littere ille, quibus mandavi- mus ut super hoc negotio procuratores idoneos ad nos destinares, ad te minime pervenerunt, et monachi

* eius est D; add tibi W, om. eius C
* id C; illud DW
* litteralibus CD; liberalibus W
* ac per C; ac si per W; ac super D
* m id CD; illud W
* s existit W; extitit CD

 secundum CD; iuxta W
* add potius W

* add ter W

* fuerat CW; fueras D
—such paltry reasons as that he has lived among your enemies and that his person is entirely unknown. But, as Solomon’s proverb has it, ‘Surely in vain the net is spread in the sight of any bird’; for we know that it should be counted to him for credit, not imputed for blame, that for a long time at Paris he devoted himself to the study of literature and made such progress that he acquired the status of Doctor not only in the liberal arts but also in theological learning; and as a result (for his life was as good as his learning) he was judged worthy to hold a prebend of Paris. We are surprised, therefore, that a man of so great a name, a native of your own kingdom, could have remained unknown to you at least in reputation, especially since after his promotion to the cardinalate you wrote to him that, though you had planned to summon him to the service of your household, you rejoiced at his elevation to a greater office. But you might more fitingly have considered this—that he was born in your land, of parents loyal and devoted to you, and that he had been a prebendary in the church of York, which is a church far greater and more worthy than that of Paris. So, from reasons both of flesh and blood, and of ecclesiastical benefice and office, he is proved to love you and your kingdom with a sincere affection.

Your envoys told us another reason for your not granting your consent to the election—namely, that your consent had never been sought by those who should have asked for it; and they stated that you had never had our letter instructing you to send to us suitable

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8 Prov. 1:17
6 There is little trace of Langton’s tenure of a prebend of York: cf. R.L.C., i. 96a.
Cantuarienses, quamvis pro alis negotiis ad tuam presentiam accessisset, pro postulando tamen consensu nec litteras nec nuntios direxere. Unde idem nuntii cum multa nobis instantia supplicarunt quatinus ex quo nobis complacuit hanc tibi honorificentiam reservere ut monachi Cantuarienses regium postularent assensum, quoniam hoc factum non erat, dilationem congruam concedere dignaremur infra quam posset hoc fieri, ne iuri tuo contigeret derogari; contra personam electi quiddam ad ultimum proponentes quod cum manifeste sit falsum, ostium oris claudere debuissest, presertim cum si etiam verum esset, promotionem ipsius iam impedire non posset. Licet autem super electionibus apud sedem apostolicam celebratis non consueverit assensum principis expectari, duo tamen monachi fuerant specialiter deputati ut ad te pro requiring assensu venirent, qui apud Dovram fuerunt detenti, ut inunctum sibi mandatum exequi non valerent, et prefate littere de procuratoribus ad nostram presentiam destinandis tuis fuerunt nuntii assignate, ut eas tibi fideliter presentarent. Nos quoque, qui super Cantuariensem ecclesiam plenitudinem potestatis habemus, regium super hoc per litteras nostras dignati sumus implorare favorem; et cursor noster qui apostolicas tibi litteras presentavit, litteras quoque prioris et monachorum qui ex mandato totius Cantuariensis capituli electionem celebraverant memoratam super assensu petendo regie sublimitati porrexit. Ideoque non vidimus oportere denuo post hec omnia regium postulare consensum, sed id agere disposuimus, non declinantes ad dextram vel ad
agents to conduct the business, and that the monks of Canterbury, though appearing before you on other matters, had not sent either letter or deputation to ask your consent. And so, because from the time when we decided to reserve for you the compliment of being asked by the monks of Canterbury for the royal assent this had not been done, your envoys begged most earnestly that we would deign to grant a suitable delay within which it could be done, in order that no affront to your rights might occur. They thus ended by stating something against the person of the archbishop elect, about which, since it is manifestly false, they should have kept shut the door of their lips, especially because, even supposing it true, it could not now impede his promotion. Though it has not been usual to wait for the prince’s assent in elections celebrated at the Apostolic See, yet two monks had been especially deputed to go to you to request your assent; but they were detained at Dover and so could not discharge their commission. The letter (mentioned above) about the despatch of agents to our presence, was given to your own envoys to be faithfully delivered to you. We also, who have plenary authority over the church of Canterbury, deigned in a letter to entreat your royal favour in this matter: and our courier who delivered to you this apostolic letter also delivered to your Majesty a letter requesting your assent from the prior and monks who by mandate from the whole chapter of Canterbury had celebrated the aforesaid election.

Wherefore, we do not think it necessary to ask again for the king’s consent after all these approaches; but, swerving neither to the right hand nor to the left, we have resolved to follow the course appointed by the canonical decrees of the holy fathers—namely, that no
sinistram, quod sanctorum patrum canonice sanctorum statuunt faciendum, ut videlicet nichil more vel difficultatis rectis dispositionibus afferatur, ne gregi dominico diu desit cura pastoris. Quocirca tue regali prudentie non suggeratur a quoquam quod aliquatenuis valeamus a consummatione huius negotii a revocari, quoniam cum absque vi et dolo canonica sit electio de persona idonea concorditer celebrata, sine damno famae ac periculo conscientie desistere non possemus. Tu ergo, fili karissime, cuius honoris supra ius deferre curavimus, ita secundum ius nostro studeas honoris deferre ut gratiam divinam et nostram uberius meraris; ne forte, si secus egeris, in eam te difficultatem inducas de qua non facile valeas expediri, cum tandem oporteat eum vincere cui flectitur omne genu celestium, terrestrium, et infernorum, cuius nos vices in terris licet inmerit exercemos. Ne igitur illorum consiliis adquiescas qui semper tuam turbationem desiderant ut melius possint in aqua turbida piscari, sed nostro bene placito te committas, quod utique tibi cedet ad laudem et gloriam et honorem; quia non esset tibi tutum in hac causa deo et ecclesi repugnare pro qua beatus Thomas martyr et pontifex gloriosus sanguinem suum recente effudit, presertim ex quo pater et frater tui clare memorie, tunc reges Anglorum, in manibus legatorum apostolice

\[\text{\textsuperscript{2} tue reg. prud. non C; tue reg. potencie non D; nil discretioni tue vel reg. prud. W} \]
\[\text{\textsuperscript{3} negotii CD; offici W} \]
\[\text{\textsuperscript{4} desistere CD; differre W} \]
\[\text{\textsuperscript{5} illorum CD; corum W} \]
\[\text{\textsuperscript{6} ac C; et DW} \]
\[\text{\textsuperscript{7} mercaris CW; consequar D} \]
\[\text{\textsuperscript{8} tuique DW; tuus C} \]
\[\text{\textsuperscript{9} cf. Decretum, I. 65, 4: \text{\textsuperscript{10} Que rectis dispositionibus nichil morae aut}}\]
delay or difficulty should be allowed to thwart good arrangements, lest the Lord’s flock should for a long time be without pastoral care? Wherefore, let not anyone suggest to a king of your prudence that we can in any degree be recalled from completing this business: for, when without violence or chicanery the canonical election of a suitable person has been unanimously celebrated, we could not desist without loss of reputation and peril to our conscience.

So therefore, well-beloved son, to whose honour we have been careful to defer beyond what is required by law, be zealous in deferring to our honour as the law requires, that you may richly merit both the divine favour and ours; lest perchance, if you act otherwise, you may involve yourself in a difficulty from which you could not easily be freed, for in the end He must win "to whom every knee bows, of things in heaven, and things in earth, and things under the earth," whose power, however unworthily, we as Vicar exercise on earth.

Do not therefore fall in with the plans of those who always desire your trouble that they may be better able to fish in troubled water, but entrust yourself to our good pleasure which will turn out to your credit and glory and honour. To fight against God and the Church in this cause for which St Thomas, that glorious martyr and archbishop, recently shed his blood, would be dangerous for you—the more so, as your father and brother of illustrious memory, when they were kings of the English, abjured that evil custom at the hands of

difficultatis debēbit aflēre, ne gregibus domini diu desit cura pastorum ¹ (Leo I. ep. 82).
² cf. Phil. 2:10
sedis illam pravam consuetudinem abiturunt. Nos autem, si nobis humiliter adquieveris, sufficienter tibi et successoribus tuis providere curabimus ne super hoc valeat vobis præjudicium generari.

Dat' Laterani, vii kalendas Iunii pontificatus nostri anno x. Which particular custom respecting elections Innocent refers to is not evident. As regards Henry II, the pope may refer to the general
legates of the Apostolic See. But, if you will humbly agree with us, we will take care to provide adequately for you and your successors, so that in this matter no prejudice may be created to your disadvantage.

The Lateran, the 26th of May, in the tenth year of our Pontificate.

undertaking given at Avranches (1172) or to the promise not to prolong vacancies which Henry made to the legate Hugh Pierleone (1176). Richard I conceivably made a promise to the legate John of Anagni (1189) on the occasion of Geoffrey's election to York (Giraldus Camb., *Opus.*, iv. 373 sqq.), but there is apparently no record.
30

.Londoniensi, . . Heliensi, et . . Wigorniensii episcopis. a

Illius testimonium invocamus qui testis est in celo fidelis, b quod carissimum in Christo filium nostrum I. regem Anglorum illustrem sincerissima semper caritate dileximus, et usque adeo ipsum exuberavit nostre gratie plenitudo ut plurimi principum in devotione sacrosancte Romane ecclesie non solum minus ferventes extiterint sed quidam facti sint etiam indevoti. c Si quando enim in eum vel regnum suum fragor turbationis invaluit, sedes apostolica pia gestans viscera circa eum, potenter ipsum adiuvit et in multorum invidiam a multis angustiis relevavit. d Verum, quod dolentes referimus, usque adeo gratie nostre se reddit ingratum ut nequaquam videamur eum beneficiis attraxisse, sed inuiriis provocasse, cum nostris immo dei dispositionibus se opponens, ea minus sano ductus consilio non formidet incipere que in eius possunt grave periculum redundare. Que vero sint illa non credimus exprimenda, cum vobis sint magis nota quam nobis. Verum quamvis devotionem ipsius regis valde nobis ne-


Only selected variants of C, D and E are noted here.

a om. protocol, address as rubric V; Innoc. ep. servus servorum dei (etc. C) venerabilibus fratribus Londoniensi, Elyensi, et (om. C) Wigorn' episcopis sal. et apost. ben. CE ; Innoc' etc. D

1 The bishops here appointed to be executors of the interdict were all prelates with records of long service in the State: William of Ste Mère-l'Eglise (see no. 9 above), Eustace (no. 9 above), and Mauger (no. 6 above).
We invoke the testimony of Him who is a faithful witness in heaven, that ever with the most sincere affection we have loved our very dear son in Christ, John, king of the English, and that the plenitude of our favour has so abounded towards him that not only have many princes become less fervent in their loyalty to the Sacrosanct Roman Church, but some have actually become disloyal. For whenever the noise of disturbance grew strong against him or his kingdom, the Apostolic See, bearing towards him a heart of love, mightly aided him and, to the envy of many, delivered him from many difficulties. But—and with sorrow we state it—he shews himself so unthankful for our favour that, instead of winning him by kindnesses, we would seem to have provoked him by wrongs; for he opposes our decisions, or rather God's decisions, and led on by foolish advice he does not hesitate to use methods which may result in his serious peril. What these methods are, we hardly think we need state, as they are better known to you than to us. But though we regard the king's

This letter was presumably written when Innocent heard of John's unfavourable reception of no. 29. The king's immediate reaction had been to order (on 11 July 1207) the expulsion of the monks of Christ Church, Canterbury. News of this act had reached the pope by 27 August, when he ordered John's agents (Fulk de Cantelupe and Reginald de Cornhill) to be excommunicated (P. 318g).

2 cf. Ps. 88:38 (Vulgate), 89: 37 (A.V.)
3 Innocent's partiality to England had embittered Franco-papal relations (cf. nos. 8, 19, 21 above).
4 cf. no. 14 above
cessariam repute\textsuperscript{am}us, non minus tamen sed forsitan longe amplius existimare\textsuperscript{em} potest et debet nostram sibi gratiam oportunam quemadmodum evidentius, si bene recolit, iam percepit. Sed ipse immemor\textsuperscript{o} omnium, iurisdictionem nostram non solum impedire verum etiam evacuare conatur, licet nos suam nunquam minuere sed semper studuerimus defensare. Illudque potius deberet attendere quod principes illi qui libertatem ecclesiasticam impugnando, indebitum sibi super ecclesias conati sunt arripere potestatem, divino iudicio pene penitus defeecerunt; qui vero sanctam ecclesiam in sua libertate fovendo, digno venerantur honore, de bono semper in melius prosperantur. Ceterum ad quem finem ex incepta possit persecutione venire nequaquam attendit, quia si finem prudenter attenderet ab incepto proculubio declinaret, cum preter divinam offensam, nisi quantocius resipuerit, gravem sit incursurus iacturam quia\textit{ durum est ei contra stimulum calcitrare.}\textsuperscript{5} Absit enim ut in tam iniquo proposito populus Anglicanus, qui vere christianus\textsuperscript{a} existit et zelator fidei orthodoxe, contra regem celestem regem sequatur terrenum, corporalia spiritualibus preferendo, cum non solum clerici sed et laici tante discretionis et devotionis existant ut norint et velint distinguere inter illa que reddenda sunt cesari et ea que reddenda sunt deo.\textsuperscript{6} Cum igitur honorì suo pariter et salutì vix credamus\textsuperscript{e} hoc tempore posse utilius provideri quam ut Cantuariensis ecclesia talem pontificem habeat qui fama, scientia, et vita preclarus, ad ea que dei sunt eum documentis provocare valeat et

\textsuperscript{a} existimare DE; estimare C; estimare V
\textsuperscript{b} add horum CDE
\textsuperscript{c} christianus VC; christianitatis cultor DE
\textsuperscript{d} credamus VE; credimus C
\textsuperscript{e} cf. Act. 9:5
\textsuperscript{f} cf. Matt. 22:21. cf. no. 79 below
devotion as very necessary to us, he can and ought to consider our favour as not less serviceable, perhaps more serviceable, to himself; and (if he recalls aright) he has already clearly perceived this to be so. But oblivious of everything, he is trying not only to thwart our jurisdiction but actually to nullify it, though we have endeavoured always to protect his jurisdiction, never to diminish it. He ought to be reflecting on this—that those princes who, by attacking ecclesiastical liberty, have tried to seize an unauthorised power over churches, by divine judgment have almost utterly failed, whereas those who support Holy Church in her liberty and venerate her with due honour, ever advance from good to better success. But he never considers to what end he might come as a result of the persecution he has started; if he wisely considered that end, he would undoubtedly abandon his project—for, in addition to the divine displeasure, unless he comes quickly to his senses, he will incur serious loss: for 'it is hard for him to kick against the pricks.'

God forbid that the English people, who are truly christian and zealous for the orthodox faith, should in this wicked project follow their earthly king in opposition to the Heavenly King, preferring the corporal to the spiritual, for there are not only clergy but also laity who are men of such wisdom and devotion that they have both the knowledge and the will to distinguish between the things which should be rendered to Caesar and those which should be rendered to God.

We believe, therefore, that no more useful provision can at this time be made for the king’s honour and salvation than that the church of Canterbury should have a prelate who, being renowned in reputation, knowledge and life, should be able by proofs and instances to
exemplis, ac tota sibi mentis affectione coherens, sanum ei consilium circa spiritualia et temporales utilitates impendat, quoniam hec in venerabili fratre nostro S. Cantuariensi archiepiscopo, sancte Romane ecclesie cardinali, novimus convenire, licet molestissimum nobis esset eum a nostro latere separare, ut qui quasi nobiscum hactenus universali prefuerat ecclesie secundum vacatioem de ipso factam Cantuariensi metropoli specialiter preferretur, quia tamen utilitati eiusdem regis sueque saluti desideramus consulere ac ipsius profectibus intendimus providere, archiepiscopum ipsum a conventu Cantuariensis ecclesie canonice postulatum pariter et electum nostris manibus consecravimus,7 et palleo de corpore beati Petri sumpto, insigni videlicet pleitudinis pontificalis officii sibi dato, ad regimen ecclesie sibi commisse duximus destinandum. Quamvis igitur regem ipsum, ut in testimonio dei loquamur, sincerissime diligamus et ipsius honori desideremus deserre, quia tamen deo magis quam hominibus deserre nos convenit,8 et in executionem' instigie non debet esse personarum acceptio vel delectus, fraternitatem vestram monemus attentius et hortamur, per apostolica scripta districte precipiendo mandantes quatinus diligentius attendentes quod iuxta sententiam sapientis: Qui arguit lauda-buntur, et super eos veniet benedictio,9 induti virtute spiritus ex alto et assumentes gladium spiritus quod est verbum dei,10 regem ipsum pariter adeatis, eumque in spiritu libertatis reverenter ut regem hortemini et diligenter ut filium inducatis, quatinus animabus saltatem, quietem populis, honorem deo et ecclesie providens libertatem,
summon him to the things which are of God and, cleaving to him with the whole affection of his mind, should give him sound advice on spiritual and temporal benefits; and since we know these qualities to reside in our venerable brother, Stephen, archbishop of Canterbury, cardinal of the Holy Roman Church (grievous though it was to detach him from our side so that, having been as it were a joint governor with us of the Universal Church, he should be specially preferred to the metropolis of Canterbury according to the vocation made concerning him), yet because we desire to promote the king’s benefit and salvation and also intend to provide for Stephen’s advancement, we have with our hands consecrated him archbishop, canonically postulated and elected as he was by the community of the church of Canterbury: and, giving him a pall from the body of St Peter as a symbol of the plenitude of his episcopal office, we have thought fit to send him to the government of the church committed to his care.

Therefore, although we unfeignedly love the king (with God as our witness we say it) and desire to defer to his honour, yet because it becomes us to defer to God rather than to men, and because in the execution of justice there ought not to be respect or choice of persons, we earnestly warn and exhort you as our brethren, strictly directing and charging you by apostolic letter, that, diligently minding the saying of the Wise Man, ‘They that rebuke shall be praised and a blessing shall come upon them,’ and endued with the power of the Spirit from on high, and girding on the sword of the Spirit which is the word of God, you should together approach the king and in the spirit of freedom should respectfully exhort him as king, and diligently persuade him as a son, to submit to wise counsels, thus providing
sanis consiliis acquiscat et prefato archiepiscopo quem, quicquid sinistra de ipso fuerit sibi detractione sugges-
tum,\textsuperscript{11} fidelem ei novimus et devotum, dignam reveren-
tiam et debitum honorem impendens, et cognoscens hoc factum non tam ab homine quam a deo, dispositioni
divine prompto favore consentiat, ut idem archiepiscopus
sincera sibi devotione coherens, circa gregem sibi
commissum a domino suum efficaciter valeat officium
exercere. Aliquando, omni mundano timore postposito
ac remoto cuiuslibet contradictionis et appellationis
obstaculo, per totam Angliam generalem interdicti
sententiam proseratis, nullum ibi, preter parvulorum
baptisma et penitentias morientium, ecclesiasticum per-
mittentes officium celebrari;\textsuperscript{12} quam et vos plenius
observetis, et faciatis ab omnibus per censuram ecclesiasticam
inviolabiliter observari, scituri pro certo quod
siqui forsitae, quod non credimus, contumaci spiritu
presumpserint obviare, sic eorum curabimus presump-
tionem corrigere quod terrore ad posteros derivato talis
non transit in insolentia in exemplum, sed eorum
correctio terrere poterit universos. Quod si nec sic vexatio ipsi regi dederit intellectum, quia pater filium
quem diligit corripit et deus quos amat arguit et casti-
gat,\textsuperscript{13} manus nostras in eum curabimus aggravare,\textsuperscript{14}
ut sic demum medicinali manu sanatus, in gratiarum
nobis actiones assurgat. Illos autem qui caput eius
oleo peccatoris impinguant,\textsuperscript{15} foventes ipsum in malo,
tanquam adulatores\textsuperscript{9} despicat et velut corruptores

\textsuperscript{9} adulatores V
\textsuperscript{11} cf. no. 29 above
\textsuperscript{12} On the terms of the interdict pronounced in pursuance of this mandate,
see BJRL, xxxi. 298-9.
\textsuperscript{13} cf. Heb. 12:6
\textsuperscript{14} cf. 1 Reg. 5:6
\textsuperscript{15} cf. Ps. 140:5 (Vulgate), 141:5 (A.V.), also in nos. 32, 39 below and P.
salvation for souls, peace for the peoples, honour to God and liberty to the Church. You should also advise him to pay meet reverence and due honour to the archbishop (whom we know to be faithful and devoted to the king, in spite of anything that wicked slander has suggested to the king about him) and, recognising that this thing has been done by God rather than by man, to consent to the divine ordinance with ready approval, so that the archbishop, attached to him with sincere loyalty, may effectively discharge his office towards the flock entrusted to him by the Lord.

But if not, then laying aside all earthly fear and forbidding any opposition or appeal, you are to publish throughout England the general sentence of Interdict, permitting no ecclesiastical office except the baptism of infants and the confession of the dying to be celebrated there. This sentence you must yourselves fully observe, and by ecclesiastical censure you must cause it to be inviolably observed by all. For be assured that, on the incredible chance that any persons shall presume in a rebellious spirit to gainsay it, we will make certain that their presumption is signally punished; and because the terror of it will descend to later generations, their rebellion will never become a precedent, but their punishment will strike fear into all mankind.

But if affliction shall not even thus have given the king understanding, then because 'a father scourgeth every son whom he receiveth and whom the Lord loveth He rebuketh and chasteneth,' we shall begin to make our hands heavier against him, so that in the end he may be cured by the hand of healing and rise up to render us thanksgiving. But as for those who make fat his head with the oil of a sinner, pampering him in evil —let him despise them as flatterers and expel them as
expellat. Nos quoque, qui talium corruptelas non penitus ignoramus, pro meritis sibi curabimus auctore domino respondere. Tales igitur in huius executione mandati vos exhibere curetis quod deum magis quam hominem comprobemini revereri, nec sitis ex illis qui canes muti sunt, non valentes latrare. Quod si non omnes hiis exequendis poteritis interesse, duo vestrum ea nichilominus exequantur.

Dat' Viterbii, vi kal. Septembris pontificatus nostri anno x°.

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hiis . . . interesse CD; etc. VE
ea . . . exequantur CD; etc. V; om. E

Viterbii . . x° CD, reading 'v° kal. E; ut in alia V

Isa. 56:10
corrupters. We also, who have some knowledge of such men's corruptness, will under God's guidance endeavour to repay them according to their merits.

See to it that in discharging this mandate you shew yourselves such as may be found to regard God rather than man. And do not be of those who 'are dumb dogs and cannot bark.'

If you cannot all take part in this business, let two of you discharge it, notwithstanding.

Viterbo, the 27th of August, in the tenth year of our Pontificate.
... Londoniensii, ... Eliensi, et ... Wigorniensii episcopis.²

NE PRETEXTU LIBERTATIS seu etiam privilegiis cuiuscunque sententiam interdicti quisquam observare recuset quam pro negotio Cantuariensis ecclesie per totam Angliam per vestre sollicitudinis providentiam mandavimus,¹ si necesse fuerit, promulgari, fraternitati vestre per iterata scripta mandamus et distriecte precipimus quatimius si secundum apostolicì mandati tenorem sententiam ipsam videritis promulgandam, sublato cuiuslibet contradictionis, appellationis, et excusationis diffugio, omnes pariter ⁶ secularium et regularium,⁴ Hospitalarium et Templarium seu etiam quorumcunque religiosorum, ecclesias eadem sententia conclusi.² Et quoniam in prioribus litteris de ecclesiis in Wallia constitutis non fecimus mentionem, volumus et mandamus ut similiter in eas auctoritate presentium, sublato cuiuslibet contradictionis et appellationis obstaculo, procedatis, cum et ipse Cantuariensi metropoli sint subiecte.

Dat' Rome apud Sanctum Petrum, xiii kal. Decembris pontificatus nostri anno x⁰.⁶


¹ om. protocol, address as rubric V; Innoc. episcopus servus servorum dei ven. fratribus Londoniensii, Eliensi, et Wigornensi episcopis salutem in domino et apost. ben. C
² mandavimus V; mandamus C
³ add et C
⁴ add et C
⁵ xiii . . . x⁰ C; om. V
⁶ cf. no. 30 above
² The interdict had not been pronounced. Innocent wrote on 18 or 19 November to all the bishops of England and Wales urging them to observe
To the bishops of London, Ely, and Worcester.

Lest anyone on the pretext of any liberty or privilege whatsoever should refuse to observe the sentence of interdict which, in view of the issue at the church of Canterbury, we ordered you as judicious and responsible men to publish throughout England if the need arose, we now by this second letter command and strictly enjoin on you that, if in accordance with the apostolic mandate you have seen fit to publish the sentence, then, forbidding such evasive shifts as objection, appeal, or excuse, you are to include in the sentence all churches of both seculars and regulars, of Hospitallers and Templars, and of any Order. As in our former letter we omitted to mention the churches in Wales, we now decide and command that, forbidding any objection or appeal devised for delay, you should proceed on the authority of the present letter to treat them similarly, since they also are subject to the metropolis of Canterbury.

St Peter's, Rome, the 19th of November, in the tenth year of our Pontificate.

the sentence even though it brought persecution; for his part he would not shrink from fighting for this just cause, if necessary, to the death (P. 3225). Parts of this letter were repeated in no. 92 below. Throughout the winter the bishops tried in vain to make the king receive Langton as archbishop on terms agreeable to the pope (Paris, ii. 521, Ann. mon., ii. 260). See an important letter from the king to the executors, dated 21 January 1208, in Foedera, I. i. 99.

Shortly after the interdict was pronounced (23 Mar. 1208), the English Cistercian abbeys failed to observe it, claiming that the privileges of their Order exempted them. They were sharply corrected by the pope (cf. P. 3494, 3658-9, 3686-7, Gervase, ii. cvii-cx; Paris, ii. 524, Coventry, ii. 199).
Nobilibus viris universis magnatibus in Anglia constitutis.  

Si karissimo in Christo filio nostro I. Anglorum illustri regi fidem debitam observatis, quam deo tam nobis noveritis esse gratum. Cum autem ita vos oporteat terreno regi fideliter adherere ut celestem nullatenus offendatis, in hoc debet fidelitatis vestre sinceritas vigilare ut a proposito quod idem rex contra deum concepisse videtur, venerabilem fratrem nostrum . . . Cantuariensem archiepiscopum et in eo commissam sibi ecclesiam perseverando, fidei eum consilio revocetis nec permittatis ipsum, quantum in vobis fuerit, consilium abicere pietatis et in consilio impiorum abire, quorum in una die omnes cogitationes peribunt, consilio domini, quod in vacuum evacuare conantur, in eternum manente.  

Sane, cum secundum evangelicam veritatem servire duobus dominis non possitis, procudubio vobis expedit ut in eo quod prefatus rex deo contrarium sese ponit, nequaquam foveatis eumdem, sed timorem divinum preponentes humano ipsum cum illis qui sub eius cubito manu adulatrice pulvillo consuunt non palpetis, nec dubitetis ad tempus ei pro causa iustitie displicere,
To all the noble magnates of England.¹

If to our well-beloved son in Christ, John, illustrious king of the English, you pay the loyalty that is his due, be assured that this is pleasing both to God and to us. But because you should regulate your loyal attachment to the earthly king so as never to offend the Heavenly King, being upright and loyal men you ought to be on guard to save the king by your faithful advice from a policy which he has seemingly planned in enmity to God—that of persecuting our venerable brother, Stephen, archbishop of Canterbury and, through him, the church committed to his charge. So, with all your strength, save him from rejecting the counsel of good men and from walking in the counsel of the ungodly,² whose thoughts will all perish in one day³ whereas the counsel of the Lord which they attempt to bring to nought standeth for ever.⁴ Indeed, since 'ye cannot serve two masters' (as the Truth puts it in the Gospel⁵), it is undoubtedly in your interests, in view of the king's opposition to God, not to support him and, putting the fear of God above that of man, not to caress him in company with those who 'sew pillows under his elbow'⁶ with their flattering hand, and not to fear displeasing

to publish in England. A similar but more strongly worded letter was addressed at the same time to all the bishops of England and Wales (P. 3225).

¹ cf. Ps. 11:1 ² cf. Ps. 145 (A.V. 146):4 ³ cf. Ps. 32(A.V. 33):11
quoniam hoc pietatis opus vobis ad eius odium non officiet sed tandem proficiet ad amorem, qui profecto cum ad cor redierit usus consilio saniori, vos quidem pro consilii puritate karissimos, eos autem quorum prava modo suggestione seducitur habebit exosos; et sic demum medicinali manu sanatus agnoscat quam dissimilibus studiis morbum sue mentis malignantium aggravaverint et sollicitudinis apostolice medicamenta sanarint. Nobis quoque, qui circa ipsum medi vices agimus, ad gratiarum actiones assurget et medicine, cuius pridem acerbitatem horruerat, tandem laudabit effectum; recognoscensque quod ipsum sincerissima dilexerimus caritate, fatebitur quod quando castigatur qui diligitur, tunc circa ipsum pietas exercetur. Habet enim amor plagas suas que dulciores sunt cum amarius inferuntur.7 Quocirca nobilitatem vestram monemus attentius et propensius exhortamur, per apostolica vobis scripta in remissionem peccaminum iniungentes, quatunis apud eundem regem fidelibus persuasionibus et salubribus consilia insistatis, ut per viam Roboam minime incedendo, consilia maturiora non spernatur,8 sed eos qui caput eius oleo peccatoris impinguant9 foventes ipsum in malo tanquam adulatores despicat, et velut corruptores expellat, ac recolens quod Oza pro eo quod in arcam devote quidem sed indigna manus extenderat, a domino sit percussus,10 ad ecclesiastica iura manum temere mittere non presumat; ne qui regnum Baltasar iudicio manus scribentis: ‘Mane, thecel, pharez’11 inopin-
him temporarily in the cause of justice—for conduct so upright will not injure you by exciting him to hatred but will in time benefit you by winning his love. For undoubtedly, when he has taken wiser advice and returned to his senses, he will regard you as very dear friends for the sincerity of your counsel, whereas the others by whose evil prompting he is now led astray he will regard with hatred; and in the same way, when he is finally cured by the physician’s treatment, he will realize how different in intention were the counsels of sinners that aggravated his mental disease, and the medicines which the Apostolic See in its anxious concern employed to heal him. As for us, who act the part of doctor to him—he will rise up to pay us thanks and will end by praising the efficacy of the medicine which earlier he loathed for its bitterness; and acknowledging with what genuine affection we have loved him, he will admit that, when a loved friend is chastised, the motive is a pious affection, love’s blows having this peculiarity that, the more sharply laid on, the more friendly they are.7

Therefore, we earnestly admonish you and zealously exhort you, by apostolic letter enjoining it on you as you hope for remission of sins, to urge the king by honest reasoning and sound advice not to walk in the path of Rehoboam nor forsake the counsel of the older men,8 but to despise as flatterers and expel as corrupters those who encourage him in wickedness and ‘fatten his head with the oil of the sinner.’9 Let him recall how Uzza was smitten by the Lord10 for putting out his hands, piously indeed but unworthily, to touch the ark—and let him not presume rashly to put out his hand against ecclesiastical rights, lest the Lord, who by the judgment of the hand that wrote ‘Mene, Tekel, Peres’11 allowed
abliliter occupari permisit a Persis, ei propter ecclesiam suam quam inaniter humiliare disponit, graviter indignetur; sed potius recogitetur dona dei, qui eumdem in conspectu regum sua benignitate magnificans, per ecclesie Romane favorem nomen et potentiam suam inter ceteros mundi principes magnifice dilatatit. Vos igitur, quorum fidem atque prudentiam regis et regni necessitates debent efficaciter experiri, sic in articulo mali huius intentioni prefati regis occurratis fideliter ac prudenter ut non patiamini vos et regnum eius in illam turbationem induci a qua, quod absit, de facili nequeat expediri. Nos enim, qui pro iustitia cause huius, si forsitan expediret, certare usque ad mortem nullatenus vitaremus, a defensione libertatis ecclesiastice manum apostolicam retrahere non disponimus, que prosecto abbreviata non est, imo per dei gratiam sic extenta quod in quem fuerit ex meritis aggravata, spiritualiter et temporaliter ingens pondus oppressionis inducere valebit in ipsum.

Dat' Rome apud Sanctum Petrum, xi kal. Decembris pontificatus nostri anno x°.
Belshazzar's kingdom to be unexpectedly siezed by the Persians, should be gravely angry on account of His church which the king vainly plans to humiliate; but rather let him recount the gifts of God who, by His kindness exalting him before kings, has gloriously spread his name and power among the princes of the earth through the favour of the Roman Church.

Do you, therefore, whose loyalty and wisdom should make themselves powerfully felt in the difficulties of the king and kingdom, now at this time of misfortune begin loyally and wisely to combat the king's purpose so as not to let yourselves and the kingdom be drawn into a turmoil from which (and may God avert the danger!) there could be no easy escape. For we, who would not shrink, if occasion demanded, from fighting to the death for the justice of this cause, do not intend to withdraw our apostolic hand from the defence of ecclesiastical liberty. Assuredly, our hand is not shortened: indeed by God's grace it is so extended that, if any man's sins make it heavy against him, it will be able to bring upon him, spiritually and temporally, a crushing weight of punishment.

St Peter's, Rome, the 21st of November, in the tenth year of our Pontificate.
Innocentius episcopus servus servorum dei dilectis in Christo filiabus . . priorisse et monialibus sancti Melioris de Amberesberia a 1 diocesis Salesberiensis salutem et apostolicam benedictionem.

CUM DILECTI FILII P. Timosus et eius frатres cives Romani pro vestris necessitatibus vobis quinquaginta marcas mutuo concesserint honorum et legalium sterilguorum, earum restitucione b ipsis postmodum denegata, ob hoc labores sustinentibus et expensas, super hoc venerabili fratri nostro . . Salesberiensis episcopo a nostra obtinuerunt litteras destinari. Parte igitur vestra cum quibusdam ex ipsis constituta postea coram eo in modum huiusmodi pariter convenistas quod vos sortem eis solummodo solveritis, expensas remittentibus et usuras, ad quam etiam exolvendam a kalendis Ianuarii usque ad annum idem episcopus se principaliter obligavit, si certas c litteras mercatoris prefati et fratrum, vel heredum suorum d si ipsi decederent, haberetis, per quas se

Not in Potthast. Text. O : P.R.O., Papal bulls 64(72). Original mandate approx. 8 in. x 6 in., seal and cord missing. At the bottom right-hand corner of the flap is a large ‘R,’ which probably is the scribe’s initial (Deisle, ‘Mémoire,’ pp. 31-2; cf. nos. 38, 67, 76, 77, 81 below). To the right of the middle of the top margin is a small ‘p.’ Along the flap, in a minute contemporary hand: ‘Super hoc scriptum fuit alia vice eundem sed littere fuerunt amisse. Modo innovate sunt de mandato domini cancellarii.’ The mention of a chancellor suggests that the note was written before May 1213 or between March and July 1216. There are endorsements by later disappointed monastic annotators: ‘Non continet privilegium’; ‘Hoc nichil est. Pro solucione precii mutuai.’ The letter is stained and barely legible in parts.

a Amber’ O 
si certas probable but indistinct O 
suorum vel heredum, the first and last words marked for transposition O
Innocent, bishop, servant of the servants of God, to his beloved daughters in Christ the prioress and nuns of St Melior of Amesbury¹ in the diocese of Salisbury, greeting and apostolic benediction.

Our beloved sons Peter Timosus and his brothers, Roman citizens, having in view of your necessities lent you fifty marks of good and legal sterling, and being later put to trouble and expense by a refusal to repay, obtained from us the despatch of a letter on the matter to our venerable brother the bishop of Salisbury.²

A suit, therefore, was afterwards begun in the presence of the bishop between you as defendants and certain of them as plaintiffs and it was agreed between you that you should repay to them only the principal and that they should forgo the costs and the interest; and the bishop also bound himself as guarantor in chief that the principal would be repaid within one year from the 1st January, provided that (within that period) you received from the said merchant and his brothers—or, in the event of their death, from their heirs—an explicit declaration

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¹ Amesbury, Wilts. An abbey of Benedictine nuns was suppressed by Henry II in 1177, and revived as a priory dependent on Fontevraud. The prioress in July 1208 was named Emelina. For an earlier debt of this house, see a letter of Celestine III (Holtzmann, Papsturkunden, i. 611). As cardinal he had advanced forty marks to the abbess of the original foundation. In 1192 he was still waiting for half the money and as pope threatened suspension of the abbess (sic) and interdict of her church.

² Herbert Poore, bishop of Salisbury 1194-1217.
protestarentur omnem de cetero ipsi episcopo super toto debito querimoniam remisisse. Mercatores vero predicti refutationem super omnibus in nostra presentia facientes super ipsa refutatione nostras testimoniales litteras postularunt, quas sibi duximus concedendas, renuntiasse mercatores eosdem omni iuri quod eis vel ipsorum heredibus super hoc competere poterat protestantes. Verum quia termino constituto suum nequiverunt ad vos propter hoc nuntium destinare, cum satis benigne vobiscum egerint quod contenti esse debeant sua sorte, universitati vestre per apostolica scripta precipiendo mandamus quatinus, non obstante quod terminus transit secundum conventionem inter vos initam, latori presentium eandem pecuniam persolvatis.

Dat' Laterani, iii kalendas Martii pontificatus nostri anno undecimo.

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* omnem de cetero probable but indistinct, ipsi doubtful O
* facientes doubtful (f and s visible) O
* a final t erased O

3 It is to be feared that Peter Timosus did not get his money at once. If his collector reached England before the interdict was pronounced (23 Mar. 1208)—which is unlikely—he probably shared the fate of the Roman creditors of Evesham Abbey. The king caused all Romans in England to be despoiled of their possessions and driven from the country; the creditors of Evesham, who held some of the abbey's title-deeds as security, were treated thus and the deeds went into the royal Treasury, but were recovered by the Romans when John made peace with the Church in 1213 (Chron. abb. de Evesham (Rolls series), pp. 225, 230-1). A similar occurrence may account for the survival of this letter in the public records, or may explain why an earlier version of the letter was lost, as appears from the note on the flap. For other letters about an Englishman's debts to Roman financiers, see P. 2089, 2149.
in writing that they had remitted all future claim against the bishop for the full debt.

The said merchants, having in our presence made a full quittance, asked for our written testimony to the quittance, and this we have thought right to grant them: it declares that the said merchants have renounced every right which could belong to them or to their heirs in this matter. As however they have been unable within the stated time to send their envoy to you (with the quittance), yet because of their very considerate treatment of you in limiting themselves to their principal, we charge and command you by our apostolic letter, that—the lapse of date by the terms of your agreement notwithstanding—you pay the said sum in full to the bearer of this present letter.

The Lateran, the 27th of February, in the eleventh year of our Pontificate.
Innocencius a Londoniens, Elyensis, Wigorniensii episcopis.  

INTER CETERA QUE super negotio Cantuariensis ecclesie vobis meminimus iniunxisse, hoc in litteris nostris continetur expressum ut a induti virtute spiritus ex alto et assumentes gladium spiritus quod b est verbum dei principem vestrum pariter adiremis eumque in spiritu humilitatis hortaremini reverenter ut regem et inducereitis diligenter ut filium quatinus animabus salutem, quietem populis, honorem deo, et ecclesie providens libertatem sanis consiliis adquiesceret et venerabili fratri nostro S. Cantuariensi archiepiscopo, sancte Romane ecclesie cardinali, quem quicquid sinistra de ipso fuerit c detractione suggestum fidelem ei novimus et devotum, dignam reverenciam et debitum honorem inpendens, et cognoscens promocionem eius factam non tam ab homine quam a deo, dispositioni divine tribueret prompto favore consensum, ut idem archiepiscopus sincera d sibi devocione coherens circa gregem sibi commissum a domino suum efficaciter posset officium exercere. Alloquin, omni mundano timore postposito ac e remoto cuiuslibet contradictionis et appellationis

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a add, interlined, papa iii EG; add etc. D
b quod DE; que G
c sinistra de ipso fuerit DE; fuerit de eo sinistra G
d sincera D; fida G
e ac D; et G
Innocent to the bishops of London, Ely, and Worcester.¹

Among other instructions which we remember giving you on the matter of the church of Canterbury, this explicit order is contained in our letter—that,² endued with the power of the Spirit from on high, and girding on the sword of the Spirit which is the word of God, you should together approach your prince and in a spirit of humility exhort him respectfully as a king, and diligently persuade him as a son, to submit to wise counsels, thus providing salvation for souls, peace for the peoples, honour to God, and liberty to the Church. You were also to bid him pay meet respect and due honour to our venerable brother Stephen, archbishop of Canterbury, cardinal of the Holy Roman Church (whom we know to be faithful and devoted to the king, in spite of anything that wicked slander has insinuated against him) and, recognising Stephen's promotion as made more by God than by man, to consent with ready approval to the divine ordinance, so that the archbishop, attached to him with sincere loyalty, might effectively discharge his office towards the flock entrusted to him by the Lord. But if not, you were to lay aside all earthly fear and, forbidding opposition or appeal, you were to

¹ This letter, hitherto unknown, shows that the news that interdict had been laid on England reached the pope by 9 May 1208. It was presumably between this date and 27 May that John's envoys arrived in the Curia (which moved to Anagni after Ascension, 15 May); see no. 36 below.
² From this point to the end of the paragraph the text rehearses almost exactly the terms of no. 30 above.
obstaculo, per totam Angliam generalem interdicti sentenciam proferretis, nullum ibi, preter baptismam parvulorum et penitencias moriencium, ecclesiasticum permittentes officium celebrari.

Quia vero prefatus rex non solum sanis consiliis adquiescere noluit providendo ecclesie libertatem dignamque reverenciam ac debitum honorem ipsi archiepiscopo inpendendo, verum eciam in contemptum et iniuriam ipsius' archiepiscopi contra libertatem ecclesie ad bona ecclesiarum nequiter occupanda sacrilegas manus extendit, fratermitati vestre per apostolica scripta mandamus quatenus ne de peccato commodum assequatur sentenciam interdicti quam propter eius excessus in Anglia " protulistis faciatis apellatione remota inviolabiliter observari donec super hiis et alis ad hoc negotium pertinentibus satisfactionem idoneam cura- verit exhibere.

Dat' Laterani, vii idus Maii pontificatus nostri anno xi.\textsuperscript{a}

\textsuperscript{a} ipsius G; eiusdem DE \textsuperscript{b} Anglia G; Angliam DE

\textsuperscript{a} om. dating clause D
publish the general sentence of Interdict throughout England, allowing no ecclesiastical office to be celebrated there except the baptism of infants and the confession of the dying.

But because the king has refused to submit to sound counsels, granting neither liberty to the Church nor paying meet respect and due honour to the archbishop, and because to the archbishop's dishonour and wrong he has stretched forth his sacrilegious hands wickedly to seize the property of churches contrary to the liberty of the Church, we command you by apostolic letter that, to prevent his profiting by his sin, you cause the sentence of Interdict (which on account of his excesses you have proclaimed in England) to be inviolably observed without appeal, until he see fit to make suitable reparation on these and other matters affecting this business.

The Lateran, the 9th of May, in the eleventh year of our Pontificate.
Londoniensi et Roffensi episcopis et . . decano Lincolnensi. a 1

INTER CETERAS angustias et pressuras quibus peccatis exigitibus ecclesia subiacet Anglicana, gravem venerabilis fratris nostri . . Eboracensis archiepiscopi 2 nuper accipimus questionem, quod cum carissimus in Christo filius noster I. rex Anglorum illustris ab ecclesiis et elemosinis Eboracensis provincie tertiam decimam dispossuisset recipere, idem archiepiscopus hoc presentiens, pro tuenda ecclesiastica libertate sedem apostolicam appellavit, se ac sua et universos eiusdem provincie clericos sedis apostolice protectioni supponens. a Verum rex ipse a proposito quod preconceperat non recedens, non solum de dominio ipsius et ab ipso tenentibus, sed etiam a religiosis et plerisque clericis Eboracensis provincie tertiam decimam suorum proventuum contra ecclesiasticam libertatem receptit. Ad hec, cum idem

Pott. 3418. Text. V : Reg. Vat. 7A fo. 57r no. 87. Whence Migne, ccxv. 1403 (lib. xi ep. 87)

a om. protocol, address as rubric V

1 William of Ste Mère-l’Église, bishop of London (no. 9 above), Gilbert Glanvill, bishop of Rochester (1165-1214), and Roger de Rolfeston, dean of Lincoln (1195-1223). Bishop Gilbert was trained in the household of Thomas Becket and was reputed a good lawyer. He was active in secular affairs during the last years of Henry II and the reign of Richard I. Early in 1206 he sought release from the cares of his bishopric on grounds of old age; Innocent III kindly but firmly rejected the request (P. 2677). At the time the bishop was acting as a judge-delegate in the lawsuit between the bishop of Worcester and Evesham (P. 2681, 2683). On 14 May 1210, with the bishop of Salisbury he was ordered to publish the interdict on Queen Berengaria’s dower-lands which John had not given up (P. 4000, misdated; on this matter see Introduction, p. xxxv above.) Before this, both the bishops of Rochester and Salisbury had fled from England to Scotland.

2 Geoffrey, archbishop of York (1189-1212); no. 4 above
To the bishops of London and Rochester and to the dean of Lincoln.  

Among the other difficulties and afflictions to which, on account of sin, the English church is subjected, we have lately heard the serious complaint of our venerable brother, Geoffrey, archbishop of York— to the effect that, when our well-beloved son in Christ, John, illustrious king of the English, had planned to take the tax of a thirteenth from churches and lands held in alms in the province of York, the archbishop, having foreknowledge of it, appealed in defence of ecclesiastical liberty to the Apostolic See, placing himself and his properties and all the clergy of the province under papal protection. But the king persisted with the scheme he had planned and, contrary to ecclesiastical liberty, exacted both from the archbishop's demesne and tenants and from the monks and most clergymen in the province of York the tax of a thirteenth on their revenues. Further, when the archbishop, unable to endure such  

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3 The thirteenth, as it was for convenience called, was a tax or 'aid' of one shilling in the mark (13s. 4d.) on revenues and chattels, levied on clergy and laity alike, for the defence of the realm and the recovery of the king's lost possessions abroad. In some cases at least, the clergy paid fines instead of the assessed thirteenth (see Mitchell, Studies in taxation under John and Henry III (Yale, 1914), pp. 84-92). John held two councils to secure consent to the tax (6 Jan. and 9 Feb. 1207) and encountered and overcame opposition. Archbishop Geoffrey, finding his objections useless, appealed to Rome. According to a contemporary Durham writer, Geoffrey forbade his subordinates to pay the tax and laid under interdict those who paid, and when the clergy, for fear of the king, insisted on payment, he retired to France (Hist. danelm. script. tres (Surtees Soc., 1839), pp. 23-4). The temporalities of the see were in royal custody by 18 August 1207 (R.L.C., i. 906). On 6 May 1210 the pope wrote to Archbishop Geoffrey to cause the king to be admonished to make restitution according to the terms of the above letter (P. 3992).
archiepiscopus, huiusmodi mala ferre non prevalens, de Anglicanis partibus recessisset ad nostram presentiam accessurus, idem rex ipsum ac suos temporalibus mobilibus et immobilibus spoliavit ac, iurisdictionem eiusdem circa spiritualia multipliciter iuxta sue beneplacitum voluntatis impediens, possessiones eius et nemora in grave prejudicium Eboracensis ecclesie fecit distrahi, in pluribus aliis sibi et suis inuirosus existens admodum et molestus. Quia igitur tantam dei et ecclesie sue iniuriam, non tantum propter dispendium temporalium quantum propter periculum animarum, nequaquam nos convenit conniventibus oculis pertransire, licet super hoc venerabilibus fratribus nostris . . Eliensi . . Wigornienset . . Herefordensi episcopis apostolicas litteras duxerimus destinandas,4 nichilominus tamen vobis precipiendo mandamus quatinus, omni mundano timore postposito, dictum regem monere attentius et inducere quantocius studeatis ut sue saluti consulens et honorí, tam ipsi archiepiscopo quam ecclesiis et aliis ad eum spectantibus infra trium mensium spatium postquam fuerit a vobis communitus ablata restitutum universa, et de damnumis et iniuriiis satisfaciat competenter. Alioquin, cum deo magis oporteat nos deferre quam homini,5 prefatum regem ad hoc per interdictum totius Eboracensis provincie, sublato cuiuslibet contradictionis et appellationis obstaculo, compellatis, non permittentes in ipsa aliquod divinum officium preter parvolorum baptismam et penitentias morientium celebrari et facientes illud usque ad satisfactionem condignam auctoritate nostra inviolabiliter observari. Si vero rex ipse contra

4 Pott. 3248 of 18 December 1207 instructed these bishops to persuade John to make restitution to the archbishop and his tenants and church; failing this, they were to lay the whole province under interdict. There
evils, had withdrawn from England to come before us in Rome, the king robbed him and his of their temporalities moveable and immovable, and, in many ways obstructing at his own will and pleasure the archbishop's spiritual jurisdiction, he distrained his properties and woodlands to the grave prejudice of the church of York, and in several other matters he caused much wrong and distress to the archbishop and his clergy.

Wherefore, since it by no means becomes us to shut our eyes and avoid seeing so great a wrong to God and His Church (less, indeed, from the loss of temporalities than from the danger to souls), and though we have already thought fit to send an apostolic letter on this matter to the bishops of Ely, Worcester, and Hereford, nevertheless we instruct and command you to put aside all earthly fear and at once to begin carefully warning and persuading the king that, having regard to his own salvation and honour, within three months of being warned by you he should restore all stolen property both to the archbishop and to the churches and others dependent on him, and should compensate them adequately for losses and wrongs.

Otherwise, since we ought to obey God rather than man, you are to compel the king to this course by putting an interdict, without objection or appeal, on the whole province of York, not permitting any divine office to be celebrated there but the baptism of infants and the confession of the dying, and by our authority causing the interdict to be inviolably observed until adequate compensation is paid. But if the king should decide

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is no evidence that this interdict was laid before the general interdict fell on England in March 1208.

6 cf. Act. 5:29 and n. 30, n. 8 above
eundem archiepiscopum aliqua duxerit proponenda, restitutione plenaria prius facta,\textsuperscript{6} audiatis hinc inde proposita; et si mota questio ecclesiasticum forum exposcat eam diligenter examinare curetis, ac instructam plenius ad nostram presentiam remittentes, prefigatis partibus terminum competentem quo per idoneos responsales nostro se conspectui representent, per nos dante domino iustitiam recepature. Verum si questio talis fuerit quod mere ad forum pertineat seculare, idem archiepiscopus eam sub suo iudice tractari sustineat et decidi.\textsuperscript{7}

Provideatis autem attentius et appellatione remota sub pena consimili districtius inhibere curetis ut quamdiu questio mota duraverit, nihil in ipsius archiepiscopi et suorum preiudicium innovetur, sed redeundi in Angliam et morandi plenam et liberam habeant facultatem. Testes autem qui nominati fuerint si se gratia, odio vel timore subtraxerint, per censuram ecclesiasticam appellacione remota cogatis veritati testimonium perhibere, nullis litteris veritati et iustitie preiudicantibus a sede apostolica impetratis. Quod si non omnes, et cetera, duo vestrum et cetera.

Dat' Anagnie, yi kal. Iunii anno xi\textsuperscript{8}. 

\textsuperscript{6} That property must be restored to the litigant who had been newly dispossessed before any action could begin was a recognised principle of canon law derived from Roman civil law (see Decretum, II. 3, 1, 1-4, Decretals, II. 13 and II. 28, 51, Cod. Theodos. IX. 10, 3). cf. no. 22, n. 15 and no. 77, n. 3.

\textsuperscript{7} The pope’s concern to avoid encroaching in the sphere of lay jurisdiction is expressed again in no. 79 below. In 1203 and 1206 he had made two important pronouncements which were later incorporated in the Decretals (II. 2, 10-11: P. 2645, 2785).
to make countercharges against the archbishop, first let full restitution be made, and then hear the parties' allegations: and if the point at issue should require an ecclesiastical court, take care to investigate it thoroughly and, remitting it fully documented to us, fix for the parties a convenient date to appear before us by suitable agents, to receive justice at our hands from the Lord. But if the issue be of a kind that belongs entirely to a secular court, the archbishop must endure having it handled and decided by its proper judge. You must carefully ensure and, without appeal and under similar penalty, you must see it strictly enforced that, so long as the issue is undecided, no change should be introduced prejudicial to the archbishop and his clergy, but that they should have full and free permission to re-enter England and remain there. Any witnesses who, being cited, shall have withdrawn through favour, hatred, or fear, you will by ecclesiastical censure, without appeal, compel to bear witness to the truth; and no letter obtained from the Apostolic See shall prejudice truth or justice. If you cannot all etc., let two of you etc.

Anagni, the 27th of May, in the eleventh year of our Pontificate.
Innocentius episcopus etc. Londoniens, Elyensis, et Wigornensis episcopis salutem et apostolicam beneficientiam.\(^1\)

Licet ex litteris\(^2\) quas vobis super negotio Cantuariensis ecclesie per dilectum filium . . abbatem Belliloci\(^3\) et magistrum Symonem\(^4\) nuper Time destinavimus frater nitati vestre iam innotuisse credamus quid sit oblatum a rege quidve mandatum a nobis, ad maiorem tamen cautelam transcriptum illarum quas ipsi regi direximus\(^5\) mittimus vobis presentibus interclusum, monentes et observantes in domino quatinus sicut fuistis in ligando prudentes, ita sitis in absolvendo discreti, sub ea temperantia post vinum oleum infundentes ut plaga livens et tumens debeat perfecte curari. Cum autem super contumelia et iniuria quas propter obedientiam et iustitiam sustinetis, illorum vos imitari credamus exemplum qui iuxta quod legitur, ibant gaudentes a conspectu concilii, quoniam digni habiti sunt pro nomine Iesu contumeliam pati,\(^*\) pre oculis semper habentes quod obedientia melior est


*protocol as in C; om. protocol, address as rubric . . . eliensi et . . .
londoniensis episcopis V

\(^1\) The three bishop-executors of the interdict (cf. no. 30 above)

\(^2\) Pott. 3422 of 27 May 1208 (not in the register). The register contains a letter in similar terms, addressed to Langton on the same day, and a short letter to the executors warning them to take a guarantee from the king for the fulfilling of the terms on which the interdict was to be relaxed (P. 3420, 3421).

\(^3\) Hugh, abbot of Beaulieu, had been at the Curia on the business of the Canterbury election early in 1207 and went thither again soon after the interdict was pronounced. cf. nos. 45, 63 below.
Innocent, bishop etc., to the bishops of London, Ely, and Worcester; greeting and apostolic benediction.¹

Although the letter,² which we lately sent to you on the matter of the church of Canterbury by the hand of our beloved son the abbot of Beaulieu³ and by Master Simon,⁴ will already, we trust, have told you what the king has offered and what we have commanded, nevertheless for greater assurance we send to you, enclosed with this letter, a transcript of the one which we despatched to the king himself;⁵ and we warn and beseech you in the Lord that, just as in binding you were prudent, so in loosing you should be discreet, pouring in the oil after the wine with such discrimination that the livid and swollen sore will be perfectly healed.

For the insults and wrongs which you suffer for your obedience and justice, we believe you to be following the example of those who, in the words of Scripture,⁶ departed from the presence of the council rejoicing that they were counted worthy to suffer shame for the name of Jesus,⁷—keeping always before you the words of Scripture that,⁸ to obey is better than sacrifice and to

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¹ Possibly Master Simon Langton, brother of Archbishop Stephen, who had been in England engaged in the negotiations leading to the interdict and who acted as proctor for his brother in later parleys (cf. Gervase, ii. ciii-cv). He was in England in summer 1208 (R.L.P., p. 824).
² Pott. 3419, also dated 27 May 1208. It describes and replies to the king’s proposal brought by Abbot Hugh. The negotiations were fruitless (cf. no. 37). On 22 August 1208 the pope wrote again to the executors, warning them not to relax the interdict without proper guarantees and suggesting that there were false rumours abroad about a change in papal policy (P. 3494).
³ Act. 5:41.
quam victime, maiusque sit ascultare quam adiēm arietum offerre, ac beati qui persecutionem patiuntur propter iustitiam, quoniam cum probati fuerint, accipient coronam vite quam repromisit deus diligentibus se, vos quidem non consolatione, que noscituer esse merentibus necessaria, sed exhortatione, que solet esse pugnantibus oportuna, credimus indigere, quamquam hoc ipsum et ad consolationem et ad exhortationem vobis sufficiat coligentibus multa de paucis, illis merito comparandis qui pleni erant oculis intus et foris. Ad perseverantiam ergo vos potius exhortantes, que, cum ceterae virtutes currant in stadio, sola tandem accipit bravium, domino protestante quod qui perseveraverit usque in finem, hic salus erit, scientes quod infirmatas ista non est ad mortem, sed ut ecclesia dei glorificetur per illam, vestris denique consultationibus respondemus, quod cum occasione interdicti novum crisma in Cena Domini nequiverit consecratio, veteri est utendum in baptismate parvulorum, et si necessitas postulaverit, ipsi crismati ne deficiat est oleum commiscendum per manum pontificis aut etiam sacerdotes. Quamvis autem viaticum pertinere videatur ad penitentias morientium, si tamen haberi non possit, illud in hoc casu quod

1 om. preambule and begin Vestris consultationibus C
3 nequiverit V; nequeat C
4 utendum est C
5 cf. 1 Reg. 15:22
6 Matt. 5:10
7 cf. Iac. 1:12
8 cf. Ezek. 11:18 and 10:12; Apec. 4:8 and 5:1
9 cf. 1 Cor. 9:24. The pope used this text to encourage a missionary bishop in Finland in 1209 (P. 3807).
10 Matt. 10:22. The pope used this and the preceding text to stimulate the German magnates supporting Otto IV in 1204 (P. 2094).
11 cf. Joh. 11:4
12 Chrism, composed of oil and balm, was used to anoint in baptism, confirmation, and ordination, and was prepared and consecrated annually
hearken than to offer the fat of rams;" and "blessed are they which are persecuted for righteousness' sake," for 'when they are tried, they will receive the crown of life which the Lord has promised to them that love Him.'

And therefore we think you need, not comfort which is reserved for those in sorrow, but encouragement which generally is suitable for soldiers—though, to leave it at that, enough has been said both to comfort and encourage men like you who can infer much from little and might well be compared to those creatures 'who were full of eyes round about.'

So, exhorting you to perseverance which, though the other virtues all run in the race, alone receives the prize at the end, the Lord affirming that 'whosoever shall endure unto the end, the same shall be saved'; and knowing, too, that your faintness is not unto death but that the Church of God might be glorified thereby, we finally answer the points on which you consult us.

Since on account of the Interdict new chrism could not be consecrated on Maundy Thursday, the old chrism should be used in the baptism of infants, and if need require it, to prevent a shortage of chrism, oil should be mixed with it by the hand of a bishop or even of a priest.

Although the last communion seems essential to the confession of the dying, yet if it cannot be held, we

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11 The viaticum was the communion accompanying the confession and absolution of the dying.
legitur credimus obtinere: ‘Crede, et manducasti,’ cum sacramentum non necessitatis articulus, sed contemptus religionis excludat, ipsaque necessitas speret in proximo defutura. Si tamen viris religiosis ab initio licuisset iuxta suorum privilegiorum tenorem, exclusis excommunicatis et interdictis, clausis ianuis, non pulsatis campanis, suppressa voce divina officia celebrare, nec nobis fuisse molestum, nec absonum exitisset; possetque per illud tam in hoc quam in aliis congremium remedium adhiberi, presertim ut per oblationem hostie salutaris divina placaretur in hac necessitate maiestas.

Dat’ Anagnie, xviii kal. Iulii anno xi⁰.

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16 ‘Ut quid paras dentes et ventrem?—Crede et manducasti.’ St Augustine on St John’s Gospel, xxv c. 6 (Migne, xxxv. 1602).

17 That the executors had been strict beyond the pope’s intention appears also from his later letter to the Cistercian abbo (6 Mar. 1209, P. 3686), but in the present letter he did not explicitly mitigate the interdict in favour of privileged churches, and in a letter of 22 August (P. 3494) he left the matter to the discretion of the executors. Such mitigation was only allowed (to all conventual churches who had observed the interdict) in January 1209 (P. 3608). Text C of the letter, which adds more instructions for observing the interdict, is probably an interpolated version circulated by the executors. If so, its omission of this passage is interesting (cf. note h).
believe that in this case the famous saying\(^\text{16}\) applies—‘Only believe and thou hast eaten’; for it is the contempt of religion, not the co-incidence of the Interdict, that debars from the sacrament, and it is hoped that the Interdict will shortly be removed. If, however, from the beginning monks had been allowed, in accordance with their privileges, to celebrate the divine offices with doors shut, no ringing of church bells, and in quiet tones, all excommunicated persons and those under interdict being excluded, this would not have been objectionable to us or improper.\(^\text{17}\) By this means a suitable remedy could be applied both in this case and others—and especially so that by the offering of the saving victim the divine Majesty might be appeased in this emergency.

Anagni, the 14th of June, in the eleventh year of our Pontificate.

Indecently the extent and the manner of the deference
Londoniensii, Eliensi, et Wigorniensii episcopis. a

Super negotio Cantuariensis ecclesie karissimo in Christo filio nostro . . illustri regi Anglorum scribimus in hunc modum: b Tacti sumus dolore cordis intrinsecus c et vehementi merore turbati quod cum ex illa speciali dilectionis prerogativa qua te sedes apostolica diligebat inter ceteros principes speraverimus ut versa vice reponderes ei reverentiam et honorem, c odium ei pro dilectione retribuis, et quasi coniuraveris in te ipsum, tuo non parcis honorì ut nostro valeas derogare, quinimmo tuam et famam negligens et salutem, in prejudicium utriusque temere contra nostram et ecclesie, immo dei, dispositionem erigeris, non attendens quod in vacuum eam evacuare moliris, cum extentam manum altissimi nemo possit avertere d quodque e fuerit ab ipso decretum nullus valeat immutare. 3 Sane quantum et qualiter super negotio Cantuariensis ecclesie tue regali celsitudini detulerimus, etsi tu forsas hoc non recolas, ut ingratus, de memoria tamen universalis


a om. protocol, address as rubric V; Innocentius episcopus etc. London’ Elvensi et Wigorn’ episcopus salutem et apost. ben. C; Innocentius III Iohanni regi Anglorum T; Innocenci etc. regi Angl ’etc. E
b in hunc modum V; sub hac forma C
c reverentiam et honorem VET; honorem et amorem C
d quodque VCE; et quicquid T
e recolas V: recolís CET
Innocent, bishop etc., to the bishops of London, Ely, and Worcester, greeting and apostolic benediction.

On the matter of the church of Canterbury we write as follows to our well-beloved son in Christ, John, illustrious king of the English:

'We had hoped that, arising from the special privilege of affection with which the Apostolic See loved you among all other princes, you on your side would repay it with respect and honour; but we have been grieved at heart and deeply troubled because you return hatred for love and, as though a conspirator against yourself, will not heed your own honour if only you can impair ours—nay further, ignoring your reputation and salvation, to the prejudice of both you rashly rebel against an ordinance from us and the Church, or rather from God, never reflecting that it is useless to try and invalidate this ordinance, since no one can deflect the outstretched hand of the Most High and no one can change what He has decreed."

'Indeed the extent and the manner of the deference we have shewn to your Majesty in the matter of the church of Canterbury is something which (though you, being ungrateful, may perhaps forget it) cannot easily be obliterated from the memory of the universal Church

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1 cf. Gen. 6:6. The whole phrase 'Tacti ... turbati' appears in earlier letters, on imperial business (P. 686, 1739).

2 cf. Isa. 14:27

3 cf. Dan. 6:15
ecclesie facile non poterit aboleri, que, bonitate malitim non vincente, nostram circa te nimiam patientiam admiratur.\(^1\) Heu! que, karissime fili, duritia tuum opturavit auditum, ut salutaria monita tibi a nobis totiens inculcata non caperes? Que duritia tuum absorbsuit intellectum, ut discreta consilia tibi a nobis suggesta sepius non servares? Tam sic induratus esse conspiceris quod in immensum crescentem vulneris tui plagam non sentias. Ita fascinatus esse videris quod nec medicaminis opem nec\(^2\) operam medicantis admissas, ut quasi de te possimus conqueri cum propheta, dicendo:\(^3\) Cui loquemur et quem contestabimur amplius? Incircomeise sunt aures eius et audire non possunt.\(^4\) Piget te verbi quod pro tua tibi salute suggestur, teclct te boni quod pro tua tibi honorificentia suadetur, dum nec anime tue detrimenti te miseret, nec fame quoque, ne infamie dixerimus, mundane\(^5\) te pudet. Unde tanto magis te super tanta duritia misera-

\(^1\) ammiratur V  
\(^2\) dicendo VET; dicente C  
\(^3\) dicendo VET; dicente C  
\(^4\) cf. Ierem. 6:10  
\(^5\) mundare VE
which, as good fails to defeat evil, marvels at our extraordinary patience towards you.

'Alas! dearly beloved son, what hardness stopped your hearing that you did not catch the salutary warnings we so often impressed upon you? What hardness engrossed your understanding that often you did not observe the wise counsels we suggested to you? Now you are manifestly so hardened that you do not feel the illimitably spreading sore of your wound. You seem so bewitched that you will not permit either the help of medicine or the work of the physician—so that the prophet's words almost exactly fit our complaint about you: "To whom shall we speak, and whom shall we further summon as witness? His ears are un-circumcised and cannot hear." You are irked by the words which are suggested to you for your own salvation: you are wearied of the good which is recommended to you for your own honour; but you do not regret the loss of your own soul, and you are not ashamed even of your earthly fame, not to say ill-fame. Hence we pity you all the more for this great hardness inasmuch as you have turned cruel against yourself and have so far piteously shunned taking pity on yourself.

Though the fatherly affection which prompts us to tell you this may perhaps be hateful to you, yet in dealing with you we perform the part of a wise and loving doctor who sometimes uses surgery and cautery to heal an unwilling and improvidently obstinate patient. And so if we find your disease unamenable (which Heaven forbid!), you will force us to insist on a more drastic remedy, as the necessary treatment requires; and though perhaps at the moment you may shrink from such harshness, yet when your health is restored you will praise its results and bless too the experienced
autem adhuc lenitatis apponamus unguentum, si forsae
ipso mollitus asperiora molimina non expectes, sereni-
tatem regiam rogamus attentius et monemus, per eum
qui venturus est iudicare vivos et mortuos obtestantes,
quatinus, usus consilio saniori, a tanto revoceris errore,
saltem in ipso negotio procedendo iuxta continentiam
litterarum quas diles tus filius. abbas Belliloci a
nobis tuo dudum nomine impetravit, quia procul dubio
preter culpam priorem hoc ad culpam alteram tibi
poterit imputari, si ab eo recedere videaris quod sub
tuarum litterarum testimonio tam expresso cum tanta
fuerat instantia postulatum, per quas videlicet litteras
nobis humiliter supplicabas ut quicquid idem abbis de
negotio ipso tuo nomine nobis diceret firmiter creedem-
us. Propter quod debueras sine difficultate qualibet
adimplere quod per suam fuit sollicitudinem impe-
tatum, presertim cum hoc demum visus fueris acceptare,
quandoquidem, propter illud a te prius diligenter
auditum et examinatum prudenter, delegatos nostros ad
presentiam tuam postea quasi pro complemento negotii
venire fecisti. Quapropter, fili karissime, ne sis durus,
et negotio ipsi difficultatem decetero nullam ingeras,
ne te, quod absit, in illam difficultatem inducas de qua
facile non valeas expediri; alioquin, quantumcunque
personam tuam sincere in domino diligamus et canoni-
cam disciplinam indignanter sis forsitan recepturus,
physician. We are still applying the ointment of
gentleness; but if you are soothed by it and do not expect
harsher measures, we earnestly beg and warn your
Majesty (appealing in the name of Him who will come
to judge the quick and the dead) to take wiser counsel
and withdraw from this great error, at least proceeding
in the present matter as is set out in the letter which our
beloved son the abbot of Beaulieu obtained from us
in your name some time ago—because undoubtedly it
can be reckoned against you as a second sin in addition
to the first, if you seem to go back on the request so
insistently urged and so unmistakably attested by your
own letter: namely, the letter in which you humbly
begged us to trust absolutely whatever the abbot in
your name should say to us about this business. For this
reason you ought without any difficulty to implement
what the abbot obtained by his careful mediation,
especially as you had once seemed to accept this; for,
having first carefully heard and shrewdly considered the
abbot’s report, you arranged for our delegates to come
before you, as though to complete the business.6

‘Wherefore, dearly beloved son, be not obstinate and
do not for the future raise any difficulty in this business,
lest you bring yourself (which Heaven forbid!) into a
difficulty from which you could not easily be freed.7
Otherwise, though in the Lord we sincerely love your
person, and though you yourself will perhaps receive
canonical discipline with anger, nevertheless (because,
when a loved friend is chastised, the motive is a pious

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p. 86a). The terms of the pope’s letter of 22 August (P. 3494) would not
make this invitation acceptable, and there is no evidence that Langton
came.

7 cf. p. 89 above
quia tamen cum is qui diligentur castigatur tunc circa
cum pietas exercetur, eo quod amor habeat plagas suas
que dulciores sunt cum amarius inferuntur, nisi usque
ad tres menses post suspicionem aut recusationem
presentium que premisimus adimpleveris, extunc ex
parte dei omnipotentis, patris et filii et spiritus sancti,
et beatorum Petri et Pauli apostolorum eius, quorum
licet indigni auctoritate habenius, te anathematizatum
decernimus et a fidelium communiione precisum,
venerabilibus fratribus nostris . . . Londoniensi, . . .
Eliensi, et . . . Wigniensi episcopis dantes firmiter in
preceptis ut sententiam ipsam appellacione remota
non differant publicare, facientes eandem singulis
dominicis ac festivis diebus, pulsatis campanis et candelis
accensis, usque ad satisfactionem condignam sollemniter
innovari; quam etiam et nos ipsi auctore deo sollemn-
niter ore proprio publicabimus, ut sic certius et validius
pena eius in omnem ecclesiam innotescat cuius culpa
generalem noscitur ecclesiam offendiisse, adhuc cum
altissimi adiutorio contra te multiplicer processuri, si
nec sic tuum corrigerere festinaris errorem. Ecce tensus
est arcus. Fuge ergo, fili karissime, a sagitta que non
consuevit abire retrorsum, ne sauciatus ab illa ita
graviter inimicis ut non solum non possis ad meliora
proficere, verum etiam vix valeas ad priora redire, cuius
utique plaga sine deformi non poterit cicatrice sanari.

Quocirca fraternitati vestre per apostolica scripta
mandamus firmiterque precipimus quatinus si dictus

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* aut V; vel CET
* precimum VCE; precidimus T
* dantes . . . preceptis VET; firmiter in'ungentes C

* cf. p. 98 above
* There is no evidence that the pope did personally publish the sentence,
  but it was none the less valid when published by his delegates, and he
  subsequently treated John as excommunicate (see no. 44, n. 1 below).
affection, love's blows having this peculiarity—that, the more sharply laid on, the more friendly they are)⁸ if within three months of accepting or rejecting this present letter you have not implemented the terms already sent to you, from that date on behalf of God Almighty, Father, Son, and Holy Spirit and of SS Peter and Paul His apostles, whose authority, though unworthily, we hold, we declare you to be accursed and cut off from communion with the faithful, and we firmly instruct our venerable brethren, the bishops of London, Ely, and Worcester, that setting aside any appeal they should forthwith publish this sentence, causing it to be solemnly repeated on successive Sundays and feast-days, with tolling of bells and candles lit, until adequate satisfaction is made. Moreover, by divine authority we ourselves with our own lips will solemnly publish it,⁹ that thus the whole Church may more surely and effectively know the punishment of one whose sin is known to have offended the Church at large; and we intend, by the help of the Most High, to proceed against you in still other ways, if, even after this, you have not made speed to correct your error.

'Look, the bow is at the stretch; beloved son, avoid an arrow which turns not back¹⁰—lest, wounded by it, you be so seriously crippled that, far from being able to advance to better things, you barely have strength to recover your former position: truly, a wound from this arrow cannot be healed without leaving an ugly scar.'¹¹

Wherefore, by apostolic letter we command and firmly instruct you that, if within the stated time the

¹⁰ cf. 2 Reg. 1:22
¹¹ The letter was not separately enregistered and the copies bear no date. It was probably sent with the letter to the bishop-executors, as is suggested by the present tense of scribimus in line 2.
rex ea que premissa sunt infra tempus non impleverit prenotatum, vos extunc in ipso negotio iuxta præscriptam formam, sublato cuiuslibet contradictionis et appellatiónis obstaculo, procedere non tardetis. Quod si non omnes, et cetera, duo vestrum, et cetera."

Dat' Laterani, ii idus Ianuarii pontificatus nostri anno undecimo."
king has not implemented the conditions set out above, you will thereupon proceed promptly in this matter according to the form previously notified, admitting no objection or appeal whatsoever. If you cannot all etc., let two of you etc.

The Lateran, the 12th of January, in the eleventh year of our Pontificate.
Innocentius episcopus servus servorum dei dilectis filiis capitulo Exoniensi salutem et apostolicam benedictionem.

CUM CERTA SINT tempora constituta ultra que non debent ecclesia pastoribus destitute vacare, carissimus in Christo filius noster . . illustris rex Anglie, quod dolentes dicimus, prevaricationi prevaricationem addendo facit prudenti dicitur ordinationem earum in regno suo vacantium ultra quam liceat prorogari, ut sic forsan earundem proventus sibi possit occasionaliter vendicare, quoadusque de personis que sibi placeant ordinentur, sperans maiorem a nobis gratiam ut videtur multiplicatis excessibus extorquere, cum pocius contra quemlibet quantumcumque nobis sit carus inuiorias ecclesie dei tam perseveranter prosequi disponamus ut nulla supplicatione seu rebellione donec ipse a persecutione desistat vel in ea defecerit convertamur. Quia igitur, quantumcumque regem ipsum in domino diligamus et suo velimus honoris deferre, pro rege terreno.

Pott. 360,7; mis-dated. Text. O: Exeter, Dean and Chapter muniments, no. 2125. Original mandate 8½ in. x 6¼ in., lacking seal and cord. At the bottom right-hand corner of the flap is ‘-IG.’ in large capitals (cf. no. 33 above). Endorsements of the papal chancery: a large capital ‘R’ with the word ‘reperta’ within the loop (i.e. ‘reperta in registro,’ cf. Delisle, ‘Mémoire,’ pp. 33-4); above this, is the word ‘Cantuar.’ This suggests that the mandates for ecclesiastical elections in England (cf. n. 4) were obtained by Stephen Langton who was then at the Curia and proposed to visit England (P. 3604). The chancery customarily wrote on the dorso of a letter the name of the person who sought it (cf. ‘notula que ad assignationem persone litteras impetrantis solet apponi, non erat a tergo scripta’: P. 3122). Printed hence in Hist. MSS Comm. Report on various coll., iv (1907), 62-3. V: Reg. Vat. 78 fo. 82r no. 213: an abridged version with reference to no. 212, a closely similar letter to the prior and convent of Coventry, dated ‘Id. Ian.’ Apart from the protocol, omitted as usual, and the date, which in no. 213 reads ‘Dat’ ut in alia,’
 Innocent, bishop, servant of the servants of God, to his beloved sons, the chapter of Exeter, greeting and apostolic benediction.

Though there are definite times fixed beyond which churches left without pastors should not remain vacant, our well-beloved son in Christ, John illustrious king of England, (and with grief we say it!) adding transgression to transgression, causes (it is alleged) ordination in the vacant churches of his realm to be delayed beyond the permissible time, so that perhaps he may be able by reason of this to claim their temporalities until persons pleasing to himself are appointed. He hopes, apparently, by his repeated outrages to extort from us a greater indulgence, whereas in fact we intend to exact the penalty for wrongs done to the Church of God from any individual no matter how dear to us, and to do it so relentlessly that no supplication or rebellion will deflect us until he desists from persecution or fails in it. Therefore, however great our love in the Lord for the king, and however much we wish to defer to his honour,

the enregistered copy follows the original exactly. Printed hence in Migne, ccxxv. 1529 (lib. xi ep. 213).

1 occasionaliter OV, written over an erasure in O

2 Three months was regarded as the time-limit within which election (and/or consecration) of a bishop should take place (cf. II Lateran Council, c. 28 and Decretum, I. 75, 2). The rule was confirmed in IV Lateran Council c. 23.

2 During the vacancy of a bishopric or of an abbey in royal patronage, the king enjoyed the revenues of the temporalities. Since the cathedral or monastic chapter had to obtain the royal licence to elect, he could prolong vacancies to increase his profits. The pope had complained of this practice in 1203 (cf. no. 17 above).
celestem regem offendere non debemus, 3 eundem nostris litteris monemus attentius et hortamur ut non impediat nec per suos impediri permittat quominus tam cathedrales quam regulares ecclesie sic vacantes personas idoneas per electionem liberam et canonicam sibi presciant in pastores. 4 Quocirca universitati vestre per apostolica scripta preciendos mandamus quatinus convenientes in unum invocata gratia sancti spiritus personam idoneam que tanto congruat oneri et honorri 5 per electionem canonicam in pastorem vobis prescere studeatis; alioquin nos vobis cum divino consilio et auxilio secundum officii nostri debitum talem curabimus in pastorem prescere qui vobis preesse valeat et prodesse, pro nulla inusticie violentia prosecutioni iusticie defutura, et inobedienciam vestraram digna pena curabimus auctore domino castigare.

Dat' Laterani, ii idus Ianuarii pontificatus nostri anno undecimo.

3 cf. nos. 29, 30, 32 above
4 A note in Reg. Vat. 7A fo. 82r after no. 212 (not in the printed editions) reads 'Scriptum est eisdem regi super hoc.' The pope wrote in the same strain to the deans and chapters at Lincoln and Chichester, and the priors and chapters at Coventry and Durham. Exeter had no dean until 1225, and so this letter is addressed to the chapter.
5 The sentence thus far re-appears in two mandates respectively six and twelve months later, to the cathedral chapters of Treviso and Toul (P. 3765, 3875). cf. pp. 72, 81 above, and Innocent III 'De sacro altaris mysterio' lib. i. c. 7 (Migne, ccxvii. 777); 'Nomen episcopi plus sonat oneris quam honoris.' This, and the following play on preesse and prodesse (in which Innocent often indulges), recall St Augustine, De civilitate
we ought not for an earthly king to offend the Heavenly King: so in our letter we earnestly warn and exhort him, not himself to hinder, or allow anyone to hinder, the churches whether cathedral or monastic, if thus vacant, from appointing suitable persons as pastors by free and canonical election. Wherefore, enjoining it on you by apostolic letter, we command you to meet together and, invoking the grace of the Holy Spirit, by canonical election to appoint over you as your pastor a suitable person fit for this onerous and honourable office. Otherwise, with the divine aid and counsel, and in accordance with the duty of our office, we will undertake to appoint as your pastor a man capable of ruling and helping you, nor for any assault of injustice will we give up the pursuit of justice; and your disobedience we shall take care to punish, under divine authority, with a fitting penalty.

The Lateran, the 12th of January, in the eleventh year of our Pontificate.

dei, xix. 19: 'nomen est operis, non honoris'; 'ut intelligat non se esse episcopum qui preesse dilexerit, non prodesse.' This was commonly echoed by medieval writers, e.g., by St Bernard, ep. 86 (Migne, Pat. lat., cxxxii. 210) and Giraldus Cambrensis, De rebus a se gestis, ii. 13 (Opp., i. 69). The proverb onus est honoris is quoted by Varro. For a full list of classical puns on onus, honos and onerare, honorare see Otto, Die Sprichwörter und sprichwörtlichen Redensarten der Römer (Leipzig, 1890), p. 167.
Illustri regi Anglie. 

More pii patris, qui filium offendentem offensus etiam odisse non potest, et quandoque de malo eius gravius quam ipse turbatur, indurato tibi non possimus indurari, sed paterna pietate molliti, te tantopere in tua dampna molitum omni ope vel opera qua valemus satagimus emolire, ut te a tuo damnbibli et damioso proposito revocemus, tristantes plurimum si quod veremur contingere te incurriere, sed maioris causam tristitie reputantes quia noluisse illust, cum posses premunitus totiens et premonitus, evitare. Fortuitum namque malum doloris habet qualuncunque remedium. Quod autem spontaneus quis incurrit, durius post se ingerit dolendi tormentum. Tu vero, fili karissime, pre cave diligenter ne volens et sciens illi periculo te subicias a quo te cupimus tanto studio preservare, quodque demum tanto tibi maiorem incutere b penam quanto minus provide reiecisse ostensam tibi de illo vitando cautelam. Illud autem regalem prudentiam nolumus ignorare quod multa c nobis de presentis negotii circumstantiis innotescunt que a tua notitia per


a om. protocol, address as rubric V; Innocentius episcopus etc. I. illustri regi Angli salutem et apostolicam benedictionem C; Innocet etc. illustissimo regi Anglie etc. D; Innocencius III r. regi Anglorum R.

b incuteter V; incutiat G; incutiet DR

c multa VCR; quedam D
Innocent, bishop etc., to John illustrious king of the English, greeting and apostolic benediction.

As a good father, who even when offended cannot hate his offending son and sometimes is more seriously grieved at the son’s misfortune than is the son himself, even so we cannot harden our heart against a hardened son like you, but melted by a fatherly kindness we labour with all available strength and effort to melt you—you who have worked so much to accomplish your own ruin—in order that we may rescue you from your culpable and pernicious intention. We should be deeply grieved if you fell by chance into the danger we fear, but we should regard it as a reason for greater grief that you had refused to avoid that danger when, so often forearmed and forewarned, you could have avoided it; for a misfortune, if accidental, brings with it comfort of a sort, but a misfortune deliberately incurred brings in its train an intolerable agony of grief. Dearly beloved son, diligently guard against exposing yourself, willingly and knowingly, to a danger from which we so earnestly desire to shield you, a danger which would finally cause you the greater pain from your having short-sightedly rejected the precautions recommended for avoiding it.

We do not wish a king of your sagacity to be ignorant of this: much information about the circumstances of the present affair reaches us, information which you are
illorum versutias absconduntur qui tibi nolunt ostendere
vulnus tuum, nescientes vinum increpationis infundere,
scientes autem adulationis oleum illinire, utinamque
callide non procurent ut semper in angustia perseveres,
quatinus in angustia constituunt semper illos habeas
cariores. Quapropter nos, qui et prudenter illud
aspicimus et curare salubriter affectamus, consilia
monitis monitaque consiliis inculcantes, blanditiis minas
et minis blanditiias interserimus, vice periti medi
cinalis artis auxilia variando, qui ferrum adhibet
ubi fomenta non prosunt, et potione tepentis aque
languores emendat qui medicine violentam non sen-
serunt; quoniam, etsi velud adamans 
* durus esses
deberet utique te artificii tanti sedulitas emollire, cum
ille tametsi cedere ferro nesciat, yrcini sanguinis in-
fusione mollescat. 
1 Vide quoque ne cursum tue pro-
peritatis impedias, quia nobiscum pacem habere non
posset quicumque te vellet in hoc errore sovere. Iam
igitur apud te quasi ultimis remediis insistentes, que
ultra tibi adhibere possimus remedia non habemus, et
inter repugnantes sibi sanare volentes et sanari nolentis
affectus, donec spes huiusmodi cure foret, mallemus
levibus et suavibus quam duris et asperis te curare, cum
illa nullam deserant post se saniem, ista vero deformem
soleant relinquuere cicatricem. Ne itaque nos et te in
maiorum necessitatem inducas, ecce familiariter petimus,

* adamans V; adamas CDR

1 This strange piece of lore is found in the elder Pliny, *Nat. Hist.* xx
proem. *ad fin.*: ‘adamantem . . . infragilem omni cetera vi et invictum,
sanguine hircino rumpente.’ ‘Thus much is affirmed,’ says Sir Thomas
Browne, in *Pseudodoxia epidemica* (ii. 5), ‘by Pliny, Solinus, Albertus, Cyprian,
kept from knowing by crafty men, who do not wish you to see your own wound, and who have skill only to smear on the oil of flattery, not to pour in the wine of rebuke. May they never contrive by their cunning to keep you perpetually in difficulty, so that being in a state of difficulty you should always regard them as special friends.

We therefore, who view this trouble prudently and aim at a healthy cure, emphasizing our advice by warnings and our warnings by advice, blend threats with blandishments and blandishments with threats, like a skilled doctor varying the resources of his medical art, applying the knife when fomentations are of no use and with a draught of warm water curing ailments which have not responded to drastic medicine. Even if you were as hard as adamant, the continued application of so much skill ought to soften you—for adamant, though unbreakable by iron, is softened by the pouring on of goat's blood.¹

Beware also of impeding the advance of your prosperity, for no one who would support you in this error could be at peace with us. In your case we now approach the final remedies: further remedies to treat you with we have none: in a conflict of wills at cross-purposes (the one desiring to heal, the other refusing to be healed) we should prefer, while there remains hope of such a cure, to cure you by gentle and pleasant means rather than by hard and painful means: for the former leave no infection, but the latter usually leave an ugly scar. And so lest you bring us and yourself into a worse strait—look! as a friend we request you, with persuasive

Austin, Isidore and many Christian writers.' The pope may have had in mind Isidore, *Etymol.* xii. 14.
ecce dulciter ammonemus, ecce patere consulimus, ecce benigne rogamus, sub optentu divini iudicii in remissiocem tibi peccaminum iniungentes quatinus super ecclesie Cantuariensis negotio nobis et ecclesie, immodo, sine ulteriori mora satisfacere non postonas, pro illa dilectione sincera qua te inter ceteros principes et dileximus et diligimus, hoc saltem nobis concedens in donum, qui spem utique habebamus, nec desperamus adhuc, quod si petissemus maiora, negare nullatenus debuisses, presentim cum, sicut alia tibi vice curavimus intimare, licet supra ius tuo fuerit iuri delatum, ex hiis tamen que acta fuerant vel gerenda nullum tibi voluerimus aliquando prejuidicium generari. Eligas ergo, fili karissime, tam dulcibus monitis et consiliiis salutaribus acquiescere, non autem adulantium perservatitibus et perversorum adulationibus assentire, quoniam, ut utamur verbo divino: Qui beatum te dicunt, ipsi te decipiunt. Alioquin celum et terram contra te in testimonium invocamus quod ex pertinacia tua non ex nostra severitate continget si manum apostolicam in te pateris aggravari, quam haec tamen vix potuimus, sed decetero nunquam poterimus, continere. Quere, quesusmus, diligenter ab illis qui caput tuum oleo peccatoris impinguante ad quem finem valeas ex hac pugna venire. Non audebunt prosecto alius respondere nisi quod non poteris vincere nisi victus, sed gloriosior crite tibi victoria cum de victo fueris victor effectus;

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* habebamus V; habemus D; habemus CR
1 vel gerenda VR; vel agenda D; aut agenda C
2 venire VR; pervenire CD
3 cf. nos. 29, 37 above
4 Isa. 3:12
5 cf. no. 32 above
6 Ps. 140:5 (Vulgate), 141:5 (A.V.) and see no. 30, n. 15 above
charm we advise you, like a father we counsel you, with kindness we beg you, and in the light of divine judgment we charge you as you hope for remission of sin, without further delay to give prompt satisfaction to us and the Church, or rather to God, in the matter of the church of Canterbury; and in return for the sincere affection wherewith we have loved you, and still love you, among all other princes, at least grant this as a gift to us—to us who once hoped, and even now have not lost hope, that if we had asked for greater things you would not have refused: especially because (as we explained to you on another occasion 2) we have not only respected your rights beyond what the law requires, but we have never wished any prejudice to be created against you as a result of measures we had taken or proposed to take.

Choose therefore, well-beloved son, to submit to these gentle warnings and salutary counsels and not to assent to the corruptions of flatterers and the flatteries of the corrupt: for, to use the words of scripture, 'they which call thee happy cause thee to err.' 3 Otherwise, we call heaven and earth to witness against you that it will be because of your own obstinacy and not through any severity of ours if you let the apostolic hand become heavy against you, that hand which so far we have barely been able to restrain, but which from now on we shall never be able to hold back. Enquire diligently, we beg you, of those who 'make fat your head with the oil of a sinner,' ⁵ enquire what will be the end of this conflict for you. They will certainly not dare to make any answer but this: you cannot win except through defeat; but it will be a more glorious victory for you when, through defeat, you have become the victor, for you will be indisputably victorious when you are conquered not by man, but by God: to be conquered
quia tunc vinces procul dubio cum vinceris, nec ab homine sed a deo, a quo gloriosum est homini vincit, ut semper det homo deo gloriam et honorem. Unde nemo te vana suggestione seducat, quod nisi tu cesseris nobis, nos in hac pugna quovis tibi modo cedamus, qui facilis possemus occidi quam vinci.

Dat' Laterani, x kal. Februarii pontificatus nostri anno undecimo.¹

¹ nos in hac ... qui V, reading quoniam for qui R, om. qui D; sicut in hac pugna quo non vis tibi modo concedamus quoniam C

¹ om. dating clause CDR, and add Valete D
by God is glorious for man, that man may always ascribe
to God the glory and honour. Therefore, let no man
deceive you with the vain suggestion that in this battle,
if you have not first surrendered to us, we will surrender
to you at any point: for we could more easily be killed
than defeated.

The Lateran, the 23rd of January, in the eleventh
year of our Pontificate.
Heliensi episcopo.\textsuperscript{a}\textsuperscript{1}

Cum olim venerabilis frater noster . . Londoniensis episcopus\textsuperscript{2} nostris auribus intimasset quod in sua ecclesia proposuerat statuere precentorem, certum reddi-
tum assignaturus eidem sine lesione cuiusquam, nos eius precibus inclinati licentiam ei concessimus pre-
centorem huiusmodi ordinandi, dummodo in conferendis
sibi redditibus nulli preiudicium inferretur, nichilo-
minus statuentes ut precentor taliter institutus in sessioni-
bus, processionibus et alii illam haberet in Londoniensi
ecclesia dignitatem quam habent alii precentores in alii
ecclesiis Anglicanis. Postmodum autem nostris fuit
auribus intimatum quod licet idem episcopus dilectum
filium B.\textsuperscript{3} in eadem instituisset ecclesia precentorem,
quod tamen a nobis fuerat de prelibata dignitate
statutum biennio iam elaspo exequi non curarat.
Quapropter tibi dedimus in mandatis ut illud sublato
cuiuslibet contradictionis et appellantionis obstaculo
exequi non postponeres, contradictores per censuram
ecclesiasticam compescendo.\textsuperscript{4} Noviter vero dilecti filii
. . decanus et quidam alii personatus habentes in ecclesia
memorata suam nobis transmisere querelam\textsuperscript{5} quod,

Pott. 3645. Text. V : Reg. Vat. 7A fo. 86v no. 248. Whence
Migne, ccxv. 1552 (lib. xi ep. 248), and Decretals, I. 4, 6.
\textsuperscript{a} om. protocol, address as rubric V
\textsuperscript{1} Eustace, bishop of Ely (see no 9 above)
\textsuperscript{2} William of Ste Mère-l’Église (see no 9 above). The precentor directed
the music of the cathedral church. The precentorship was created at
St Paul’s, London, as an endowed dignity by Bishop William in March
1204, when he persuaded the king to give the church of Shoreditch to
the bishop and cathedral for this purpose.
\textsuperscript{3} The first precentor was Master Benedict de Sansetun (or Sausiton or
Sawston), who had been in the service of the bishop’s predecessor. Benedict
had also served King John before his accession and acted as a royal judge
TO THE BISHOP OF ELY

To the bishop of Ely. ¹

Some time ago our venerable brother the bishop of London ² informed us that he intended to establish a precentor in his church and would assign him a definite revenue without injury to anyone. Moved by his entreaties, we gave him permission to appoint such a precentor, provided that in granting revenues to him no one's interests were prejudiced: but we decreed that the precentor thus established should in all assemblies, processions and other functions have the same standing in the church of London that other precentors have in other English churches. Afterwards, however, we were informed that the bishop had established our beloved son Benedict ³ as precentor in the church, but even after the lapse of two years had not taken steps to implement our decree fixing the rank as stated above. We in-structed you, therefore, to implement this decree forthwith, permitting neither objection nor appeal, and suppressing objectors by ecclesiastical censure.⁴

Lately, however, our beloved sons, the dean and certain others holding office in the said church, have conveyed to us their complaint ⁵ that, since in the
during his reign. In December 1214 he became bishop of Rochester. He was in Paris when elected bishop, and may have spent part of the period of the interdict abroad.

¹ Neither this letter nor the preceding licence to establish the precentorship is known to exist.

² The dean was Master Alard of Burnham. We may connect this complaint with letters of Peter of Blois to the pope (epp. 149, 217) concerning the precentor's encroachment, backed by the bishop, upon Peter's rights as archdeacon of London. Master Benedict claimed Peter's stall in the cathedral. The bishop of Ely was now in exile and Peter of Blois died in 1212, so that the matter may not have been soon settled; but eventually the archdeacons established their precedence in choir.
cum per Anglicanas ecclesias consuetudines sint diverse ac quidam cantorum minorem, quidam vero maiorem habeant dignitatem, nec possint dignitates eorum, cum sint vel varie vel repugnantes, convenire simul in unam,\(^6\) is qui noviter est institutus in ecclesia Londoniensii precentor, non contentus eo quod habere potest sine preiudicio aliorum, occasione litterarum nostrarum quasdam ipsius decani et aliarum personarum eiusdem ecclesie dignitates sibi nititur in eorum preiudicium arrogare. Quocirca fraternitati tue per apostolica scripta mandamus quatinus si secundum diversas locorum consuetudines diversos habere noveris precentores in Anglicanis ecclesiis dignitates, iamdictum precentorem illam habere facias in Londoniensii ecclesia dignitatem eaque, appellatione remota, permanere contentum quam rationabilibus et approbatis consuetudinibus eius salvis sine alieno preiudicio poterit optinere.

Dat' Laterani, ii non. Februarii pontificatus nostri anno undecimo.

TO THE BISHOP OF ELY.

English churches the customs vary and some of the cantors have a lesser rank and some a greater, and since their ranks (being varied or mutually inconsistent) cannot be made uniform, the precentor recently appointed in the church of London is not content with what he can have without damage to others’ interests but, on the strength of our letter, is attempting to usurp certain dignities of the dean and other persons in the said church to the damage of their interests.

Wherefore, by apostolic letter we command your Fraternity that, if you know that different precentors in the English churches have rank varying according to the different local customs, you will cause the said precentor to have such rank in the church of London (and remain content with it, without appeal) as he can have without infringing the regular and approved customs of the church of London and without damage to the interests of others.

The Lateran, the 4th of February, in the eleventh year of our Pontificate.
Episcopo et ... abbati Sancti Vedasti Atrebaten-sibus.  

Cum ad nostrum exequendum mandatum maxime pro ecclesiastica libertate promptos vos et paratos esse credamus, discretionem vestram rogandam duximus et monendam per apostolica vobis scripta precipiendo mandantes quatinus cum requisiti fueritis a venerabili fratre nostro S. Cantuariensi archiepiscopo, sancte Romane ecclesie cardinali, excommunicationis sententiam in Iohannem regem Anglorum, assentibus vobis venerabilius fratibus nostris ... Londoniens, ... Heliensi, et ... Wigorniens episcopis vel saltem duobus ex ipsis, secundum formam litterarum quas illis direximus, publice ac sollemniter proferatis. Quod si non ambo, et cetera, alter vestrum, et cetera. 

Dat' Viterbii, xi kal. Iulii anno duodecimo.

Pott. 3752. Text. V: Reg. Vat. 7A fo. 107v no. 57. Whence Migne, ccxvi. 64 (lib. xii ep. 57)

a om. protocol, address as rubric V
b For the extension of this common form cf. no. 11 above
c Dat' ut in alia per totum V; the clause is supplied from ep. 56 (to Langton, to examine the election of Hugh de Wells to Lincoln: P. 3751)

1 Ralph de Neuville, bishop of Arras 1203-21, and Odo, abbot of St Vaast of Arras 1206-28.
To the bishop of Arras, and the abbot of St Vaast in Arras.¹

Since we believe you to be prepared and ready to execute a mandate of ours, especially on behalf of ecclesiastical liberty, we have thought fit to request and warn your discretion, charging and directing you by apostolic letter, that, when our venerable brother, Stephen, archbishop of Canterbury and cardinal of the Holy Roman Church shall so request, then, assisted by our venerable brethren the bishops of London, Ely, and Worcester, or by at least two of them, and in accordance with the form in the letter we sent them,² you should publicly and solemnly pronounce sentence of excommunication on John, king of the English. If you cannot both etc., let one of you etc.,

Viterbo, the 21st of June, in the twelfth year of our Pontificate.

¹ No. 37 above. The bishop-executors had been persuaded to extend the original time-limit for John's submission because of the negotiations during Summer 1209 (Gervase of Canterbury, ii. c-cv, cxi), and excommunication was only pronounced after their return to France from England, in November. The pronouncement made at Arras in their presence is recorded (Powicke, Langton, p. 77, n. 3), and John of Oxenedes (Chronica (Rolls series), p. 126) reports that the sentence was pronounced on 8 November 1209 by the archbishop of Reims and his suffragans.
INNOCENTIUS episcopus servus servorum dei dilectis filiis . . priori et monachis sancte Marie de Pritewell' Cluniacensis ordinis 1 salutem et apostolicam benedictionem.

SOLET ANNUERE SEDES apostolica piis votis et honestis petentium precibus favorem benivolum imperti. Ea propter, dilecti in domino filii, vestris iustis precibus gratio concurrentes assensu ecclesiam de Clavering' 2 vobis a venerabili fratre nostro W. episcopo Londoniensi canonice assignatam sicut eam iustae ac pacifice possidetis vobis et per vos monasterio vestro auctoritate apostolica confirmamus et presentis scripti patrocinio communimus. Nulli ergo omnino hominum liceat hanc paginam nostrae confirmationis infringere vel ei ausu temerario contraire. Siquis autem hoc attemptare presumperit, indignationem omnipotentis dei et beatorum Petri et Pauli apostolorum eius se noverit incursurum.

Dat' Laterani, xiii kal. Martii pontificatus nostri anno duodecimo.


1 The priory of Prittewell, S.E. Essex, was founded early in the twelfth century as a dependency of the Cluniac priory of Lewes. See W. A. Cater, 'The priory of St. Mary of Prittewell,' Journal of Brit. Archaeol. Assoc., n.s. xxviii (1922), 152-68.
Innocent, bishop, servant of the servants of God, to his beloved sons the prior and monks of St Mary of Prittlewell of the Order of Cluny, greeting and apostolic benediction.

The Apostolic See habitually grants the pious requests of its petitioners and shews a ready favour to their prayers if worthy. Wherefore, sons beloved in the Lord, we gladly concur and agree with your just request: the church of Clavering, as it has been assigned canonically to you by our venerable brother, William, bishop of London and occupied by you justly and peacefully, we now by apostolic authority confirm to you and, through you, to your monastery, and we secure it by the protection of this present document. Let it not be lawful, therefore, for any man to infringe this our deed of confirmation or with reckless presumption to oppose it. If any presume to do so, let him know that he will incur the anger of Almighty God and of SS Peter and Paul, His apostles.

The Lateran, the 17th of February, in the twelfth year of our Pontificate.

This letter is chosen as a simple example of an extremely common form. The formulas recur scores of times in papal letters of grace of this period.

2 The church of Clavering (Essex) is one of a group of churches of which the patronage was confirmed to Prittlewell in charters of Archbishops Thomas Becket and Hubert Walter. This papal confirmation shows that Bishop William (1199-1221) authorised the appropriation by the priory of the rectorial income of the church.
Immensa gerimus de vestra discrecione fiduciam ut secure vobis ardua negocia committamus, pro certo sperantes quod ea secundum deum ad honorem et prosectum apostolice sedis curabitis promovere. Quo-circa discrecioni vestre per apostolica scripta precipiendo mandamus quatinus profiscentes in Angliam una cum venerabili fratre nostro Wintonensi episcopo et dilecto filio priore Conventrensi, vel eorum altero si forsant ambo interesse non possent, regis presciam adeatis, monentes et exhortantes eundem efficaciter et prudenter ut deo et ecclesie satisfaciat secundum formam subscriptam inter nos et nuncios suos multimoda deliberacione provisam. Ipsae quidem, cum suas patentes litteras vobis tradiderit, et vos nostras patentes litteras sibi tradatis, secundum capitularis tenorem quod ei pridem direximus sub alphabeto distinctum vobisque
To our beloved sons Pandulf sub-deacon and Brother Durand, of our household.

We have such faith in your discretion that we confidently entrust to you difficult matters of business, in the sure expectation that you will diligently execute them, according to the will of God, to the honour and advantage of the Apostolic See. Therefore, by apostolic letter we charge and command you to proceed to England and there, in company with our venerable brother the bishop of Winchester and our beloved son the prior of Coventry (or with one of them, if both together cannot act), to approach the king, powerfully and wisely admonishing and exhorting him to make restitution to God and the Church in the form hereunder stated which has been drawn up after full discussion between us and his envoys. When the king has presented his letters patent to you, you will also present our letters patent to him, as set out in the ordinance which we earlier sent to him in the form of an indenture and which we

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1 Pandulf, a Roman and a papal sub-deacon, appears prominently in Anglo-papal affairs hereafter. See below, and Tout’s biography of him in DNB. Br. Durand was a Templar, who played no notable part in these affairs. The nuncios reached England late in June or in July, and met John at Northampton, after his Welsh campaign, 29 or 30 August.

2 Peter des Roches, probably the only diocesan bishop left in England at this time (unless Bernard of Carlisle remained in his remote diocese).

3 Josbert, prior 1196-1216, had been elected bishop by the monks of Coventry in 1208 or 1209, while the king persuaded the canons of Lichfield to elect his chancellor, Walter de Gray. Pandulf is said to have quashed both elections (Wharton, i. 436-7).
tradi
dimus tradimus tradimus traditis predictis predictio predictimus

Sed si rex ipse maluerit ut nec ipse tradat huiusmodi litteras suas vobis nec vos tradatis huiusmodi litteras nostras sibi, acquisescatis eidem et sic cum predictis episcopo et priore vel eorum altero, recepto ab eo publice iuramento quod super hiis pro quibus de mandato nostro excommunicatus existit nostris mandatis absolute parebit, tu, fili subdiacone, beneficium ei absolutionis impendas, reconcilians eum ecclesiastice unitati. Ac deinde recipientes ab ipso tam pro venerabili fratre nostro S. Cantuariensi archiepiscopo quam pro coepiscopis eius et monachis Cantuariensis ac omnibus aliis ad hoc negotium pertinentibus plenam securitatem ac idoneam caucionem per honorabiles nuncios faciatis eos in Angliam revocari, quibus idem rex omnem rancorem et indignacionem remittat, ac recepto a prestatu archiepiscopo iuramento quod a suis predecessoribus consuevit illius progenitoribus exhiberi, universa ei concedat et tradat et faciat ab eo pacifice possideri que ad ipsum pertinere nos- cuntur, ita quod super ablatorum restitutione ac recompensacione damnum omnium satisfactionem plenariam tam ipsi quam aliis universis faciat exhiberi. Et sic tu relaxes sentenciam interdixi.

Si vero circa horum aliquid de quo merito valeat dubitari quicquam emerserit questionis, nostro reservetur mandato, iniungendo super hoc ipsi regi ex
have now given to you as a precaution. But if the king should prefer not to present his letters patent to you nor to receive ours from you, you are to concur: and, with the bishop and prior (or with one or other of them), you will first receive in public from him an oath unreservedly to obey our commands in respect of the matters for which he now stands excommunicated by our command; then do you, son subdeacon, grant to him the benefit of absolution, reconciling him to the unity of the Church. Next, having received from him a full guarantee and a fitting pledge for our venerable brother Stephen archbishop of Canterbury and for his fellow-bishops and for the monks of Canterbury and all others concerned in this business, you will have them recalled to England by honourable envoys; and let the king put away all rancour and anger towards them; and on receiving from the archbishop the oath which was usually taken by his predecessors of Canterbury to the king's forbears, let the king yield to the archbishop, and deliver, and cause peacefully to be possessed by him, everything which is acknowledged as belonging to him—in such a way that, in restoring things seized and in compensating for losses, plenary satisfaction may be given both to the archbishop and to all the others. And so do you, son subdeacon, relax the sentence of interdict.

But if any question shall arise regarding any of these matters on which there can be reasonable ground for doubt, wait for our instructions, impressing upon the

*divisum*, etc., which were used in the Middle Ages to describe bipartite indentures in which the dividing line cut through the letters of the alphabet instead of through the more usual inscription: *cirographum.*
debito prestiti iuramentii, ne propter huiusmodi dubium relaxacio interdicti nimium 7 differatur.
Testes autem qui super eo 8 fuerint nominati, si se gratia, odio, 9 vel timore subtraxerint quominus perhibeant testimonium veritati, ad hoc " per censuram ecclesiasticam appellacione remota compellatis," quatinus, inquisita et cognita veritate, si quid super ablatorum restitutione vel recompensacione damnrorum propter questionem subortam remanserit imperfectum, per apostolicum tandem mandatum consultius impleatur. 7
Quod si forte presatus rex infra mensem prescriptam formam non duxerit acceptandam 7 sed in sua maluerit duricia perdurare, vos extunc recedentes ab ipso 9 significetis ex parte nostra predictis archeipiscopo et episcopis ut negocium ecclesie prout melius poterunt prosequantur, 8 vosque 9 non differatis ulterius ad nostram presenciam remeare. b

Dat' Laterani, xviii 8 kalendas Maii pontificatus nostri anno xiii 9. 9

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8 om. nimium C
9 om. super eo C
10 gratia, odio VB; odio vel gratia C
11 hoc VB; hec C
12 compellatis C; compellas B; con. V
13 impleatur VB; compleatur C
14 acceptandum VB; adimplere C
15 prosequantur V; persequentur B
king by the obligation of his oath that, for a doubt of this kind, the relaxation of the interdict should not be unduly postponed.

If the witnesses who have been cited in the case should, from favour, hatred, or fear, withdraw to avoid bearing witness to the truth, you will compel them to it by ecclesiastical censure without appeal, so that when the truth has been probed and established any detail affecting the restitution of things seized or compensation for loss, which is left unsettled owing to a question arising, may at length, after consideration, be settled by Apostolic mandate.

If the king should not think fit within a month to accept the terms prescribed but should choose to persist in his obstinacy, you will thereupon depart from him and on our behalf will direct the archbishop and bishops to conduct the business of the Church as best they can; and you yourselves without further delay will return to our presence.

The Lateran, the 14th of April, in the fourteenth year of our Pontificate.

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5 The nuncios left England at the end of September 1211 (Ann. mon. i. 81).
Innocentius episcopus servus servorum dei I. illustri Anglorum regi$^a$ spiritum consiliis sanioris.$^1$

Utinam ab initio nostris adquievisses $^b$ consiliis et monitis credidisses, quia profecto negotium quod vertitur inter regnum et sacerdotium non fuisse adeo aggravatum sed honorabilem finem in ipso primordio suscepisset, quandoquidem tibi scripserimus quod per ea que acta sunt circa electionem venerabilis fratis nostri S. Cantuariensis archiepiscopi nullum tibi vel successoribus tuis ullo tempore volebamus preiudicium generari.$^2$

Quin etiam petebamus ut si aliquid actum esset quod tuum animum offendisset, illud concederes nobis in donum et adhuc donum huiusmodi a tua munificentia postulamus ut inter regnum et sacerdotium pax sine scrupulo reformet.$^c$ Magnum tibi hoc fortasse videtur, sed tot et tanta multotiens pro te fecisse recolimus et adhuc facere si per teipsum non steterit prompta sumus voluntate parati ut maiora nobis donare$^d$ deberes, presertim ut imminens periculum valeas evitare, quia tanto iam tempore patientia nostre mansuetudinis es abusus, disciplinam ecclesiasticam contemnendo, quod nisi hac vice curaveris$^e$ deo et ecclesie satisfacere, manus


$^a$ Innoc. . . regi C; om. DE
$^b$ adquievisses D; adquiesceres C; adquievisset E
$^c$ reformetur DE; formetur C
$^d$ donare C; dare DE
$^e$ curaveris G; volueris D; vitaveris E
Innocent, bishop, servant of the servants of God, to John illustrious king of the English, a spirit of sounder understanding.1

Would that at the first you had agreed to our counsels and believed our warnings! for certainly the business now pending between the crown and the prelacy would not have been so aggravated, but at the very outset would have allowed of an honourable settlement; for we then wrote to you that we did not at any time wish any prejudice to be created against you or your successors from proceedings concerned with the election of our venerable brother Stephen, archbishop of Canterbury.2 Nay, we even asked that, if something grievous to your spirit had been done, you would forgo it as a favour to us: and we still ask your Munificence for this favour, so that peace without distrust may be restored between the crown and the clergy. Perhaps you think this excessive: but when we recall the many great services we repeatedly rendered to you in the past, all of which (granted your willingness) we are still prepared with ready friendship to offer you now, you ought surely to grant us still greater favours, especially if you can thereby escape an imminent danger: for, by despising ecclesiastical discipline, you have now so long abused our gentle forbearance that, unless on this

1 The usual papal greeting is replaced by the formula traditional in the papal chancery for letters to excommunicates (cf. nos. 45 and 83 below, and Cheney, 'Alleged deposition,' p. 112). The English Chancery used the formula in addressing excommunicate rebels in 1216-1217.

2 cf. no. 29 above
nostras in te curabimus aggravare, ut vexatio saltem flectat quem benignitas non emollit, quamquam tibi merito sit verendum ne sera sit penitentia post ruinam.\(^3\) Quocirca magnitudini tue de corde puro et conscientia bona et fide non ficta\(^4\) consulimus quatinus pacem quam offerimus tibi per nuntios nostros et tuos\(^5\) non dieras acceptare, ut reconciliatus ecclesie optata prosperitate fruaris.

\(^1\) add sancte DE.

\(^3\) This sounds like a threat of formal deposition, which Innocent III had refrained from pronouncing when John was first excommunicated. cf. the next letter.

\(^4\) 1 Tim. 1:5

\(^5\) This enables us to date the letter in mid-April 1211, for it must have accompanied the nuncios whose commission is given above, no. 43. Annals of Winchester say that the nuncios came at the king’s petition (Ann. mon., ii. 81) and royal envoys had gone to the Curia early in 1210 (R. Mis., p. 151 etc.)
occasion you purpose to make amends to God and the Church, we purpose to make heavy our hands against you, so that one who is unmoved by kindness may at least be changed by tribulation—though you might well fear that penitence will be too late after your downfall. Wherefore, 'out of a pure heart and of a good conscience and of faith unfeigned' we counsel your Majesty not to delay acceptance of the peace we offer by our envoys and your own, so that, reconciled to the Church, you may enjoy the prosperity which you desire.
Iohanni illustri regi Anglie spiritum consilii sanioris.\textsuperscript{a} 1

Auditis verbis nunciorum tuorum,\textsuperscript{b} qui ad nostram presenciam pervenerunt, etsi non illa nobis ex parte tua sufficienter obtulerint que sunt ad satisfactionem sufficiencia competentem super multis et magnis iniuris et iacturis quas longo iam\textsuperscript{c} tempore intulisti ecclesie Anglicane contra divini nominis gloriam et apostolice sedis honorem, in periculum anime ac\textsuperscript{d} dispendium fame tue, adhuc tamen experiri volentes utrum te revocare possimus ab errore ad veritatem, ecce tibi benedictionem et maledictionem proponimus, cius exemplo qui per Moisen\textsuperscript{e} famulum suum benedictiones et maledictiones proposuit filiis Israel, ut eligas quam malueris, vel benedictionem, si satisceceris, ad salutem, vel male- dictionem, si contempseris, ad ruinam.\textsuperscript{f} Licet enim quasdam nobis litteras destinaveris, quibus asseruiisti habiturum te ratum quicquid abbas de Belloloco, frater A. Martel, frater W. de Sancto Audoeno, Thomas de Erdinton\textsuperscript{'} , Philippus de Wigornia, et magister Ricardus de Terintona\textsuperscript{'} super negocio Cantuariensis ecclesie

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\textsuperscript{a} address and greeting as rubric, rest of protocol omitted VB; common-form protocol incorporating this address and greeting A

\textsuperscript{b} tuorum VB; vestrorum A

\textsuperscript{c} om. iam A

\textsuperscript{d} ac VB; et A
45

To John, illustrious king of the English, a spirit of sounder understanding.¹

We have heard the statement of your envoys who presented themselves before us: and although on your behalf they did not adequately offer terms sufficient for reparation in respect of the many great wrongs and losses you have for a long time inflicted on the English church, contrary to the glory of the Divine Name and the honour of the Apostolic See, and to the peril of your soul and the loss of your reputation, yet still wishing to try whether we can recall you from error to truth, behold! we set before you a blessing and a curse after the example of Him who by His servant Moses set before the children of Israel blessings and curses, that you may choose which you prefer, either a blessing leading to salvation if you make reparation, or a curse leading to ruin if you shew contempt.²

You did indeed send us a certain letter in which you affirmed your intention to ratify any agreement in respect of the church of Canterbury which might be concluded with us by the abbot of Beaulieu, brother Alan Martel, brother William de St Ouen, Thomas de Erdinton,

¹ Moisen V; Moysen B; Moysen A
² Belloloco . . . Mertonna (for Terintona) A; Belloloco et frater A; Marcel et alii quatuor nunciui tui VB

¹ For this form of greeting, see no. 44, n. 1 above. For historians’ misdating of the letter, see Cheney, ‘The alleged deposition,’ pp. 110-11.
² cf. Deut. 11:26-28 (1039)
agerent coram nobis, quia tamen ex hiis nonnisi tres ad nostram pervenere presenciam, hii sine alis nichil facere poterant secundum earundem continenciam litterarum. Prereeta non agitur tantum de negocio Cantuariensis ecclesie, sed tocius ecclesie Anglicane, quam impie persequendo niteris ancillare, propter quod anathematis meruisti vinculo innodari. Hii vero tres nuncii, videlicet, abbas de Bellococo, frater A. Martel, et frater W. de Sancto Audoceno, nobis ad ultimum obtulerunt quod secundum illam formam satisfacere promittebas quam per dilectos filios P. subdiaconum et fratrem D. familiare nostris tibi curavimus destinare. Verum cum per te steterit quominus secundum eandem formam pax fuerit reformata, et postea peiora prioribus attemptaveris, nos ad eam, que pro maior parte graciam continebat, minime iam tenemur, cum ipsa gracia reddideris te indignum. Ut autem vincamus in bono malum et omnem tibi excusacionis materiam auferamus, adhuc eam parati sumus servare, si usque ad kalendas Iunii proximo venturas per iuramenta quatuor baronum tuorum iurancium, te presente ac mandante, in animam tuam, et per patentes tuas litteras

* quia tamen VB ; et tantum A  
* agitur VA ; igitur B  
* prosequendo corr. te persequendo V ; persequendo BA  
* ancilliare VB ; ancillari A  
* videlicet . . . Audoeno A ; om. VB  
* curavimus VB ; curabamus A  
* ipsa VB ; ipse A  
* fuerit BA ; fuit V  
* reddideris BA ; redderis V  
* excusacionis BA ; excusacionem V  
* proximo VA ; proxime B

The royal letters of credence are not known to exist. The mission left England in autumn 1212 (R.L.C., i. 126a, cf. Coventry, ii. 207). Hugh, abbot of Beaulieu, was an experienced diplomat (cf. no. 36). Brother Alan Martel, a Templar (afterwards Master of the Temple in England), and brother William of St Ouen, an Hospitaller, both frequently travelled on the king’s business. Thomas de Erdinton was a knight, sheriff, and royal servant of importance who visited the Curia on at least four other occasions. Philip of Worcester was another knight constantly employed by the king. Mr Richard de Tirinton, or Terrington, held the vicarage
Philip of Worcester, and Master Richard de Tirinton: yet, because only three of these envoys reached our presence, these three without the others were powerless to make a settlement in the sense of your letter; and, besides, the question at issue concerns not merely the church of Canterbury but the whole English church which by your impious persecution you are trying to enslave—the sin for which you have been deservedly excommunicated. These three envoys, namely the abbot of Beaulieu, brother Alan Martel, and brother William de St Ouen, finally revealed that you were offering to make restitution on those terms which we had had conveyed to you by our beloved sons and members of our household, Pandulf the subdeacon and brother Durand. But because it was owing to you that peace was not restored on those terms, and because you have since attempted worse outrages than before, we are no longer bound to terms which were in the main conciliatory, for you have shewn yourself unworthy of conciliation. But that we may overcome evil with good and deprive you of all ground of excuse, we are still ready to keep those terms if before the 1st of June next ensuing, on the oaths of four of your barons swearing on your soul in your presence and at your command, and by your own letters

of Brailes in the king's gift in 1208 and went as king's messenger to Rome in 1210 (R.L.P., p. 80a, R.Mis., p. 163).

John had taxed the clergy and obstructed ecclesiastical elections even before the Interdict and the excommunication of the king led to other measures against the Church (cf. nos. 17, 35, 38 and Cheney, BJRL, xxxi and TRHS, 5th series, i).

Thomas de Erdinton, Philip of Worcester, and Mr Richard de Tirinton were captured on the way to Rome. On 9 March 1213 the king authorised payment of £500 to the Master of the Temple and £500 to the Master of the Hospital for their ransom (Cole, p. 256).

cf. no. 43 above

Rom. 12:21

cf. n. 13 below
repromiseris quod eam fideliter et efficaciter adimplebis secundum expositiones et explanaciones quas ad omnis dubitationis scrupulum removendum duximus adhibendas, et infra eundem terminum hoc totum significaveris per tuas patentes litteras venerabili fratri nostro Stephano Cantuariensi archiepiscopo et qui cum eo sunt episcopis suis. Alioquin eius exemplo qui populum suum de servitute Pharaonis in manu valida liberavit, Anglicanam ecclesiam in forti brachio de servitute tua studebimus liberare; predicentes nunc tibi veraciter et constanter quod si pacem recipere cum vales non vis, cum volueris non valebis, eritque inutilis penitencia post ruinam; sicut per eorum exempla potes cognoscere qui diebus istis similia presumperunt. Formam vero quam prefatis nuncis nostris iniuoximus presentibus tibi litteris mittimus interclusam.

patent, you renew your promise, faithfully and effectively to implement those terms according to the interpretations and explanations we have thought fit to append for the removal of every shade of misunderstanding, and if within this time-limit you have by your letters patent made all this known to our venerable brother Stephen archbishop of Canterbury and to his bishops who are with him. Otherwise, by the example of Him who with a strong hand freed His people from the bondage of Pharaoh, we intend with a mighty arm to free the English church from your bondage: and we now truthfully and firmly forewarn you that, if you will not accept peace when you may, you may not when you will, and repentance will be useless after your downfall— as you may learn from the instances of those who in your own time have acted with a similar presumption.

The terms with which we charged our aforenamed envoys, we send to you enclosed in the present letter. The interpretations and explanations are as follows:

First, in the presence of our legate or delegate you will solemnly and unreservedly swear to abide by our commands in respect of all matters for which you are excommunicated by us, and you will grant genuine peace and a full guarantee to our venerable brethren, Stephen archbishop of Canterbury, William bishop of London, Eustace bishop of Ely, Giles bishop of Hereford,

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12 The *forma*, which is copied in the register after the dating clause below, is not repeated here, as it appears in its chronological place above, no. 43. Note the use of the sealed letter as envelope for another document (cf. Introduction, p. xx).

13 This document is copied, *mutatis mutandis*, as far as 'decreverimus observetur' (p. 136) in the letters patent by which John signified his submission and reported the oath taken by four earls (Foedera, I. i. 111, Ann. mon., i. 218, Wenvorder, ii. 541). John's letter was also copied into the papal register: Migne, ccxvi. 876).
Iohanni Regi Anglorum

filiiis priori et monachis Cantuariensibus, Roberto quoque filio Walteri, et Eustacio de Vesci, nec non ceteris clericis et laicis hoc negotium contingentibus, prestando simul coram eodem legato vel delegato nostro publice iuramentum quod ipsos cum suis nec ledes nec ledi facies aut permittes in personis et rebus, eisque omnem indignacionem dimittes et in graciam tuam eosdem recipies, ac bona fide tenebis, quodque prefatos archiepiscopum et episcopos non impedies nec permettes aut facies impediri quominus ipsi libere suum exequantur officium, et plena sue iurisdictionis auctoritate, prout debent, utantur; et super hiis tam nobis quam ipsi archiepiscopo et singulis episcopis suas patentes litteras exhibebis, faciens ab episcopis et comitibus ac baronibus tuis, quod et quos prefati archiepiscopus et episcopi postulaverint iuramenta et patentes eorum litteras exhiberi quod ipsi bona fide studebunt ut hec pax et securitas firmiter observetur. Et si forte (quod Deus avertat), per te ipsum vel alios contraveneris, ipsi pro ecclesia contra violatores securitatis et pacis mandatis apostolicis inherebunt tuque perpetuo custodiam vacancium ecclesiarum

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14 The third bishop-executor of the Interdict, Mauger of Worcester, had died at the Cistercian abbey of Pontigny (dioc. Sens) on 1 July 1212. Giles de Braose, bishop of Hereford 1200-15, son of William III de Braose (who had been disgraced and fled to Ireland in 1208), probably left England in 1208, soon after the Interdict was laid. Jocelin of Wells, bishop of Bath (1206-42) probably went abroad with his brother Hugh, when John was excommunicated in 1209. Hugh of Wells, bishop of Lincoln (1209-35) was elected bishop before 14 April 1209. Allowed to go to Normandy for consecration, he went instead to Langton and was consecrated by him at Melun on 20 December 1209. The king immediately seized the temporalities of his see. The monks of Christ Church, Canterbury, had been expelled on 15 July 1207, in retaliation for the election of Langton at Rome by their representatives. Geoffrey, the prior, died before the community returned to England, on 15 June 1213. Robert FitzWalter and Eustace de Vesci fled abroad in the summer of 1212 and
Jocelyn bishop of Bath, and Hugh bishop of Lincoln, and to our beloved sons the prior and monks of Canterbury, and to Robert FitzWalter and Eustace de Vesci, and to all others, clerical and lay, concerned in this business. At the same time you will publicly take an oath in the presence of our legate or delegate that you will not injure the said individuals or their people nor cause or permit them to be injured in person or property, and will forgo all your anger against them and receive them into your favour and in good faith maintain them there, and that you will not hinder the said archbishop and bishops, nor cause or permit them to be hindered, from freely exercising their office and using as they should the full authority of their jurisdiction. On these matters you will give both to us and to the archbishop and to the individual bishops your own letters patent, and you will cause your bishops, earls, and barons (as many of them and whichever of them the said archbishop and bishops shall require) to give oaths and letters patent that they will work in good faith to ensure that this agreement and guarantee be firmly kept; and that, if you contravene it (which God forbid!) either personally or through agents, they will stand fast by the apostolic commands on the Church’s side against the violators of the guarantee and the peace, and you will

were outlawed. Safe-conducts for their return to England were issued on 27 May 1213 (R.L.P., p. 99a).

15 For the royal letter issued in pursuance, on 24 May 1213, see R.L.P. p. 98b (Foedera, I. i. 112). An original addressed to the bishop of Lincoln is preserved at Lincoln (Registrum antiquis. of the Cath. Ch. of Lincoln, i (ed. C. W. Foster, 1931), 133. The magnates’ letter (R.L.P., p. 114b) survives in an original at Canterbury, D. and C. muniments, Chartae antiquae, C. 254, with their seals (Hist. MSS Comm. Fifth Report, appendix, p. 454b).
ammittes. Quod si forte nequiveris eos ad hanc ultimam iuramenti partem inducere (videlicet quod si per teipsum vel alios contraveneris, ipsi pro ecclesia contro violatores securitatis et pacis mandatis apostolicis inherebunt), tu propter hoc nobis ac Romane ecclesie per tuas patentes litteras obligabis omne ius patronatus quod habes in ecclesiis Anglicanis. Omnes autem litteras que pro securitate predictorum sunt exhibende prefatis archiepiscopo et episcopis ante suum ingressum in Angliam destinabis. Si vero tibi placuerit, sepefati archiepiscopus et episcopi prestabunt, salvo honore dei et ecclesie, iuratoriam et litteratoriam caucionem quod ipsi nec per se nec per alios contra personam vel coronam tuam alicquid attemptabunt, te illis predictam securitatem et pacem illibatum servante. De ablatis autem plenam restitucionem et de dampnis recompensacionem sufficientem impendes, tam clericis omnibus quam eciam laicos universis ad hoc negocium pertinentibus non solum rerum, sed etiam libertatum, eisque libertates redditas conservabis, archiepiscopo quidem et episcopo Lincolnensi a tempore sue confirmacionis, aliis autem a tempore discordie inchoate. Nec obstatbit aliqua pactio vel promissio seu concessio quominus et dampna recompensatur et restituantur ablata tam vivorum quam eciam mortuorum. Nec de ablatis alicquid retinebis pretextu servici quod tibi debuerit impendi; sed postea tibi debita pro servicio recompensacio tribuetur; statimque facies omnes quos detines clericos absolute dimitti ac restitui proprie libertati, et eciam laicos qui

* add et V
* mortuorum V (and John's letters patent) ; defunctorum B
* om. eciam B
* cf. no. 46 below
for ever lose the custody of vacant churches. If you cannot persuade them to accept this final part of the oath, namely that, if personally or by agents you contravene the agreement, they will stand fast by the apostolic commands on the Church's side against the violators of the guarantee and the peace, you will on this account make over by your letters patent to us and the Roman Church all right of patronage that you have in English churches. All the letters which are to be given for the guarantee of the aforesaid matters you will send to the archbishops and bishops before their arrival in England. If you so wish, the archbishop and bishops will give you, saving the honour of God and the Church, a sworn and written guarantee that they will not, either personally or by agents, attempt anything against your person or your crown, provided you maintain inviolate the said guarantee and peace. You will make full restitution of things seized and pay adequate compensation for losses to all clergy and all laymen concerned in this business—and not only in respect of chattels but also of liberties, and those liberties when restored you will maintain; for the archbishop and the bishop of Lincoln restitution is to date from the time of their confirmation in office, and for the rest from the time when the quarrel began.

No compact, promise, or concession shall prevent compensation for losses and the return of things seized, and this applies alike to the property of the living and of persons now dead. You shall not retain any of the seized property on the score of feudal service which ought to have been paid to you: but afterwards due compensation will be paid to you in lieu of service. You will immediately cause all clergy whom you detain to be unconditionally released and restored to their
Occasione huius negotii detinentur. Incontinenti quoque post adventum illius qui te debeat absolvere facies de parte restitutionis ablatorum octo milia librarum legalium sterlingorum, pro persolvendis debitis et faciendis expensis, nunciis predictorum archiepiscopi et episcoporum ac monachorum Cantuariensium assignari sine impedimento quolibet per tuam potestatem ad eos libere deferenda, ut expediti revertantur in Angliam honorificc revocati, videlicet S. Cantuariensi archiepiscopo duo milia et quingentas libras, W. Londoniensique episcopo septingentas et quinquaginta libras, E. Elensi mille et quingentas libras, E. Herefordensi septingentas et quinquaginta libras, I. Bathoniensi septingentas et quinquaginta libras, H. Lincolnensi septingentas et quinquaginta libras, priori et monachis Cantuariensisibus mille libras. Sed protinus et absque mora postquam pacem istam duxeris acceptandam resignari facias archiepiscopo et episcopis et clericis ac ecclesiis universis in manibus nunciorum et procuratorum ipsorum omnium immobilia cum administracione libera eorundem, et in pace dimitti. Interdictum eciam vulgariter utlagacio nuncupatum, quod proponi fecisti contra personas ecclesiasticas, publice revocabis, protestando per suas patentes litteras archiepiscopo tribuendas id ad te de personis ecclesiasticis nullatenus pertinere, quodque illud de cetero contra personas ecclesiasticas non facies promulgari. Revocabis preterea

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'huius B; huiusmodi V.
'V places the entry for Bath before those for Ely and Hereford. John's letters follow the order of B, which is order of seniority.
'om. et B
'episcopis V; episcopo B
'vulgariter utlagatio B; vulgariter utlagatio V

17 The money had been paid by 18 July (R.Ch., p. 193b). Langton reached England on 9 July (Gervase, ii. 108, Ann. mon., iv. 402) or 16 July 1213 (Wendover, ii. 550, following Annales S. Albani (ed. Liebermann, p. 170)).
personal liberty and similarly all laymen who are detained because of this business. Promptly on the arrival of him who is to absolve you, you will arrange for 8,000 pounds of legal sterling, as restitution of seized property, to be assigned to the envoys of the archbishop and bishops and monks of Canterbury for the paying of debts and meeting of expenses—this sum to be transmitted freely to them through your dominions without any impediment, so that being recalled honourably to England they may return unencumbered: 17 to the archbishop of Canterbury 2,500 pounds, to the bishop of London 750 pounds, to the bishop of Ely 1,500 pounds, to the bishop of Hereford 750 pounds, to the bishop of Bath 750 pounds, to the bishop of Lincoln 750 pounds, and to the prior and monks of Canterbury 1,000 pounds. Immediately on your decision to accept this settlement, you will without delay order, in favour of the archbishop, bishops, clergy and churches everywhere, the surrender and peaceful cession of all immovable properties, with the free administration thereof, into the hands of their envoys or proctors. That ban also, commonly termed outlawry, which you had issued against ecclesiastics, you will publicly withdraw; and you will declare in your letters patent which are to be given to the archbishop that no power of outlawry belongs to you in respect of ecclesiastics, and that for the future you will not have this ban proclaimed against ecclesiastics. 18 You will moreover revoke the ban of outlawry on laymen

utlagacionem" laicorum ad hoc negocium pertinen-
cium et remittes hominia que post interdictionem ab ecclesi-
arum hominibus recepisti preter regni consuetudinem
et ecclesiasticam libertatem. Si vero super dam-
nis vel ablatis aut eorum quantitate vel estimatione
questio fuerit de facto suborta, per legatum aut dele-
gatum nostrum receptis probacionibus publice ter-
minetur. Et hiis omnibus rite" peractis, relaxabitur
sentencia interdicti. Super ceteris autem capitulis si
que fuerint dubitaciones suborte, de quibus merito
valeat dubitari, nisi per legatum vel delegatum nostrum
de partium fuerint voluntate sopite, 2 ad nostrum
referantur arbitrium, ut quod super hiis decreverimus
observetur.

Remittimus igitur ad tuam regalem prescenciam' pre-
fatum subdiaconum et familiarem nostrum Pandulfum,
nobis et fratibus nostris merito sue probitatis accep-
tum, fideliter consulentes ut hiis que tibi ex parte nostra
suggesserit omni dubitacione postposita benivolunt imper-
ciaris' assensum.19

Dat' Laterani, iii kal. Marcii pontificatus nostri anno
xvi".
concerned in this business, and you will remit the homage which after the Interdict you took from the tenants of churches contrary to the custom of the realm and to ecclesiastical liberty. If any question of fact arise touching the losses or the seized property or touching their quantity or value, let the matter be publicly settled by our legate or delegate on proof received. When all these conditions have been duly fulfilled, the sentence of interdict will be relaxed.

Any questions of reasonable substance which may arise on other heads (unless previously settled by our legate or delegate with the consent of the parties) are to be referred for our judgment, so that our decision thereon may be observed.

We send, therefore, to your royal presence the aforesaid subdeacon of our household, Pandulf, who is acceptable to us and to our brethren for his integrity, and we faithfully counsel you to lay aside all hesitation and give your willing assent to these directions which he will bring to you on our behalf. 10

The Lateran, the 27th of February, in the sixteenth year of our Pontificate.

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10 Pandulf probably arrived in April in France to open negotiations with John; the first evidence is of his messenger’s return from England about 8 May (Cole, p. 263). John had sent William de St Ouen to the archbishop of Canterbury and the bishops on 29 April (ibid. p. 260, cf. 261). The preliminaries completed, Pandulf sailed from Wissant to Dover, where he met John and received his submission on 13 May.

Ea que illicite presumuntur contra honestatem canonicalm aut ecclesiasticam libertatem merito debent per auctoritatem apostolicam irritari, ne forte transeant presumptoribus in exemplum. Quocirca fraternitati vestre b per apostolica scripta mandamus quatinus concessiones, pactiones, sive promissiones quas clerici seu religiosi viri cuiuscunque professionis vel ordinis Iohanni regi Anglie super ablatis vel extortis post interdictum secerunt, quominus ipsa restituantur ad plenum, denunciatis irritas et inanes. Auctores c etiam, et procuratores illarum, nisi moniti satisfecerint, excommunicationis vinculo innodetis. Si qui vero predictorum noluerint ablata vel extorta repetere,

Unscrupulous arrangements which are unlawfully made in despite of canonical probity and ecclesiastical liberty should with good reason be annulled by apostolic authority, so that they may not become a precedent for unscrupulous men. Wherefore by apostolic letter we command you that the concessions, compacts, and undertakings, which clergy or monks of whatever profession or order have made, after the Interdict, with John king of England to prevent seized or extorted property being restored in full, shall be by you declared null and void, and the authors and agents responsible for them shall be excommunicated by you unless, after warning, they have made restitution. If any of the aforesaid individuals refuse to claim restitution of seized or extorted property, you are to compel the

Although enregistered at the end of the book for the fifteenth pontifical year, they belong to the first weeks of Innocent's sixteenth year.

This was the condition of the settlement with John (no. 45 above). The Waverley annals record the form of quitclaim which John had extracted from monasteries (Ann. mon., ii. 268, cf. ibid. iii. 34 and Coggeshall, p. 165). A quitclaim in this precise form was given in September 1212 by the prior of Bath (Two chartularies of Bath Abbey (Somerset Rec. Soc., 1893), ii. 18). Cf. R.Ch., p. 193. For further arrangements see no. 58 below.
detentores eorum nichilominus ipsa restituere compellatis, in terre sancte subsidium iuxta mandatum apostolicum reservanda. Quod si non omnes hiis exeundis potueritis interesse, tres aut duo vestrum appellatione remota ea nichilominus exequantur.

Dat’ Laterani, nonis Martii pontificatus nostri anno sextodecimo.
detainers of the property to restore it notwithstanding, and it is to be reserved in accordance with apostolic mandate for the relief of the Holy Land. If you cannot all take part in discharging this business, let three or two of you discharge it, without appeal.

The Lateran, the 7th of March, in the sixteenth year of our Pontificate.

Nisi presumptorum temeritas puniretur, nimis insoleceret audacia malignorum; qui nolentes inter fas et nefas discernere, vicium pro virtute ac vanitatem pro veritate sequuntur. Nos igitur, quibus iminet ex apostolice servitutis officio errata corrigere ac prava reducere in directa, per apostolica vobis scripta mandamus quatinus viros ecclesiasticos qui Iohanni regi Anglie anathematis vinculo innodato ministerium, consilium, vel auxilium prestiterunt in hiis que sunt contra iusticiam et libertatem ecclesiasticam attentata, illosque qui ab eodem rege post excommunicationem vel ab aliis excommunicatis scipiter per collationem vel presentationem ecclesiastic beneficia sunt adepti, et similiter eos qui ob causas excommunicati predictas, excommunicationis sue tempore beneficia ecclesiastic receperunt, necnon ecclesiasticos viros qui scipier excommunicatis ecclesiastic beneficia contuler, similiter clericos et viros religiosos qui publice communicaverunt prefato regi et aliis excommunicatis


If the foolhardiness of the presumptuous were not punished, the insolence of the wicked would wax intolerable; for, refusing to discern between right and wrong, they follow vice instead of virtue and vanity instead of truth. We therefore, on whom it falls by the office of apostolic servitude to correct errors and to make the crooked straight, thus command you by apostolic letter: those clergy who have furnished to John king of England, while excommunicated, service, counsel, or support in what he has presumed to do contrary to justice and to ecclesiastical liberty; and those too who have knowingly obtained ecclesiastical benefices by collation or presentation from the king after his excommunication or from other excommunicated persons; and likewise those who, being excommunicated for the aforesaid reasons, have obtained ecclesiastical benefices during the period of their excommunication; and moreover those clergy who have knowingly conferred ecclesiastical benefices on the excommunicated; and similarly clergy and monks who, in cases not permitted, have publicly given the sacrament to the king and to

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1 receperunt BT; receperint N
2 om. similiter eos . . . contulere V
3 Isa. 40:4
auctoritate apostolica nominatim in casibus non concessis, ab officiis et beneficiis ecclesiasticis suspendatis, donec se apostolico conspectui representent *cum vestrarum testimonio litterarum plenam et meram continentium veritatem; **illis dumtaxat exceptis qui per satisfactionem condignam ad mandatum ecclesie redierunt.*** Quod si non omnes hiis exequendis potueritis interesse, tres aut duo vestrum ea appellatione remota nichilominus exequantur.

Dat Laterani, nonis Marcii pontificatus nostri anno sextodecimo. **

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*a* representent NBT; representetur V  
*b* redierunt NVB; rediere T  
**c** Marcii N; Martis T  
***d*** abridge omnes . . . sextodecimo to omnes etc. ut supra VB  

**Following this order, it is said (Coventry, ii. 219), many clerics went to Rome to make their peace. They included John de Gray, bishop of Norwich, and Richard Marsh, archdeacon of Richmond and Northumberland, who also acted as the king's diplomatic agents in the Curia. Richard Marsh did not obtain the required letter from the archbishop before leaving for Rome, and received special protection from the pope on that account in January 1214 (P. 4892, 4893, 4895). At a later date, possibly in April 1214, the pope wrote to his legate in England, relaxing the original mandate, in order to mitigate the hardship it caused, and instructing the legate to act mercifully towards those whose offence had been comparatively slight (R.Ch., i. 209d).**
other individuals named as excommunicated by apostolic authority: all these you will suspend from ecclesiastical offices and benefices, until they appear before the apostolic presence with a written statement from you containing the full and unadulterated truth;² those only excepted, who by fitting reparation have already returned to the Church’s obedience.

If you cannot all take part in discharging this business, let three or two of you discharge it, without appeal.

The Lateran, the 7th of March, in the sixteenth year of our Pontificate.
Eisdem.¹

Sepe contingit ut dum hostilis malignitas se reperit coartatam, pacem in dolo dissimulet, dolumque post pacem attemptet, ut cos fraudibus circumveniat quibus non potuit viribus prevalere. Volentes itaque contra dolositates huiusmodi diligentì providere cautela, presentium vobis auctoritate concedimus quod si Iohannes rex Anglie violaverit pacem postquam inter ipsum et ecclesiam Anglicanam provisione fuerit apostolica reformata, nisi rex ipse legitime monitus satisfecerit competenter, consulto interim Romano pontifice, regem ipsum et regnum eius in eum statum interdicti et excommunicacionis in quo ante reformationem pacis fuerunt auctoritate apostolica reducatis. Quod si non omnes, et cetera, ut supra.²


¹ Rubric: Eisdem, and om. protocol VB
² om. ut supra B
48

To the same.¹

It often happens that a ruthless foe, finding himself cornered, treacherously pretends peace and after the peace attempts treachery, in order to outwit by guile those he could not defeat by force. Wishing, therefore, with a careful precaution to guard against such treacheries, by the authority of the present letter we grant you this power: if John king of England should violate the peace when by apostolic decree it has been restored between him and the English church, then (unless the king, after lawful warning, shall have made fitting amends), having in the interval consulted the Pope, you will by apostolic authority reduce the king and his kingdom to the state of interdict and excommunication in which they were before the restoration of peace. If you cannot all etc., as above.

¹ The addressees are those of nos. 46, 47, and the date was probably the same.
Eisdem. ¹

quia nonnunquam malignorum perversitas per successionem sanguinis a parentibus in filios derivatur, sicut evidentem appareat ex eo quod olim rex Anglorum Henricus beatum Thomam Cantuariensem archiepiscopum iusticiam et libertatem ecclesiasticam defendentem a longo fuit tempore persecutus, interemptum tandem gladiis impiorum, et Iohannes rex Anglie natus cius propter eandem causam vos ac dilectos filios monachos Cantuarienses cum multis aliis a multo iam tempore inique persequitur, cogens vos bonis omnibus spoliatos miserabiliter exulare, nos ecclesiasticos libertatis zelo successi per apostolica vobis scripta mandamus et districte precipimus quatusi si dictus rex violaverit pacem que ² inter ipsum et ecclesiam Anglicanam provisione fuerit apostolica reformata, vos aut quilibet alii nullum de heredibus suis ungere vel coronare presumatis in regem, salvo semper in omnibus apostolice sedis mandato.


¹ Rubric: Eisdem, and om. protocol VB
² que B; quam V
To the same.¹

Because sometimes the perversity of the wicked passes down by succession of blood from father to son (as is clearly apparent from the fact that once Henry, king of the English, for a long time persecuted the blessed Thomas archbishop of Canterbury who defended justice and ecclesiastical liberty and was later killed by the swords of the impious—and for a long time now his son John, king of England, for the same reason has been unjustly persecuting you and our beloved sons the monks of Canterbury and many others, driving you to live pitiably in exile deprived of your entire property), we therefore, kindled with a zeal for ecclesiastical liberty, charge you by apostolic letter and strictly command you that, if the king should violate the peace which by apostolic provision has been restored between him and the English church, neither you nor any others should presume to anoint or crown any of his heirs to be king—saving always in all things the mandate of the Apostolic See.

¹ The addressees are those of nos. 46, 47. The dating clause is omitted, but in the register this letter immediately follows nos. 46-8 above, and must have been issued at approximately the same time.
Episcopo Herefordensi. ¹

Cum Christi patrimonium inter eos qui sunt in hereditatem eius assumpti sit provide dispensandum, nec decreat ut aliis existentibus ebris,⁴ alii esurientes remaneant aut ieciuni, auctoritate tibi presentium districtus inhibemus ne ad ecclesias lege tibi diocesana subjectas sufficienter beneficiatos admittas, si forte tales presentari contigerit ad easdem; gaudentes in domino quod, sicut⁶ pro certo comperimus, ad id prompta sis voluntate paratus. Nulli ergo omnino hominum liceat hanc paginam nostre inhibitionis infringere vel ei ausu temerario contraire. Si quis autem et cetera usque incursurum.⁴

Dat' Laterani, v kalendas Aprilis pontificatus nostri anno sexto decimo.

Pott. 4690. Texts. V: Reg. Vat. 8 fo. 139r no. 16 (later, no. 14). B: Bosquet, i. 534 (lib. IV reg. xvi, ep. 14), whence Migne, ccxvi. 800.

¹ Address as rubric, om. protocol VB
⁴ ebris B; ebreis V
⁶ sicut B; si V
⁴ For the extension of this common form, see no. 42 above

¹ Giles de Braose, bishop of Hereford 1200-15. The letter is particularly interesting because of its date, before the settlement with John led to the
50

To the bishop of Hereford.¹

As the inheritance of Christ ought to be prudently distributed amongst those who have been called to be his heirs, and as it is not fitting that, while some are drunken, others remain hungry or fasting, by the authority of this present letter we strictly forbid you to admit to churches, which by diocesan law are under your control, men already adequately beneficed, if any such happen to be presented for those churches: and we rejoice in the Lord that (as we know beyond doubt) you are prepared with a willing mind to obey. For no man, therefore, be it lawful to infringe this our written prohibition or presumptuously to oppose it. And if any etc., as far as His apostles.

The Lateran, the 28th of March, in the sixteenth year of our Pontificate.

¹ The return of Bishop Giles to England. It raises the question, how far the exiled bishops exercised control of their dioceses through officials (cf. BJRL, xxxi. 311); or the bishop, expecting to return soon, may have been arming himself beforehand against importunate patrons.
Archiepiscopo et episcopis, abbatibus et prioribus per Cantuariensem provinciam constitutis.\(^1\)

**Vineam domini Sabaoth\(^b\)** multiformes moliiuntur bestie demoliri, quaram incursus adeo invaluit contra ipsam ut ex parte non modica pro vitibus spine sucerre-verti, et, quod gementes referimus, ipse iam vites proferant pro uva labruscam,\(^c\) infecte multipliciter et corruple. Illius ergo testimonium invocamus qui testis est in celo fidelis\(^2\) quod inter omnia desiderabilia cordis nostri duo in hoc seculo principaliter affectamus, ut ad recuperationem videlicet terre sancte ac reformationem universalis ecclesie valeamus intendere cum effectu; quorum utrumque tantum requirit provisionis instantiam ut absque gravi et grandi periculo ultra dissimulari nequeat vel differri. Unde supplicationes et lacrimas frequenter effudimus coram deo, humiliter obsecrantes quatinus super hiis suum nobis bene-placitum revelaret, inspiraret affectum, accenderet desiderium, et propositum confirmaret, facultatem et oportunitatem prestando ad ea salubriter exequenda.

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\(^{1}\) Text of letter follows rubricated address to the archbishop, bishops, abbots, priors, of the province of Vienne. There follows a list of other addressees, among whom: In eodem modo (In eundem modum archiepiscopo et episcopis, abbatibus, prioribus B) per Eboracensem provinciam constitutis and In eodem modo (In eundem modum B) per Cantuariensem provinciam VB; Innocencius etc. archiepiscopis, episcopis, abbatibus et prioribus, decanis et archidiaconis per transmarinas provincias constitutis salutem etc. T.

\(^{2}\) Text of letter follows rubricated address to the archbishop, bishops, abbots, priors, of the province of Vienne. There follows a list of other addressees, among whom: In eodem modo (In eundem modum archiepiscopo et episcopis, abbatibus, prioribus B) per Eboracensem provinciam constitutis and In eodem modo (In eundem modum B) per Cantuariensem provinciam VB; Innocencius etc. archiepiscopis, episcopis, abbatibus et prioribus, decanis et archidiaconis per transmarinas provincias constitutis salutem etc. T.

\(^{b}\) *add* hodie T

\(^{c}\) labruscam BT; lambruscav V
To the archbishop and bishops, to the abbots and priors, of the province of Canterbury.¹

Beasts of many kinds are attempting to destroy the vineyard of the Lord of Sabaoth, and their onset has so far succeeded against it that over no small area thorns have sprung up instead of vines, and (with grief we report it!) the vines themselves are variously infected and diseased, and instead of the grape they bring forth the wild grape. Therefore we invoke the testimony of Him, who is a faithful witness ² in the heavens, that of all the desires of our heart we long chiefly for two in this life, namely, that we may work successfully to recover the Holy Land and to reform the Universal Church, both of which call for attention so immediate as to preclude further apathy or delay unless at the risk of great and serious danger. Hence we have often poured forth our tears and supplications before God, humbly beseeching Him that in these matters He would reveal to us His good pleasure, and would inspire affection, kindle desire, and strengthen purpose by granting an opportunity and occasion to achieve these objects with success. Therefore (as concern for so great a purpose

¹ This letter was sent to all the provinces of the Latin and Greek Churches and, slightly modified, to the Latin emperor of Constantinople, various kings and princes, and the heads of religious Orders (Migne, ccxvi. 825-6). No invitation was sent to the excommunicate King John at this time, but he sent procurers to the Council.

Letters were sent out broadcast on this and following days to stimulate enthusiasm for help for the Holy Land (P. 4709-12, 4718, 4720-1, 4723-5, 4744) and on 26 April 1213 the pope wrote to Saphadin, sultan of Damascus and Cairo, urging him to 'restore' the Holy Land to the pope (P. 4719).

² cf. Apoc. 1:5 and Ps. 88:38 (Vulgate), 89:37 (A.V.)
Quapropter habito super hiis cum fratribus nostris et aliis viris prudentibus frequenti ac diligenti tractatu, prout tanti sollicitudo propositi exigebat, hoc tandem ad exequendum predicta de ipsorum consilio providimus faciendum, ut quia hec universorum fidelium communem statum respiciunt, generale consilium iuxta priscam sanctorum patrum consuetudinem convocemus propter lucra solummodo animarum oportuno tempore celebrandum; in quo ad extirpanda vitia et plantandas virtutes, corrigendos excessus, et reformandos mores, eliminandas hereses, et roborandum fidem, sopiendas discordias, et stabilendam pacem, comprimendas oppositiones, et libertatem fovendam, inducendos principes et populos christianos ad succursum et subsidium terre sancte tam a clericis quam a laicis impendendum, cum ceteris que longum esset per singula numerare, provide statuantur inviolabiliter observanda circa prelatos et subditos regulares et seculares quecunque de ipsius approbatione consiliis visa fuerint expedire ad laudem et gloriam nominis divini,\(^d\) remedium et salutem animarum nostrarum, ac profectum et utilitatem populi christiani.\(^a\)

Quia vero ante biennium universale non posset concilium commode congregari, disposuimus interim per viros prudentes in\(^e\) singulis provinciis plenius explorare que apostolice provisionis limam exposcunt, et premittere viros idoneos ad terre sancte negotium procurandum,\(^d\) ut, si exigente necessitate sacrum

\(^a\)divini (as in a similar letter to the patriarch of Alexandria, P. 4726) or possibly Iesu (cf. Phil. 2:10); eius V

\(^e\)in BT; et V


\(^d\)cf. note \(^f\) above. Delegates were appointed for all parts, to support the appeals for the Holy Land noted above, n. 1 (see P. 4727). Those for
required) we have had much careful discussion on these matters with our brethren and other prudent men, and on their advice we have finally decided that to attain these objects one thing must be done, namely, that, since these objects affect the condition of the whole body of the faithful, we should summon a general council according to the ancient custom of the Holy Fathers—this council to be held at a convenient time and to be concerned only with the spiritual good of souls. It will be a council in which (in order to uproot vices and implant virtues, to correct abuses and reform morals, to eliminate heresies and strengthen faith, to allay differences and establish peace, to check persecutions and cherish liberty, to persuade Christian princes and peoples to grant succour and support for the Holy Land from both clergy and laymen, and for other reasons which it would be tedious to enumerate here), whatever, with the council’s approval, shall have seemed expedient for the honour and glory of the Divine Name, for the healing and salvation of our souls, and for the good and benefit of Christian people, may be wisely established as decrees of inviolable force affecting prelates and clergy regular and secular.¹

But because a general council could not be conveniently assembled until two years from now, we have arranged in the meantime for discreet men in the several provinces to investigate fully matters which require the corrective of an apostolic ordinance, and for the sending of suitable agents to organize preparations for a Crusade ²

¹ England were, according to the register, Walter (FitzWalter) archdeacon of London, the chancellor of London (either Mr John of Kent or Mr Gervase of Hubbridge), and Mr Philip de Oxonia. The annals of Dunstable give the names as Mr W. of London, Mr Leo, dean of Wells, and Mr Philip of ‘Othelford’ (Ann. mon., iii. 40).
consilium approbaverit, nos personaliter ipsum negotium assumamus efficaciis promovendum. Credentes igitur hoc salutare propositum ab illo descendere a quo est omne datum optimum et omne donum perfectum, universitati vestre per apostolica scripta precipiendo mandamus quatinus vos taliter preparetis quod a presenti dominice incarnationis millesimo ducentesimo tercio decimo anno usque ad duos annos et dimidium, prefixis vobis pro termino kal. Novembris nostro vos conspectui presentetis cum modestia et cautela, ita quod in vestra provincia unus vel duo de suffraganeis valeant episcopis remanere pro christianitatis ministeris exercendis, et tam illi quam alii qui canonica forte prepedicione detenti personaliter venire nequiverint, idoneos pro se dirigant responsales, personarum et evactionum medioritatem servata quam Lateranense concilium diffinivit, ut nullus omnino plures, quivis autem pauciores secum adducere possit nec quisquam superfluos faciat et pomposas sed necessarias tantum et moderatas expensas, ostendendo se actu et habitu verum Christi cultorem, cum non secularis applaudas, sed spiritualis profectus in hoc sit negotio requirendus. Iniungatis autem vos, fratres archiepiscopi et episcopi, ex parte nostra universis ecclesiarum capitulis, non solum cathedralium, sed etiam aliarum ut prepositos vel decanos aut alios viros idoneos ad consilium pro se mittant, cum non-nulla sint in ipso tractanda que specialiter ad ecclesiarum capitula pertinebunt. Interim vero et per vos ipsos
so that, if in response to necessity the sacred council approves, we personally may take over control and prosecute the business the more effectively. Believing, therefore, that this wholesome proposal cometh down from Him from whom is derived every good and perfect gift,\(^8\) by apostolic letter we charge and command you all to make such preparation as will enable you, within two and a half years from this 1213th year of our Lord’s Incarnation and on the 1st November,\(^6\) to present yourselves before us in modesty and prudence; and you will arrange that in your province one or two suffragan bishops should remain to carry on ecclesiastical administration, but so that both they and any others who, being detained for a canonical reason, cannot come in person shall send suitable deputies in their place. You will observe such moderation in your retinue and equipage as has been appointed by the Lateran Council:\(^7\) no one is to bring more than is permitted, anyone may bring less: no one is to incur excessive and ostentatious expenditure, but only such as is essential and moderate: each must prove himself in deed and in bearing to be a true worshipper of Christ, for it is not worldly applause but spiritual advancement that is to be sought in this matter. You, brothers archbishops and bishops, are to command, as from us, all chapters of churches, cathedral and otherwise, to be represented at the council by their provosts or deans or by other suitable persons; for certain matters will be treated at the council which particularly concern the chapters of churches.\(^8\) Meantime, both

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\(^8\) This was the first occasion on which all cathedral and other chapters were told to send delegates. (Canons of St Davids had attended the Third Lateran Council, but this was on business of their own church).
et per alios viros prudentes universa subtiliter inquiratis que correctionis aut reformationis studio indigere vi
dentur, et ea fideliter conscribentes, ad sacri concilii
perferatis examen, circa subventionem necessariam
terre sancte, ubi deus rex noster ante secula salutem in medio
terre dignatus est operari,⁹ opem et operam efficaciter
impensuri, assistendo fideliter et prudenter his quos de-
putaverimus ad hoc negotium specialiter procurandum.
Nullus itaque se fallaciter excusando ab executione tam
sancti operis subtrahatur, si canoniscam vult effugere
ultionem. Nemo dissensionum obstacula vel itinerum
impedimenta causetur, que, domino faciente signum in
bonum, ex magna iam parte cessare ceperunt,¹⁰ nam
et quanto imminent maiora pericula, tanto potiora
remedia convenit adhiberi. Nunquam enim navigabit
per equora qui semper expectat ut mare non concitet
ex se fluctus.⁹

Dat' Laterani, xiii kal. Maii pontificatus nostri anno
sextodecimo.

⁹ om. dating clause and add Propter hec autem dilectum filium nostrum
N. cum iussione apostolica destinamus quem habeatis pro reverentia
nostra commendatum. In eundem fere modum scriberetur regibus et
magnis principibus. Cum ergo deceat et expedit ut tua regalis sublimitas
ad sinodum tam solemnem (etc., as in Migne, ccxvi. 826) . . . commodum
et honorem. T

¹⁰ cf. Ps. 73 (A.V. 74): 12

¹⁰ cf. Ps. 85 (A.V. 86): 17: 'Fac mecum signum in bonum'. With
the addition of 'domine' after 'me cum' the text was adopted by
Innocent III as his motto and inscribed in the rota of his privileges (cf.
no. 67 n. 15). This passage seems to contain a remarkable anticipation of
personally and by discreet agents, you will enquire precisely about all matters which seem to call for energetic correction or reform, and conscientiously writing a report you will deliver it for the scrutiny of the sacred council. As regards the necessary aid for the Holy Land, where God our King of old deigned to work salvation in the midst of the earth, you must earnestly devote to it your help and labour, faithfully and wisely assisting those whom we shall have deputed for the special management of the business.

Wherefore, let no one deceitfully excuse himself and withdraw from the execution of so holy a work, if he would escape canonical punishment. Let no one plead the difficulties caused by dissensions or by the roads; for, since the Lord now shews a token for good, these troubles for the most part are beginning to abate: the greater the dangers that threaten, the stronger the remedies that should be applied. No man will ever cross the ocean if he is always waiting for the sea to cease its turmoil.

The Lateran, the 19th of April, in the sixteenth year of our Pontificate.

*several victories for papal policy, which had doubtless been prepared but had not yet matured: in this month of April Philip Augustus took back Ingeborg, the wife he had deserted; on 13 May John submitted; on 12 July Frederick II issued the Golden Bull of Eger; and on 12 September the Crusaders in southern France triumphed at the battle of Muret.*
Decano et capitulo Eboracensibus.

Felici recordationis Iohanne, sancte Marie in Cosmedin diacono cardinali, sancte Romane ecclesie cancellario, de medio domino vocante sublato, prebendam quam idem in Eboracensi obtinebat ecclesia dilecto filio Leonardo, ipsius ac nostri nepoti, duximus concedendam, ac de ipsa eundem manu propria curavimus investire, credentes quod per ipsum et suos multa vobis et ecclesie vestre poterunt commoda provenire. Ideoque universitati vestre per apostolica scripta mandamus atque precipimus quatinus dictum L. decetere vestrum concanonicum habeatis et tu, fili decane, de ipsa prebenda eius procurator existas. Quod autem super hoc dilectus filius Pandulfus subdiaconus noster duxerit disponendum recipiatis humiliter et inviolabiliter observetis.

Dat’ Laterani, xvii kal. Iulii pontificatus nostri anno sextodecimo.

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1 Master Simon of Apulia, dean 1194-1214, was elected to the see of Exeter early in 1214.
2 John, cardinal deacon of S. Maria in Cosmedin was papal chancellor from December 1205 until May 1213. His exact relationship with the pope is unknown; he is described in a letter from King John as the pope’s nepos (R.Ch., p. 147b). Besides the prebend of Langtoft in the church of York, which he had obtained before 24 April 1205, he drew income from the church of Conisbrough, Yorks (P. 4757).
To the dean¹ and chapter of York.

John of Blessed Memory, cardinal-deacon of S. Maria in Cosmedin and chancellor of the Holy Roman Church,² being now removed from our midst by the summons of the Lord, we have thought fit to bestow the prebend which he held in the church of York on our beloved son Leonard, his and our relative,³ and we have with our own hand invested him therewith,⁴ believing that many benefits will accrue to you and your church through him and his.

Therefore by apostolic letter we instruct and command you one and all to regard henceforth the said Leonard as your fellow-canon; and we command you, son dean, to be his proctor for the said prebend. Whatever arrangement in this matter our beloved son and subdeacon, Pandulf, shall see fit to make,⁵ you are to receive it humbly and observe it inviolably.

The Lateran, the 14th of June, in the sixteenth year of our Pontificate.

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¹ Leonard still held this or another prebend of York in 1264 (CPL, i. 401).
² The collation and investiture of a canon normally belonged to the archbishop of York; but Archbishop Geoffrey had died in exile in 1212. During the vacancy of a see, the king claimed to exercise the patronage of the diocesan; but in this case Innocent III made a provision by his plenitude of power.
³ A letter was sent at the same time to Pandulf to make an arrangement suitable to Leonard (P. 4759). The formulas of the letter to the dean and chapter were repeated in a letter addressed to the bishop and chapter of Vercelli, providing another of the pope's relatives with another canonry which had been held by the chancellor (P. 4760).
53

Illustri regi Anglie.\textsuperscript{1}

\textit{Ei qui de malis novit clicare b bona\textsuperscript{2} gratiarum referimus actiones \textsuperscript{c} quod tibi misericorditer inspiravit ut idonee satisfaceres de damnatis et iniurias ecclesiae irrogatis; cum non solum formam satisfactionis receperis multimoda deliberacione provisam, verum etiam personam et terram tuam apostolice subdideris ditioni, conferendo imperpetuum iure dominii sacrosancte Romane ecclesiae regna tua per ipsam et ab ipsa tenenda sub annuo censu septingentarum marcharum de Anglia et de Hybernia trecentarum, sicut in instrumento tuo legittime inde confecto plenius et expressius continetur. Quis enim te docuit, quis induxit nisi \textit{spiritus} ille divinus qui, \textit{ubi vult, spirat, et nescis unde veniat aut quo vadat,\textsuperscript{3}} dividens dona singulis prout vult,\textsuperscript{4} ut tam discrete, tam pie, simul in unum et tibi consuleres et ecclesiae provideres? Ecce sublimius et solidius nunc obtines ipsa regna quam hactenus obtinueris, cum iam sacerdotale sit regnum et sacerdotium sit regale, sicut in epistola Petrus et Moyses

Pott. 4776. Texts. V: Reg. Vat. 8 fo. 154v no. 83 (later, no. 79). B: Bosquet, i. 610 (lib. IV reg. xvi, ep. 79), whence Migne, ccxxvi. 881.

\textsuperscript{a} om. protocol, address as rubric VB
\textsuperscript{b} elicere V; eligere B
\textsuperscript{c} actiones B; actionem V

\textsuperscript{1} This is the pope's first reply to John's acceptance of the terms sent in February 1213 (no. 45). The documents of submission, dated 13 and 15 May 1213, together with a letter of 15 May from John to the pope, were copied into the papal register immediately before this letter (Migne, ccxxvi. 876-81, lib. xvi cpp. 76-8). They were probably brought by the messengers to Rome who received payments on 15 May (Cole, p. 264).
To the illustrious king of England.¹

To him, who from evil is able to bring forth good ², we render thanks for having mercifully inspired you to make fitting reparation for the losses and wrongs inflicted upon the Church: for you have both accepted the form of reparation which had been prepared after much consideration, and you have also put your person and territory under apostolic suzerainty—by right of lordship making over in perpetuity to the Holy Roman Church your kingdoms of England and Ireland, to be held through the Church and of the Church, subject to an annual payment of 700 marks for England and 300 marks for Ireland, as is more fully and explicitly contained in your legally framed charter. Who but that Divine Spirit, that 'bloweth where it listeth and one knoweth not whence it cometh or whither it goeth'?³ and that apportioneth its gifts to men as it willeth,⁴ instructed and guided you, so prudently and so piously at once to promote your own interests and to provide for those of the Church? Lo! You now hold your kingdoms by a more exalted and surer title than before, for the kingdom is become a royal priesthood and the priesthood a kingdom of priests as stated by Peter in the

² cf. Gen. 50:20
³ Joh. 3:8
⁴ cf. i Cor. 12:11
in lege testantur.\textsuperscript{5} Eya, igitur, magnifice princeps, comple promissa et concessa confirma,\textsuperscript{6} ut omnipotens deus tuum semper et rectum compleat desiderium et propositum confirmet honestum, sicque te faciat per temporalia bona transire ut non amittas sed acquiras eterna. Nos ergo iuxta tue petitionis instantiam\textsuperscript{7} legatum ad te de nostro latere destinamus quasi angelum salutis et pacis, venerabilem fratrem nostrum Tusculanum episcopum,\textsuperscript{8} virum deo gratum et acceptum hominibus, quem inter fratres nostros merito sue religionis et honestatis speciali diligimus caritate, ut in missi persona mittentis cognoscas affectum. Ipsum igitur, quem ad tuum commodum et honorem, quantum cum deo potuit, promptum\textsuperscript{9} cognovimus et attentum benigné recipias et honeste pertractes,\textsuperscript{8} eius monitis et consiliiis acquiescens, que si fuerint reverenter admissa procul-dubio tibi proficient et temporaliter ad quietem et eternaliter ad salutem. Speramus autem in eo qui non vult mortem peccatoris sed ut convertatur et vivat,\textsuperscript{9} quod sicut misericorditer ac mirabiliter cepit in virum alterum te mutare, sic tibi pium inspirabit devotionis affectum ut, quo vehementius contra eum sanctam

\textsuperscript{5} om. promptum V
\textsuperscript{6} om. et honeste pertractes V

\textsuperscript{5} The references are to 1 Pet. 2:9 and Exod. 19:6
Innocent most often uses the phrase 'regale sacerdotium' in connexion with Melchisedech, e.g. P. 686, 3150, and no. 67. On this phrase see K. Burdach, \textit{Vom Mittelalter zur Reformation}, II. i (1913), 240-62, G. Martini, 'Regale sacerdotium,' \textit{Archivio della società romana di storia patria}, lxi (1938), 132-46 and Maccarrone, 'Chiesa e stato,' pp. 51-6.

\textsuperscript{6} The formal part of this confirmation was completed on 3 October 1213 when John repeated his oath of homage in the legate's presence and sealed his grant of the kingdom with a golden seal (no. 67 below).

\textsuperscript{7} In the surviving letter of the king there is no request for a legate.
This may have been conveyed orally by the king's messengers (cf. no. 54).

\textsuperscript{8} Nicholas de Romanis, cardinal bishop of Tusculum (1204-19), papal penitentiary. For his legation in England see Tillmann, \textit{Legaten}, pp. 98-107
Epistle and Moses in the Law. Come, then, exalted prince, fulfil the promises given and confirm the concessions offered, so that God Almighty may ever fulfil any righteous desire of yours and confirm any honourable purpose, enabling you so to walk amid temporal blessings as not to fail of winning the eternal.

Therefore, in accordance with your urgent petition, we now send a legate to you from our presence, as it were an angel of salvation and peace, namely our venerable brother the cardinal-bishop of Tusculum, a man pleasing to God and acceptable among men, and one whom we hold in special affection among our brethren for his piety and integrity—so that in the person of the envoy you may recognise the feelings of the sender. As we have proved him prompt and eager (as far as he could with God's approval) to promote your advantage and honour, do you receive him kindly and treat him honourably, submitting to his warnings and counsels which, if respectfully accepted, will assuredly work to your good—in this world to your peace and in the next to your salvation. And through the One who desireth not the death of a sinner but rather that he should turn from his wickedness and live, we hope that, as He has begun mercifully and wonderfully to change you into a different man, He will likewise inspire in you a pious feeling of devotion, so that with a reverence comparable to the violence with which in enmity to Him you formerly

and Mercati, 'Prima relazione.' He arrived in England at Dover on 20 September 1213, having left the Curia at Segni before 14 July (cf. no. 56).

9 This phrase, based on Ezek. 33:11, is used several times by Innocent III and is found, literally translated, in the General Absolution in the English Book of Common Prayer. The pope may have found it in Gratian's *Decretum* II. de penit. 1, 73, in a passage taken from Rabanus Maurus' commentary on Lamentations, c. 3.
ecclesiam offendisti, eo reverentius propter ipsum sanctam ecclesiam honorabis, cum iam in tantum processeris ut bonum principium finem optimum' repromittat. Predictus vero legatus, qui conscientiam nostram plene cognoscit, de nostro te beneplacito reddet certum pariter et securum, cui nos vices nostras commisimus ut, iuxta verbum propheticum, 10 evellat et destruat et edificet et plantet que secundum deum evellenda et destruenda necnon edificanda cognoverit et plantanda, concessa sibi plenaria potestate ut absque contradictione cuiuslibet universa que pertinent ad legationis officium efficaciter exequatur. Nos enim sententias quas rite protulerit 9 in rebelles ratas haberis precipimus et inviolabiliter observari.

Dat' Laterani, ii non. Iulii pontificatus nostri anno sextodecimo.

attacked the Holy Church you will now for His sake honour Holy Church, having already so far progressed as by your good beginning to give promise of an excellent ending. The aforesaid legate, having full knowledge of our mind, will instruct and reassure you as to our good pleasure: to him we have deputed our authority so that, in the words of the prophet,\(^1\) he may root out and pull down and may build and plant all that, conformably with God's will, he shall deem to need rooting out and pulling down or building and planting; and he has been given plenary power effectively to discharge, without contradiction from anyone, all matters pertaining to the office of legate. For it is our command that any sentence duly pronounced by him against the rebellious shall be valid and inviolably observed.

The Lateran, the 6th of July, in the sixteenth year of our Pontificate.
Cantuariensi archiepiscopo, sancte Romane ecclesie cardinali, et coepiscopis suis. 1

Ei qui non vult mortem peccatoris sed ut convertatur et vivat devotas referimus gratiarum actiones quod ipse I. regi Anglie misericorditer inspiravit ut formam pacis a nobis cum multa deliberatione disposam devote recuperet, sicut per suas nobis litteras intimavit, humiliter postulans ad eam executioni mandandam idoneum a latere nostro destinari legatum. Ut autem in missi persona mittentis cognoscatis affectum, ecce nos, memores verbi vestri, mittimus quasi angelum salutis et pacis virum deo gratum et acceptum hominibus, videlicet venerabilem fratrem nostrum Tusculanum episcopum, apostolice sedis legatum, quem inter fratres nostros merito sue religionis et honestatis speciali diligimus caritate, pro certo credentes quod ipse via regia sic incedet quod non declinabit ad dexteram vel sinistram. 2 Cum igitur bonum pacis tam regno quam sacerdotio sit bonum maximeque necessarium, fraternitatem vestram rogandam duximus et monendam, per


1 om. protocol, address as rubric VB
2 Ei B ; [ j], later hand adds in margin Illi V
3 gra. ref. B
4 nostrum V, add gemmipunctus B
5 bonum maximeque V; maxime B

1 In style as in matter this letter is closely connected with no. 53. It stands in the register immediately after a similar letter addressed to 'the archbishop and bishops, abbots, priors, and other prelates in England,' beginning with the words 'Gaudere debetis nobiscum,' and dated 5 July
To the archbishop of Canterbury, cardinal of the Holy Roman Church, and to his fellow bishops.¹

To HIM, who desireth not the death of a sinner but rather that he may turn from his wickedness and live, we render devout thanks because He has mercifully inspired John king of England devoutly to accept the form of settlement we had prepared after much deliberation. The king has informed us of this by his letter, and humbly asks for a suitable legate to be sent from our presence to put the settlement into effect.

Therefore, that in the person of the envoy you may recognise the feelings of the sender, lo! remembering your request, we send as it were an angel of salvation and peace, a man pleasing to God and acceptable among men, namely, our venerable brother the bishop of Tusculum, legate of the Apostolic See, whom we love with special affection among our brethren for his piety and integrity: and we are convinced that he will so walk the royal road as not to swerve to the right hand or to the left².

Since therefore the blessing of peace is good and most necessary both for the realm and for the priesthood, we have thought fit to request and admonish you, charging

¹213 (P. 4774). On the same day a letter was addressed to King Philip II of France, recommending the legate and asking the king to follow his advice in making peace with King John (P. 4775). Cardinal Robert de Courçon, legate in France since July 1213, had also probably been instructed to work for peace. Already by 9 September 1213 John was replying courteously to Courçon, who had sent envoys on this account (R.I.C., i. 165a); but the king was at the same time preparing for active warfare (cf. no. 68, n. 1 below).

²cf. no. 4, n. 3 above
apostolica vobis scripta precipiendi mandantes, quatinus ad illud efficaciter promovendum exhibeatis vos promptos per omnia et paratos, nichil ingerentes difficultatis aut more propter quod huiusmodi bonum impediri valeat vel differri. Nos enim ad iustitiam et libertatem ecclesiasticam conservandam prompto et pio animo intendemus, ut qui pugnam exercuere legitimam palmam consequantur optatam. Vos ergo, prefati legati monitis et mandatis humiliter intendentes, tales vos erga eum exhibere curetis quod ipse ad vestrum commodum et honorem merito debeat aspirare, scientes quod, cum ei plene legationis officium commiserimus, sententias quas rite protulerit in rebelles ratas haberí precipimus et inviolabiliter observari. Vos, denique, fratres archiepiscopé et episcopi, super vobis ipsis et creditis vobis gregibus taliter vigilare curetis, extirpando vitia et plantando virtutes, ut in novissimo districti examinis die coram tremendo iudice, qui reddet unicuique secundum opera sua, dignam possitis reddere rationem.

Dat' Laterani, ii non. Iulii pontificatus nostri anno sextodecimo.

1 om. precipiendi B
2 prefati V; predicti B
3 protulerit B'; tulerit V
4 super vobis . . . rationem, extended according to common form (cf. P. 4663, 4853, 4951); etc. VB
5 cf. Rom. 2:6
and directing you by apostolic letter, that you should shew yourselves in every way prompt and ready effectively to promote the blessing of peace, causing no difficulty or delay which might hinder or postpone it. For we, with mind ever vigilant and pious, shall strive to maintain justice and ecclesiastical liberty, so that those who have fought in a lawful warfare may gain the desired palm of victory.

Wherefore, humbly attending to the legate’s warnings and orders, see that your behaviour to him is such as will justify him in desiring your advantage and honour, and know that, having deputed to him plenary powers as legate, we order any sentences he shall have duly passed on the rebellious to be valid and inviolably observed. Finally, brothers archbishop and bishops, see that by uprooting vices and planting virtues you so watch over yourselves and the flocks entrusted to your charge, that on the last day in the stern assize before the awful judge who will render to every man according to his deeds you may be able to give a good account.

The Lateran, the 6th of July, in the sixteenth year of our Pontificate.
Comitibus, baronibus, alisque magnatibus per Angliam constitutis.\(^1\)

**QUANTO SPECIALIUS REGNUM Anglie ad Romanam ecclesiam dinciscitur pertinere, tanto ferventius aspiramus ut per nostre sollicitudinis studium grata prosperitate letetur. Cum igitur ad reconciliationem regis ac regni venerabilem fratrem nostrum\(^6\) Tusculanum episcopum, apostolice sedis legatum, quasi pacis et salutis angelum destinemus, virum utique gratum deo et acceptum hominibus, quem inter alios fratres nostros merito sue religionis et honestatis speciali diligimus caritate, universitatem vestramp rogandam duximus et monendam, per apostolica vobis scripta mandantes, quatinnus cun recipiatis beneigne ac honeste tractetis, ipsius monitis et mandatis humiliter intendentes, ut bonum pacis tam regno quam sacerdotio maxime necessarium feliciter consummetur,\(^e\) scientes quod cum per eum illustris rex vester iuxta mandatum nostrum fuerit absolutus,\(^2\) omnimodam ei gratiam et plenum intendimus exhibere favorem. Unde volumus et mandamus ut vos ei fidelitatem devotam et fidelem devotionem exhibere curetis, ad defensionem et exaltacionem ipsius regni prudenter et patenter assistentes eidem.

Dat’ Laterani, ii non. Iulii pontificatus nostri anno sextodecimo.

Pott. 4778. Texts. V: Reg. Vat. 8 fo. 155r-v, no. 86 (later, no. 82). B: Bosquet, i. 613 (lib. IV reg. xvi, ep. 82), whence Migne, cxxvi. 384 and Fosdora, 1. i. 113.

\(^{a}\) om. protocol, address as rubric VB
\(^{b}\) add and delete apostolice V
\(^{e}\) consummetur B; consumetur V
55

To the earls, barons, and other magnates of England.¹

As the kingdom of England is now acknowledged to belong in a special sense to the Roman Church, we desire the more ardentely that through our interest and concern it may enjoy a welcome prosperity. Wherefore, to reconcile king and kingdom, we are sending as legate of the Apostolic See a very angel of peace and salvation, our venerable brother the bishop of Tusculum, a man pleasing to God and acceptable to men, and one whom we love with a special affection among our brethren for his piety and integrity; and so, we have thought fit to ask and admonish you all, charging you by apostolic letter, that you should receive him kindly and treat him honourably, attending humbly to his counsels and commands, so that the blessing of peace which is most necessary both for the kingdom and the priesthood may be happily attained; for, know that, when in accordance with our mandate he has absolved² your illustrious king, we intend to show the king abundant good-will and full favour. Hence, we will and command that you scrupulously shew the king devoted loyalty and loyal devotion, and should wisely and openly assist him to defend and exalt the kingdom.

The Lateran, the 6th of July, in the sixteenth year of our Pontificate.

¹ In style as in matter this letter is closely connected with nos. 53 and 54.
² In fact, the king was absolved from excommunication before the arrival of the legate, by Archbishop Stephen Langton on 20 July 1213 at Winchester (cf. nos. 56, 64).
56

S. Cantuariensi archiepiscopo, sancte Romane ecclesie cardinali.\(^1\)

**Quartodecimo die Iulii** litteras tuas recepimus eorum que gesta sunt \(^b\) seriem usque ad missionem eorum \(^e\) plenarie continentem.\(^1\) Illud autem pro certo noveris esse verum quod dilectus filius P., subdiaconus et familiaris noster, super absolutione regia tibi suggestit in tantum etiam quod (antequam nobis de transitu eius in Angliam constitisset) tibi et ipsi litteras nostras per proprium nuncium destinavimus, quas ad vos iam credimus pervenisse, mandantes ut ambo vel alter vestrum de assensu reliqui, propter instantem necessitatem que tunc videbatur urgere, ad absolutionem procederetis persone regie, si videretis negotio expedire. Ceterum, antequam ad nos tue littere pervenissent, receptis nuncii et litteris regii, nos memores verbi tui et coepiscoporum tuorum, venerabilem fratrem nostrum Tuscanum episcopum legatum in Angliam duximus destinandum,\(^2\) qui iam a presentia nostra recesserat, accepta licentia procedendi. Tu ergo, de reliquo, sicut vir providus et fidelis, agere studeas que ad salutem et pacem regis et regni videris pertinere, cum honore ac utilitate apostolice sedis et ecclesie Anglicane, significaturus nobis de singulis quamcito poteris plenarie

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\(^1\) Langton's letter does not survive. It must have been written after John's submission on 13 May 1213 had been notified to the archbishop and

\(^b\) sunt B; om. V

\(^e\) eorum B; eorum V

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Pott. 4790. Texts. V: Reg. Vat. 3 fo. 156r no. 92 (later, no. 89). B: Bosquet, i. 618 (lib. IV reg. xvi, ep. 89), whence Migne, ccxvi. 890.

On the 14th day of July we received your letter containing a full statement of all events up to the date of despatch. Be fully assured that what our beloved son Pandulf, subdeacon and member of our household, has proposed to you about the king’s absolution is genuine—so much so, indeed, that before we knew of his crossing to England we sent a letter by personal messenger to you and to him (a letter which we believe has already reached you), directing that both of you, or one with the other’s consent, in view of what then seemed the urgent necessity, should proceed to absolve the king, if you thought it helpful to the negotiations. However, before your letter reached us, we had received envoys and a letter from the king; and, remembering your own request and that of your fellow-bishops, we thought fit to send to England as legate our venerable brother the bishop of Tusculum; who by that time had already left us, having received permission to begin his journey.

Therefore, for the future, as a prudent and loyal man, you are zealously to do all that you believe helpful to the salvation and peace of the king and kingdom, not forgetting the honour and advantage of the Apostolic See and the English church; and you will send to us with all speed a fully detailed report of the negotiations,

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*before the archbishop returned to England (9 or 16 July: cf. no. 45, n. 17).  
*cf. no. 53
veritatem, ut, ea cognita, siquid viderimus addendum, addamus. Tu, denique, frater archiepiscopu, super teipso et grege tibi credito taliter vigilare procurves, extirpando vitia et plantando virtutes, ut in novissimo districti examinis die coram tremendo iudice, qui reddet uniuque secundum opera sua, dignam possis reddere rationem.

Dat' Signie, idibus Iulii pontificatus nostri anno sextodecimo.

\[d\] teipso ... rationem, extended according to common form (cf. no. 54); teipso etc. VB

\[a\] cf. Rom. 2:6
so that being fully informed we may add whatever we think needs to be added.

And finally, brother archbishop, see that by uprooting vices and implanting virtues you so watch over yourself and the flock entrusted to you that on the last day in the stern assize before the awful judge who will render to every man according to his deeds you may be able to give a good account.

Segni, the 15th of July, in the sixteenth year of our Pontificate.
Innocentius episcopus servus servorum dei venerabilibus fratribus archiepiscopis et episcopis et dilectis filiis abbatibus et ceteris ecclesiarum prelatis et nobilibus viris principibus, comitibus, baronibus, et universis militibus et populis per Yberniam constitutis salutem et apostolicam benedictionem.¹

Cum per ipsius gratiam qui discordantes parietes in se angulari lapide copulavit, veram pax et plena concordia sit inter regnum et sacerdotium in Anglia reformata, nos, qui tenemur curam et sollicitudinem gerere speciale de carissimo in Christo filio nostro Iohanne illustri Anglorum rege ac eius regno, quod ad Romanam ecclesiam per donum ipsius speciali iure nascitur pertinere, sibi et heredibus suis providere volentes per apostolica vobis scripta mandamus atque precipimus quatinus in fidelitate ipsius regis ac heredum suorum prompto animo et corde sincere perseverare curetis, tales vos circa devotionem ipsius per omnia


¹A letter in these terms, addressed to the archbishop, bishops, barons, knights, and all the people of England and Wales, is enregistered in Reg. Vat. 8 fo. 163r. no. 136 (later, no. 135), printed by Bosquet, l. 652 (lib. IV reg. xvi, ep. 135), whence Migne, cxvi. 926. Then comes a note of despatch of the above letter to Ireland and a note that a similar letter was sent to William, king of Scotland, and his son Alexander.

Another mandate, using the same preamble, went on the same day to Cardinal Robert (Courçon), legate in France, ordering him not to pronounce any interdict on the continental lands of King John without consulting the pope (P. 4828). These letters must be seen with nos. 59, 60, 61, 63 and the privilege granting John his kingdoms as fiefs of the
Innocent, bishop, servant of the servants of God, to his venerable brethren the archbishops and bishops, and to his beloved sons the abbots and all other prelates of churches, and to the nobles—princes, earls and barons—and to all knights and people throughout Ireland, greeting and apostolic benediction.¹

Since through the grace of Him, who has bound together the separate walls in Himself the corner-stone, true peace and full harmony have been restored between the kingdom and priesthood in England, we are bound to show a special care and concern for our well-beloved son in the Lord, John illustrious king of the English, and for his kingdom which through the king's gift belongs by a special right to the Roman Church. Wishing, therefore, to provide for him and his heirs, by apostolic letter we charge and command you, with ready spirit and sincere heart to remain steadfast in loyalty to the said king and his heirs, shewing yourselves

Roman see (P. 4843). They show that the king's envoys to Rome (see no. 63), who probably reached the Curia in October, had represented to the pope the troubled state of the realm and the king's need for papal support against both the baronial opposition and the bishops who had returned from exile.

Note that this letter, being a mandate favourable to King John, was not sent directly to the addressees, but was obtained by John's envoys and retained among the public records. This is true of no. 77; other letters in favour of the king are found on chancery enrolments (nos. 70, 74, 75, 83).

A papal letter addressed, more than a year later (5 Nov. 1214), to Eustace de Vesci, exhorting him to loyalty (P. 4941), uses some of the same preamble and also most of the wording of no. 61.
exhibentes quod tam a nobis quam ipso debeat is merito commendari, scientes pro certo quod nos ad ipsius comodum et honorem efficaciter aspiramus.

Dat' Laterani, v kal. Novembris pontificatus nostri anno sextodecimo.
in your devotion to him at every point such men as should be deservedly commended both by us and by him—being assured that we earnestly desire his advantage and honour.

The Lateran, the 28th of October, in the sixteenth year of our Pontificate.
N. Tusculano episcopo, apostolice sedis legato.⁴

Olim venerabilibus fratribus nostris S. Cantuariensi archiepiscopo, sancte Romane ecclesie cardinali, W. Londoniensi, E. Eliensi, E. Herefordensi, et H. Lincolnensi episcopis apostolicis dedimus litteris⁵ in mandatis quatinus concessiones, pactiones, sive promissiones quas clerici seu religiosi viri cuiuscumque b professionis vel ordinis Iohanni regi Anglie super ablatis vel extortis post interdictum fecerunt quominus ipsa restituantur ad plenum denuntiarent irritas et inanes, auctores etiam et procuratores illarum, nisi moniti satisfecerint, excommunicationis vinculo innodarent, siquid vero predictorum noluerint ablata vel extorta repetere, detentores eorum nichilominus ipsa restituere compellerent in terre sancte subsidium iuxta mandatum apostolicum reservanda. Cum igitur ad subsidium terre sancte totis affectibus aspiemus, volentes id per tue sollicitudinis studium effectui mancipari, per apostolica tibi scripta preciando ⁶ mandamus quatinus ea quae taliter fuerint reservanda facias apud domos Hospitalis et

Pott. 4829. V: Reg. Vat. 8 fo. 163r no. 138 (later, no. 137). B: Bosquet, i. 653 (lib. IV reg. xvi, ep. 137), whence Migne, cxxvi. 927.

⁴ om. protocol, address as rubric VB
⁵ cuiuscumque B; cuius V
⁶ om. preciipiendo B

¹ cf. no. 46. The king, in December 1214, asked various religious houses to forgo, as an act of free will, the ablata due to them. Some houses
To Nicholas, bishop of Tusculum, legate of the Apostolic See.

In the apostolic letter which at an earlier date we wrote to our venerable brethren, Stephen archbishop of Canterbury, cardinal of the Holy Roman Church, William bishop of London, Eustace bishop of Ely, Giles bishop of Hereford, and Hugh bishop of Lincoln,¹ we commanded them that the concessions, compacts, and undertakings, which clergy or monks of whatever profession or order had made after the Interdict with John king of England to prevent seized or extorted property being restored in full, should be declared null and void; and that the authors and agents responsible for them should be excommunicated unless, after warning, they had made restitution; and that if any of the aforesaid individuals refused to claim restitution of seized or extorted property, the archbishop and bishops should compel the detainers of the property to restore it notwithstanding, and it was to be reserved in accordance with apostolic mandate for the relief of the Holy Land.

Since, therefore, we passionately desire to relieve the Holy Land, and since we wish to have this carried into effect by your devoted care, we instruct and command you by apostolic letter that you are to have the things, which are thus to be reserved, carefully deposited and faithfully guarded in the houses of the Knights

Templi accurate deponi et fideliter custodiri; recipiens super ipsis depositis testimoniales litteras magistrorum, contradictores sequi fuerint vel rebelles, per censuram ecclesiasticam sublato appellationis obstaculo compellens.

Dat’ Laterani, iii kal. Novembris pontificatus nostri anno sextodecimo.
Hospitallers and Knights Templar, and you are to obtain from the Masters a written receipt for the deposits. Any individuals who object or resist you are to compel by ecclesiastical censure without appeal.

The Lateran, the 30th of October, in the sixteenth year of our Pontificate.

2 The Temple at London was proposed by Innocent III as a place of deposit for funds for the crusade in a letter of 1206-7 (EHR, lxiii. 348).

In forma concordie 2 quam h cum multa deliberatione providimus pro reformanda pace inter carissimum in Christo filium nostrum Ioannem Anglorum regem illustrem et ecclesiam Anglicanam hoc inter cetera continetur expressum, quod idem rex veram pacem et plenam securitatem prestabilit venerabilibus viris Stephano Cantuariensi archiepiscopo, W. Londoniensi, E. Elensi, E. Herefordensi, I. Bathoniensi, i et H. Lincolniensii episcopis, priori quoque ac monachis Cantuariensisibus et Roberto filio Walteri, ac Eustacio de Vesci, necnon ceteris clericis ac laicos hoc negotium


a Marescallo V ; Merescallo B
b Pambrocie V ; Pambrosie B
c Saero V ; Sacro B
d Brigette V ; Brigerte B
e Ranfredi V ; Raufredi B
f om. protocol ; address as rubric VB
g Herberti V ; Heberti B
h quam V ; qua B
i Bathoniensi V ; Batoiensis B

1 This letter is complementary to no. 57 above. The list of addressees includes the twelve lay magnates who gave their letters patent and took oath in support of the king’s oath (cf. no. 45, n. 15); and five more, viz. William Longespee, earl of Salisbury, Roger le Bigod, earl of Norfolk,
To the archbishop of Dublin and the bishops of Norwich and Winchester, and to the following noblemen—William earl of Salisbury, Geoffrey FitzPeter earl of Essex, Renaud count of Boulogne, Ranulf earl of Chester, William earl of Warenne, William Marshal earl of Pembroke, Roger le Bigod earl of Norfolk, William earl of Arundel, William earl of Ferrers, Saer earl of Winchester; and also to Robert FitzRoger, William Briwerre, Robert de Ros, Gilbert FitzReinfred, Roger de Mortimer, Peter FitzHerbert, and William d'Aubeney.

In the form of concord which after much consideration we supplied for the restoration of peace between our dearly beloved son in Christ, John illustrious king of the English, and the English church, this condition is set out among others—that the king will grant genuine peace and a full guarantee to the venerable Stephen archbishop of Canterbury, William bishop of London, Eustace bishop of Ely, Giles bishop of Hereford, Jocelyn bishop of Bath, and Hugh bishop of Lincoln, and to the prior and monks of Canterbury, and to Robert FitzWalter and Eustace de Vesci, and to all others, clerical and lay, concerned in this business; and at the same time, in the presence of our legate or

Saer de Quincy, earl of Winchester, Robert FitzRoger, and William d'Aubeney.

2 cf. no. 45 above, of which the phraseology is followed closely here, as far as 'ecclesiarum amittat.'
contingentibus, prestando simul coram legato vel delegato nostro publice iuramentum quod ipsos cum suis nec ledet nec ledi faciet vel permettet in personis vel rebus, eisque omnem indignationem dimittet et in gratiam suam eosdem recipiet ac bona fide tenebit, quodque prefatos archiepiscopum et episcopos non impediet nec faciet aut permettet aliquatenus impediri quominus ipsi libere suum exequantar officium et plena sue iurisdictionis auctoritate, prout debent, utantur, et super hiis tam nobis quam ipsi archiepiscopo et singulis episcopis suas patentes litteras exhibebit, faciens ab episcopis et comitibus ac baronibus suis, quot et quos prefati archiepiscopus et episcopi postulaverint, iuramenta et eorum patentes litteras exhiberint quod ipsi bona fide studebunt ut hec pax et securitas firmiter observetur, et si forte (quod Deus avertat) idem rex per seipsum vel alios contravenerit, ipsi pro ecclesia contra violatores securitatis et pacis mandatis apostolicis inherebunt, ac dictus rex perpetuo custodiam vacantium ecclesiarum amittat. Sane intelleximus vos pro scripta securitate ac pace iurasse vestrasque patentes litteras tradidisse. Unde per apostolica vobis scripta mandamus quatinus ad consummandam et conservandam formam eiusdem securitatis et pacis diligens studium impendatis et operam efficacem. Nequis autem ex huius vinculo cautionis occasionem assumat contra prefatum regem aliquam turbationis materiam sustandi, cum per eam sic illis ad necessariam securitatem et pacem velimus esse provisum quod isti ad gravamen

2 iurisdictionis B; iurisdictioni V
3 John's guarantee in the form of letters patent with general address, dated 13 May 1213, had been in Innocent's hands since early in July (Migne, ccxvi. 876, lib. xvi ep. 76).
4 For this letter and the magnates' letter see no. 45, n. 15.
5 But see n. 1
delegate, he will publicly take an oath that he will not harm the said individuals or their people nor cause or permit them to be harmed in person or property, and will forgo all his anger against them and receive them into his favour and in good faith maintain them there; and that he will not hinder the said archbishop and bishops, nor cause or permit them in any degree to be hindered, from freely exercising their office and using as they should the full authority of their jurisdiction; and that on these matters he will give his own letters patent both to us and to the archbishop and to each of the said bishops; and he will cause his bishops, earls, and barons (as many of them and whichever of them the said archbishop and bishops shall require) to give oaths and letters patent that they will work in good faith to ensure that this agreement and guarantee are firmly kept, and that, if the king contravene it (which God forbid!) either personally or through agents, they will stand fast by the apostolic commands on the Church’s side against the violators of the guarantee and the peace, and the king is to lose for ever the custody of vacant churches.

We already know that you have sworn and have furnished your letters patent in support of the said guarantee and peace: wherefore, by apostolic letter we now bid you shew diligent attention and make effective effort to implement and maintain the form of the said guarantee and peace. However, lest anyone should make this pledge the excuse for stirring up some cause of quarrel against the king (whereas we intend by this pledge to secure for the archbishop and bishops the necessary guarantee and peace in such a way as not to
indebitum vel incommodum non redundet, presentium vobis auctoritate precipimus quatinus, si quid forsan emerserit quod contra prescriptam securitatem et pacem facere proponatur, non ante cuiusquam instinctu adversus eundem regem aliquatenuis moveamini quam consulto Romano pontifice ipsius recipiatis cum response mandatum, qui omnia consuevit equo libramine moderari, cum hoc ipsum in predicta forma contineatur expressum quod vos pro ecclesia contra violatores securitatis et pacis debetis mandatis apostolicis inherere.

Dat’ Laterani, ii kal. Novembri pontificatus nostri anno sextodecimo.
cause the king any undue burden or loss), if it should appear that any action is intended contrary to the said guarantee and peace, you are not, at any man's instigation, to move a step against the king, until you have consulted the Roman pontiff and received an answer and mandate from him who is accustomed to weigh all matters in an even balance: indeed, this is contained in the aforesaid form of agreement where it is expressly stated that you should stand fast by the apostolic commands on the Church's side against the violators of the guarantee and peace.

The Lateran, the 31st of October, in the sixteenth year of our Pontificate.
N. Tusculano episcopo, apostolice sedis legato.

Cum de carissimo in Christo filio nostro I. illustri Anglorum rege ac eius regno, quod ad Romanam ecclesiam ex eius dono iure pertinet speciali, oporteat nos curam et sollicitudinem gerere diligentem, fraternitati tue per apostolica scripta mandamus quatinus, postquam relaxatum fuerit interdictum,\(^1\) venerabilibus fratribus nostris S. Cantuariensi archiepiscopo, sancte Romane ecclesie \(^b\) cardinali, et coepiscopis eius ex parte nostra districte precipias quatinus omnes litteras, tam priores quam posteriores, impetratas a nobis contra eundem regem si formam pacis non duceret admitten-dam, illasque presertim que sic incipiunt: ‘Expectantes hactenus expectavimus’, per regnum Francie, Angliam, Scociam, et Yberniam ad archiepiscopos et episcopos, necon Leodiensem et Traiectensem pontifices destinandas,\(^2\) tibi sine diminutione aliqua representent, easque protinus facias minutatim incidi vel igne comburi ne contra eum ipsarum occasione quicquam sinistri valeat attemptari, ipsos ad hoc, si necesse fuerit, districione qua convenit compellendo.

Dat’ Laterani, ii kal. Novembris pontificatus nostri anno sextodecimo.

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\(^1\) The interdict laid on England in 1208 was not automatically raised by John’s submission in May 1213, nor yet by his absolution in July. It depended on the arrangements made for restitution to the clergy of the property taken by the Crown during the intervening years and for compensation for damages. cf. nos. 64, 70 below.
To Nicholas, bishop of Tusculum, legate of the Apostolic See.

Since we ought to shew diligent care and concern for our well-beloved son in Christ, John illustrious king of the English, and for his kingdom which by his gift belongs by special right to the Roman Church, we charge you by apostolic letter that, as soon as the Interdict is relaxed,¹ you should on our behalf strictly command our venerable brethren, Stephen archbishop of Canterbury, cardinal of the Holy Roman Church, and his fellow-bishops, to return to you without exception all the letters, both of earlier and later date, obtained from us for use against the king in case he should decide to reject the form of peace—and especially the letter beginning 'Until now we have patiently waited,' which was to be sent to all archbishops and bishops in the kingdom of France and in England, Scotland, and Ireland, and also to the bishops of Liége and Utrecht.² You will immediately have these letters torn to shreds or burnt to ashes, so that no mischief can be started against him because of them. And if the need arise, you are to compel them to obey by whatever sanction is suitable.

The Lateran, the 31st of October, in the sixteenth year of our Pontificate.

¹ This letter is not known to exist. Similar incipits (recalling Ps. 39:1) are used by Innocent III on other occasions (cf. Cheney, 'The alleged deposition,' pp. 109-10.) The other letters to which the pope refers are probably nos. 48, 49 above. The papal chancery not infrequently issued letters for conditional use (cf. Tillmann, 'Ueber päpstliche Schreiben').
Eidem.\textsuperscript{a}

\textbf{Fraterinitati} \textsuperscript{b} TUE presentium auctoritate mandamus quatinus postquam interdictum Anglie fuerit relaxatum, omnes coniurationes et factiones, si que occasione discoride inter regnum et sacerdotium facte sunt,\textsuperscript{1} denunties auctoritate nostra irritas et inanes, cum, causa cessante, cessare debeat et effectus.

Dat' Laterani, ii kal. Novembris pontificatus nostri anno sextodecimo.

\textsuperscript{1} Pott. 4899, \textit{Texts. V: Reg. Vat. 8 fo. 163r no. 134. B: Bosquet, i. 652 (lib. IV reg. xvi, ep. 134), whence Migne, ccxvi. 926, and Foedera, I. i. 116 (mis-dated)}.

\textsuperscript{a} \textit{om. protocol, address (referring to no 60) as rubric VB}

\textsuperscript{b} \textit{om. initial F of Fraterinitati V}

\textsuperscript{1} The pope here adopts the view that the opposition to King John's government was, at least in part, a result of the interdict. Matters had
To Nicholas, bishop of Tusculum, legate of the Apostolic See.

By the authority of this letter we command that, as soon as the Interdict on England is relaxed, you will by our authority declare to be null and void all conspiracies and factions which were formed because of the quarrel between the kingdom and the priesthood,¹ since, with the disappearance of the cause, the effect ought to disappear too.

The Lateran, the 31st of October, in the sixteenth year of our Pontificate.

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probably been represented thus by Robert FitzWalter and other exiles, and thus the magnates in opposition argued at the Curia in March 1215 (Foedera, I. i. 120). The pope took a different view in August 1215 (no. 82 below and cf. John’s statement in September 1215 (Foedera, I. i. 138)).
N. Tusculano episcopo, apostolice sedis legato. a

Cum non possit ecclesiis b melius provideri quam si eis pastores prescientur idonei, qui non tam preesse cupiant c quam prodesse, fratermitati tue, de qua plenam fiduciam obtinemus, per apostolica scripta mandamus quatinus episcopatus et abbacias Anglie nunc vacantes facias cum tuo consilio de personis idoneis per electionem vel postulacionem canonicae ordinari, que d non solum vita e et scientia sint preclare, verum etiam regi f fideles et regno utiles, necnon ad consilium et auxilium efficaces, assensu regio requisito. g Cum ergo vacantium ecclesi- arum capitulis nostris demus litteris in preceptis h ut tuo consilio acquiescant, tu, deum habens pre

Pott. 4840. Text. V: Reg. Vat. 8 fo. 163 r no. 139 (later, no. 138).
B: Bosquet, i. 653 (lib. IV reg. xvi, ep. 138), whence Migne, ccxvi. 928.

a om. protocol VWB; address as rubric VB; Innocencius etc. N. dei gracia Tusculano episcopo etc. D
b ecclesiis VB, add dei W; ecclesia D
c cupiant VWB; cupiunt D
d que VWB; qui D
e add sed W
f regi VWB; regni D
g demus lit. in preceptis VBD; lit. demus in mandatis W

1 Either at the same time or in the next Spring the pope sent the legate some more precise instructions about the conduct of elections, which compare very closely with the procedure prescribed in John’s charter to the Church of 21 November 1214 (no. 76, below). These instructions are contained in an undated and unpublished letter to the legate found by Miss Stella Whibleed in Durham Cathedral MS C. III. 3 fo. ir (early thirteenth century) and, split into two parts each addressed to Langton, in Cambridge Univ. Libr. MS Ff. 5. 46, fo. xv (fourteenth century). A fragmentary copy is also in Bodleian MS Tanner 8 fo. 591.

On 12 January 1214 King John wrote to Langton expressing satisfaction at ‘the procedure notified to us for holding elections saving our right in all things’ and on 25 January wrote to the legate to thank him for his action
To Nicholas, bishop of Tusculum, legate of the Apostolic See.

Since no better provision can be made for churches than the appointment to them of suitable pastors who will be more concerned with service than with power, by apostolic letter we command you, in whom we have full confidence, to have appointments made to sees and abbeys now vacant in England, by the election or canonical postulation, on your recommendation, of suitable clergy, who should be men not only distinguished by their life and learning, but also loyal to the king, profitable to the kingdom, and capable of giving counsel and help—the king's assent having been requested.¹ Since, therefore, by our letters we are directing the chapters² of vacant churches to accept your recommendation, do you, keeping the Lord always before your eyes, consult on this matter with prudent and

over an election at Evesham (R.L.C., i. 1604, 162a). About this time, the archbishop made some objections to the legate's handling of elections (cf. Norgate, p. 208, Tillmann, Legaten, p. 109, Powicke, Langton, p. 105.) There were many vacancies to be filled in consequence of the interdict (cf. no. 38, n. 4 and nos. 71, 76 below), and royal commissions were sent in January 1214 with licence to elect to Worcester, York, Coventry, Exeter, Chichester, and Durham, as well as various monasteries (R.L.P., pp. 107a, 109a). It was alleged against the legate that he showed too much complaisance to the king and allowed interference with the electors' rights; see especially Coventry, ii. 216 and Paris, ii. 571. This also emerges from another undated and unpublished letter of the pope to the legate which occurs in the Durham MS just cited: this reports the complaints which have reached the pope, asks the legate for his explanation, and orders him not to allow the king's envoy to attend elections.

¹ cf. note m, below. These letters do not all survive. On 23 December 1213 the pope wrote to the dean and chapter of York in this sense (P. 4863).
oculis, consulas super hoc viros providos et honestos, qui plene norint\(^a\) merita personarum, ne te cuiusquam astutia circumveniri contingat. Siqui vero contra-
dictores fuerint vel rebelles, tu eos\(^1\) per censuram ecclesiasticam appellatione remota compescas.\(^2\)

Dat\(^3\) Laterani, ii\(^1\) kal. Novembris pontificatus nostri anno sextodecimo.\(^m\)

\(^a\) norint VBW; norunt D

\(^1\) om. tu eos D

\(^2\) compescas VBD; compellas W
honourable men who are fully acquainted with the merits of the individuals, so that you may not chance to be deceived by anyone’s chicanery. Any who oppose or resist, you will suppress by ecclesiastical censure without appeal.

The Lateran, the 31st of October, in the sixteenth year of our Pontificate.
Iohanni illustri Anglorum regi.

Sicut in archa federis domini cum tabulis testamenti virga continebatur et manna, sic in pectore summorum pontificis cum scientia legis divine rigor distictionis et favor dulcedinis continentur. Unde semper hanc consuevit moderantiam observare ut verbera patris et ubera matris habens, sic in rebelles et induratos severitatem exercet quod benignitatem exhibeat erga humiles et correctos, eius exemplo qui vinum superinfudit et oleum vulneribus sauciati. Gaudemus autem in domino et in potentia virtutis ipsius quod adeo tibi nostra medicamina profecerunt ut tua per illa sanasse vulnera videamur, et qui medico fuisti molestus cum asperitatem medicaminis sentiebas, iam gratus existis ex quo percepisti gratiam sanitatis. Plane gratus, quia ut perfecte satisfaceres de commissis, te ipsum et tua deo et ecclesia obtulisti. Et ecce, qui te iam quasi diececerat, subito te erexit, humiliando sublimem, et humilem sublimando: quinietiam adeo te firmavit, super illam petram stabiliens pedes tuos de qua ipsa veritas inquit ad Petrum: 'Tu es Petrus, et super hanc petram edificabo ecclesiam meam et porte inferi non prevalebunt adversus eam,' quod si non retraxeris pedes ab illa, nullum oportebit

Pott. 4842. Texts. V: Reg. Vat. 8 fo. 162r no. 132 (later, no. 130). B: Bosquet, i. 647 (lib. IV reg. xvi, ep. 130), whence Migne, ccxvi. 922 and Foedera, i. i. 116 (mis-dated).

\footnote{om. protocol, address as rubric VB}
\footnote{superinfudit B; superreffundit V}

\footnote{This letter was accompanied by a papal privilege for King John and his heirs, confirming to them the kingdoms of England and Ireland as fiefs of the Roman see (P. 4843; cf. no. 67 below).}

\footnote{cf. Heb. 9:4. The Glosses on this chapter perhaps supplied Innocent with the idea of this simile.}
To John, illustrious king of the English.¹

**CONTAINED IN THE ARK** of the covenant of the Lord, together with the Tables of the Testimony, were a rod and manna,² and similarly, contained in the heart of the Supreme Pontiff, together with a knowledge of the divine law, are punitive severity and delightful graciousness. Hence he has always been wont to observe this balance—that, possessing a father’s power of correction and a mother’s wealth of nourishment, he visits sternness upon the rebellious and stubborn while shewing kindness to the lowly and repentant, by the example of Him who poured wine and oil into the wounds of the injured traveller. We rejoice in the Lord and in the power of His might that our treatment has been so beneficial that we seem by it to have healed your wounds: and you, who were a troublesome patient to the doctor when feeling the smart of his medicine, are now grateful since receiving the grace of healing—and manifestly grateful, in that, to make full amends for your sins, you have offered yourself and your property to God and the Church. And lo! he who had once, as it were, cast you down, has now suddenly lifted you up, abasing him that is high and exalting him that is low:³ nay, setting your feet on that rock concerning which the Truth said to Peter, 'Thou art Peter, and upon this rock I will build my Church; and the gates of hell shall not prevail against it,'⁴ he has so established you that, if you do not withdraw your feet from it, you need never dread

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¹ cf. Ezek. 21:26  
² cf. Matt. 16:18
te casum aliquatenus formidare. Venientes igitur ad apostolicam sedem venerabilem fratrem nostrum I. Norwicensem episcopum, et dilectos filios H. abbatem Belliloci, fratrem A. Martel, et nobiles viros H. de Bova et P. de Maulay nuntios tuos paterna benignitate suscepimus, et petitiones tuas per ipsos nobis prudenter expositas, quantum cum honestate potuimus, curavimus exaudire, firmum gerentes in voto propositum ea semper efficere que ad tuum commodum et honorem debeat provenire, cum pro certo speremus quod et tu in devotione ac obedientia sacrosancte Romane ecclesie matris tue non solum persistere sed et proficere pura intentione studebis, quod utique tibi et spiritualiter et temporaliter ad magnum proficiet incrementum. Serenitatem itaque regiam rogamus attentius et monemus quatinus sanctam ecclesiam sponsam Christi semper in regno tuo studeas honorare, faciens eam debita libertate gaudere, ut vere specialis ecclesie filius comproberis, quia tunc tibi regalis dignitas integra conservabitur cum ecclesiasticam libertatem integram conservabis; diligenter attendens quod principes illi pene penitus defecerunt qui ecclesiasticam presumpserunt infringere libertatem, hii vero semper de bono profecerunt in melius qui iura studuerunt ecclesiastica confovere. Illud autem tue regali prudentie consulimus ad cautelam, ut cum archiepiscopis et episcopis regni tui contentiose non agas, maxime super negotii spirituali-

'e add et B
'f quia V; qui B
5 The envoys left England after 28 August (R.L.C., i. 1486, 149). Hugh, abbot of Beaulieu, and Brother Alan Martel had been on the mission to Rome in the preceding winter (cf. no. 45, n. 3). John de Gray, bishop of Norwich, visited Rome in 1213 partly to secure papal absolution for his complicity in the king's misdeeds, but also doubtless to further the king's diplomacy. Hugh de Boves, a knight of Picardy, is chiefly known as a military leader in King John's pay; he was drowned in bringing
a fall. Wherefore with fatherly kindness we have received your envoys on their arrival at the Holy See, namely, our venerable brother, John bishop of Norwich, and our beloved sons, Hugh abbot of Beaulieu, brother Alan Martel, and the noblemen Hugh de Boves and Peter de Maulay; and your petitions which they so prudently explained we have endeavoured to grant as far as we could with honour—keeping as our aim the firm intention always to do what should result in your advantage and glory, since we are convinced that you for your part will strive with singleness of purpose not only to remain, but also to advance, in devotion and obedience to the Holy Roman Church, your mother—which both spiritually and temporally will redound to your great profit.

So we earnestly entreat and admonish your Majesty always to strive in your kingdom to honour Holy Church, the bride of Christ, causing her to rejoice in the liberty which is her due, that in truth you may be proved a special son of the Church; for only when you preserve ecclesiastical liberty intact will your royal dignity be preserved intact. And unceasingly remember that princes who have presumed to infringe ecclesiastical liberty have almost utterly perished, whereas those who have zealously cherished ecclesiastical rights have always advanced from good to better. For guidance we give your Majesty this counsel: do not wrangle with the archbishops and bishops of your kingdom, particularly

Flemish mercenaries across the Channel in 1215. Peter de Maulay, a Poitevin, acquired lands in England early in John’s reign and was given the heiress of Robert of Turnham as wife in April 1214; he was one of John’s right-hand men during the interdict. At least one of the envoys, Abbot Hugh, returned to England before the end of December (Memorials of St Edmunds (Rolls series), ii. 45).
bus et ecclesiastico iure, cum ad nos possis habere recursum, per quos multa poteris honeste perficere que honeste non posses efficere per teipsum, pro certo confidens quod nos petitiones et preces tuas, quantum honestas permiserit, intendimus efficaciter exaudire. Quid denique predictis nuntiis responderimus super tua non excommunicanda persona neque tua interdicenda capella nisi de mandato sedis apostolice speciali, aliisque nonnullis de quibus cum eis studiose contulimus, ipsi, tanquam viri providi et fideles, tue poterunt excellentie viva voce referre, quos merito sue probitatis et fidei tibi reddimus commendatos.

Dat' Laterani, ii non. Novembris pontificatus nostri anno sextodecimo.

*King John eventually obtained this grant, 15 April 1214 (no. 66 below).*
over spiritual matters and ecclesiastical law, when you can have recourse to us and through us can honourably achieve much that you could not honourably achieve by yourself; and be assured that, as far as we can with honour, we mean to attend effectively to your petitions and prayers. Finally, the reply we have made to the afore-said envoys regarding the future freedom of your person from excommunication and of your chapel from interdict except by special mandate of the Apostolic See, and on certain other matters which we carefully discussed with them—this will be for the envoys, as wise and trustworthy men, to tell your Majesty by word of mouth. We send them back to you with a commendation for their integrity and faithfulness.

The Lateran, the 4th of November, in the sixteenth year of our Pontificate.
N. Tusculano episcopo, apostolice sedis legato. a

Cupientes secundum officii nostri debitum tam regno quam sacerdotio in Anglia providere, fraternitati tuæ presentium auctoritate mandamus atque precipimus quatinus, cum carissimus in Christo filius noster Iohannes illustris rex Anglie persolverit in manibus tuis et venerabilium fratrum nostrorum Cantuariensis archiepiscopi sancte Romæ ecclesie cardinalis ac episcopi Eliensis necnon dilecti filii Pandulphi subdiaconi nostri centum milia marcharum argenti ad opus eorum quibus facienda est restitucio ablatorum, computatis hiis que ipse iam tradidit prefato archiepiscopo et episcopis aut aliis hoc negotium contingentibus de ipsorum conscientia vel mandato, ita quod si facta inquisitione constiterit plus ablatum, suppleatur ab ipso, si vero minus, refundatur eidem, tu receptis eius patentibus litteris suo sigillo munitis, quibus se profiteatur ad hoc etiam inter alia ex prestito pridem nobis iuramento 1 teneri quod tam super restituendis ablatis quam super recompensandis dampnis mandatis nostris absque refractione parebit, relaxes protinus sententiam interdicti et super utrisque inquisitionem fieri facias diligentem, quam nobis mittere non postponas, pretaxatam vero pecuniam distribui


a om. protocol, address as rubric VB

1 John’s oath, made on his submission (13 May 1213), had included a provision of this kind (Foedera, I. i. 111, cf. no. 45 above).
To Nicholas, bishop of Tusculum, legate of the Apostolic See.

As we wish, according to the obligation of our office, to provide both for the kingdom and for the priesthood in England, by the authority of this letter we command and instruct you thus: When our well-beloved son in Christ, John illustrious king of England, has paid over to you and our venerable brethren, the archbishop of Canterbury cardinal of the Holy Roman Church and the bishop of Ely and to our beloved son and subdeacon Pandulf a hundred thousand silver marks on behalf of those to whom restitution of seized goods is due to be made, you will calculate the amount of goods which he has already returned (by agreement with them or at their order) to the archbishop and bishops or others involved in this business, in such a way that, if after enquiry the total of seized property is proved to be more, the king should make good the deficit, but if proved to be less, the balance should be refunded to the king. You will then receive from him letters patent attested by his own seal, in which he is to declare that by the oath previously given to us he is bound to observe this among the other provisions—unquestioningly to obey our mandates touching both the restoration of seized property and compensation for loss. This done, you will at once relax the sentence of Interdict, and on both counts you will have an exact inquest made, the results of which you will promptly forward to us: and you will arrange for the money stipulated above to be distributed,
facias secundum proportionem ablatorium inter eos quibus est restitutio facienda. Cum igitur hoc mandatum de certa scientia faciamus, volumus et iubemus ut illud sublato cuiuslibet contradictionis et appellacionis obstaculo exequaris, nisi iam aliter sit de communi voluntate provisum vel adhuc convenerit providendum pro relaxando celeriter interdictione; quia tali ac tanta cautione premissa servari non decet ob huiusmodi causam diutius circa populum sententiam interdicti, quam circa regem absque mandato nostro idem archiepiscopus relaxavit, celebrando illi divina, ut alia taceamus in quibus ipse fines nostri mandati asseritur excessisse, per que tamen ecclesiastice libertati nolumus impedimentum afferri, pro qua est summopere insistentium.

Dat' Laterani, x kal. Februarii pontificatus nostri anno sextodecimo.

*dequet B; debet V

1 cf. above, no. 55, n. 2. The pope had provided for John’s absolution by Pandulf or Langton (no. 56), but the archbishop exceeded instructions when he celebrated mass in the king’s presence, after absolving him at Winchester on 20 July (Paris, ii. 550); for England as a whole lay under interdict, and only privileged persons might attend divine service.

2 The pope wrote at about the same time to tell the king the terms for raising the interdict. The letter is lost, but we know that John received it in Poitou 4 March 1214 by the hand of his messenger Brother William
in proportion to their losses, among those to whom restitution is due.

Since the mandate we now issue is based on sure knowledge, we will and command you to execute it without regard to any opposition or appeal (unless by mutual consent another arrangement has already been made, or unless agreement towards such an arrangement has been reached with a view to relaxing the Interdict soon); for when so great a pledge has been pre-arranged, it is not proper that, because of opposition or appeal, the sentence of Interdict should any longer be kept on a people—a sentence which without our mandate the archbishop has lifted from the king by celebrating the Mass for him, not to mention other respects in which he is alleged to have exceeded the limits of our mandate. However, we are unwilling, by making an issue of such points, to delay the securing of ecclesiastical liberty towards which we must press with might and main.

The Lateran, the 23rd of January, in the sixteenth year of our Pontificate.

de St Ouen, and at once proceeded to seek financial aid from his subjects for the indemnity (S. K. Mitchell, Studies in taxation under John and Henry III (Yale, 1914), pp. 117-18). He presumably could not or would not find the money, and fresh terms were devised (cf. no. 70 below).
N. Tusculano episcopo, apostolice sedis legato, et P., subdiacono et familiari nostro.

Cum, sicut vestra discretio \( b \) plene \( e \) novit, singule domus totius Anglie singulos denarios pro censu beati Petri annuatim nobis solvere teneantur;\( i \) prelati Anglie, qui cum nostro nomine colleguerunt, rem invito domino contractantes, maiorem sibi exinde partem non sunt veriti retinere, cum non nisi trecentas marcas nobis persolverint, et sibi mille vel amplius usurparint. Ut igitur ius ecclesie Romane servetur illesum, discreti vestre presentium auctoritate districte precipiendo \( a \) mandamus quatinus \( e \) prius recipientes ab eis denarium ipsum, prout haec tens exsolverunt, et eos ad id, si necesse fuerit, per censuram ecclesiasticam appellacione postposita \( f \) compellentes, firmiter postmodum ex parte nostra iniungatis eisdem ut residuum cum integritate persolvant. Non enim videmus quo iure valeant se tucri cum nec concessionem possint ostendere a sede.


\( a \) om. protocol, address as rubric BM
\( b \) discretio B; dispositio M
\( e \) plene M; pleno B
\( i \) dis. vestre pres. auct. distr. precipiendo B; pres. auct. distr. precipientes dis. vestre per apostolica scripta M
\( e \) quatinus B; quod M
\( f \) appellacione postposita B; potestate apostolice sedis M

The customary collection of ‘Peter’s pence’ from the English people for annual payment to the Roman Church goes back far into the Anglo-Saxon period. The earliest records do not suggest that it was originally a census or tribute, signifying the particular subordination of England to Rome: that idea grew only in the twelfth century. Traditionally there was a levy of one penny on each household, but the incidence was most
To Nicholas, bishop of Tusculum, legate of the Apostolic See, and to Pandulf, subdeacon and member of our household.

As you are fully aware, each household throughout England is bound to pay a penny to us yearly for the tribute of St Peter. But the prelates of England who collected 'Peter's pence' in our name, handling a business which their overlord disliked, had no compunction about retaining the greater part for themselves—paying to us only 300 marks and appropriating a thousand or more. Wherefore, that the rights of the Roman Church may be preserved uninjured, we strictly direct and command you by the authority of this letter, first to receive from them the money hitherto paid as Peter's pence (if necessary, compelling them to obey by ecclesiastical censure, with right of appeal denied); and, secondly, to insist on our behalf that they should pay the balance in full. We cannot see on what right they can defend themselves: they cannot shew any concession granted them by the Apostolic See, nor can irregular. The tax was collected by the local clergy and transmitted through the archdeacons and other officials to bishops or papal collectors. At each stage in the transmission, more was collected than was forwarded. Innocent III tried to remedy this by a mandate dated 31 December 1205 (printed, Delisle, 'Lettres inédites,' p. 414 and Pitra, i. 507, trans. Lunt, Papal revenues, ii. 62). A royal prohibition dated 26 May 1207 (R.L.P., p. 72, Wilkins, i. 514) forbade the clergy to discuss or modify this payment in a meeting which had been summoned at St. Albans.

This second effort of Innocent III to obtain the full proceeds of the levy was no more successful than the first. For more than a century his successors intermittently renewed their demands in vain. In the sixteenth century the papal camera still received only three hundred marks a year on this account. For the whole subject see Lunt, Financial relations, pp. 3-84.
apostolica sibi factam, nec centenarium contra Romanam ecclesiam prescriptionem probare, maxime si tempora schismatum subducantur.\textsuperscript{2} Si tamen de iure voluerint experiri, prefigatis eis terminum competentem quo per responsales idoneos nostro se conspectui representent, quidquid \textsuperscript{7} juris super hiis habuerunt \textsuperscript{a} ostensuri, protestatione premissa quod si iudicio duxerint contendendum, nos quidquid \textsuperscript{7} hactenus est subtractum in ipso iudicio repetemus.

Dat' Laterani, v kal. Februarii pontificatus nostri anno xvi.

\textsuperscript{2} On the term of a hundred years and the exclusion of times of schism in the reckoning, Innocent III had already made several statements which had been incorporated in Compilatio III, lib. ii, tit. 17, c. 3, 4, and 7 (\textit{Decretals}, II. 26, 13 and 14 and 17). The English bishops could, in fact, probably have pleaded the prescription of a hundred years (Lunt, \textit{op. cit.} pp. 39, 59).
they establish against the Roman Church a limitation of action through lapse of a century, especially if times of schism are excluded. However, if they are minded to test the right, you will fix a convenient date on which, by suitable agents, they must enter an appearance before us to shew what right they have had for such actions; and we declare beforehand that, if they think fit to contest the matter in court, we shall in the same court claim restitution of all that has so far been withheld.

The Lateran, the 28th of January, in the sixteenth year of our Pontificate.
INNOCENTIUS episcopus servus servorum dei carissimo in Christo filio Iohanni illustri regi Anglorum salutem et apostolicam benedictionem.

APOSTOLICE SEDIS AMPLA benignitas sincere obsequantium vota fidelium favore benivolentia sequerit et illustrium virorum personas quas in devotione sua promptas invenerit et ferventes quibusdam titulis decentius decorare. Ut igitur ex speciali devotione quam ad Romanam ecclesiam et personam nostram habere dinosceris apostolicum tibi sentias accresisse favorem, statuimus ne a quoquam tua possit excommunicae persona vel interdici capella sine mandato sedis apostolice speciali.¹ Tu ergo, ne inde nascantur iniuriae unde iura nascuntur,² talem te super his satagas exhibere ne per abusum (quod absit) privari huiusmodi beneficio merearis, quia iuxta canonicalas sanctiones privilegium meretur ammittere qui permissa sibi

Pott. 4911. Texts. O: P.R.O., Papal bulls 19 (22). Original letter of grace, approx. 10¾ in. x 9½ in.; seal and cord missing. Endorsements of the papal chancery: top left-hand, 'Thom', top middle, a large capital 'R', with 'script' in the loop (the mark of registration: see Delisle, 'Mémoire,' p. 33, Brackmann, Paupsturkunden, pl. xId). Whence Foedera, I. i. 119, whence Migne, ccxvii. 226. C: P.R.O., Charter roll 12 (16 John), m. 9d, copied from O. Whence in Prynne, ii. 358 and Wilkins, i. 546 and R. Ch., p. 207b. Variants of the duplicate roll, 13 m. 1d, are not noted below.

¹ om. persona C ² add ab C ³ ammittere C
Innocent, bishop, servant of the servants of God, to his well-beloved son in Christ, John illustrious king of the English, greeting and apostolic benediction.

The bountiful kindness of the Apostolic See is accustomed both to attend with gracious favour to the petitions of such among the faithful as are sincerely submissive, and suitably to adorn with certain privileges the persons of illustrious men whom it has found prompt and fervent in their loyalty. To let you see, therefore, the increase of apostolic favour which has followed the special loyalty you are known to have for the Roman Church and our own person, we decree that no one shall have power to excommunicate your person, or put your chapel under interdict, save by special mandate from the Apostolic See.\(^1\) Wherefore, lest by creating privilege we give rise to injustice,\(^2\) strive so to conduct yourself as not, through misuse, (which God forbid!) to deserve the loss of this benefit: for, according to the canonical sanctions, one who misuses a power granted

\(^1\) cf. no. 63 above. Prynne describes this pleasingly as an act of the pope 'to gratifie King John by putting a Feather in his Cap, when he had wrested his Crown from his head, and Scepter out of his hand.'

\(^2\) cf. Code, VIII. 4, 6 pr.: 'ne inde iniuriarum nascatur occasio unde iura nascuntur.' This tag appears also in P. 2937, 3092.
abutitur potestate. Nulli ergo omnino hominum liceat hanc paginam nostre constitutionis infringere vel ei ausu temerario contraire. Siquid autem hoc attemptare presumperit indignationem omnipotentis dei et beatorum Petri et Pauli apostolorum eius se noverit incursurum.

Dat' Rome apud Sanctum Petrum, xvii ° kal. Maii pontificatus nostri anno septimodecimo.

xvii O; xviii C
him deserves to lose that privilege. Wherefore, let no man have power to infringe our ordinance herein written, or dare to oppose it. If any presume so to do, let him know that he will incur the anger of Almighty God and of SS Peter and Paul His apostles.

St Peter's, Rome, the 15th of April, in the seventeenth year of our Pontificate.

INNOCENTIUS EPISCOPUS SERVUS SERVORUM DEI CARISSIMO IN CHRISTO FILIO IOHANNI ILLUSTRI ANGLORUM REGI EIUQUE DE SUA UXORE LIBERIS HEREDIBUS IN PERPETUUM.

Rex regum et dominus dominantium Iesus Christus, sacerdos in eternum secundum ordinem Melchisedech, ita regnum et sacerdotium in ecclesia stabilivit ut sacerdotale sit regnum et sacerdotium sit regale, sicut in epistola Petrus et Moyses in lege testantur, unum preficiens universis quem suum in terris vicarium ordinavit ut, sicut ei flectitur omne genu celestium, terrestrium, et etiam infernorum, ita illi omnes obedient et intendant ut sit unum ovile et unus pastor. Hunc itaque reges seculi propter deum adeo venerantur ut non reputent se rite regnare nisi studeant ei devote servire. Quod tu, fili carissime, prudenter attendens, illo misericordiæ inspirante in cuius manu sunt corda regum et quo voluerit vertit illa, teipsum et regna tua etiam temporaliter ei subicere.

Pott. 4912. Text. O: Brit. Mus., Cotton charter viii. 24. Original solemn privilege, 24 in. x 27 in., with leaden seal suspended on red and yellow silken cord. At right-hand corner of flap; a.G. Endorsements of the papal chancery: top left-hand, 'Thom', top middle, a capital 'R' nearly an inch in height, with 'script' in the loop and a stroke through the second descender (cf. no. 66 above). Also, thirteenth century English chancery endorsements. Printed hence in Foedera, I. i. 119. Copies from this original (cf. Wilkins, i. 541) are not collated here.

1 This privilege may be compared with that issued 4 November 1213 (P. 4843, Foedera, I. i. 117 from the original, Brit. Mus., Cotton MS Cleop. E. i. fo. 149 (trans. Lunt, Papal revenues, ii. 45) and in Migne, ccxvi. 923 from the register). The earlier privilege incorporated John's act of submission of 15 May 1213, made in the presence of Pandulf; the later one incorporates the renewal of submission in the presence of the legate, Cardinal Nicholas of Tusculum, at St. Paul's, 3 October 1213 (cf. Mercati,
67

INNOCENT, BISHOP, SERVANT OF THE SERVANTS OF GOD, TO HIS WELL-BELOVED SON IN CHRIST, JOHN ILLUSTRIOUS KING OF THE ENGLISH, AND TO HIS LEGITIMATE FREE-BORN HEIRS FOR EVER.¹

THE KING OF KINGS and Lord of lords,² Jesus Christ, a priest for ever after the order of Melchisedech,³ has so established in the Church His kingdom and His priesthood that the one is a kingdom of priests and the other a royal priesthood, as is testified by Moses in the Law and by Peter in his Epistle;⁴ and over all He has set one whom He has appointed as His Vicar on earth, so that, as every knee is bowed to Jesus, of things in heaven, and things in earth, and things under the earth,⁵ so all men should obey His Vicar and strive that there may be one fold and one shepherd.⁶ All secular kings for the sake of God so venerate this Vicar, that unless they seek to serve him devotedly they doubt if they are reigning properly. To this, dearly beloved son, you have paid wise attention; and by the merciful inspiration of Him in whose hand are the hearts of kings which He turns whithersoever He wills,⁷ you have decided to submit in a temporal sense yourself and your kingdom

¹La prima relazione, p. 278). The pope's words in the later privilege repeat those of the former, with the addition of 'aurea bulla munitò' to the description of the royal charter; the subscriptions of cardinals and the dating clause are, of course, different.
²Apoc. 19:16
³Ps. 109 (A.V. 110):4, cf. Heb. 5:6
⁴Exod. 19:6; 1 Pet. 2:9. On the use of this text see no. 53, n. 5 above.
⁵cf. Phil. 2:10
⁶cf. Joh. 10:16
⁷cf. Prov. 21:1
decrevisti cui noveras spiritualiter esse subjecta, ut in unam vicarii Christi personam, quasi corpus et anima, regnum et sacerdotium uniantur ad magnum utriusque comodum et augmentum. Ille utique hoc dignatus est operari qui cum sit alpha et Ω a finem retulit ad principium et principium protractit b ad finem, ut ille provincie que olim sacrosanctam Romanam ecclesiam propriam in spiritualibus habuere magistram, nunc etiam in temporibus dominam habeant specialem. Tu quippe quem deus ad hoc idoneum ministrum elegit tam te quam etiam regna tua, Anglie videlicet et Hybernie, cum omni iure ac pertinentiis suis devota et spontanea voluntate ac communi consilio baronum tuorum c deo et sanctis apostolis eius Petro et Paulo sancteque Romane ecclesie nobisque ac successoribus nostris in ius et proprietatem sub annuo mille marcharum censu offerens concessisti, sicut in tuo continetur autentico scripto aurea bulla munito, cuius de verbo ad verbum talis tenor existit:10 Iohannes dei gratia rex Anglie, dominus Hibernie, dux Normannie et Aquitannie, comes Andegavie, omnibus Christi fidelibus presentem cartam inspecturis salutem in domino.

Universitati vestre per hanc cartam aurea bulla nostra munitam volumus esse notum quia cum deum et matrem nostram sanctam ecclesiam offenderimus in multis et proinde divina misericordia plurimum indigere

a Ω in the form of an O with a vertical stroke from top to bottom Ω
b protractit O

c cf. Introduction, p. x

8 Although John’s action is described as voluntary, it must at least have been anticipated by the pope, for the oath of homage follows closely the form of other oaths taken by vassals of the Holy See, and Pandulf must have brought the form with him on his mission to England. For a discussion of the question whether the initiative came from king or pope and of the attitude of the baronage, see Lunt, Financial relations, pp. 136-40.

10 The English chancery’s enrolment of this document is contained in R.Ch., p. 195a. One of the few variants suggests that the enrolment
to him to whom you knew them to be spiritually subject, so that kingdom and priesthood, like body and soul, for the great good and profit of each, might be united in the single person of Christ's Vicar. He has deigned to work this wonder, who being alpha and omega has caused the end to fulfil the beginning and the beginning to anticipate the end, so that those provinces which from of old have had the Holy Roman Church as their proper teacher in spiritual matters should now in temporal things also have her as their peculiar sovereign. You, whom God has chosen as a suitable minister to effect this, by a devout and spontaneous act of will and on the general advice of your barons have offered and yielded, in the form of an annual payment of a thousand marks, yourself and your kingdoms of England and Ireland, with all their rights and appurtenances, to God and to SS Peter and Paul His apostles and to the Holy Roman Church and to us and our successors, to be our right and our property—as is stated in your official letter attested by a golden seal, the literal tenor of which is as follows:

' John, by the grace of God king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou, to all the faithful of Christ who may see this charter, greeting in the Lord.

' By this charter attested by our golden seal we wish it to be known to you all that, having in many things offended God and Holy Church our mother and being therefore in the utmost need of divine mercy and possessing nothing but ourselves and our kingdoms that

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may have been taken from a draft and not from the engrossment sent to Rome (cf. n. 13 below). The copy printed in Foedera, I. i. 115 derives from a papal source. Copies are preserved in the Vatican Archives, but not the original instrument with the golden seal (Mercati, p. 278, n. 7).
noscamur, nec quid quod digne offerre possimus pro satisfactione deo et ecclesie debita facienda nisi nos ipsos habeamus et regna nostra, volentes nos ipsos humiliare pro illo qui se pro nobis humiliavit usque ad mortem, gratia sancti spiritus inspirante, non vi inducti nec timore cohaasti sed nostra bona spontaneaque voluntate ac communi consilio baronum nostrorum offerimus et libere concedimus deo et sanctis apostolis eius Petro et Paulo et sancte Romane ecclesie matri nostre ac domino nostro pape INNOCENTIO tertio eiusque catholicis successoribus totum regnum Anglie et totum regnum Hybernie cum omni iure ac pertinentiis suis pro remissione peccatorum nostrorum et totius generis nostri tam pro vivis quam defunctis. Et amodo illa a deo et ab ecclesia Romana tamquam feodarius recipientes et tenentes in presentia venerabilis patris nostri domini Nicolai Tusculani episcopi, apostolice sedis legati, et Pandulfi, domini pape subdiaconi et familiaris, fidelitate exinde predicto domino nostro pape INNOCENTIO eiusque catholicis successoribus ac ecclesie Romane secundum subscriptam formam fecimus et iuravimus. Et homagium etiam ligium pro predictis regnis deo et sanctis apostolis Petro et Paulo et ecclesie Romane et eodem domino nostro pape INNOCENTIO per manus predicti legati loco et vice ipsius domini pape recipientis publice fecimus, successores et heredes nostros de uxore nostra in perpetuum obligantes ut simili modo summo pontifici qui pro tempore fuerit et ecclesie Romane sine contradictione debeat fidelitatem prestare et homagium recognoscere. Ad indicium autem huius nostre perpetue oblationis et concessionis volumus et stabilimus ut de propriis et specialibus redditibus predictorum regnorum nostrorum pro omni servitio et consuetudine
we can worthily offer as due amends to God and the Church, we desire to humble ourselves for the sake of Him who for us humbled Himself even unto death; and inspired by the grace of the Holy Spirit—not induced by force nor compelled by fear, but of our own good and spontaneous will and on the general advice of our barons—we offer and freely yield to God, and to SS. Peter and Paul His apostles, and to the Holy Roman Church our mother, and to our lord Pope Innocent III and his catholic successors, the whole kingdom of England and the whole kingdom of Ireland with all their rights and appurtenances for the remission of our sins and the sins of our whole family, both the living and the dead. And now, receiving back these kingdoms from God and the Roman Church and holding them as feudatory vassal, in the presence of our venerable father, lord Nicholas, bishop of Tusculum, legate of the Apostolic See, and of Pandulf, subdeacon and member of household to our lord the Pope, we have pledged and sworn our fealty henceforth to our lord aforesaid, Pope Innocent, and to his catholic successors, and to the Roman Church, in the terms hereinunder stated; and we have publicly paid liege homage for the said kingdoms to God, and to the Holy Apostles Peter and Paul, and to the Roman Church, and to our lord aforesaid, Pope Innocent III, at the hands of the said legate who accepts our homage in place and instead of our said lord, the Pope; and we bind in perpetuity our successors and legitimate heirs that without question they must similarly render fealty and acknowledge homage to the Supreme Pontiff holding office at the time and to the Roman Church. As a token of this our perpetual offering and concession we will and decree that out of the proper and special revenues of our said kingdoms, in lieu of all
quod pro ipsis facere deberemus, salvo per omnia
denario beati Petri, 11 ecclesia Romana mille marchas
sterlingorum perciptat annuatim, scilicet in festo sancti
Michaelis quingentas marchas et in Pasca quingentas
marchas, septingentas scilicet pro regno Anglie et
trecentas pro regno Hybernie, salvis nobis et hereditibus
nostriius ficttiiis, libertatibus, et regalibus nostris. Que
omnia sicut predicta sunt rata esse volentes perpetuo
atque firma obligamus nos et successores nostros contra
non venire. Et si nos vel aliquis successorum nostrorum
hoc attemptare presumperit, quicumque fuerit ille,
nisi rite commotus resipuerit, cadat a iure regni et
hec carta obligationis et concessionis nostre semper firma
permaneat.

12 Ego Johannes dei gratia rex Anglie et dominus
Hybernie ab hac hora inantea fidelis ero deo et beato
Petro et ecclesie Romane ac domino meo pape
INNOCENTIO tertio eiusque successoribus catholice in-
trantibus. Non ero in facto, dicto, consensu, vel con-
silio ut vitam perdant vel membra vel mala captione
capiantur. Eorum damnum si scivero impediam et
remanere faciam si potero, alioquin eis quamcuius
potero intimabo vel tali persone dicam quam eis
credam procerno dicturam. Consilium quod michi
crediderint per se vel per nuntios seu littertas suas
secretum tenebo et ad eorum damnum nulli pandam
me sciente. Patrimonium beati Petri et specialiter
regnum Anglie et regnum Hybernie adiutor ero ad
tenendum et defendendum contra omnes homines pro
posse meo. Sic me deus adiuget et hec sancta dei
evangelia.

11 cf. no. 65, n. 1 above
12 This is the oath which John first took on 15 May 1213.
service and payment which we should render for them, the Roman Church is to receive annually, without pre-
judice to the payment of Peter's pence, one thousand
marks sterling—five hundred at the feast of St Michael
and five hundred at Easter—that is, seven hundred for
the kingdom of England and three hundred for the
kingdom of Ireland, subject to the maintenance for us
and our heirs of our jurisdiction, privileges, and re-
galities. Desiring all these terms, exactly as stated,
to be forever ratified and valid, we bind ourselves and
our successors not to contravene them; and if we or
any of our successors shall presume to contravene them,
then, no matter who he be, unless on due warning he
come to his senses, let him lose the title to the kingdom,
and let this document of our offer and concession remain
ever valid.

I, John, by grace of God king of England and
lord of Ireland, will from this hour henceforward be
faithful to God and Saint Peter and the Roman Church
and my lord Pope Innocent III and his catholic suc-
cessors. I will not take part in deed, word, agreement,
or plan whereby they should lose life or limb or be
treacherously taken prisoners; any injury to them,
if aware of it, I will prevent and will check if I can;
and otherwise, I will notify them as soon as possible,
or inform a person whom I can trust without fail to
tell them; any counsel they have entrusted to me either
personally or by envoys or by letter I will keep secret,
nor will I wittingly divulge it to anyone to their dis-
advantage. I will help in maintaining and defending,
to the utmost of my power, against all men, the patrimony
of Saint Peter, and particularly the kingdom of England
and the kingdom of Ireland. So help me God and the
Holy Gospels of God whereon I swear.

Nos autem obligationem et concessionem huiusmodi pie ac provide factas gratas et ratas habentes, personam tuam et personas heredum tuorum cum predictis regnis et pertinentiis eorumdem et omnibus bonis aliis rationabiliter nunc possessis et in posterum possidendis sub beati Petri et nostra protectione suscipimus, tibi et ipsis secundum prescriptam formam de communi consilio fratrum nostrorum suprascripta regna concedentes in feudum et presenti privilegio confirmantes, ita quod quilibet heredum tuorum cum regni coronam acceperit, feudum huiusmodi summo pontifici et Romane ecclesie

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13 *fierí...signari*. The copy of the oath on the Charter Roll reads for this *fécimus sigillari*.

14 The treasurer and chamberlains of the Exchequer were instructed
To prevent any questioning of these terms at any time in the future, and for the greater surety of our offer and concession, we have caused this charter to be made and to be sealed with our golden seal; and as tribute for this the first year we pay a thousand marks sterling to the Roman Church by the hand of the said legate.

Witnessed by his lordship Stephen archbishop of Canterbury, and by their lordships William bishop of London, Peter bishop of Winchester, Eustace bishop of Ely, and Hugh bishop of Lincoln, and by our Chancellor, Walter de Gray, our brother William earl of Salisbury, Ranulf earl of Chester, William Marshal earl of Pembroke, William earl of Ferrers, Saer earl of Winchester, Robert de Ros, William Briwerre, Peter FitzHerbert, Matthew FitzHerbert, and Brian de Lisle our steward.

By the hand of Master Richard Marsh archdeacon of Richmond and Northumberland, at St Paul's London, the third of October A.D. 1213, in the fifteenth year of our reign.

This offer and concession so piously and wisely made we regard as acceptable and valid, and we take under the protection of Saint Peter and of ourselves your person and the persons of your heirs together with the said kingdoms and their appurtenances and all other goods which are now reasonably held or may in future be so held: to you and to your heirs, according to the terms set out above and by the general advice of our brethren, we grant the said kingdoms in fief and confirm them by this privilege, on condition that any of your heirs on receiving the crown will publicly acknowledge this as a fief held of the Supreme Pontiff and of the Roman

to pay the thousand marks to the legate by a writ dated 5 October (R.L.C., i. 153a, cf. Lunt, Financial relations, p. 141).
publice recognoscat et eis fidelitatis exhibeat iuramentum. Nulli ergo omnino hominum liceat hanc paginam nostrre concessionis et confirmationis infringere vel ei ausu temerario contraire. Siquis autem hoc attemptare presumpserit, indignationem omnipotentis dei et beatorum Petri et Pauli apostolorum cius se noverit incursurum. AMEN, amen, AMEN.


15 The rota consists of two concentric circles, the inner one being intersected by a cross. Between the circumferences is written the pope's motto ('fac mecum domine signum in bonum'), and a cross made by the pope's own hand in the special form which he previously used when subscribing his predecessor's bulls as a cardinal. In the segments of the inner circle is written: 'Sanctus Petrus | Sanctus Paulus | Inno papa |
Church, and will take an oath of fealty to them. Let no man, therefore, have power to infringe this document of our concession and confirmation, or presume to oppose it. If any man dare to do so, let him know that he will incur the anger of Almighty God and of SS Peter and Paul, His apostles. Amen, amen, Amen.

(Rota) I, Innocent, bishop of the Catholic Church, have signed. Farewell.

I, John, bishop of Sabina, have signed.
I, Hugh, bishop of Ostia and Velletri, have signed.
I, Benedict, bishop of Porto and S. Rufina, have signed.
I, Cinthius, cardinal priest of the title of S. Lorenzo in Lucina, have signed.
I, Cencius, cardinal priest of SS Giovanni e Paolo of the title of Pammachius, have signed.
I, Peter, cardinal priest of the title of S. Marcello, have signed.
I, Leo, cardinal priest of the title of Santa Croce in Gerusalemme, have signed.
I, Peter, cardinal priest of Santa Pudenziana of the title of the pastor, have signed.
I, Guala, cardinal priest of S. Martino of the title of Equitius, have signed.
I, John, cardinal priest of the title of Santa Prassede, have signed.
I, Guy, cardinal deacon of S. Nicola in Carcerе Tulliano, have signed.

centius III. ‘Benevaleta’ is in the form of a monogram. For a facsimile, see Battelli, pl. xi.

The ‘titles’ of the cardinal priests represent in most cases the names of the ancient owners (the holders of the title-deeds) of the property on which the churches stood. Some of these names were in course of time treated as the names of patron saints.
Ego Octavianus sanctorum Sergii et Bachi diaconus cardinalis ss.

Ego Iohannes sanctorum Cosme et Damiani diaconus cardinalis ss.

Ego Angelus sancti Adriani diaconus cardinalis ss.

Dat' Rome apud Sanctum Petrum per manum Raynaldi domni Innocentii pape tertii acoliti et capellani xi kal. Maii indictione ii, incarnationis dominice anno MCCCXIII° pontificatus vero eiusdem domni Innocentii anno septimo decimo.
TO KING JOHN

I, Octavian, cardinal deacon of Santi Sergio e Bacco, have signed.

I, John, cardinal deacon of Santi Cosma e Damiano, have signed.

I, Angelus, cardinal deacon of S. Adriano, have signed.

Rome, St Peter’s, by the hand of Master Raynaldus, acolyte and chaplain to the lord Pope Innocent III, the 21st of April, indictment 2, A.D. 1214, in the 17th year of the Pontificate of the lord Innocent.
Innocentius episcopus servus servorum dei karissimo in Christo filio I. illustri regi Anglorum salutem et apostolicam benedictionem.

Cum ex guerra que vertitur inter a te et karissimum in Christo filium nostrum Philippum Francorum regem illustrem 1 impeditur terre sancte succursus ad quem pro salute populi christiani ardentissime aspiramus aliaque innumera timeantur ex ea percula proventura nos apostolice servitutis debito provocati ad reformationem pacis intendimus interponere partes nostras. Unde consulitur nobis a viris prudentibus et honestis quatinus tibi ac prefato Francorum regi firmiter in iun- gamus per censuram ecclesiasticam vos si necesse fuerit compellendo ut pro tot et tantis periculis evitandis treugas ineatis et observetis ad invicem, saltem usque post generale concilium in proximo celebrandum, 2 rebus in eo statu manentibus in quo erunt cum ipse treuge a partibus firmabuntur. Et duo mediatores pacis absque malicia eligantur qui fideliter interim tractent de concordia reformanda, que, si forte provenire non posset, 3 nostro vos arbitrio committatis, prestitis super hiis cautionibus que tanto ac tali negocio fuerint

Pott. 4914. Texts. P.R.O., Patent roll 12 (16 John) m. 17d; whence R.L.P., p. 139a and Foedera, I. i. 120

Variants of the duplicate roll (13 m. 10d) are not usually noted below.

1 inter 12; in 13
2 posset 12; possit 13

1 Innocent had tried to bring the two kings to terms after John’s return to grace in May 1213 (cf. no. 54, n. 1 above), but in February 1214 John led a military expedition to Poitou. It was only after his advance had been checked by Prince Louis of France and after the disastrous defeat of Bouvines, in July 1214, that the pope’s intervention took effect. The
Innocent, bishop, servant of the servants of God, to his well-beloved son in Christ, John, illustrious king of the English, greeting and apostolic benediction.

Since the war between you and our well-beloved son in Christ, Philip illustrious king of the French, is preventing the aid to the Holy Land which we most ardently desire for the salvation of Christian people, and since it is feared that countless other dangers may arise from this war, we intend to mediate for the restoration of peace, summoned thereto by the duty of apostolic servitude. Wherefore, we are advised by prudent and honourable men firmly to enjoin upon you and the king of the French, compelling you by ecclesiastical censure if need be, that to avoid so many great dangers you should make a truce and mutually respect it, at least until after the General Council soon to be held, all things to remain in the exact state in which they will be when the truce is concluded between the parties. Let two mediators of peace be selected in good faith and let them meanwhile faithfully discuss the restoration of harmony: but if harmony should not result, you are to commit yourselves to our decision (first giving pledges suitable for a matter so important)

In France, Robert de Courçon, secured a truce from 31 August to 14 September 1214, and on 13 September Philip Augustus agreed to a further truce to last until Easter 1220 (Foedera, I. i. 125, A Teulet, 

*Layettes du Trésor des chartes*, i. 405, Cartellieri, iv. 385, 483-9). Nothing was done towards the making of a permanent peace-treaty (cf. no. 72 below).

*The Fourth Lateran Council, summoned for November 1215 (cf. no. 51 above).*
oportune, ut ex tunc ad tam periculosam discordiam sopiendam nos ipsi personaliter intendamus. Quocirca serenitatem regiam rogamus, monemus, et exhortamur in domino quatinus habita super hiis deliberatione prudenti nobis non differas per idoneum nuncium respondere.

Dat’ Rome apud Sanctum Petrum, X kal. Maii pontificatus nostri anno septimodecimo.
so that from then we may personally attend to the settlement of such a dangerous quarrel. Wherefore we ask, admonish, and in the Lord exhort your Majesty to consider these matters wisely and not to postpone sending us a reply by a suitable messenger.³

St Peter's, Rome, the 22nd of April, in the seventeenth year of our Pontificate.

³ For the importance attached to the fitness of messengers to the Curia see BJRL, xxxiii (1950), 32.
INNOCENTIUS episcopus servus servorum dei dilectis filiiis . . . abbati et conventui monasterii de Loufeli\(^1\) salutem et apostolicam benedictionem.\(^2\)

SACROSA NTA ROMANA ECCLESIA devotos et humiles filios ex assuete pietatis offitio propensius diligere consuevit et ne pravorum hominum molestis agitentur eos tamquam pia mater sue protectionis munimine confovere. Eapropter, dilecti in domino filii, vestris iustis postulationibus grato concurrentes assensu personas vestras et locum ipsum in quo divino estis obsequio mancipati cum omnibus bonis vestris tam ecclesiasticis quam mundanis que impressinum rationabiliter possidetis aut in futurum iustis modis prestante domino poteritis adipisci sub beati Petri et nostra protectione suscipimus. Specialiter autem domos, terras, ortos, prata, nemora, molendina, possessiones, et alia bona vestra sicut ea omnia iuste ac pacifice possidetis vobis et per vos eidem monasterio vestro auctoritate apostolica confirma mus et presentis scripti patrocinio communimus. Nulli ergo omnino hominum liceat hanc paginam

Not in Potthast. Text. O: London, Westminster Abbey, muniment 3012. Original letter of grace, approx. 10 in. x 8½ in., with leaden seal suspended on red and yellow silken cord. On right-hand side of flap, in a large hand: ‘·Ir’ (cf. no. 33 above)

\(^1\) Luffield, Northants, dioc. Lincoln. The papal chancery was mistaken in addressing the abbot, for the monastery at Luffield was a priory of Benedictine monks, whose president was always a prior. The house became a dependency of Westminster Abbey c. 1494: this explains the survival of the priory’s muniments among those of Westminster.
 Innocent, bishop, servant of the servants of God, to his beloved sons the abbot and monks of the monastery of Luffield,¹ greeting and apostolic benediction.²

The most holy Roman Church whose duty is unfailing kindliness is wont to shew its devoted and obedient children a ready affection, and like a good mother it gathers them under its sheltering protection, so that they may not be distressed by annoyances from wicked men. Wherefore, sons beloved in the Lord, we gladly give approval and consent to your just requests, and we take under the protection of Saint Peter and ourselves your persons and the place where you are engaged in God’s service, together with all property both ecclesiastical and secular, which you reasonably own now, or which by just means and God’s gift you will be able to acquire in the future. More particularly, the houses, lands, gardens, meadows, woodlands, mills, properties, and other possessions, in so far as you hold them justly and peacefully, we confirm to you by apostolic authority and through you to your monastery, and by the protection of this document we defend them. Let no man, therefore, have power to infringe this document of our

¹ The text is in a common form which was often used, with various minor differences, by Innocent III (e.g. P. 4895 for Richard Marsh, 31 January 1214), and before him by popes of the twelfth century.

(1039)
nostre protectionis et confirmationis infringere vel ei ausu temerario contraire. Si quis autem hoc attemptare o presumpserit indignationem omnipotentis dei et beatorum Petri et Pauli apostolorum eius se noverit incursurum.

Dat' Rome apud Sanctum Petrum, vii kal. Iunii pontificatus nostri anno septimodecimo.

*attemptare (the last four letters beginning a new line) O
protection and confirmation, or dare to oppose it. If any man presume to do so, let him know that he will incur the anger of Almighty God and of SS Peter and Paul His apostles.

St Peter's, Rome, the 26th of May, in the seventeenth year of our Pontificate.
N. Tusculano episcopo apostolice sedis legato.¹

*Venerabilis frater noster I.² Norwicensis episcopus et dilecti filii R.³ de Marisco archidiaconus Norhumb'⁴ ac ⁵ nobiles viri T.⁶ et A.⁷ nuncii karissimi in Christo filii nostri⁸ I.⁹ regis Anglie illustris,² ex parte una, ⁹ necon ¹¹ magister Simon ¹² de Langeton' et ¹³ A. et G. clerici, nuncii venerabilis fratri nostri S.⁰ Cantuariensis archiepiscopi,³ ex alia,⁷ nuper ² in nostra presentia ⁷ constitiuti assuerere concorditer et constanter quod pro vitando grandi rerum dispensio et gravi periculo animarum expediebat quam plurimum tam regno quam sacerdorio ut sine dilacione relaxaretur ⁹ in Anglia ¹ sentencia interdicti. Unde nos,² affectu paterno sollice intendeitentes ⁸ ad salutem et utilitatem communem,

Pott. 4838 and 4947, both mis-dated. Tevis. C: P.R.O., Charter roll 12 (16 John) m. 8d; whence R.Ch., p. 208b. Variants of the duplicate roll (13 m. 2d) are not noted below. W: Roger Wendover, Flores historiarum, ed. H. O. Coxe, iii. 282 (a much corrupted text). P: Paris, ii. 574 (probably unauthorised re-touching of Wendover or a better copy than that represented by W); whence Foedera, i. i. 122.

* Address supplied from internal evidence; om. protocol C; Innocentius episcopus etc. WP

¹ I. CP; Iohannes W
² R. CP; Robertus W
³ ac C; et WP
⁴ A. C; Adam WP
⁵ T. G; Thomas de Herdintune WP
⁶ I. CP; Iohannis W
⁷ om. necon WP
⁸ om. et WP
⁹ una parte WP
¹₀ Simon C; Stephanus W; S. P
¹¹ om. WP
¹² ex alia (after clerici) C; ex altera parte WP
¹³ om. in Anglia WP
¹⁴ nuper CP; om. W
¹⁵ presentia nostra WP
¹⁶ nuper CP; om. W
¹⁷ relaxaretur CW; relaxetur P
¹⁸ om. in Anglia WP
¹⁹ relaxaretur PW; relaxetur P
²⁰ nuper CP; om. W
²¹ intendeitentes C; inter eos WP
²² Twice calendared by Potthast, from the chroniclers' versions, and assigned by him to October 1213 and December 1214. The arrangement it contains superseded that of no. 64 above, and its very words are repeated in King John's undertaking, dated Angers, 17 June 1214 (Foedera, i. i. 122).
To Nicholas, bishop of Tusculum, legate of the Apostolic See.\(^1\)

**OUR VENERABLE BROTHER** John bishop of Norwich, with our beloved sons Richard Marsh archdeacon of Northumberland and the noblemen Thomas and Aimery envoys of our well-beloved son in Christ, John illustrious king of England,\(^2\) on the one side, and on the other, Master Simon Langton and the clerks Alan and Walter envoys of our venerable brother Stephen archbishop of Canterbury,\(^3\) have recently appeared before us and have unanimously and steadfastly declared that, to avoid great loss of property and serious peril to souls, it was greatly in the interest of both priesthood and kingdom to relax without delay the sentence of Interdict in England. And so, with fatherly affection being concerned for the salvation and

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This led to the relaxation of the interdict on 2 July (Coventry, ii. 217, etc.; not 29 June, as Wendover, in Paris, ii. 575). The letter may probably be dated April-May 1214, and may have been procured by John's envoys with other letters issued from the papal chancery during April (nos. 66-8; cf. no. 47, n. 2 and no. 57, n. 1 above).

\(^1\) John de Gray, bishop of Norwich (1200-14) reached Rome by the early days of November 1213 (no. 63 above) and may have stayed until the next April. Richard Marsh (who was in England until after 9 October 1213) was in the Curia by 28 January 1214 (P. 4892). The other two royal envoys were probably Thomas de Erdinton (cf. n. 7 and no. 45 above) and Aimery de Sacy: both received royal letters of protection dated 2 January 1214 (R.L.P., p. 107a).

\(^2\) Mr Simon Langton, the archbishop's younger brother, had acted for him in negotiations with the king since 1208 (cf. no. 36 above). According to Wendover, on this visit to Rome he complained of the legate's conduct of elections (Paris, ii. 572, cf. no. 62 above). For his election to York see no. 81 below. The clerks A. and G. cannot be certainly identified (cf. EHR. xlviii (1933), 559), but may be the Mr Alan and Walter, clerks of the archbishop, who were present (with John, bishop of Norwich, Thomas de Erdinton, and others) when the king accepted these terms at Angers on 17 June.
ca quæ pacis sunt, hinc inde cum illis tractavimus diligenter, et tandem, ipsis adquiescentibus, formam invenimus et statuimus infrascriptam. Sane prefatus rex tantam pecuniam hiis quibus facienda est restitutio in manus faciet assignari, computatis hiis quæ idem rex nscitur persolvisse, quod summam xl milia marcarum complebit, quibus solutis et cautione praestita inferius annotata, protinus sublato ciuslibet contradictionis et appellationis obstaculo, relaxes sententiam interdicti, ac deinde singulis annis xii milia marcarum in duobus terminis, commemoratione videlicet Omnium Sanctorum sex milia et totidem in festo Ascensionis apud ecclesiam Sancti Pauli Lond' eisdem faciet exiberi, donec tota summa fuerit persoluta que nobis taxantibus declara- bitur per inquisitionem de mandato nostro proinde faciendam. Et ad hoc fideliter exequendum obligabit se idem rex per proprium iuramentum ac per patentes litteras suo sigillo munitas, necnon per fideiussionem Wintoniensis et Norwicensis episcoporum, Cestrensis et Wintoniensis comitum et W. Briwerr' et W. Marescalli comitis Penbroc' si in Anglia fuerit, vel comitis de Ferraris vel de Arundell' si absens fuerit dictus Marescallus, ita quod tam heredes ipsius regis quam successores eorum pari obligatione tenebuntur astricti. Quocirca per apostolica tibi scripta

* communem ea C; super his WP
* om. hinc inde WP
* hiis . . . faciet C; archiepiscopo Cantuariensi, Londoniensi et Eliensi episcopis vel aliis quos ad hoc assignare voluerint, faciat WP
* summam . . . complebit C; summam impleat WP
* appell. et contrad. WP
* add in WP
* add marcarum WP
* add dominice WP
* om. que nobis . . . faciendam WP
* obligavit se idem C; obligavit se ipsum idem W; obligavit se ipsum ipsum WP
* ac C; et WP
* literas patentes WP
* sigillo suo WP
* comitum . . . Marescallus C; et Willelmi Marescalli comitum WP
* astricti CP; constricti W
benefit of all, we have carefully discussed with both sides the things that belong unto peace: and at length with their concurrence we have devised and decreed the following conditions—the money which the king is acknowledged to have paid already will first be computed: then he will arrange to have paid over to those to whom restitution is due a sum sufficient to make up a total of 40,000 marks: when he has paid this and furnished the guarantee noted below, you will immediately relax the sentence of Interdict, all right of opposition or appeal being denied. Annually thereafter at St Paul's London he will pay to the same individuals 12,000 marks in two moieties, one of 6,000 marks on All Saints' Day and a second of 6,000 marks on Ascension Day, until he has paid off the grand total which, by our order, will be made known from the inquest soon to be held under our mandate. To the faithful discharge of this the king will bind himself by his personal oath and by letters patent attested by his seal, and by a guarantee from the bishops of Winchester and Norwich, the earls of Chester and Winchester, William Briwerre, and William Marshal earl of Pembroke if he is present in England, or, if not, the earl of Ferrers or the earl of Arundel—so that not only the king's heirs but also the guarantors' successors will be

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*12,000 marks had been paid to the returning exiles, on account, in July 1213 (no. 45, n. 17 above) and 15,000 marks were paid in the following December (*R.L.P.*, i. 106a). There is no evidence that the outstanding 13,000 marks was paid in June 1214 (cf. Paris, ii. 575).

*The first half-yearly payment of 6,000 marks was authorised 4 November 1214 (*R.L.C.*, i. 175b). When the second fell due, civil war had already broken out, and there is no trace in the chancery rolls of further payment.*

*The bond given by William, earl of Ferrers, on 16 June 1214, survives (*R.L.P.*, p. 139a, *Foedera*, i. i. 123 (mis-dated)).*
precipiendo" mandamus quatinus secundum pre-forte scriptam formam π procedere non postponas, nisi in aliam formam partes convenerint de mera et libera voluntate. Et si aliquid fuerit attemptatum circa personam dicti regis occasione iuramenti prestiti archiepiscopo ab eodem rege de toto solvendo in Pascha, preter formam mandati nostri, acceptata forma ista. denuncies illud penitus non valere. ῆ

Dat' Laterani, pontificatus nostri anno xvii. ῆ

ο om. per apostolica tibi scripta precipiendo C
π formam prescriptam WP
π postponas WP; postpones G
ε nisi ... valere C; nisi de mera et libera voluntate partes aliter duxerint componendum WP

ο om. dating clause C; Datum Laterani pontificatus nostri anno (xvi added in margin of one ms.) W; Datum Laterani P
equally bound by the undertaking. Therefore, by apostolic letter we charge and command you at once to proceed in accordance with the above terms, unless the parties of their entire and free will have agreed on other terms. If any action affecting the king’s person shall have been attempted as a result of his sworn promise to the archbishop to make full restitution at Easter contrary to the terms of our mandate, on receipt of the present terms you are to denounce such action as absolutely invalid.

The Lateran, in the seventeenth year of our Pontificate.

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7 This must refer to the king’s oath reported in his letters patent dated 13 (? for 18) July at Porchester (Reg. antiquiss. of the cath. ch. of Lincoln, i (ed. C. W. Foster, 1931), p. 137). He had then sworn to make full restitution by Easter 1214.
Innocentius episcopus servus servorum dei venerabili fratri N. Tusculano episcope apostolice sedis legato salutem et apostolicam benedictionem.¹

Prudentiam tuam a in domino commendamus quod, Rofensi episcopatu vacante, cum super ipsius custodia questio verteretur inter karissimum in Christo filium nostrum I. Anglorum b regem illustrem et venerabilem fratrem nostrum Stephanum Cantuariensem archiepiscopum sancte Romane ecclesie cardinalem, tu sicut accepi mus sine preuiditio utriusque ipsum accepisti custodiad detinendum.² Ut autem eodem episcopatu in spiritualibus et temporalibus utiliter consulatur; fraternitati tue per apostolica scripta mandamus quaternus iniungas ex parte nostra c Rofensi capitulo ut absque more dispendio personam idoneam sibi pre- ficienti canonice in pastorem et regium requirant assen sum.³ Tuque vocatis qui fuerint vocandi d cognoscas ad quem tempore vacationis e pertinente ipsius episcopatus custodia, eique illam assignes f ad quem cognoveris pertinere, nisi prius ei fuerit de pastore provisum.

Dat' Viterbii, idibus Septembris pontificatus nostri anno septimodecimo.


¹I. Anglorum D ; I. Angl' S ; Johannem Anglie W
²tua D ; tua SW a vocandi SW ; evocandi D
³vacationis SW ; vacatio D f assignes SW ; designes D

¹ This mandate is included in an order from the legate to the prior and chapter of Rochester Cathedral priory to elect a bishop, dated at Rochester 27 November; this shows that Nicholas of Tusculum remained in England somewhat later than is recorded elsewhere.
² The dispute over custody of the see vacated by the death of Gilbert Glanvill (24 June 1214) concerned the temporal possessions. Archbishop Stephen claimed to have control not only of the spiritualities of the see
Innocent, bishop, servant of the servants of God, to his venerable brother Nicholas, bishop of Tusculum, legate of the Apostolic See, greeting and apostolic benediction.¹

In the name of the Lord we commend your prudence, in that during the vacancy in the see of Rochester, when a difference as to the custody of it arose between our well-beloved son in Christ, John, illustrious king of the English, and our venerable brother Stephen, archbishop of Canterbury and cardinal of the Holy Roman Church, you (as we are informed) without prejudice to either party assumed the custody.² Accordingly, to arrange for the profit, both spiritual and temporal, of the see, by apostolic letter we command that on our behalf you should direct the chapter of Rochester at once to appoint canonically a suitable person to be pastor over them, and to request the king’s assent:³ and do you call together the appropriate individuals, and, ascertaining to whom the custody of this see belongs at the time of a vacancy, assign it to him to whom you have found it to belong, unless provision has already been made for electing a pastor.

Viterbo, the 13th of September, in the seventeenth year of our Pontificate.

¹ Of Rochester, but also, as patron, of the temporalities (cf. I. J. Churchill, Canterbury administration (1933), i. 279 sqq.). The claim was an old one and John recognised it eventually by charter 22 November 1214 (R.Ch., p. 202b, cf. R.L.C., i. 201-2). The legate was therefore only required to execute the papal mandate so far as it concerned election.

² According to the Libellus, the legate recommended some of his own clerks to the monks, but they deferred the election until they received an order to elect from King John. Then, with some pressure from Archbishop Stephen, they elected Mr Benedict of Sansetun, or Sawston, on 13 December 1214. For documents connected with this election and the patronage of Rochester see Acta Stephani Langton, ed. K. Major (Canterbury and York Soc., 1950), pp. 19-22, 158-9.
Innocentius episcopus servus servorum dei carissimo in Christo filio Iohanni regi Anglorum illustri salutem et apostolicam benedictionem.

LITTERAS QUAS NOBIS regia sublimitas destinavit receptionem benignitatem paterna et que de treugis initis cum karissimo in Christo filio nostro Philippo rege Francorum illustri significasti per eas notavimus diligenter. Cum igitur treugas ipsas ut subveniri possit expeditius terre sancte te asseras inisse, serenitatem tuam regamus attentius, monemus et exhortamus in domino quatinus ad eiusdem terre succursum intendas sollicite ac potenter.

Dat' Laterani, xiii kalendas Decembris pontificatus nostri anno septimodecimo.

Pott. 4325, mis-dated. Text. P.R.O., Papal bulls 52(3). Original letters close, approx. 6½ in. x 4 in., seal and cord missing; whence Prynne, iii. 26 (reading 'Novembris' for 'Decembris'), whence Foedera, I. i. 104 (reading 'anno quartodecimo' for 'anno septimodecimo'), whence Migne, ccxvii. 213 and Pothis (under 19 Oct. 1211).

1 For the truce for five and a half years effected in September 1214, see no 68, n. 1 above. Cartellieri (iv. 302) was misled by the dating of this letter in Foedera into inventing a truce at the beginning of September 1211.
Innocent, bishop, servant of the servants of God, to his well-beloved son in Christ, John, illustrious king of the English, greeting and apostolic benediction.

The letter which your Majesty has sent to us we have received with fatherly kindness and have carefully noted your message about the conclusion of a truce with our well-beloved son in Christ, Philip, illustrious king of the French. Since, therefore, you claim to have made the truce in order that relief may be brought more quickly to the Holy Land, we earnestly request, admonish, and in the Lord exhort your Majesty to plan carefully and effectively for the relief of the Holy Land.

The Lateran, the 18th of November, in the seventeenth year of our Pontificate.

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The relief of the Holy Land was the pope's constant object in seeking peace between England and France (cf. nos. 19, 68 above). John took the cross on Ash Wednesday, 4 March 1215 (Coventry, ii. 219); cf. no. 78 below.
Innocentius episcopus servus servorum dei dilectis filiiis abbati, priori, et archidiacono Sancti Albani Lincoln dyocesis salutem et apostolicam benedictionem. Sua nobis dilecti filii abbas et conventus sancti Augustini Cantuariensis conquestione monstrarunt quod cum vicariis quarundam ecclesiarum suarum Cantuariensis dyocesis que sunt ad certos usus sui monasterii deputate parati sint assignare provisionem congruam de proventibus earundem, quam eciam ipsi vicarii acceptarent, venerabilis frater noster Cantuariensis archiepiscopus sancte Romane ecclesie cardinalis nolens esse illorum congrua provisione contentus eos compellere nitor ad provisionem plusquam sufficientem ipsis vicariis assignandam in eorum et monasterii sui prudence et grave. Quare nobis humiliter supplicarunt ut eis misericorditer consulentes, provisiones ipsas de nostro taxari officio faceremus. Nolentes igitur ex hoc pati predicti monasterii lesionem, discretionis vestre per apostolica scripta mandamus quatinus memoratum archiepiscopum monentes prudenter et efficaciter inducentes ut ab eorum super his gravamine conquiescat, iuxta quantitatem et qualitatem proventuum ecclesiarum ipsarum provisiones congruas debita moderatione appellatione remota taxetis, contradictores per censuram ecclesiasticam appellacione postposita compecedo. Quod si non omnes his exequendum potueritis interesse, duo vestrum ea nichilominus exequantur.

Dat’ Laterani, v idus Marcii pontificatus nostri anno xviii.°


et A ; in B predicti ; predictum AB et A ; om. B

1 The abbot was William of Trumpington, elected 20 November 1214. By the time this letter reached England, Mr Walter of Reims was probably
Innocent, bishop, servant of the servants of God, to his beloved sons the abbot, the prior, and the archdeacon of St Albans in the diocese of Lincoln, greeting and apostolic benediction.

Our beloved sons the abbot and monks of St Augustine's Canterbury in their complaint to us have stated that, though they were prepared to allot to the vicarages of some of their churches in the diocese of Canterbury (churches which have been assigned for certain uses of their monastery) a fitting allowance from the said churches' revenues, which indeed the vicars themselves accepted, our venerable brother the archbishop of Canterbury, cardinal of the Holy Roman Church, refusing to be content with their fitting allowance, is striving to compel them, to the prejudice and injury of themselves and their monastery, to allot to the vicars a more than adequate allowance. And so they have humbly supplicated us to regard them in mercy and to have the allowances assessed by the authority of our office. Therefore, as we do not wish the monastery thus to suffer injury, by apostolic letter we command that you should discreetly advise and effectively persuade the archbishop to stop oppressing them in these matters, and that with due moderation you should fix suitable allowances (not subject to appeal) in accordance with the size and nature of the churches' revenues, quelling objectors by ecclesiastical censure without appeal. If you cannot all take part in executing this business, let two of you discharge it, notwithstanding.

The Lateran, the 11th of March, in the eighteenth year of our Pontificate.

\*prior (Gesta abb. S. Albani (Rolls series), i. 238, 260). The archdeacon was probably Ralph Simple (Paris, vi. 270). This belongs to a group of letters obtained for St Augustine's when the abbot elect, Alexander, visited the Curia and received benediction from the pope 22 February 1215 (cf. Exch. K. R. Misc. Bk. 27 fos. 115v, 118r).\*
Innocentius etc. dilectis filiis magnatibus et baronibus Anglie salutem et apostolicam benedictionem.

Grave gerimus et molestum quod sicut acceperimus inter karissimum in Christo filium nostrum I. regem Anglorum illustrem et quosdam vestrum propter questions noviter suscitatas dissensio est suborta grave dispendium paritura nisi celeriter a fuerint prudenti consilio ac studio diligenti sopite.  

Illud autem reprobamus omnino si quemadmodum a multis asseritur conspirationes aut coniuraciones feceritis a usu temerario contra ipsum, quodque cum armis irreverenter et indevote repetere presumpsitis b que cum humilitate ac devotione b si opus esset vos repetere deebbatis. Ne igitur ipsius bonum propositum  c huiusmodi occasionibus valeat impediri, nos omnes conspiraciones et coniuraciones presumptas a tempore suborte discordie inter regnum et sacerdotium apostolica denunciamus auctoritate cassatas et per excommunicacionis sentenciam inhibemus ne talia de cetero presumantur, vos monendo prudenter et efficaciter inducendo ut per manifesta devotionis et humilitatis indicia ipsum regem vobis placare ac reconciliare curetis, exhibentes ei servicia consueta que vos et predecessores vestri sibi et suis predecessoribus impedistis.  

Ac deinde, si quid ab eo duxeritis


a sceleriter P (12 and 13)  
b ac devotione (cf. no. 75) ; ad devotionem P (12 and 13)  
c impedistis, oblit. P (12) ; impedistis P (13)  
1 At a great council held 6 January 1215, dissatisfied magnates had asked the king to confirm the coronation-charter of Henry I and the laws of King Edward (Coventry, ii. 218). The king had deferred answer until 26 April, and sent meanwhile to Rome, complaining of the action of the magnates (R.L.P., p. 126b). The baronial party also sent to Rome certain
TO THE NOBLES OF ENGLAND

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Innocent etc. to his beloved sons, the magnates and barons of England, greeting and apostolic benediction.

It is a grievous trouble to us that, as we have heard, a difference between some of you and our well-beloved son in Christ, John, illustrious king of the English, has arisen over certain matters recently in dispute—a difference which will cause serious loss, unless the matters are quickly settled by wise counsel and earnest attention.¹ We utterly condemn it, if (as alleged by many) you have dared to form leagues or conspiracies against him and presumed arrogantly and disloyally by force of arms to make claims² which, if necessary, you ought to have made in humility and loyal devotion. Lest, therefore, the king’s good intention ³ should be thwarted for reasons of this kind, by apostolic authority we denounce as null and void all leagues and conspiracies set on foot since the outbreak of dissension between the kingdom and the priesthood, and under sentence of excommunication we forbid the hatching of such plots in future—prudently admonishing and strongly urging you to appease and reconcile the king by manifest proofs of your loyalty and submission, rendering him the customary services which you and your predecessors paid to him and his predecessors; ⁴ and then, if you should decide to make a demand of him,

envoys who arrived 28 February 1215. A letter from Walter Mauclerc, a royal envoy to the Curia, describes the position there early in March (Foedera, I. i. 120).

¹ The magnates had come armed to the council in January (‘in lascivo satis apparatu militari,’ Wendover, in Paris, ii. 584).

² The king’s good intention almost certainly refers to his proposal to go on Crusade. cf. similar references in nos. 19, 77, 78.

³ King John had complained to the pope about the resistance of certain barons to feudal military service overseas in 1213 and 1214 (cf. Powicke, Loss, pp. 316 sqq., and Stephen Langton, p. 118; Painter, Reign of King John, pp. 212-14, 280, 285). See further, no. 77 below.

(1039)
postulandum, non insolenter sed cum reverencia imploretis, regalem ei conservantes honorem ut sic quod intenderitis valeatis facilius optinere. Nos autem eundem regem per scripta nostra rogamus et obsecramus in domino, in remissionem ei peccaminum iniungentes, ut vos benigne pertractet et iustas peticiones vestras clementer admittat, ut et vos ipsi conaudendo noscatis eum, divina gratia faciente, in meliorem statum esse mutatum, ac per hoc vos et heredes vestri sibi et successoribus suis debeatis prompctius et devocius famulari. Quocirca nobilitatem vestram rogandam duximus et monendam, per apostolica vobis scripta mandantes, quatinus tales in hoc vos exhibere curetis quod regnum Anglie optata pacc letetur et nos in necessitatibus vestris, cum opus fuerit, necessarium vobis impendere debeamus auxilium et favorem.

Dat’ Laterani, xiii kal. Aprilis pontificatus nostri anno octavodecimo.
you are to implore it respectfully and not arrogantly, maintaining his royal honour, so that you may the more easily gain your object. We are asking the king in our letter, and praying him in God's name, and enjoining it on him as he hopes to have his sins remitted, to treat you kindly and to hear your just petitions graciously, so that you too may know with rejoicing that, through divine grace, he has had a change of heart—in virtue of which you and your heirs ought to serve him and his successors with more willingness and devotion. Therefore, we have thought fit to request and counsel you, and by apostolic letter to order, that you should be careful so to behave in this matter that the kingdom of England may rejoice in the peace it desires, and that we may grant you in your necessities (if occasion arise) the necessary help and favour.

The Lateran, the 19th of March, in the eighteenth year of our Pontificate.

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8 The pope's letter addressed to King John does not survive: the king may have seen no reason to preserve it, whereas the letters which his envoys had obtained, addressed to the barons and to the bishops (no. 75 below), were favourable to him and were copied (probably between 20 and 27 May 1215) on to the dorse of the patent roll.

4 We do not know when this letter reached the addressees—scarcely before the end of April or early May (Coventry, ii. 219). It must have convinced the baronial party that there was no hope of support for them from Rome and may have precipitated the rejection of John's offer, made on 9 May 1215, to submit the dispute to arbitrators under the presidency of the pope (Foedera, I. i. 128).
Innocentius episcopus servus servorum dei venerabilibus fratribus S. Cantuariensi archiepiscopo, sancte Romane ecclesie cardinali, et suffraganeis eius salutem et apostolicam benedictionem.

Mirari cogimur et moveri gravem gerentes plurimum et molestum quod cum inter vos et karissimum in Christo filium nostrum I. regem Angl' illustrem pax ad honorem dei et ecclesie sit feliciter reformata dissensiones inter ipsum et quosdam magnates atque barones necnon complices eorumdem dissimulatibus hactenus et conniventibus oculis pertransitis, ad sopiodum illas non curantes interponere partes vestras, quamvis nullatenus ignoratis quod, nisi celeriter a fuerint prudenti consilio ac studio diligenti sopite, tantum ac tale scandalum eorum occasione possit accidere toti regno quod forte nequiret absque multo dispensio ac magno labore sedari, nonnullis suspicantibus et dicentibus quod super questionibus contra ipsum regem noviter suscitatis vos illis prebetis auxilium et favorem, cum temporibus clare memoria patris et fratris sui necon ipsius usque post pacem inter vos et ipsum nostra mediante sollicitudine reformatam huiusmodi questiones non fuerint suscitate. Illud autem reprobamus omnino si, quemadmodum a


a celeriter P (12 and 13)

1 These words were used as incipit at least seven times by Innocent III (and cf. no. 81 below) and had been used by Celestine III in 1194.

2 cf. no. 74 above, with which this agrees verbally in large part. This letter clearly reflects complaints by John's envoys to the Curia. Langton had intervened when John wished to punish recalcitrant vassals
Innocent, bishop, servant of the servants of God, to his venerable brethren, Stephen archbishop of Canterbury, cardinal of the Holy Roman Church, and his suffragans, greeting and apostolic benediction.

We are forced to express surprise and annoyance, indeed we feel it a most grievous trouble, that, when peace to the honour of God and the Church has been happily restored between you and our well-beloved son in Christ, John illustrious king of England, you have till now ignored the differences between him and certain magnates, barons, and associates of theirs, wilfully shutting your eyes and not troubling to mediate for a settlement—although you are well aware that, unless these issues are quickly settled by wise counsel and earnest attention, such a great scandal may thereby befall the whole kingdom as could not be ended without great expense and labour: some indeed suspect and state that, in the issues recently raised with the king, you are giving help and favour to his opponents, for such issues were never raised in the reigns of his father and brother of famous memory, nor in his own reign until after the restoration of peace between you and him at our mediation.² We utterly condemn it if, as many allege,
multis asseritur, conspiraciones aut coniurations fecerint ausu temerario contra ipsum quodque cum armis irreverenter et indovoe repete presentur que cum humilitate ac devocione, si opus esset, repetere debuissent. Ne igitur ipsius bonum propositum huiusmodi occasionibus valeat impediri, fraternitatem vestram rogamus et exhortamus in domino, per apostolica vobis scripta precipiendo mandantes, quatinus ad reformandam inter utrosque concordiam diligens studium impendatis et operam efficacem, omnes coniuraciones et conspirations presumptas a tempore suborte discordie inter regnum et sacerdocium apostolica de nunciantes auctoritate cassatas et per excommunica cionis sentenciam inhibentes ne talia de cetero presumantur, praefatos nobiles monendo prudenter et efficaciter iungendo ut per manifesta devocionis et humilitatis indicia ipsum regem sibi placare ac reconciliare procurent, exhibentes ei servicia consuetae, que ipsi et predecessores eorum sibi et suis successoribus impenderunt. Ac deinde, si quid ab eo duxerint postulandum, non insolenter sed reverenter implorent regalem ei conservantes honorem ut sic quod intendunt valeant facilius optinere. Nos enim eundem regem rogamus et obsecramus in domino, in remissione sibi peccaminum iniungentes, quatinus predictos nobiles benigne pertractet et iustas peticiones eorum clementer admitterat ut et ipsi congaudentes congnoscant eum, divina gratia faciente, in meliorem statum esse mutatum ac per hoc ipsi et heredes eorum sibi et successoribus suis prompctius et devocius debeant famulari.

Dat’ Laterani, xiii kal. Aprilis pontificatus nostri anno octavodecimo.

* om. eorum P (12 and 13)
* impenderunt (cf. no. 74); impendant P (12 and 13)
they have dared to form leagues or conspiracies against him and presumed arrogantly and disloyally by force of arms to make claims which, if necessary, they ought to have made in humility and loyal devotion. Lest, therefore, the king’s good intention should be thwarted for reasons of this kind, we request and exhort you in the Lord, directing and commanding you by apostolic letter, to devote earnest attention and energetic effort to restoring agreement between the parties: by apostolic authority we denounce as void all leagues and conspiracies set on foot since the outbreak of dissension between the kingdom and the priesthood, and under sentence of excommunication we forbid the hatching of such plots in future—a—prudently admonishing and strongly urging the said nobles to appease and reconcile the king by manifest proofs of their loyalty and submission, rendering him the customary services which they and their predecessors paid to him and his predecessors; and then, if they should decide to make a demand of him, let them implore it not arrogantly but with respect, maintaining his royal honour, so that they may the more easily gain their object. For we are requesting the king, and praying him in God’s name, and enjoining it on him as he hopes to have his sins remitted, to treat the said nobles kindly and to hear their just petitions graciously, so that they too may know with rejoicing that through divine grace he has had a change of heart—in virtue of which they and their heirs ought to serve him and his successors with more willingness and devotion.

The Lateran, the 19th of March, in the eighteenth year of our Pontificate.

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8 The archbishop did not act upon this mandate, as the king complained in his letter to the pope of 29 May 1215 (Foederum, I. i. 129).
INNOCENTIUS episcopus servus servorum dei venerabilibus fratribus et dilectis filiis universis ecclesiarum prelatis per Angliam constitutis salutem et apostolicam benedictionem.

DIGNIS LAUDIBUS attollimus magnificentiam creatoris quod, postquam idem qui est mirabilis et terribilis in consilio super filios hominum aliiquandiu toleravit ut perflando discurreret per areolam orii sui spiritus tempestatis quasi ludens taliter in orbe terrarum ut sic ostenderet infirmitatem et insufficientiam nostram nobis, statim cum voluit aquiloni dixit 'da' et austro 'noli prohibere' imperansque ventis et mari statuit procellam in auram usque portum quietis inveniunt peroptatum. Cum enim inter regnum et sacerdotium Anglicanum non sine magno periculo atque damno super electionibus prelorum gravis fuerit controversia diutius agitata, illo tandem cui nichil est impossible quique ubi vult spirat mirabiliter operante, carissimus in Christo filius noster I. rex Anglorum illustres liberaliter ex mera et

Pott. 4963. Text. P.R.O., Papal bulls 19 (17). Original letter of grace, approx. 22 in. x 17½ in., with leaden seal pendent on red and yellow silken cord. Dampstained and illegible in places; gaps are supplied according to a fourteenth century copy sewn on to the original, with the endorsement: 'Transcriptum huius bulle factum per episcopum Exon' (cf. Antient kalendars, ed. F. Palgrave (1896), i. 23). At right-hand corner of flap of original: 'a.G.' (cf. no. 67 above). There are various endorsements of the English chancery, thirteenth-fifteenth centuries. Printed hence, Foederæ, i. i. 127. Numerous copies occur in chronicles and monument books of churches; they are not collated here; cf. A. J. Collins, in Proc. Brit. Acad., xxxiv (1948), 248, n. 1.

1 Ps. 65 (A.V. 66):5 5 cf. Prov. 8:31 2 cf. Isa. 43:6
Innocent, bishop, servant of the servants of God, to his venerable brethren and beloved sons, all the prelates of churches in England, greeting and apostolic benediction.

With worthy praise we extol the greatness of the Creator who, being marvellous and terrible in counsel above the sons of men, for a season permitted the spirit of the storm to blow furiously through the enclosure of His garden, as though making sport on the earth in order thus to shew us our own weakness and inadequacy: but as soon as He willed it, He said to the north wind 'Give up,' and to the south wind 'Withstand not,' and commanding the winds and the sea He made the storm a calm so that sailors can find their desired haven of peace. For when, not without great danger and loss, there had long existed between the kingdom and the English priesthood a serious dispute over the election of prelates, at length through the wondrous working of Him to whom nothing is impossible and who bloweth where He listeth, our well-beloved son in Christ, John, illustrious king of the English, voluntarily

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6 Dispute over the conduct of ecclesiastical elections in England was of long standing. In John's reign, the pope had already complained about royal interference as early as 1203 (no. 17 above), and the interdict on England of 1208-14 was the result of John's refusal to confirm Langton's election to Canterbury in 1206. The peace established in 1213 had not solved all problems, and the bishops had reason to object not only to the king's policy, but also to the papal legate's, in the filling of vacant sees and abbbacies (cf. pp. 166, 188, 191 above).

7 cf. Matt. 19:26

8 cf. Ioh. 3:8
spontanea voluntate de consensu communi suorum baronum pro salute anime suc ac predecessorum et successorum suorum vobis concessit et suis litteris confirmavit ut de cetero in universis et singulis ecclesiis ac monasteriis cathedralibus et conventualibus totius regni Anglie in perpetuum libere fiant electiones quorumcumque prelatorum maiorum etiam et minorum. Nos igitur hoc gratum et ratum habentes concessionem huiusmodi vobis et per vos ecclesiis et successoribus vestris, prout in eisdem regis litteris perspeximus contineri, auctoritate apostolica confirmamus et presentis scripti patrocinió communímus. Ad maiorem autem firmitatem et perpetuam memoriam huius rei prefatas regis litteras super hoc confectas presentibus inseri fecimus quorum tenor est talis:

I. dei gratia rex Anglie, dominus Ybernie, dux Normannie et Aquitanie et comes Andegavie, archiepiscopis, episcopis, comitibus, baronibus, militibus, balivis et omnibus has litteras visuris salutem. Quoniam inter nos et venerabiles patres nostros Stephanum Cantuariensem archiepiscopum totius Anglie primatem et sancte Romane ecclesie cardinalém, Willelrum Londoniensem, Eustacium Elycnsem, Egidium Herefordensem, Iocelinum Bathioniensem et Glastoniensem, et Hugonem Lincolniensem episcopos, super damnis et ablatis tempore interdicti per dei gratiam de mera et libera voluntate utriusque partis plene convenit, volumus non solum eis quantum secundum deum possumus satisfacere verum etiam toti ecclesie Anglicane salubriter et

*John's charter granting free elections was first issued on 21 November 1214, at a time when he was trying to conciliate the bishops. The next day he confirmed the patronage of the see of Rochester to the archbishop of Canterbury, and the patronage of Thorney Abbey to the bishop of Ely, and made various grants in compensation of damage done to churches during the interdict (R.L.P., p. 124). For some reason unknown, the
and entirely of his own free will, with the general consent of his barons, and for the salvation of his own soul and the souls of his predecessors and successors, granted you the concession (and confirmed it in writing) that for the future in all and each of the churches and monasteries, cathedral or conventual, through the whole realm of England there will be forever free elections of whatever grade of prelate, great or small.

We, therefore, regarding this as acceptable and valid, by apostolic authority confirm this concession to you, and through you, to your churches and successors in the exact terms which we have seen stated in the king's letter, and we attest it by the sanction of the present document. But for the greater security and perpetual record of the business we have had the king's letter about it inserted in the present document, and the following is a transcript:

'John, by the grace of God king of England, Lord of Ireland, duke of Normandy and Aquitaine, and count of Anjou, to archbishops, bishops, earls, barons, knights, bailiffs, and all who may see this letter, greeting.

'Since by the grace of God and by the entire free will of both parties full agreement about losses incurred and goods seized during the Interdict has been reached between ourselves and our venerable fathers, Stephen archbishop of Canterbury, primate of all England and cardinal of the Holy Roman Church, William bishop of London, Eustace bishop of Ely, Giles bishop of Hereford, Jocelyn bishop of Bath and Glastonbury, and Hugh bishop of Lincoln, we desire not only to make

chartier was re-issued shortly after the great council of Epiphany 1215 (cf. no. 74, n. 1 above) on 15 January 1215, in precisely the same words and with the same witness-list. This text was sent to Rome and is included here in the pope's confirmation. English copies of the charter show no significant variants (cf. Foodara, I. i. 126).
utiliter in perpetuum providere. Inde est quod, qualiscumque consuetudo temporibus nostris et predecessorum nostrorum hactenus in ecclesia Anglicana fuerit observata et quicquid iuris nobis hactenus vendicaverimus in electionibus quorumcumque prelatorum, nos ad ipsorum petitionem pro salute anime nostre et predecessorum ac successorum nostrorum regum Anglie liberaliter mera et spontanea voluntate de communi consensu baronum nostrorum concessimus et constituimus et hac presenti carta nostra confirmavimus ut de cetero in universis et singulis ecclesiis et monasteriis cathedralibus et conventualibus totius regni nostri Anglie libere sint in perpetuum electiones quorumcumque prelatorum maiorum et minorum, salva nobis et hereditibus nostris custodia ecclesiariam et monasteriorum vacantium que ad nos pertinent. Promittimus etiam quod nec impediemus nec impediri permittemus per nostros nec procurabimus quin, in singulis et universis ecclesiis et monasteriis memoratis postquam vacaverint prelature, quandocumque voluerint, libere sibi preficient electores pastorem, petita tamen prius a nobis et hereditibus nostris licentia eligendi, quam non denegabimus nec differimus. Et si forte, quod absit, denegaremus vel differemus, nichilominus procedent electores ad electionem canonicam faciendam; et similiter post celebratam electionem noster requisatur assensus, quem similiter non denegabimus nisi aliquid rationabile posuerimus et legitime probaverimus propter quod non debeamus consentire. Quare volumus et firmiter iubemus ne quis vacantibus ecclesiis vel monasteriis contra hanc nostram concessionem et
amends to them as far as with God's approval we can, but also to provide soundly and helpfully for the whole English Church in perpetuity. Hence it is that, whatever custom has been so far observed in the English church during our own and our predecessors' reigns and whatever jurisdiction we have so far claimed in the election of whatever grade of prelate, this we have now conceded at their petition, for the salvation of our soul and the souls of our predecessors and of our successors as kings of England, voluntarily and entirely of our own free will, and with the general consent of our barons; and we have decreed and hereby by this our charter confirmed that for the future in all and each of the churches and monasteries, cathedral or conventual, through our whole realm of England there should be for ever free elections of whatever grade of prelate, great or small,—saving only the securing to us and our heirs of the custody of vacant churches and monasteries that belong to us. We also promise that we will not hinder, nor permit or instigate our agents to hinder, the electors in all and each of the said churches and monasteries from freely appointing a pastor over them whenever they so wish after the prelacy has become vacant, provided that permission to elect be first sought of us and our heirs, a permission which we will not refuse or postpone. And if (which God forbid!) we should refuse or postpone, the electors will nevertheless proceed to make a canonical election. Similarly after an election let our assent be sought, which similarly we will not refuse unless we have offered, and lawfully proved, some reasonable cause to justify our refusal. Therefore, we will and strictly command that, when vacancies occur in churches or monasteries, no one should at all contravene or presume to contravene this our concession and decree: but if any
constitutionem in aliquo veniat vel venire presumat. Siquis vero contra hoc aliquo umquam tempore venerit, maledictionem omnipotentis dei et nostram incurrat.


Dat' per manum magistri Ricardi de Mariscis cancellarii nostri quintodecimo die Ianuarii apud Novum Templum London' anno regni nostri sexto-decimo.

Nulli ergo omnino hominum liceat hanc paginam nostre confirmationis infringere vel ei ausu temerario contraire. Siquis autem hoc attemptare presumperit, indignationem omnipotentis dei et beatorum Petri et Pauli apostolorum eius se noverit incursurum.

Dat' Laterani, iii kal. Aprilis pontificatus nostri anno octavodecimo.
man should ever at any time contravene this, let Almighty God’s curse and ours fall upon him.


‘By the hand of Master Richard Marsh our chancellor, the 15th of January, at the New Temple, London, in the sixteenth year of our reign.’

Let no man, therefore, have the right to infringe this document of our confirmation, or dare to oppose it. If any man presume to do so, let him know that he will incur the anger of Almighty God and of SS Peter and Paul His apostles.

The Lateran, the 30th of March, in the eighteenth year of our Pontificate.
Innocentius episcopus servus servorum dei dilectis filiis nobilibus viris magnatibus, baronibus, et militibus per Angliam constitutis salutem et apostolicam bendictionem.

SIGNIFICAVIT nobis carissimus in Christo filius noster Iohannes rex Anglorum illustris quod cum predecesores vestri scutagium de baroniis quas tenetis ab eo regibus Anglie reddere consueverint ab antiquo ac etiam vos ipsi usque ad proxima tempora sibi noscimini reddidisse, nunc scutagium ipsi debitum pro exercitu quem anno preterito in Pictaviam duxit eidem pro vestre voluntatis arbitrio reddere denegatis.¹ Ne igitur pium ipsius regis propositum² occasione huiusmodi retardetur, devotionem vestram monendam duximus attentius et hortandum, per apostolica vobis scripta mandantes quatinus dictum scutagium eidem prout tenemini sine difficultate reddatis, presertim cum possessione sepedicti scutagii quam predecesores sui ac ipse haec tenus habeisse dicuntur non sit absque iudicio spoliandus, quandouquidem ipse in eius possessione persistens paratus sit postulantibus iustitiam exibere.³

Dat' Laterani, kalendis Aprilis pontificatus nostri anno octavodecimo.

Pott. 4965. Text. P.R.O., Papal bulls 19 (15). Original mandate, approx. 6¾ in. x 5 in. (and ¾ in. flap), with leaden seal pendent on hempen cord. Small initial 'G' on flap half-way between cord and right-hand side; small 'R' with stroke through second descender in top margin on right-hand side. Later English endorsements only. Badly damp-
Innocent, bishop, servant of the servants of God, to his beloved sons the noble magnates, barons and knights in England, greeting and apostolic benediction.

Our well-beloved son in Christ, John illustrious king of the English, has informed us that, though your predecessors were accustomed from ancient times to pay scutage to the kings of England for the baronies which you hold from him, and though you yourselves have admittedly paid it to him until recently, you now arbitrarily refuse to pay him the scutage you owe him for the army which last year he led to Poitou.¹ Lest, therefore, the king's good intention² should be delayed on this account, we have thought fit specially to admonish and exhort you, and by apostolic letter we order you, to pay him the scutage without trouble, as you are bound to do—particularly as, without a judicial decision, he ought not to lose the possession of this scutage which his predecessors and he are said to have had until now; for he himself, while continuing in possession of it, is prepared to offer justice to all petitioners.³

The Lateran, the 1st of April, in the eighteenth year of our Pontificate.

¹ cf. nos. 74, 75 above
² 'The king's good intention' almost certainly refers to his proposal to go on Crusade. cf. a similar reference in nos. 19, 74, and 78.
³ cf. p. 106 n. 6 above
(1039)
Iohanni illustri Anglorum regi.  

Is qui non vult mortem peccatoris sed ut convertatur et vivat, manifestum in te omnibus peccatoribus sperande pietatis ostendit exemplum, ut nullus omnino pre multitudine ac magnitudine peccatorum de sua salute desperet, ymmo pocius de immensa et infinita dei pietate confidat, que non solum de peccatoribus iustos sed etiam de impis facit sanctos. Hanc dextere mutationem excelsi in te factam esse gaudemus quod divine gratie rore perfusus, non solum libertatem et pacem reddidisti ecclesie Anglicane, verum etiam regna tua liberaliter et libenter apostolice sedis dominio subiecesti, quinetiam abnegasti teipsum, tollens crucem pro Christo ut in manu forti procedas ad liberandam terram quam ipse suo sanguine comparavit.  

Eia, igitur, magnifice rex, prepara te potenter ad optinendum coronam quam tibi dominus reservavit, si de ipsius virtute confisus, partes tibi datas ab ipso exercere studueris propter ipsum, non tibi querendo gloriarn sed nomin sancto eius, quamquam ex hoc te ingens sit gloria secutura etiam non quercem. Etsi enim signatorum sit pene innumerabilis multudo qui


* in te conjectural, partly lost in a small hole O  
*tolens O  
*prtes O  

* The handwriting of the manuscript suggests that it emanated from the Curia, and the formulas point to the pope as sender. The shape, folding, and endorsement of the letter, and the absence of full protocol and of dating clause, suggest that it was enclosed in another letter. That
To John, illustrious king of the English.¹

He who desireth not the death of a sinner but rather that he may turn from his wickedness and live² has in you shewn a notable example of goodness that all sinners can hope for—so that no man should despair of his salvation on account of the number and magnitude of his sins, but should trust in the boundless and infinite goodness of God which makes just men of transgressors and turns sinners into saints. We rejoice that the right hand of the Most High has wrought this change³ in you because now, baptized with the dew of divine grace, you have not only restored liberty and peace to the English church, but have freely and gladly subjected your kingdoms to the lordship of the Apostolic See; and further, you have denied yourself and taken up the cross⁴ for Christ, so that with a strong hand you may go to liberate the land which He has purchased with His own blood.⁵ Come, therefore, glorious king! equip yourself mightily to win the crown which the Lord has laid up for you⁶ if, trusting in His power, for His sake you zealously fulfil the part He has assigned you, seeking glory not for yourself but for His holy name—though, from this, great glory will come to you unsought: for, although there is an almost countless host of crusaders manfully girding may well have been the lost letter of Innocent to John, which the king acknowledged on 29 May (Foedera, I. i. 129). John took the cross on 4 March 1215.

¹ cf. no. 53, n. 9 above ² cf. Ps. 76:11 (Vulg.), 77: 10 (A.V.) ³ cf. Matt. 16:24 etc. ⁴ cf. Act. 20:28 ⁵ cf. 2 Tim. 4:8
ad ipsius terre succursum viriliter se accingunt, ad te
tamen tamquam excellentissimum principem respicient
universi: quo fit\textsuperscript{4} ut nominis tui preconia laci
brentur et ille in cuius manu reges et regna consistunt
tue devotionis merito tibi ac tuis heredibus regni solium
stabilitat et confirmet\textsuperscript{7} in terris ac inmarcescibilem glorie
coronam\textsuperscript{8} reddat iustus iudex in celis. Nos autem pre-
standi tibi apostolicum auxilium et favorem in omnibus
que ad regium honorem et commodum viderimus per-
tinere, ac specialiter in hiis que spectabunt ad sanctum et
salubre propositum exequendum promptam et plenam
scias gerere voluntatem.

\textsuperscript{4} followed by a short word, blotted out originally O
themselves to succour the Holy Land, all will look to you as a leader pre-eminent; and so the praise of your name will be spread more widely, and He in whose hand are kings and kingdoms in reward for your devotion will on earth secure and confirm the throne of the kingdom to you and your heirs, and in heaven the righteous judge will give you a crown of glory that faeth not away. And be assured that we have the full and prompt intention of granting you apostolic help and favour in whatever we shall see pertaining to your royal honour and profit, and especially in whatever will concern the fulfilment of your holy and good purpose.

7 cf. 1 Para. 17:11 and 22:10 8 1 Pet. 5:4
Innocentius episcopus servus servorum dei venerabili fratri P. Wintoniensi episcopo et dilectis filiis S. abbati de Rading et Pandulfo subdiacono et familiaris nostro salutem et apostolicam benedictionem.  

Sicud volumus ut iura clericorum laici non usurpent ita velle debemus ne clericis iura sibi vendicent laicorum, sed illud: Omnia quecumque vultis ut faciant vobis homines et vos facite illis, diligenter studeant observare. Quo circa dilectionis vestre per Apostolica scripta mandamus quatinus placita, que ad seculare spectant judicium, ad ecclesiasticum trahi prohibeatis examen, ut que sunt cesaris cesari et que sunt dei deo recta distributione reddantur. De quibus autem est mota contentio vel dubitatio est suborta, in proximo generali concilio quid de cetero sit servandum intendimus provide diffinire unde sine quolibet preiudicio interim observetur quod hactenus est obtentum. Nos enim sublimitati regie per nostras litteras intimamus ut super


1 Hampe argues plausibly that the letter belongs to Spring or Summer 1215 and, since the last clause indicates three addressees of whom one was a bishop and another an abbot, he suggests that it was directed to the pope’s chief agents in England at that time. The protocol is therefore conjecturally modelled on that of no. 80 below.

2 The very words ‘ut que sunt . . . reddantur’ appear in relation to clerical privilege in Otto IV’s golden bull of Speyer (22 March 1209);
Innocent, bishop, servant of the servants of God, to his venerable brother Peter bishop of Winchester, and to his beloved sons Simon abbot of Reading and Pandulf subdeacon and member of his household, greeting and apostolic benediction.¹

Just as we desire that the laity should not usurp the rights of the clergy, so we ought to desire that the clergy should not claim the rights of the laity but should diligently strive to obey the command, ‘All things whatsoever ye would that men should do to you, do ye even so to them.’² Wherefore, by apostolic letter we order you to prevent pleas, which belong to the civil court, from being brought to an ecclesiastical court—so that, by a just division, unto Caesar may be rendered the things which are Caesar’s and unto God the things that are God’s.³ As regards the matters about which a dispute has in fact begun or a question has been raised—we intend to define carefully at the forthcoming General Council⁴ what principle should be followed henceforward in such cases, and so for the meantime the existing practice should be continued, without prejudice. We are informing his Majesty by letter to make sure of

Kempf, Thronstreitregister, p. 401, no. 189). The reference to Matt. 22:21 was used by the pope in 1202 and 1204 (P. 1794, 2218), and cf. no. 30 n. 6 above.

¹ The fourth Lateran Council, due to begin on 1 November 1215 (no. 51 above). Canon 44 of the council (Decretals, III. 13,12) touches this matter of conflicting jurisdictions; cf. p. 106 above.
hiis procuratores ydoneos ad idem concilium studeat destinare qui partem suam quantum poterunt de iure defendant. Quod si non omnes, tu ea, frater episcopae. Vos denique, et frater episcopae et filii abbatis, etc.
sending to the Council suitable proctors who will exert themselves to support his case legally. If you cannot all take part in discharging this business, do you, brother bishop, with one of the others discharge it, notwithstanding. And finally, brother bishop and son abbot etc.

Innocentius episcopus servus servorum dei venerabili fratri... Wintoniensis episcopo et dilectis filiis... abbati de Reading et Pandulf subdiacono et familiaris nostro salutem et apostolicam benedictionem.

Mirari cogimur et moveri quod cum karissimus in Christo filius noster I. rex Angl' illustris supra spem deo et ecclesie satisfecerit et presertim venerabili fratri nostro S. Cantuariensi archiepiscopo, sancte Romane ecclesie cardinali, et coepiscopis eius, quidam eorum minus quam oportuerit et decuerit ad sancte crucis negotium, apostolice sedis mandatum, et fidelitatis preste iuramentum debitum habentes respectum, nullum ei contra perturbatores regni quod ad Romanam ecclesiam racione dominii pertinere dinoctitur pre-stiterunt auxilium vel favorem, quasi consci ne dicamus socii coniurationis inique, quia non caret scrupulo societatis occulte qui manifesto faciniore desinit obviare. Ecce quater patrimonium ecclesie Romane pontifices

Pott. 4992, mis-dated. Texts. C: Canterbury, Dean and Chapter muniments, Chartae antiquae, M. 247 (contained in a letter from the addressees to Archbishop Stephen and his suffragans); whence EHR, xlv (1929), 90. W: Wendover, in Paris, ii. 627; whence Foedera, I. i. 138. A careless and incomplete text of which the variants are mostly ignored here, since C has the character of an authentic copy.

* Mirari cogimur et moveri C; Miramur plurimum et movemur W

Peter des Roches, bishop of Winchester, Simon, abbot of Reading, and the papal subdeacon, Pandulf, were the pope's chief agents in England during summer 1215, when he did not trust the English hierarchy as a whole. This letter, written in ignorance of Magna Carta (dated 15 June 1215) was prompted by the king's letter to the pope dated 29 May 1215 (Foedera, I. i. 129), in which the king recounted his vain attempts to conciliate the magnates and denounced the archbishop of Canterbury and his suffragans for failing to act on the papal mandate of 19 March (no. 75 above).
Innocent, bishop, servant of the servants of God, to his venerable brother the bishop of Winchester, and to his beloved sons the abbot of Reading and Pandulf subdeacon and member of his household, greeting and apostolic benediction.

We are forced to express surprise and annoyance that, when our dearly beloved son in Christ, John illustrious king of England, has beyond expectation made amends to God and the Church and especially to our venerable brother Stephen, archbishop of Canterbury and cardinal of the Holy Roman Church, and to his fellow-bishops, some of them, shewing less respect than was proper or seemly for the Crusade, for the mandate of the Apostolic See, and for the oath of fealty they had taken, have afforded him neither help nor favour against the disturbers of the kingdom which admittedly now belongs, by right of feudal lordship, to the Roman Church: they thus appear as accomplices, if not partners, in a wicked conspiracy, since he who fails to oppose open crime is suspected of secret sympathy.

See how these bishops defend the patrimony of the Roman Church! See how they protect the Crusaders!

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Until the correct text of this letter was published by Powicke, there were various inaccurate conjectures about its date. For the best commentary on the circumstances of its publication, see EHR, xlv. 87-90; cf. Richardson, 'The morrow of the Great Charter,' Painter, Reign of King John, pp. 344-7, and BJRL, xxxiii (1950), 35-6.

2 cf. no. 75, n. 1. The incipit given by Wenvover was used by Innocent III in 1207 (EHR, lxiii. 348) and had been used before his day.

3 'non caret . . . obviare' : Decretum, I. 83,3 ; I. 86,3 ; II. 2,7, 55
prefati defendunt, qualiter crucesignatos tuentur, immo qualiter se opponunt hiis qui destruere moliuntur negotium crucifixi, peiores proculdebio Saracenis cum illum nitantur a regno depellere de quo precipue sperabatur quod deberet succurrere terre sancte. Sed forte non sine causa ille rex regum cuius ipse rex obsequio se devovit permisit huiusmodi scandalum ante quam iter peregrinationis arripert suscitari, ut fideles ab infidelibus discernantur et cogitationes occulte de multorum cordibus revelentur, singulis secundum sua merita recepturis nisi perversi prevenerint humili satisfactione vindictam. Nam etsi dictus rex remissus esset aut tepidus in hac parte nos non dimitteremus tantam nequitiam incorrectam cum sciamus per dei graciæm et possimus huiusmodi presumptionis audaciam castigare. Unde ne talium insolencia non solum in periculum regni Anglie verum etiam in perniciem aliorum regnorum et maxime in subversionem totius negotii crucifixi valeat prevalere, nos ex parte omnipotentis dei patris et filii et spiritus sancti, auctoritate quoque beatorum apostolorum Petri et Pauli ac nostra, omnes huiusmodi perturbatores regis ac regni Anglie cum complicibus et fautoribus suis excommunicationis vinculo innodamus et terras eorum ecclesiastico subcimus interdicto, prefatis archiepiscopo et coepiscopis suis in virtute obedientie districtissime iniungentes quatinus utramque sententiam singulis diebus dominicis et festivis pulsatis campanis et extinctis candelis per totam Angliam sollemniter publicare procurent, donec satisfecerint dicto regi de dampnis et injuriis irrogatis et ad eius obsequium humiliiter revertantur, universis insuper eiusdem regis vasallis in remissionem peccaminum ex parte nostra firmiter iniungentes ut contra perversores huiusmodi

4 cf. Luc. 2:35
See how they combat the men who are working to destroy the Crusade! Those men are undoubtedly worse than the Saracens, for they are trying to depose a king who, it was particularly hoped, would succour the Holy Land! But perhaps it was not without purpose that the King of kings, to whose service King John has devoted himself, allowed this offence to occur before the king could begin his pilgrimage, so that the faithful might be distinguished from the unfaithful and the secret thoughts of many hearts be revealed; for every man will receive according to his deserts, unless the evildoers forestall punishment by humbly making amends. Even if the king were slack or luke-warm about the Crusade, we would not leave such great wickedness unrebuked, for by God’s grace we know how to punish, and we are able to punish, such shameless presumption. Lest, therefore, their insolence should have the effect of endangering the kingdom of England and of ruining other kingdoms and, above all, of overthrowing the Crusade, on behalf of Almighty God, Father, Son, and Holy Spirit, by the authority also of the blessed apostles Peter and Paul, and by our own authority, we excommunicate all such disturbers of the king and kingdom of England together with their accomplices and supporters, and we lay their lands under ecclesiastical interdict, most strictly charging the archbishop and his fellow-bishops, in virtue of their obedience, to have both these sentences solemnly published throughout England every Sunday and every festival with the tolling of bells and with candles extinguished, until having made amends to the king for the losses and wrongs inflicted on him they humbly return to his service; and, on our behalf, you are strictly to order all the king’s vassals as they hope to have their sins remitted, to give the king
prefato regi oportunum tribuant consilium et iuvamen. Siquis autem ipsorum hoc nostrum preceptum neglexerit adimplere sciat se ab officio pontificali suspensum et subiectorum sibi obedientiam esse subtractam, quia iustum est ut inferiores ei nequaquam obediant qui suo superiori obedire contemptiit. Ne igitur mandatum nostrum tergiversatione cuiusquam valeat impediri, executionem omnium predictorum cum ceteris que ad hoc negotium pertinuerint vobis duimus committendum per apostolica vobis scripta precipiendo mandantes quatinus omni appellantione postposita procedatis sicut videritis expedire. Quod si non omnes hiis exequendis potueritis interesse duo vestrum ea nichilominus exequantur.

Dat' Ferentini, non. Iulii pontificatus nostri anno octavodecimo.  

*om. dating clause W*
timely counsel and support against these evildoers. If any bishop should neglect to fulfil this our precept, let him know that he is suspended from his episcopal office and that the obedience of those subject to him is withdrawn; for it is just that inferiors should not obey one who scorns to obey his own superior. That our mandate may not be impeded by any man's evasion, we have chosen to entrust you with the execution of all the above instructions together with consequential details, and by apostolic letter we charge and command you that, disregarding all appeals, you should proceed as you shall see to be expedient. If you cannot all take part in discharging this business, let two of you discharge it, notwithstanding.

Ferentino, the 7th of July, in the eighteenth year of our Pontificate.
Innocentius episcopus servus servorum dei dilectis filiis capitulo Eboracensi salutem et apostolicam benedictionem.\* Cum magister Simon de Langeton',\*\* cum quibusdam alii canoniciis Eboracensibus in nostra nuper esset presencia constitutus, nos ei viva voce firmiter\* interdiximus ne ad optimendum archiepiscopatum Eboracensem intenderet, quia id certis ex causis minime pateremur, et ipse quidem quantum nobis\*\* expressit huic\*\* annuit reverenter. Unde mirari cogimur et moveri si eligi se consensit aut eciam procuravit, et certe vix credimus quod\* adeo ipsum ambitio excecaverit ut, cum sciret se post nostram prohibicionem et suam promissionem expressam eligi de iure non posse,\*\* tali prestitisset\* electioni consensum, quam nullo alio contradicente nos irritam\* habermus propter hoc quod vobis\* est de premissis certissime manifestum, presertim\* ne hac occasione fieret\* in Anglia error novissimus peior priore.\*\* Ne igitur\*\* Eboracensis ecclesia diutius maneat

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\* protocol as C: Innocentius etc. W; Innocentius servus servorum dei P
\* Langeton’ C; Langetona W; Langetuna P
\*\* om. firmiter WP\*\* nobis C; verbis WP
\* huic WP; om. C\*\* om. eligi . . . quod WP
\*\* tali prestitisset; tali prestitisse C; si tali presteritit WP
\* irritam WP; irritum C\*\* vobis C; om. WP

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Innocent, bishop, servant of the servants of God, to his beloved sons the chapter of York, greeting and apostolic benediction.

When Master Simon Langton with certain canons of York appeared recently before us, by word of mouth we strictly forbade him to seek the archbishopric of York, because we would, for certain reasons, not allow it; and as far as he expressed himself to us, he respectfully assented. Hence we are forced to express surprise and annoyance if he has consented to—or even procured—his election; and indeed we scarcely believe him so blinded by ambition that, knowing from our prohibition and his own express promise such an election to be legally impossible, he should have given his consent to an election which, even if otherwise unopposed, we would hold to be invalid for the reason made unmistakably clear to you above—and particularly lest the last error in England should thereby be worse than the first. Wherefore, that the church of York may no longer be

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1 propter ... presertim C; sed WP
2 fieret C; fiat WP
3 Ne igitur C; vel WP
1 cf. no. 70, n. 3
2 The pope could doubtless refuse to confirm an election made in defiance of this warning and undertaking; but I find no legal precedent for this sort of prior veto (and an oral one at that), which is reminiscent of the royal abuse of congé d'élire.
3 Matt. 27:64. 'The fear is evidently that Simon Langton's appointment would generate a crisis as serious as did the Canterbury affair of 1205-6. It may also mark the pope's growing discontent with Stephen Langton.
viduata pastore,\textsuperscript{4} de communi fratrum nostrorum consilio per apostolica vobis scripta.\textsuperscript{6} mandamus et in virtute obediencie districte precipimus quatinus, electione huiusmodi non obstante,\textsuperscript{9} cum insolencias et machinaciones huiusmodi sustinere nolimus sicut utique non \textsuperscript{9} debemus, omni occasione ac tergiversacione cessantibus, aliquos ex vobis cum communi omnium \textsuperscript{7} potestate ad instans concilium destinetis, qui saltem usque ad kalendas Decembris \textsuperscript{7} nostro se conspectui representent, personam idoneam cum nostro electuri vel postulaturi consilio in pastorem.\textsuperscript{5} Aliquin ex tunc nos ipsi curabimus de idoneo vobis presule providere, contradictores si qui fuerint vel rebelles per districtionem canonica graviter punituri. Si vero prefatus Simon electioni de se facte consensit, nos \textsuperscript{a} in penam sue presumptionis\textsuperscript{w} statuimus ut ineligibilis fiat, ne decetero absque dispensacione sedis apostolice speciali ad pontificalem eligi possit \textsuperscript{z} dignitatem.

Dat\textsuperscript{4} Anagnine, xiii kal.\textsuperscript{7} Septembris pontificatus nostri anno octavodecimo.\textsuperscript{4}

\textsuperscript{4} Archbishop Geoffrey died 18 December 1212. On or after 23 December 1213 the pope ordered the dean and chapter of York to proceed to an election with the advice of the legate (cf. no. 62 above), and the king sent his licence to elect, by the hand of commissioners who were to give assent, 26 January 1214 (\textit{R.L.P.}, p. 1098). At a date unknown in 1214 the king warned the canons not to elect their dean, Simon of Apulia (\textit{R.Ck.}, p. 207). In the same year he failed to get the pope’s consent to the postulation of Peter des Roches. Next, the chapter seems to have resisted pressure applied by the king in favour of Walter de Gray, and deferred election. On 13 May 1215 the king told the chapter he had appealed against the
without a pastor, acting on the general advice of our brethren we command you by apostolic letter, and in virtue of your obedience we strictly charge you, that, disregarding all quibbling and evasion, and setting aside this election (for such insolence and intrigue we should not and will not tolerate), you should send to the forthcoming Council some of your number with power to represent you all, who should appear before us at latest by the 1st December, in order to elect or postulate, with our advice, a suitable person to be your pastor. Otherwise, after that date, we will ourselves arrange to provide a suitable prelate for you, and we intend by canonical penalty to punish severely any who object or rebel. If the said Simon has consented to his election, we decree as penalty for his presumption that he be ruled ineligible, that is, incapable in future of being elected to the episcopate without a special dispensation from the Apostolic See.

Anagni, the 20th of August, in the eighteenth year of our Pontificate.

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election or postulation of anyone suspect to him and on 18 June (while Magna Carta was in the making) he issued another licence to elect ‘secundum formam litterarum domini pape quas inde suscepistis’ (R.L.P., i. 141a, 143b. cf. R.L.G., i. 180a, 215b). The chapter must have elected Simon almost immediately, in defiance of the king, who presumably obtained the issue of this letter (Paris, ii. 628-9) at about the same time as he secured the condemnation of Magna Carta. The letter was enrolled in chancery.

The canons who went to Rome postulated Walter de Gray (who was then present at the Lateran Council) and the pope confirmed his translation from the see of Worcester, to which he had been consecrated 5 October 1214. (Wendover, in Paris, ii. 634-5). The pope’s procedure to ensure an election to his taste is precisely that which he adopted in the Canterbury election in 1206 (P. 2732).

Hitherto, Wendover’s corrupt text of this letter has usually been cited: this suggested that the pope required a reply within 48 days (cf. notes y and z above). The error in the pontifical year in C was the natural lapse of a royal chancery clerk writing in the seventeenth year of King John.
Innocentius episcopus servus servorum dei universis Christi fidelibus hanc paginam inspecturis salutem et apostolicam benedictionem.¹

Et si karissimus in Christo filius noster I. rex Anglorum illustris deum et ecclesiam vehementer offenderit, unde nos eum excommunicationis vinculo innodavimus et regnum eius ecclesiastico subiecimus interdico, ipse tamen, illo misericorditer inspirante qui non vult mortem peccatoris sed ut convertatur et vivat,² tandem reversus ad cor, deo et ecclesia humiliter satisfecit in tantum quod non solum recompensationem pro damnis et restitutionem exhibuit de ablatis,³ verum etiam plenariam libertatem contulit ecclesie Anglicane;⁴ quinimmo utraque sententia relaxata regnum suum tam Anglie quam Ybernie beato Petro et ecclesie Romane concessit, recipiens illud a nobis in feudum sub annuo censu mille marcarum, fidelitatis nobis inde prestito iuramento, sicut per privilegium eius apparat Aurea bulla muniment.⁵ Adhuc autem omnipotenti deo amplius placere desiderans, signum vivificæ crucis reverenter assumpsit,


¹ This letter, condemning Magna Carta, should be read in conjunction with nos. 74, 75, a letter of 18 June 1215 printed by G. B. Adams, in Magna Carta commen. essays, p. 43, and no. 80. Large parts of these letters are copied or re-cast. On the authority by which the pope claimed to act there is room for doubt; cf. Adams, loc. cit. pp. 26-40, J. Tait, in EHR, xxxiii (1918), 263-4, and W. Ullmann, Medieval papalism (1950), pp. 71-5. The oath extracted from John 'per vim et metum' gave Innocent legal
Innocent, bishop, servant of the servants of God, to all the faithful of Christ who will see this document, greeting and apostolic benediction.¹

Although our well-beloved son in Christ, John illustrious king of the English, grievously offended God and the Church—in consequence of which we excommunicated him and put his kingdom under ecclesiastical interdict—yet, by the merciful inspiration of Him who desireth not the death of a sinner but rather that he should turn from his wickedness and live,² the king at length returned to his senses, and humbly made to God and the Church such complete amends that he not only paid compensation for losses and restored property wrongfully seized,³ but also conferred full liberty on the English church⁴; and further, on the relaxation of the two sentences, he yielded his kingdom of England and of Ireland to St Peter and the Roman Church, and received it from us again as sief under an annual payment of one thousand marks, having sworn an oath of fealty to us, as is clearly stated in his privilege furnished with a golden seal;⁵ and desiring still further to please Almighty God, he reverently assumed the badge of the life-giving Cross, intending to go to the relief of the Holy

grounds for an act which must have seemed to be a political necessity and of advantage for the crusade.

For the circumstances of the publication of the letter in England see Richardson, 'The morrow of the Great Charter.'

¹ cf. no. 53, n. 9 above
² cf. no. 70 above. In the event the monasteries and lower clergy complained that they were not justly recompensed for their losses during the interdict (Ann. mon., ii. 281, Paris, ii. 576).
³ cf. no. 76 above
⁴ cf. no. 67 above
⁵ cf. no. 67 above
profecturus in subsidium terre sancte ad quod se magnifice preparabat. Sed humani generis inimicus qui semper consuevit bonis actibus invidere, suis callidis artibus adversus eum barones Anglie concitavit ita ut ordine perverso in illum insurgent, postquam conversus ecclesie satis fecit, qui assistebant eidem quando eclesiam offendebat. Orta siquidem inter eos dissensionis materia, cum plures dies statuti fuissent ad tractandum de pace utrinque, interim sollemnes nuntii ad nostram fuerunt presentiam destinati, cum quibus habito diligent tractatu, post plenam deliberationem scribesimus per eosdem... archiepiscopo et episcopis Anglicanis, precipiendo mandantes ut ad reformandum inter utrosque veram et plenam concordiam diligens impenderent studium et operam efficacem, omnes coniurationes et conspirationes, sique fuerant forte presumpte a tempore suborte discordie inter regnum et sacerdotium, apostolica denunciantes auctoritate cassatas et per excommunicationis sententiam inhibentes ne talia decetero presumerentur a quoquam, magnates et nobiles Anglie monendo prudenter et eis efficaciter injungendo ut per manifesta devotionis et humilitatis inditia ipsum regem sibi placare studerent, ac deinde, siquid ab eo ducerent postulandum, non insolenter sed humiliér implorarent, regalem ei conservantes honorem et exhibentes servitia consueta que ipsi et predecessores eorum sibi et suis

6 King John took the cross on 4 March 1215, but there is no evidence to suggest that he treated his vow as anything but a political asset (cf. Magna Carta, c. 52), or made genuine preparations to go on crusade. For his earlier concern with the Holy Land see no. 13 above, and cf. no. 78.

7 The contrast is stressed in an earlier letter (Adams, loc. cit. p. 44), and on 13 September (before John can have received the present letter), the king complained to the pope: 'Cum comites et barones Anglie nobis devoti essent antequam nos et nostram terram dominio vestro subicere
Land—a project for which he was splendidly preparing. But the enemy of the human race, who always hates good impulses, by his cunning wiles stirred up against him the barons of England so that, with a wicked inconsistency, the men who supported him when injuring the Church rebelled against him when he turned from his sin and made amends to the Church. A matter of dispute had arisen between them: several days had been fixed for the parties to discuss a settlement: meanwhile, formal envoys had been sent to us: with them we conferred diligently, and after full deliberation we sent letters by them to the archbishop and the English bishops, charging and commanding them to devote earnest attention and effective effort to restoring a genuine and full agreement between the two sides; by apostolic authority they were to denounce as void any leagues and conspiracies which might have been formed after the outbreak of trouble between the kingdom and the priesthood: they were to prohibit, under sentence of excommunication, any attempt to form such leagues in future: and they were prudently to admonish the magnates and nobles of England, and strongly to enjoin on them, to strive to conciliate the king by manifest proofs of loyalty and submission; and then, if they should decide to make a demand of him, to implore it respectfully and not arrogantly, maintaining his royal honour and rendering the customary services which they and their predecessors paid to him and his

*curassemus, extune in nos specialiter ob hoc sicut pustinque dicunt violenter insurgunt* (R.I.F., p. 182a).

*cf. no. 75 above*
predecessoribus impenderunt, cum eis ipse rex non deberet absque iuditio spoliari,\textsuperscript{9} ut sic quod intenderent possent facilius obtinere. Nos enim eundem regem per litteras nostras rogavimus et monuimus, et per prefatos archiepiscopum et episcopos nichilominus rogari et moneri mandavimus, in remissioem sibi peccaminum iniungentes quatinus predictos magnates et nobiles benigne tractaret et iustas petitiones eorum clementer admitteret, ut et ipsi congaudendo cognoscerent eum in meliorem statum divina gratia esse mutatum, ac per hoc ipsi et heredes eorum sibi et heredibus suis deberent promptius et devotius famulari, plena eis in veniendo, morando et recedendo securitate concessa; ita quod, si forte nequiret inter eos concordia provenire, in curia sua per pares\textsuperscript{a} eorum secundum leges et consuetudines regni suborta dissensio sopiretur. Verum, ante quam nuntii cum hoc provido et iusto mandato rediissent,\textsuperscript{b} illi, iuramento fidelitatis omnino contemto, cum, et si rex eos iniuste gravasset, ipsi tamen non debuissent sic agere contra eum ut in causa sua idem iudices et exequatores existerent, vassali contra dominum et milites contra regem publiceconiurantes, non solum cum aliiis sed cum eius manifestissimis inimicis, presumperunt contra eum arma movere, occupantes et devastantes terras ipsius ita quod civitatem quoque Londoniensem, que sedes est regni, proditorie sibi traditam invaserunt.\textsuperscript{10} Interim autem, prefatis nuntiiis revertentibus, rex obtulit eis secundum formam mandati nostri iusticie plenitudinem

\textsuperscript{6} partes O

\textsuperscript{9} cf. no. 77 above

\textsuperscript{10} The baronial party came together in arms at Stamford in Easter-week (after 19 April), but continued negotiations without any act of war until about 12 May. It was probably during this period that the pope's
predecessors (since the king ought not to lose these services without a judicial decision 9), that in this way they might the more easily gain their object. For we in our letters, and equally through the archbishop and bishops, have asked and advised the king, enjoining it on him as he hopes to have his sins remitted, to treat these magnates and nobles kindly and to hear their just petitions graciously, so that they too might recognise with gladness how by divine grace he had had a change of heart, and that thereby they and their heirs should serve him and his heirs readily and loyally; and we also asked him to grant them full safeconduct for the outward and homeward journey and the time between, so that if they could not arrive at agreement the dispute might be decided in his court by their peers according to the laws and customs of the kingdom. But before the envoys bearing this wise and just mandate had reached England, the barons threw over their oath of fealty; and though, even if the king had wrongfully oppressed them, they should not have proceeded against him by constituting themselves both judges and executors of the judgement in their own suit, yet, openly conspiring as vassals against their lord and as knights against their king, they leagued themselves with his acknowledged enemies as well as with others, and dared to make war on him, occupying and devastating his territory and even seizing the city of London, the capital of the kingdom, which had been treacherously surrendered to them. 10 Meantime the aforesaid envoys returned to England and the king offered, in accordance with the terms of our mandate,

letters of 19 March arrived (nos. 74, 75). London fell to the rebels on 17 May 1215.
exhibere, quam ipsi omnino sernpentes ceperunt manus extendere ad peiora. Unde rex ipse ad audientiam nostram appellans obtulit eis exhibere iustitiam coram nobis, ad quos huius cause iuditium ratione dominii pertinebat, quod ipsi sunt penitus aspernati. Deinde optulit illis ut tam ab ipso quam illis eligerentur quatuor viri prudentes qui una nobiscum subortam inter eos discordiam terminarent, promittens quod ante omnia revocaret universos abusus quicumque fuissent in Angliam suo tempore introducti; sed nec hoc illi dignati sunt acceptare. Tandem rex illis propositum quod, cum regni dominium ad Romanam ecclesiam pertineret, ipse nec poterat nec debetS absque nostro spetiali mandato quicquam de illo in nostrum prejudgetum immutare, unde rursus ad nostram audientiam appellavit, seipsum ac regnum cum omni honore ac iure suo apostolice protectioni supponens; sed, cum nullo modo proficeret, postulavit ab archiepiscopo et episcopis ut ipsi nostrum exquerrentur mandatum, ius ecclesie Romane defendere, ac tuerentur eundem, secundum formam privilegii crucisignatis indultis. Porro, cum ipsi nichil horum facere voluisseS, videns se omni pene consilio et auxilio destitutum, quicquid illi ausi sunt petere non est ausus ipse negare. Unde compulsus est per vim et metum, qui cadere poterat in virum etiam constantissium, compositionem inhire cum ipsis non solum vilem et turpem, verum etiam illicitam et iniquam, in nimiam diminutionem et derogationem sui iuris pariter
to grant the barons full justice. This they altogether rejected and began to stretch forth their hands to deeds still worse.\textsuperscript{11} So the king, appealing to our tribunal, offered to grant them justice before us to whom the decision of this suit belonged by reason of our lordship: but this they utterly rejected. Then he offered that four discreet men chosen by him and four more chosen by themselves should, together with us, end the dispute, and he promised that, first in his reforms, he would repeal all abuses introduced into England in his reign: but this also they contemptuously refused. Finally, the king declared to them that, since the lordship of the kingdom belonged to the Roman Church, he neither could nor should, without our special mandate, make any change in it to our prejudice: and so he again appealed to our tribunal, placing under apostolic protection both himself and his kingdom with all his honour and rights. But making no progress by any method, he asked the archbishop and the bishops to execute our mandate, to defend the rights of the Roman Church, and to protect himself in accordance with the form of the privilege granted to Crusaders.\textsuperscript{12} When the archbishop and bishops would not take any action, seeing himself bereft of almost all counsel and help, he did not dare to refuse what the barons had dared to demand.\textsuperscript{13} And so by such violence and fear as might affect the most courageous of men\textsuperscript{14} he was forced to accept an agreement which is not only shameful and demeaning but also illegal and unjust, thereby lessening unduly and impairing his royal rights and dignity.

\textsuperscript{12} This refers to John’s acceptance of Magna Carta at Runnymede, during the third week of June 1215.

\textsuperscript{13} cf. no. 5, n. 4 above
et honoris. Quia vero nobis a domino dictum est in propheta: constitui te super gentes et regna ut evellas et destruas et hedifices et plantes; itemque per alium: dissolve colligationes impietatis, solve fasciculos depimentes; nos tante malignitatis audatiam dissimulare nolentes, in apostolice sedis contemptum, regalis iuris dispendium, Anglicane gentis opprobrium et grave periculum tocius negotii crucifixer, quod utique immineret, nisi per auctoritatem nostram revocarentur omnino que a tanto principe crucisignato taliter sunt extorta, etiam ipso volente illa servari, ex parte dei omnipotens, patris et filii et spiritus sancti, auctoritate quoque beatorum Petri et Pauli apostolorum eius ac nostra, de communi fratum nostrorum consilio, compositionem huiusmodi probamurs penitus et damnamus, sub interminatione anathematis prohibentes ne dictus rex eam observare presumat, aut barones cum complicibus suis ipsam exigant observari, tam cartam quam obligationes seu cautiones quecumque pro ipsa vel de ipsa sunt facte, irritantes penitus et cassantes ut nullo unquam tempore aliquam habeant firmatatem. Nulli ergo omnino hominum liceat hanc paginam cassationis et prohibitionis infringere vel ei ausu temerario contraire. Si quis autem hoc attemptare presumperit, indignationem omnipotens dei et beatorum Petri et Pauli apostolorum eius se noverit incursurum.

Dat' Anagnie, viii kal. Septembris pontificatus nostri anno octavodecimo.
But because the Lord has said to us by the prophet Jeremiah, 'I have set thee over the nations and over the kingdoms, to root out, and to destroy, to build and to plant,' and also by Isaiah, 'Loose the bands of wickedness, undo the heavy burdens,' we refuse to ignore such shameless presumption, for thereby the Apostolic See would be dishonoured, the king's rights injured, the English nation shamed, and the whole plan for a Crusade seriously endangered; and as this danger would be imminent if concessions, thus extorted from a great prince who has taken the cross, were not cancelled by our authority, even though he himself should prefer them to be upheld, on behalf of Almighty God, Father, Son, and Holy Spirit, and by the authority of SS Peter and Paul His apostles, and by our own authority, acting on the general advice of our brethren, we utterly reject and condemn this settlement, and under threat of excommunication we order that the king should not dare to observe it and that the barons and their associates should not require it to be observed: the charter, with all undertakings and guarantees whether confirming it or resulting from it, we declare to be null, and void of all validity for ever. Wherefore, let no man deem it lawful to infringe this document of our annulment and prohibition, or presume to oppose it. If anyone should presume to do so, let him know that he will incur the anger of Almighty God and of SS Peter and Paul His apostles.

Anagni, the 24th of August, in the eighteenth year of our Pontificate.

\[16\text{ cf. Isa. 58:6.} \text{ See no. 8, n. 3 above}\]
Innocentius episcopus servus servorum dei nobilibus viris baronibus a Anglie spiritum consillii sanioris.  

Utinam in persecucione quam temere commovistis adversus dominum vestrum regem attendissetis prudentius fidelitatis prestite b iuramentum, ius apostolice sedis, nostre provisionis mandatum, et privilegium crucisignatis indultum, quia procul dubio non sic processissetis ad factum quod c omnes pene qui illud d audiunt quasi facinus detestantur, presertim cum in causa ipsa e vos f iudices et executores feceritis, eodem rege parato in curia sua vobis per pares vestros secundum consuetudines et leges g regni iusticie plenitudinem exhibere, vel coram nobis ad quos h huius cause iudicium racione dominii pertinebat, aut i etiam coram arbitris eligendis hinc inde una nobiscum in ipso negotio processuris. Unde cum nichil horum dignati fueritis acceptare k ad nostram audienciam appellavit, seipsum ac regnum cum omni honore ac l iure suo apostolice protectioni supponens, purlice protestando quod cum ciusdem regni dominium ad Romanam ecclesiam pertineret ipse nec poterat nec debebat quicumque de illo in nostrum preiudicium immutare. Cum illa igitur composicio qualisqualis, ad quam per vim et metum


a om. baronibus WP  
b prestite CW; pristine P  
c quod C; quin WP  
d om. illud C  
e ipsa C; vestra WP  
f add ipsos WP  
g leges et consuetudines WP  
h quos C; quem WP  
i pertinebat aut C; pertinet vel WP  
j ac CW; et P  
k acceptare C; attemptare WP
Innocent, bishop, servant of the servants of God, to the noblemen the barons of England, a spirit of sounder understanding.

Would that in the suit you have recklessly started against your lord the king you had prudently considered the oath of fealty you gave, the rights of the Apostolic See, the mandate containing our ordinance, and the privilege granted to Crusaders: for you would certainly not have proceeded to an action which almost all who hear of it abominate as a crime—especially as you have constituted yourselves in this suit both judges and executors of judgment, though the king was ready to grant you full justice in his court by your peers according to the customs and laws of the kingdom, or before us to whom the decision of this suit belonged by right of lordship, or even before arbitrators, chosen by each side, who together with us would arrive at a settlement. Hence, as you did not deign to accept any of these procedures he has appealed to our court, placing himself and his kingdom, with all his honour and rights, under apostolic protection, and publicly proclaiming that, as the lordship of the kingdom belonged to the Roman Church, he neither could nor ought to make any change in it to our prejudice. Since, therefore, the settlement, whatever the terms, is one which you induced him to accept by force and fear, and is not only demeaning and

1 For this form of greeting, see no. 44, n. 1 above. By using this form, the pope seems to include all the English barons in the sentence pronounced seven weeks earlier (no. 80 above). *This letter is complementary to no. 82 above, and borrows various phrases from both nos. 80 and 82.
induxistis eundem, non solum sit vilis et turpis verum etiam illicita et iniqua, ut merito sit ab omnibus reprobanda maxime propter modum, nos qui tam regi quam regno tenemur et spiritualiter et temporaliter providere, per apostolica vobis scripta "precipiendo mandamus et " recta fide consulimus quatinus facientes de necessitate virtutem renuncietis composicioni huiusmodi per vos ipsos et satisfaciatis eidem o ac suis de damnis et inijiciis irrogatis, ut idem rex per manifesta devocionis et humilitatis indicia placatus a vobis per seipsum benigne ῦ concedat quicquid de iure fuerit concedendum, ad quod etiam ῦ nos ipsum efficaciter inducens, quoniam sicut nolumus quod ipse rex ῦ suo iure privetur, ita volumus ut ipse a gravamine vestro ῦ desistat, ne per consuetudines pravas aut ῥ exactiones iniquas sub nostro dominio regnum Anglie opprimatur, eritque firmum et stabile inperpetuum quod tali modo fuerit ordinatum. Inspiret igitur vobis ille qui neminem vult perire ut acquiescatis humiliter nostris salubribus consiliis et mandatis, ne si secus egeritis in eum incidatis necessitatis articulum " quem tandem evadere sine multo gravamine non possitis, quoniam, ut de ceteris taceamus, nulla ratione dissimulare possemus grave periculum tocius negotii crucifixi, quod utique imminet nisi per auctoritatem nostram revocarentur omnino que a tanto principe crucesignato taliter sunt extorta, etiam ipso volente illa servari. ῥ Quare dum apud nos archiepiscopus et episcopi Anglie presentes extiterint in concilio generali

"scripta vobis P  
* add in WP  
* add regi WP  
* add et WP  
* om. rex WP
shameful but also illegal and unjust, so that it deserves to be universally rejected, and most of all for the method used, we, who are bound to provide both spiritually and temporally for the king and the kingdom, by apostolic letter direct and command you, and in honest faith advise you, to make a virtue of necessity and voluntarily to renounce this settlement, making amends to the king and his people for the losses and wrongs inflicted on them, so that the king, appeased by manifest proofs of loyalty and submission, may of himself graciously concede to you all that lawfully ought to be conceded—a course to which we also will powerfully urge him; for, while we do not wish the king to lose his rights, on the other hand we do wish him to stop oppressing you, so that under our lordship the kingdom of England may not be crushed by evil customs or unjust extortions; but a settlement of the kind we suggest will always be sure and stable. May He therefore, who desires not that any should perish, inspire you to concur humbly in our salutary counsels and commands, lest (if you act otherwise) you should fall into a dire strait from which you could ultimately escape only with much suffering: for, to omit other matters, what we could not possibly ignore is the serious danger to the whole Crusade, a danger that would be near if the concessions thus wrested from a great prince who has taken the Cross were not cancelled by our authority—and cancelled even though he should prefer to have them upheld. So, at the time when the archbishop and the bishops of England will be attending
quod ad expedendum crucis negocium principalium intendimus celebrare, procuratores idoneos ad nostram presentiam destinetis, secundum vos nostro beneplacito committentes, quia nos ca favente domino statuemus per que, gravaminibus et abusibus de regno Anglie prorsus exclusis, rex suo sit iure ac honore contentus et tam clerus quam populus universus debita pace ac libertate letetur.

Dat' Anagnie, viii kal. Septembris pontificatus nostri anno xviii.
the General Council which we purpose holding chiefly to expedite the Crusade, you are to send fit proctors to appear before us—confidently entrusting yourselves to our good pleasure: for, with God's favour, we shall make a settlement which, sweeping away oppressions and abuses from the kingdom of England, will leave the king satisfied with his rights and dignity, and cause both the clergy and the whole people to rejoice in the peace and freedom that are their due.

Anagni, the 24th of August, in the eighteenth year of our Pontificate.

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2 The baronial party is not known to have sent representatives to the Lateran Council.
Innocentius episcopus etc. dilectis filiis clericis et laicis per Cantuariensem provinciam constitutis salutem et apostolicam benedictionem.¹

AD COMMUNEM VOLUMUS notitiam pervenire quod nos suspensionis sententiam quam venerabilis frater noster P. Wintoniensis episcopus et dilectus filius P. subdiaconus et familiaris noster, Norwicensis electus, in Stephanum Cantuariensem archiepiscopum auctoritate apostolica protulerunt² ratam habemus et precipimus inviolabiliter observari donec idem archiepiscopus, qui eam humili servat, mereatur ipsam iuxta formam ecclesie cauteone prestita relaxari, uno vinculo in aliud commutato.³ Quocirca universitati vestre per apostolica vobis scripta preciendio mandamus quatenus et vos ipsi prescriptam sententiam firmiter observetis cum interim nullam debeatis eodem obedientiam exhibere.

Dat' Laterani, ii non. Novembris pontificatus nostri anno xviii.

Pott. 5006. Text. P.R.O., Close roll 12 (17 John) m. 17d. Whence Foedera, I. i. 139. Variants of the duplicate roll (13 m. 16d) are not noted below.

¹ Wendover (Paris, ii. 634) gives a letter with unimportant variants and same date, addressed to all the suffragans of the church of Canterbury (P. 5005). The letters reached England and were in the hands of a chancery clerk by 20 December 1215 (R.L.C., i. 269d).

² The bishop of Winchester and Pandulf acted in virtue of the papal mandate of 7 July (no. 80 above). They formally executed this on 5 September 1215, instructing the archbishop and suffragans to publish sentence of excommunication against stated individuals of the baronial party (EHR, xlv. 93). The archbishop refused to act on this until he had consulted the pope; sentence was then declared upon him. This
Innocent, bishop etc., to his beloved sons the clergy and laity of the province of Canterbury, greeting and apostolic benediction.

We desire it to be generally known that we have confirmed the sentence of suspension promulgated, on apostolic authority, against Stephen archbishop of Canterbury by our venerable brother Peter, bishop of Winchester, and our beloved son Pandulf, sub-deacon and member of our household, bishop-elect of Norwich; and we direct the sentence to be inviolably maintained until the archbishop, who is humbly observing it, shall merit its relaxation according to the rites of the Church, after giving a guarantee whereby the one bond will be replaced by another. Wherefore by apostolic letter we enjoin this order upon all of you that you also should steadfastly observe the prescribed sentence, since for the time being you ought not to yield any obedience to the archbishop.

The Lateran, the 4th of November, in the eighteenth year of our Pontificate.
Innocentius episcopus, etc. abbati de Abbendune, archidiacono Pictavensi, et magistro R.\(^a\) officiali Norwicensis ecclesie, salutem.\(^1\)

Ad vestram volumus pervenire notitiam quod nos nuper in generali concilio constituti excommunicavit us et anathematizavimus ex parte omnipotentis dei patris et filii et spiritus sancti, auctoritate quoque beatorum Petri et Pauli apostolorum eius ac nostra, barones Anglie cum adiutoribus et fautoribus suis, qui Iohannem illustrem regem Anglorum cruce signatum et vassallum Romane ecclesie persequuntur, molientes ei regnum auferre, quod ad Romanam ecclesiam dinoscitur pertinere. Insuper excommunicamus et anathematizamus omnes illos, qui ad occupandum vel invadendum regnum ipsum aut impediendum euntes in eiusdem regis succursum, operam vel operm impenderunt; et terras eorumdem baronum ecclesiastico subicimus interdicto. Aggravabimus\(^b\) etiam in eosdem fortius manus nostras, si nec sic a suo desiterint iniquo proposito, cum in hac parte peiores sint Saracenis, decernentes, ut si quis clericus cuiuscunque dignitatis aut ordinis predictas excommunicationis aut interdicti sententias violare

\(^1\) Hugh, abbot of Abingdon (1189-1221); William archdeacon of Poitiers, apparently went abroad as king’s messenger in April 1216 (R.L.C., i. 2576); Master Ranulf of Warham, a monk of Norwich cathedral priory,
Innocent, bishop, etc. to the abbot of Abingdon, the archdeacon of Poitiers, and master Ranulf official of the church of Norwich, greeting.

We wish you to know that recently in General Council, on behalf of Almighty God, Father, Son, and Holy Spirit, and by the authority of SS Peter and Paul, His apostles, and by our own authority, we excommunicated and anathematized the barons of England with their helpers and supporters who are persecuting John, illustrious king of the English, a Crusader and a vassal of the Roman Church, and are working to deprive him of the kingdom which admittedly belongs to the Roman Church. Moreover, we excommunicate and anathematize all who have contributed aid or wealth towards occupying or seizing the kingdom or towards hindering persons going to the king's assistance, and we lay the lands of these barons under ecclesiastical interdict. If, even then, they should not abandon their wicked purpose, we will make our hands still heavier against them (for in this respect they are worse than Saracens) by decreeing that, if any clerk of whatever rank or order shall dare to violate these sentences of excommunication and interdict, he is to know that he is

had been official of Bishop John de Gray and held this office for Pandulf, bishop-elect: he became bishop of Chichester in 1217.

This letter, received before 29 February 1216 (R.L.P., pp. 168a and 170a, Coggeshall, p. 179), was forwarded to cathedral churches and monasteries (covering letter, undated, Paris, ii. 644). Many of the excommunications appealed against the sentence, which the executors reiterated in April 1216 (ibid. ii. 645, 649).

*e noverit W; sciat P

2 The laymen denounced by the bishop of Winchester and his colleagues on 5 September 1215, in pursuance of the papal mandate, no. 80 above (EHR, xliv. 92, 93) were only nine in number: the earls of Winchester, Clare, and Gloucester, Eustace de Vesi, Robert FitzWalter, Richard de Percy, John de Lacy, William d'Aubeny, and William de Mowbray. The present list may include persons subsequently anathematised, but it is not beyond possibility that Wendover added to the list of names in the pope's letter. The list includes seventeen of the Twenty-five named by Matthew
smitten with the sword of anathema and that, unless he quickly returns to his senses, he will be deposed from all office and benefice. Wherefore, by apostolic letter we charge and command you to have all this published throughout England, and on our authority to see that it is inviolably observed, disallowing any qualification or appeal. Further, the delegates appointed by us—our venerable brother the bishop of Winchester, and our beloved sons the abbot of Reading and Master Pandulf subdeacon and member of our household—have excommunicated by name certain barons of England because they found them guilty in the above respects,—those citizens of London who were the prime movers in this wickedness, and Robert FitzWalter, Saer earl of Winchester and Robert his son, Geoffrey de Mandeville and William his brother, Richard earl of Clare and Gilbert his son, Henry earl of Hereford, Richard de Percy, Eustace de Vesci, John constable of Chester, William de Mowbray, William d’Aubeny and William his son, Robert de Ros and William his son, Peter de Brus, Robert de Creissi and John his son, Ranulf FitzRobert, Roger Earl Bigod and Hugh his son, Robert de Vere, Fulk FitzWarin, William Malet, William de Montagu, William son of the Marshal, William de Beauchamp, Simon de Kime, Roger de Montbegon, Nicholas de Stuteville, and others individually named in the said

Paris as executors of Magna Carta (ii. 604) and various men who had sided with them in summer 1215, e.g. Robert de Ros, Robert de Creissi, Nicholas de Stuteville.

By the time this letter was published in England, Geoffrey de Mandeville was dead, John de Lacy and Roger de Montbegon had made their peace with the king, Simon de Kime was treating for peace (R.L.P., p. 166b); others followed in April 1216.
predictorum iudicum sententia nominatim expressos, cum complicibus et fautoribus eorum, auctoritate apostolica excommunicatos per totam Angliam publice denuntiare faciatis et ab omnibus arcius evitari; singulis diebus dominicis et festivis solenniter innovari huiusmodi sententiam facientes ac denunciantes inviolaboliter observari; civitatemque Londinensem ecclesiasticum supponimus interdicto, contradictores per censuram ecclesiasticam appellatione postposita compescendo. Magistrum etiam Gervasium Londinensem cancellarium, qui, sicut a iudicibus prefatis accepimus, dicti regis et suorum manifestissimus extitit persecutor, excommunicatum publice denuntiatis ac suspensum, graviori etiam pena nisi congrue satisfecerit puniendum. Quod si non omnes, etc.

Dat' Laterani, xvii kalendas Ianuarii pontificatus nostri anno octavodecimo.

\[a\] iudicium P; preiudicium W
\[b\] For extension in common form see no. 11 above
\[c\] decimo octavo WP

The executors’ letter publishing the sentences include under this head the names of twenty-nine more clerks and laymen, of whom only four were declared excommunicate in the letter of 5 September 1215 (Paris, ii. 644 and n. 2 above).

The citizens and clergy of London ignored the sentence of interdict (Paris, ii. 644-5).
judges' sentence, with their associates and supporters: all these we will and command you to have publicly proclaimed throughout England as excommunicated by apostolic authority and as men to be strictly shunned by all; and every Sunday and feast-day you are to have this sentence solemnly repeated, and proclaimed as inviolably to be observed. On the city of London we impose an ecclesiastical interdict, quelling objectors by ecclesiastical censure without appeal. Master Gervase, chancellor of St Paul's London, who (as we are informed by the aforesaid judges) has been a notorious troubler of the king and his people, you will publicly declare to be excommunicated and suspended from office, and he will be punished with an even heavier penalty unless he makes fitting amends. If you cannot all take part in discharging this business, let two of you discharge it, notwithstanding.

The Lateran, the 16th of December, in the eighteenth year of our Pontificate.

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6 For the career of Master Gervase of Houbridge or Hubbridge see H. G. Richardson, in EHR, xlvi (1933), 254-6, 259. Despite his excommunication and a summons to Rome to answer the charges against him (P. 5301) he was elected dean of St Paul's in September 1216. With the defeat of Prince Louis he lost both chancellorship and deanery.
Innocencius episcopus servus servorum dei dilectis filiis de Castelacra et de Panteneia prioribus et decano de Len' Norwicensis dioecesis salutem et apostolicam benedictionem.¹

Querelam dilectorum filiorum prioris et conventus sancte Marie de Binham ² recepimus, continentem quod W. archidiaconus Herefordensis ³ . . . ² super redditu quinque marcharum quem ab ecclesia de Baketon⁴ de iure debent percipere annuatim inuriiosi ⁵ sunt eis plurimum et molesti. Quocirca discretionem vestre per apostolica scripta mandamus quatinus partibus convocatis et auditis hinc inde propositis quod iustum fuerit appellacione ⁶ postposita statuatis, facientes quod decreveritis per censuram ecclesiasticam firmiter observari. Testes autem qui fuerint nominati si se gratia, odio, vel


² The name of the second defendant or some such phrase as et complices eius is required.
³ iniuriati added marginally in pencil G
⁴ appellacionem C
⁵ Castle Acre was a Cluniac priory, Pentney a priory of Austin canons. The third judge was rural dean of Len Episcopi, now King’s Lynn. All three judges (doubtless nominated by the plaintiff) belonged to north Norfolk.
⁶ This mandate is given as typical of the common form in appointments of judges-delegate.
² Binham, a Benedictine priory in north Norfolk, dependent on St Albans Abbey. According to Matthew Paris, the priory was much oppressed by Robert FitzWalter, its powerful patron. His misdoings at Binham are represented in the Gesta abbatum as the occasion, if not the cause, of his exile and outlawry in 1212.
I nnocent, bishop, servant of the servants of God, to his beloved sons the priors of Castle Acre and Pentney and the dean of Lynn in the diocese of Norwich, greeting and apostolic benediction.

We have received a complaint from our beloved sons the prior and monastery of St Mary of Bingham, setting out that William archdeacon of Hereford (and others) are greatly wronging and harming them over the pension of five marks which by right they should get each year from the church of Bacton. Wherefore, by apostolic letter we command you to call the parties together and, having heard arguments from both, to decide as you shall deem just, without appeal; and by ecclesiastical censure see that your decision is strictly observed. If any who have been cited as witnesses withdraw because of favour, hatred, or fear, you are to

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3 William FitzWalter, archdeacon of Hereford, went into exile in 1212 and was received again into the king's favour on 21 July 1213. He was again opposed to the king in 1215, declared excommunicate on 5 September (EHR, xlvi. 92) and again in February 1216 (Paris, ii. 644). Presumably he was a relative of Robert FitzWalter, made rector of Bacton on the presentation of his kinsman.

4 Apparently the place of this name in Suffolk (cf. Curia Regis Rolls, i. 451). Suits for the advowson of Bacton were begun by Bingham against Robert FitzWalter in both the king's court and the court Christian in 1260. The records are incomplete, but Bingham clearly was obliged to accept a pension and renounce its claim to the rectory. Bingham repeatedly had trouble in getting its pension from the rector. This mandate reached England in the midst of a civil war, in which the FitzWalter family played a leading part. Naturally, it produced no lasting settlement. Later records of the dispute in the cartulary (fos. r82r-r88v) extend to 1266.
timore subtraxerint per districcionem eandem cessante appellacione cogatis veritati testimonium perhibere. Quod si non omnes hiis exequendis potueritis interesse, duo vestrum ea nichilominus exequantur.

Dat' Laterani, nonis Januarii pontificatus nostri anno octavodecimo.
compel them, by the same penalty and without appeal, to bear witness to the truth. If you cannot all take part in discharging this business, let two of you discharge it, notwithstanding.

The Lateran, the 5th of January, in the eighteenth year of our Pontificate.
Innocentius episcopus servus servorum dei venerabilibus fratribus Bituricensi archiepiscopo et suffraganeis eius salutem et apostolicam benedictionem.

Ecce terre malleus universae, qui seduceret nititur totum orbem diabolus et Sathanas postquam in sue tempestatibus area ventilavit alias provincias atque regna expetit ut cribaret sicut triticum vobis circumpositam regionem, quod ideo iustus iudex tacitis aliis rationibus permittere nunc videtur ut bonos a reprobis, Christi fideles ab infidelibus, et constantes ab arundineis qui ab omni vento circumferuntur secernat et reddat omnibus manifestos. Scitis enim quam proditorie ac inique barones Anglie insurrexerunt in dominum et Christi militem, regem videlicet Anglie, qui crucis assumpto caractere tam magnifice ac potenter ad terre sancte subsidium se parabat et offerebat eisdem multis modis iusticie plenitudinem exhibere, nec nostris monitis et mandatis ab incepta perfidia recedere voluerunt quin dei timore postposito et ecclesiastica censura contempta rupture omni federe fidelitatibus et homagii dudum prestiti suo regi, dissipare ipsum regnum quod est sedis apostolice speciale ac exinde regem


* contempta C; contemptu B; contempta M

1 Giraldu de Cros, archbishop of Bourges.

Similar letters were probably sent to the other ecclesiastical provinces
Innocent, bishop, servant of the servants of God, to his venerable brethren the archbishop of Bourges and his suffragans, greeting and apostolic benediction.

Behold! the hammer of the whole earth, the Devil, even Satan, who seeks to seduce all the world, having winnowed other provinces and kingdoms on the threshing-floor of his storm, has now gone to the region round you that he may sift it as wheat; and this (to omit other reasons) the Just Judge now seems to allow in order to distinguish, and make evident to all, the good and the wicked, the faithful of Christ and the unfaithful, the staunch and the waverers who, like reeds, are carried about by every wind. You know how the barons of England rebelled treacherously and wickedly against their Lord and Christ’s soldier, the king of England, who having taken the sign of the Cross was preparing splendidly and powerfully to aid the Holy Land, and was offering in many ways to render them full justice. You know that, not even at our warnings and mandates, would they give over their treachery or cease trying to disrupt a kingdom which specially belongs to the Apostolic See and trying to drive out the king—thus disregarding the fear of God, despising ecclesiastical
expellere moliantur. Propter quod ipsos cum complicitibus, adiutoribus, et fautoribus suis ac illis qui ad occupandum regnum vel invadendum regnum ipsum operam vel opem impenderint seu presati regis succursum presumperint impedire nuper excommunica-vimus in concilio generali. Ne igitur ipsorum nequitia invalescat et per hoc dissipetur omnino negotium terre sancte, fraternitati vestre per apostolica scripta districte preciendo mandamus quatenus principes, milites, et barones per vestras dioceses constitutos monere ac inducere procuretis, ipsis ex parte nostra in remissione pecaminum inungentes ut predicto regi festinum impendant auxilium et iuvamen, diligentes et timentes amplius regem eternum quam aliquid aliud temporale, ostendentes etiam manifestius in hoc facto quam virtuose se pro Christi nomine opponerent Sarra-cenis et exponerent semetipsos et sua, si essent contra ipsos in acie constituti, cum illos propinquos habeant qui peiores in hac parte Saracenis existunt eo quod cum sint Christi caracter e insigniti apostatare videntur dum implere contendunt desiderium paganorum impediendo tam grande subsidium terre sancte. Ostendant se igitur in hoc tempestatis articulo qui sunt dei et a sequela diaboli recedentes, qui multos sibi aggregare nititur in hoc facto, assciert se militie Iesu Christi, eius militem immo ipsius negotium viriliter defendendo ut tandem recipere mereantur in celis triumphalem militis sui palmam et victoriosam glorie celestis coronam.

Dat Laterani, iii kalendas Februarii pontificatus nostri anno octavodecimo.

5 om. regnum M (cf. no. 85 above) 6 paganorum CM; paguanorum B
sui CM; sue B 6 Datum BCM
censure, and breaking the whole compact of fealty and homage previously rendered to their king. For this reason in General Council 8 we lately excommunicated them and their associates, helpers and abettors, as well as those who have supplied aid or wealth for occupying and seizing the kingdom or have dared to obstruct help for the king. Wherefore, that their wickedness may not succeed and so altogether ruin the Crusade, by apostolic letter we strictly charge and command you to advise and persuade the princes, knights, and barons in your dioceses, enjoining it on them, as from us, for the remission of their sins, to furnish immediate help and support to the king, loving and fearing the eternal King more than anything temporal, and shewing clearly by this action how valiantly for Christ’s name they would range themselves against the Saracens and risk their persons and wealth if confronted by them in battle: for they have as neighbours men who in this respect are worse than Saracens, because, having taken the sign of the Cross, they now seem renegades working to fulfil the pagans’ hopes by hindering such a magnificent Crusade. At this time of storm, therefore, let those who are on the Lord’s side declare themselves; and, departing from the followers of the Devil who in this affair is trying to draw many to himself, let them join the army of Jesus Christ, and bravely defend His soldier and indeed His enterprise, so that at last in heaven they may be deemed worthy to receive the triumphal palm of a soldier of Christ and the victor’s crown of celestial glory.

The Lateran, the 30th of January, in the eighteenth year of our Pontificate.

8 cf. no. 85 above, from which some phrases are borrowed.
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This index of letters printed or referred to in the foregoing edition in each case provides a concordance of the number in Potthast's *Regesta* with a printed text. A number in heavy type following the number in Potthast indicates the number of a letter printed in this edition. Letters contained in the four volumes of Innocent III's works in Migne's *Patrologia latina* are indicated by volume and column and, where applicable, by book and number of the register: thus, M. i. 21 (1, 27) stands for Migne, *Pat. lat.*, cxxiv. 21 Reg. lib. 1 ep. 27. RNI = Regestum super negotio imperii. Other abbreviations are explained by the bibliography, pp. xxxix above.

Of the letters printed, nos. 9, 11, 12, 16, 33, 34, 42, 44, 69, 71, 73, 78, 79, 86 are not recorded by Potthast. Other letters not in Potthast's *Regesta* are referred to on pp. xvii, xx, xxxv, 84, 96, 160, 166, 212-3.

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