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## THE DECRETAL *IN LITTERIS* AND THE CASE OF HENRY THE COUNTERFEITER

Carolyn Poling Schriber

Historians working on twelfth-century papal decretals are frequently frustrated by a lack of records that would reveal the motivation behind the issuance of a particular ruling. Details of actual court cases in Anglo-Norman lands have rarely survived the northern tendency to preserve only the outcome, not the cause, of a legal dispute. Medievalists working in that region simply do not have access to the kinds of documents which Le Roy Ladurie, for example, has been able to use so effectively for southern France. Clues to these cases do exist, however, and interdisciplinary studies sometimes reveal unexpected connections between seemingly unrelated legal issues. In at least one instance, an indignant personal letter about a certain Henry the Counterfeiter has cast additional light on a papal decretal concerning land possession.

Henry Buisson had been born in the Norman city of Lisieux to a family that held hereditary lands from the bishop of the diocese. When he grew up, Henry left the diocese and received clerical orders from an unidentified foreign bishop. Such an ordination would have been considered irregular because it lacked the approval of Henry's own bishop, Arnulf of Lisieux. In the following years, Henry became involved in a life of crime. His downfall came in 1160, when he and his brother began to circulate false coins in the city of Bayeux. Henry was arrested by royal officials, confessed, and was convicted of *falsaria*, a treasonable offense which included such crimes as forgery and counterfeiting. A royal court ordered him to be shackled with iron fetters and thrust into prison. Pope Alexander III was at that time particularly concerned about the usurpation of episcopal privilege and the trial of clerks by secular courts. At his urging, the bishop of Bayeux managed to obtain Henry's release into the hands of the church.<sup>1</sup> Henry was brought before the archbishop of Rouen, who removed him from the priesthood because he had allowed his tonsure to grow out and ordered him to abjure the land. In Norman law, abjuration

required that the lands of the guilty man be forfeited to his secular lord, and his moveable goods become the property of the bishop in whose diocese they were located.<sup>2</sup> Arnulf of Lisieux, who was both bishop and count of his diocese, thus received all of Henry's lands and goods. Henry travelled to the Ile-de-France, where he eventually found employment as a clerk in the household of the bishop of Meaux.

Henry's brother, Amphrey, was equally guilty of these crimes, but he escaped prosecution by refusing to answer his summons to appear before the king's court. He left Normandy and went into hiding. By so doing, he voluntarily abjured the land and forfeited his own hereditary claim to the lands his family held from the bishop of Lisieux. The case remained closed for some fifteen years. Then, in 1175, Henry II of England began a campaign to restore lands to his subjects who had been victims of violent *desseisin*. In September of the next year, the young king, Henry's son, returned from the continent with a list of men seeking similar relief in Normandy.<sup>3</sup> Apparently Amphrey was on that list, for King Henry granted him a letter of release from outlawry and authorized him to use any means possible to reclaim his hereditary possessions from his former lords.

Arnulf of Lisieux agreed to restore Amphrey to his lands, but only after demanding many assurances of his good faith. As part of the settlement, the bishop ordered him to pay a sum of money as restitution for his crimes. Henry, the erstwhile priest, acted as his brother's agent in the matter and guaranteed by taking a corporal oath that the payment would be made within a set time period. That time passed, however, and neither brother made any effort to fulfill the pledge. When the see of Meaux fell vacant, leaving the bishop's household without supervision, Arnulf feared that Henry might escape his responsibility in the matter.

Our knowledge of this case depends solely on a letter written by Arnulf to the new bishop of Meaux, whoever he might be.<sup>4</sup> The letter warned him of Henry's disreputable past and demanded that the bishop force Henry to make reparations in accordance with the law. Scholars have known of Arnulf's letter for some time. Haskins cited it to show that Henry II interfered with the operation of ecclesiastical justice in Normandy even before the time of the Becket controversy.<sup>5</sup> Robert Génestal used the case as an illustration of how abjuration provided a compromise between rival jurisdictions.<sup>6</sup> No one, however, has suggested that this case prompted the issuance of two papal decretals which found a permanent place in the body of canon law.

Some knowledge of developments in canon law is vital to a complete understanding of the widespread changes which took place in Europe

during the twelfth century. The period between the completion of Gratian's *Decretum* in 1141 and the death of Pope Alexander III in 1181 witnessed an increase of appeals to church courts and the rapid dissemination of papal rulings. As appeals to the papal courts increased, it became more and more necessary to appoint bishops as papal judges-delegate to help handle the load of court cases. In turn the existence of numerous judges-delegate required standardized collections of canon law. Papal rescripts, containing rulings on difficult decisions, provided a source from which the ancient corpus of canon law could be supplemented and explained. Collecting such decretal letters became a priority, particularly among English churchmen after the Becket controversy in the 1160s, and these collections formed the basis for the great works of canon law which were produced in the thirteenth century. Until recently, historians have found these early collections unsatisfactory and difficult to use.

There are several reasons for the difficulty, most of which have to do with the form the collections assumed. In the interest of efficiency, popes often issued their rulings in batches. One such letter, for example, contained sixteen separate rulings on a dozen different topics.<sup>7</sup> The early collections preserved each letter intact, no matter how many different subjects it covered. As the collections grew in size, however, judges found it increasingly difficult to locate the particular ruling needed in a given situation. Quick access required some sort of systematic organization. But when the rulings were separated and organized under their appropriate topics, the integrity of the decretal letters was sacrificed. In the process of reorganizing the separate canons under topical headings, canon lawyers abbreviated or dropped the names of recipients, deleted the details of particular cases, and sometimes even omitted the dating clauses. The resultant systematized law codes have had little value to historians, who often are looking for exactly the kinds of information that the lawyers left out of their collections.

The decretal *In litteris* illustrates many of the historical problems. Alexander III addressed this papal letter to Arnulf, bishop of Lisieux, on March 5, 1177. It contained eight separate clauses: one on the term of a judge-delegate's authority; two concerning the church's attitude toward violent dispossession of property; two concerning the rights of appeal; and others dealing with the need for parish priests to be ordained, the assignment of responsibility for the repair of parochial churches, and the right of a widow to remarry. Someone, probably Arnulf himself, then sent a copy of the decretal to England, where it appeared in a collection compiled at Canterbury sometime between 1179 and 1181.<sup>8</sup>

Within that short period of time, however, the original letter had already undergone some alteration. The salutation had been abbreviated, which led to a mistaken identification of its recipient. The Latin abbreviation of Lisieux, *Lexou.* or simply *Lex.*, is easily confused with that of Exeter (*Exon.*) or Oxford (*Oxon.*). The scribal practice of leaving the initial letter to be filled in by a rubricator only exacerbated the problem, allowing *Lex.* to be read as *Ex.* Since the original Canterbury Collection contained twelve other decretals addressed to the bishop of Exeter, the compiler must have assumed that *In litteris*, too, had been addressed to Exeter. The erroneous attribution was perpetuated in collections which derived from the Canterbury prototype.<sup>9</sup> Other English manuscripts avoided the problem by omitting the attributions entirely.<sup>10</sup>

By 1181, or shortly thereafter, the letter suffered its first dismemberment. The compilers of the *Appendix Concilii Lateranensis* organized the individual rulings according to their topics.<sup>11</sup> In the finished version of this important collection, two of the clauses of *In litteris*—those dealing with the length of time to be allowed for an appeal and with the right of a widow to remarry—were included among the canons issued at the Third Lateran Council. The ruling on the responsibility for repairing a parish church was attributed to Exeter. The other five were still identified with the bishop of Lisieux.

At about the same time as the *Appendix* was being compiled, other collections were appearing on the continent. The *Bamberg Collection* in France included six clauses from *In litteris*, while the *Leipzig Collection* included seven.<sup>12</sup> In the copying process, however, the identity of the original recipient was hopelessly mangled. A scribe more familiar with Italy than with Normandy misread some of the salutations, this time as Brescia, which is abbreviated as *Brix.* The German version attributed three clauses to Exeter, two to Meaux, and one each to Canterbury and to York. By the time the decretal had passed through the *Compilatio Prima*, compiled by Bernard of Pavia in 1190, into *The Decretals of Gregory IX* which superseded it and the other ancient collections in 1234, one topic had been lost entirely.<sup>13</sup> Among the others, one clause had been attributed to Canterbury, two to Brescia, three to Exeter, and only one to Lisieux. Ironically, the only Lisieux credit was for the one clause which had appeared in the *Appendix* as Exeter.<sup>14</sup>

More modern editions failed to correct the resulting confusion. The *Regesta Pontificum Romanorum*, edited by Jaffé in the nineteenth century, included all eight clauses, but distributed them among three separate letters and attributed them primarily to Exeter, with parenthetical notes

suggesting that the recipient could also have been Lisieux or Brescia.<sup>15</sup> Even as recently as 1963, Charles Duggan preferred to identify the recipient as Exeter, although he too noted that Lisieux was a possible alternative.<sup>16</sup> In 1979 the Cheneys, basing their findings on the papers of the late Walther Holtzmann, finally restored the decretal to its original form and affirmed the authenticity of the attributions to Lisieux.<sup>17</sup>

This restoration opens up several new avenues of research. From a purely biographical view, it casts additional light on the career of Arnulf, bishop of Lisieux. By 1177 Arnulf was in his mid-seventies; he was ill and out of favor both with the king and with the canons of his own diocese. Frank Barlow, who edited his letters, assumed that Arnulf's secular and ecclesiastical influence had waned shortly after the settlement of the Becket controversy in 1172.<sup>18</sup> This decretal, however, shows that he was still active as a papal judge-delegate in 1177.

On a wider historical plane, the accurate identification of *In litteris* lends support to a revised understanding of the spread of canon law. Surviving records of papal decretals are heavily English in provenance. Maitland assumed that Alexander III had recognized a lack of knowledge of canon law in England and that he had made a concerted effort to bring the English church into line with advances which had already been made on the continent.<sup>19</sup> Both Mary Cheney and Charles Duggan have argued that the number of English decretals is misleading.<sup>20</sup> One decretal, now correctly identified, does not significantly alter the preponderance of English documents in the surviving collections. But it does suggest the possibility that other continental documents may have been similarly misidentified.

The content of a decretal demonstrates the kinds of issues which were causing problems of judicial administration. One of the drawbacks to the systematic collections has been their lack of case details which would explain the reasons behind the papal rulings. The decretals record papal answers, but not the questions to which they were responding. Once the recipient of a decretal has been correctly identified, however, the questions which lay behind the answers become more apparent. The diocese of Lisieux lends itself conveniently to such a discovery. Arnulf of Lisieux preserved and edited many of his official letters, and his tenure as bishop—from 1141 to 1181—coincided exactly with that period in which canon law had its greatest growth. Although the specific letter to the pope which elicited the decretal *In litteris* was not one of those that Arnulf preserved, it is possible to identify some of the cases to which it referred by reading the bishop's other correspondence.

The connection between the case of Henry the Counterfeiter and the second and third clauses of Alexander III's decretal *In litteris* is, I believe, obvious. Arnulf's letter to the pope might have told much the same story as did his letter to the bishop of Meaux, for Arnulf frequently wrote multiple letters on a subject which particularly distressed him. The letter to the new bishop of Meaux can be dated to the same year as the issuance of *In litteris*. Early editions of the letter, based on a thirteenth-century manuscript, had expanded the Latin *n. epo Meldensem* and had given the address as *Ad Nicholaum*.<sup>21</sup> Because no Nicholas was ever bishop of Meaux, Frank Barlow correctly assumed that the *n.* stood for *nomen*, indicating only that the name should be inserted when it was known.<sup>22</sup> He extrapolated the identity of the recipient as Simon, bishop of Meaux, and assigned the letter a date of c. 1179, a tentative date which can now be more closely defined. Arnulf had maintained a close friendship with the previous bishops of Meaux, Stephen de la Chapelle and Peter of Pavia, and his letters to them addressed them by name. The see of Meaux fell vacant only between 1175 and 1177. Both the indefinite salutation and the content of the letter itself make it probable that Arnulf wrote this letter shortly before the appointment of Simon to the diocese of Meaux in the summer of 1177.

Evidence from the manuscript tradition of *In litteris* also suggests that Arnulf may have sent the bishop of Meaux a copy of the papal decretal to strengthen his case. In the decretal collection made at Leipzig around 1185, the two clauses which apply to the case of Henry and Amphrey were attributed to the bishop of Meaux.<sup>23</sup> Since there is almost no way the abbreviation for *Lexoviensis* (*Lex.*) could have been misread for *Meldensis* (*Meld.*), the most logical explanation is that the texts of these two clauses were sent from Lisieux to the diocese of Meaux and preserved in a collection made from the records of Simon of Meaux.

The decretal from Alexander addressed both issues raised by Arnulf in his accusations against Henry the Counterfeiter. In the second clause of *In litteris*, the pope ruled that an uncanonical ordination, such as Henry's, was not to be considered a justification for violent dispossession. Such an error was best dealt with, he said, by redoing the ordination in a canonical fashion. The third clause, however, ruled that if a man had been violently dispossessed of his holding and banished because he had committed a crime, he was not to be readmitted to his lands until he had made restitution for his misdeeds. Henry and Amphrey had forfeited their hereditary lands because of their own criminal actions. They could not claim,

therefore, to have been unlawfully dispossessed, and they were required to make restitution to the bishop before they could be readmitted to possession. As a sidelight, it might be noted that Henry did pay the reparations in 1180, and that by 1195 Amphrey Buison was once again listed as a tenant of the bishop in the city of Lisieux.<sup>24</sup>

The decretal *In litteris* illustrates that papal rulings were issued for specific cases rather than for general instruction. But even more significant, this case reveals a papal policy which has not often been recognized. Amphrey had already been pardoned by the king's court when Alexander issued his ruling. In what seems to be a direct contradiction of the church's campaign against double jeopardy during the 1160s conflict over clerical privilege, the pope overruled the secular pardon and imposed an additional ecclesiastical penalty on men who had already suffered banishment for fifteen years. While the pope may have simply been reiterating a long-standing policy that demanded satisfaction under canon law before royal pardons became effective, this ruling appears to strengthen the papal claims for superiority of ecclesiastical jurisdiction. And it is all the more telling because the benefits of the ruling accrued to the profit of the church.

The connection between the decretal *In litteris* and the case of Henry the Counterfeiter is, therefore, of more than casual interest. If similar connections can be made between other decretals and secular cases, historians and canon lawyers alike may reach a better understanding of how extensively church policy influenced justice and land tenure in the late twelfth century.

#### **APPENDIX A: ARNULF'S LETTER TO THE BISHOP OF MEAUX**

Est apud vos Henricus quidam, qui, de terra et episcopatu meo ortus, ab alieno episcopo inordinate ad ordines, quos habuit, promotus est.<sup>25</sup> Postmodum autem, procedente tempore, multis flagitiis involutus, de falsa publice moneta convictus est et confessus, quam per totam civitatem Baiocensem publice non timebat expendere, et incautos detestabili malitia defraudare. Captus est, et a regiis apparitoribus retrusus in carcerem, et ferreis nimirum compedibus alligatus. Tandem vero magno studio et labore per episcopum civitatis liberatus est, abiurata nimirum in perpetuum tota provincia Normannorum, atque ad archiepiscopum perductus est. A quo, rupto corone circulo, revolutis a capite sacerdotalibus indumentis, exordinatus est, et de tota terra incontinenter eiectus.



Habet fratrem, Amfredum nomine, qui, nec minoribus nec parcioribus flagitiis irretitus, quidquid a me vel ab aliis dominis suis optinebat amisso, cum diutius latitans non presumeret apparere, novissime post quindecim annos a principe nostro litteras remissionis dictus est optinere, in quibus ei pax publica concessa est, et, ut a pristinis dominis suis pristinas hereditates suas reciperet, si eas posset modis quibuslibet inpetrare.

Susceptus igitur ab aliis, a me novissime vix multis intercessoribus recipi potuit, ipsique hereditatem, quam ab ecclesia nostra antiquitus habuerat, reddidi, pacta nimirum ob restitutionem amisse in perpetuum hereditatis summa pecunie, quam ipse iuravit se certo tempore soluturum; et Henricus, frater eius, qui omni studio et tota fide procurabat eius negotium, fideiussit, et se, nisi ille solveret, prefixo tempore soluturum, iuramento corporali interveniente, firmavit. Transactum est omne tempus, neque quod ab eis promissum fuerat est impletum. Hec igitur omnia, dilecte nobis, caritati vestre scribenda censui et veraciter indicanda, ut Henricus, qui vobiscum est, mihi secundum iustitiam satisfacere compellatis, et vobis mores eius protestatione mea et litteris meis certius innotescant.

#### TRANSLATION:

To [Simon], bishop of Meaux:

There is in your household a certain Henry, who, having been born on my land and in my diocese, was raised uncanonically to the clerical orders which he held by a foreign bishop. Afterwards, however, as time went on, he became involved in many crimes. He was convicted and confessed to circulating false money, which he had not feared to spend throughout the whole city of Bayeux and to defraud the unwary by his detestable wickedness. He was captured and thrust into prison by royal officials, and fettered with shackles of iron. At last after great effort and labor, he was freed by the bishop of the city, having abjured forever the whole province of Normandy, and he was brought before the archbishop, by whom he was degraded, the circle of his tonsure having been broken and his priestly garments pulled over his head, and immediately banished from the land.

He has a brother, by the name of Amphrey, who, involved in crimes no less serious or more moderate, and having lost whatever lands he held from me or from other lords, refused to appear before the court since he had been in hiding for a long time; very recently, after fifteen years, he is said to be holding a letter of absolution from our king, in which a public release from outlawry has been granted to him, so that he might regain from his former lords his hereditary possessions, if he is able to obtain them by any means.

Therefore, since he had been received by the others, he was able to be taken back by me most recently after many guarantees, and I restored to him his inheritance, which he had formerly held from our church, after a sum of money had been agreed upon in consideration of the restitution of his lost inheritance, which he swore would be paid at a certain time; and Henry, his brother, who managed the agreement with all eagerness and faith, gave surety, and pledged himself, by a corporal oath, unless he satisfied the agreement within the time fixed for payment. All that time has passed, and nothing promised by them has been completed. Therefore I have ordered that all of this, familiar to us, ought to be written down and truthfully brought to your attention, so that you may force Henry, who is with you, to make reparation to me in accordance with justice, and so that his character might become known to you more clearly through my protest and my letter.

#### APPENDIX B: *IN LITTERIS*

The *Collectio Roffensis*, which is now catalogued in the British Library as Royal MS 10.C.iv, fols. 137–155, originated at the Rochester Cathedral Priory around 1185. This unsystematized and unattributed collection of papal decretals preserves on folio 141r the entire text of Alexander III's rescript, *In litteris*. The text is unusually complete, giving more detailed explanations than appear in systematized collections such as the *Appendix* or the *Decretales Gregorii P. IX*. For that reason, it can be assumed that it was compiled from an early copy of the letter. Its word order, however, is more vernacular than the *Appendix* text, so that adjectives precede their nouns and verbs no longer fall to the ends of clauses. One major anomaly appears in the text. In other extant collections, even those which are completely systematized, Sections B and C always appear together because they deal with two sides of the problem of violent dispossession. The *Roffensis* scribe accidentally omitted Section C and corrected his error by appending it to the end of the letter. In the following transcription, I have restored it to its original position.

#### EDITED TRANSCRIPTION:

A. In litteris, quas tua nobis destinavit fraternitas, quasdam questiones inseruisti, super quibus solutionem tibi a nobis postulasti exhiberi, quarum siquidem una est, scilicet usque ad quod tempus iudex delegatus possit

partes suas interponere, ut stetur rei iudicate vel transactioni? Super quo utique prudentie tue taliter respondemus, quod ex quo iudex delegatus per se, an per alium, si potuerit, sententiam executioni mandavit vel precepit mandari, eius auctoritas et iurisdictio cessat, quia semel est suo officio functus.

B. Super videlicet quaestione, cum quis dicit, se de possessione violenter esse eiectum, et adversarius dicit eum non canonice fuisse institutum, huiusmodi tibi damus responsum, prius de violenta eiectione, quam de canonica institutione agi debere, quia predo etiam est secundum rigorem iuris restituendus.

C. Item cum aliquis dicit, se de possessione eiectum, vel adversarium clam possessionem intrasse, et adversarius ei crimen obiicit, ut eum ratione criminis obiicit a sua intentione repellat, non occurrit nobis, quod illius obiectio debeat admitti, vel executio principalis cause propter hoc retardari, quoniam criminaliter adversus eum [ante restitutionem] agere non potest, cum presumatur constet inimicus eius existere.<sup>26</sup>

D. Item ad hec cum aliquis nimium prolixum terminum sue appellationi prefixit, iudex potestatem habet terminum competenti modo abbreviandi, et si in termino de tempore abbreviando competenter statuto appellationem non fuerit prosecutus nec canonicam excusationem pretenderit, sententia si lata est tenet. Quod si lata non est, iudicis est appellantem appellatione cessante compellere infra statutum terminum appellationem prosequi, vel coram se iudicio stare.<sup>27</sup>

E. Preterea licet ad personatum parochialis ecclesie non debeat aliquis, nisi subdiaconus sit admitti vel recipi, dispensative tamen in minoribus ordinibus constituti consueverunt admitti, dum tamen tales sint, quod infra breve tempus subdiaconatum, diaconatum, presbyterum posset recipere.

F. De his sane, qui parochiales habent ecclesias, fraternitati tue taliter duximus respondendum, quod ad reparationem et institutionem ecclesiarum cogi debent, cum opus fuerit, de bonis, que sunt ipsius ecclesie, si eis supersint, conferre, ut eorum exemplo ceteri invitentur.

G. Super illa vero questione, qua quesitum est, an scilicet mulier possit sine infamia nubere infra tempus luctus secundum leges diffinitum, sollicitudini tue respondemus, Apostolus dicat mulier mortuo viro suo, soluta est a lege viri et in Domino nubat cui voluerit per licentiam et auctoritatem Apostoli eius infamia aboletur.

H. Item si quis rei litigiose confirmationem impetravit apostolice sedis, non minus potest iudex de causa cognoscere, et eam fine congruo terminare. Sed si rem tunc pacifice possidebat, cum inde confirmationem obtinuit, non est tutum aut licitum iudici, de questione postea suborta sine mandata romani pontificis decernere aut eam diffinere.

COMPLETE TRANSLATION OF *IN LITTERIS*:

A. In the letters which your brotherly love has sent to me, you have raised certain questions, concerning which you request a solution to be delivered from us to you: since one of these, is, of course, for what length of time a judge delegate is able to interpose himself [meddle?], whether he is charged with the judgment or the settlement of a matter. On this issue we respond to your fatherhood in this way, that once the judge delegate will have ordered a punishment, on his own or through another, if he is able, or will have requested one to be ordered for him, his authority and jurisdiction cease, because he has discharged his duty at that moment.

B. Concerning that question, that is, when someone says that he has been violently dispossessed of his holding, and his opponent says that he was not installed in his benefice canonically, we give you this answer: rather than his violent removal, the thing ought to be done from a canonical institution, because even a robber can be restored following the punishment of law.

C. On the other hand when someone says that he has been violently dispossessed of his holding, or his opponent has taken possession secretly, and the opponent charges a crime to him, so that he banishes him by reason of a crime of his own doing: it does not seem to us that he ought to be re-admitted by that objection, or that the execution of the main case ought to be delayed on that account: because he who is presumed to be his enemy cannot act against him criminally before restitution has been made.

D. That a judge is able to shorten the term of an appeal, and if within that term the accused has not made an appeal, he is able to force the appellant to proceed with the appeal, or he ought to stand judgment in his presence.

E. Henceforth, no one ought to be allowed into the parsonage of a parish church, unless he has been admitted or received as at least a subdeacon: by way of dispensation, those established in minor orders, however, are accustomed to be admitted; provided that they are of such a kind, who after a short time as a subdeacon or deacon are able to be received [or ordained into the priesthood].

F. Concerning those who hold parochial churches, we have ordered the following response to your brotherhood, that for the sake of repairing and building a church, whenever there is work to be done, they ought to be compelled to contribute from their own goods, if they suffice, so that others may be influenced by their example.

G. In regard to that other question, which has been asked, that is, whether a woman is able to marry for a second time without sin after a period of mourning which the laws define, we respond to your concern, that, since the Apostle says, "a woman, once her husband is dead, has been freed from her man by law," and "she may marry in the Lord whomever she wishes," her sin is removed by the license and authority of the Apostle.

H. If someone will have requested confirmation of a disputed matter from the apostolic see, the judge is none the less able to decide on the case, and to determine the fine owed. But if he has then been holding the matter peaceably, on which he obtained confirmation; it is not safe, or permitted, for the judge to consider a question arising later or to bring the case to a close without the permission of the Roman pope.

## APPENDIX C: TABLE OF CONCORDANCE

MSS	DATE	LOC.	A	B	C	D	E	F	G	H
CANT.	1179-81	England	40 Exon.	40 Exon.	40 Exon.	40 Exon.	40 Exon.	40 Exon.	40 Exon.	40 Exon.
APP.	1181-85	Italy	7.16 Lex.	22.5 Lex.	22.6 Lex.	7.19 Lat.	25.5 Lex.	29.2 Exon.	9.2 Lat.	44.10 Lex.
BAMB.	1181-85	France	33.16	36.5	36.6		20.6		56.2	44.2
BRIDL.	1182-83	England				85 Exon.	85 Exon.			
LIPS.	1181-85	Germany	35.16 Exon.	39.10 Meld.	39.11 Meld.		19.5 Exon.	19.9 Ebor.	64.2 Cant.	51.2 Exon.

CLAUD.	1185	England				67 Brix.	67 Brix.			
CASS.	1185-92	France	42.17	45.6	45.7	30.5	30.8	64.2	52.2	
ROFF.	1185-93	England	37.1	37.2	37.4	37.5	37.7	37.8	37.3	
PRIMA	1190	Italy	1.21.14 Brix.	2.9.5 Brix.	2.9.6 Brix.	1.23.8 Exon.	3.35.3 Exon.	4.22.2 Exon.	2.21.1 Exon.	
FLOR.	1200-20	Italy	70 Lex.	70 Lex.	70 Lex.	70 Lex.	70 Lex.	70 Lex.	70 Lex.	
GREG.	1234	Italy	1.29.9 Brix.	2.13.5 Brix.	2.13.6 Exon.	1.14.5 Cant.	3.48.4 Lex.	4.21.4 Exon.	2.30.1 Exon.	

**Carolyn Poling Schriber** returned to graduate study in medieval history at the University of Colorado after an eighteen-year career as a high school teacher and mother. She received her Ph.D. in History from the University of Colorado in May, 1988, and is now finishing a book manuscript based on her dissertation topic, the career of Bishop Arnulf of Lisieux. During the 1988-1989 school year, she will be a visiting assistant professor in medieval history at Colorado State University.

#### NOTES

1. Letter from Alexander III to the bishop of Bayeux, in *Antiquus cartularius ecclesiae Baiocensis (Livre noir)*, ed. V. Bourrienne (Rouen, 1902), I, 205-206.

2. C. H. Haskins, "The Norman 'Consuetudines et Iusticie' of William the Conqueror," *English Historical Review*, 23 (1908): 502-508; "Canons of Lillebonne" in Orderic Vitalis, *The Ecclesiastical History*, trans. Marjorie Chibnall (Oxford, 1975), III, 26-35.

3. R. C. Van Caenegem, *Royal Writs in England from the Conquest to Glanvill: Studies in the Early History of the Common Law* (London, 1959), 287-290; R. W. Eyton, *Court, Household, and Itinerary of King Henry II* (London, 1878), 206.

4. The text of this letter appears in Appendix A.

5. C. H. Haskins, *Norman Institutions* (Cambridge, Mass., 1918), 171.

6. Robert Génestal, *Le privilegium fori en France: du décret de Gratien a la fin du XIV<sup>e</sup> siècle* (Paris, 1924), II, 112.

7. This decretal, *Licet praeter*, sent to the archbishop of Salerno, is cited by Charles Duggan in his *Twelfth-Century Decretal Collections and Their Importance in English History* (London, 1963), 58-59.

8. *The Canterbury Collection*, in London, British Library, *Cantuariensis*: Royal MS 10.B.iv, fols. 42v-57v.

9. For example, see *The Bridlington Collection*, in Oxford, Bodleian Library, *Bridlingtonensis*, MS 357, fols. 80-133.

10. One example is *The Rochester Collection*, in London, BL, *Roffensis*: Royal MS 10.C.iv, fols. 137-155. This collection contains all of the clauses of *In litteris*, although one clause is out of order. My reconstructed transcription appears in Appendix B.

11. See Duggan, *Twelfth-Century Decretal Collections*, 53 and 136-39, for a discussion of the manuscript tradition.

12. See *Compilatio Bambergensis*, in E. A. Friedberg, *Die Canonessammlungen zwischen Gratian und Bernard von Pavia* (Leipzig, 1897); *Collectio Lipsien-*



sis, in *Quinque compilationes antiquae*, ed. E. A. Friedberg (Leipzig, 1882; repr. Graz, 1956).

13. *Compilatio Prima*, 1.8.6, 1.21.14, 1.23.8, 2.9.5-6, 2.21.1, 3.35.3, and 4.22.2, in *Quinque compilationes antiquae*, ed. Friedberg; *Decretales Gregorii P. IX*, 1.14.5, 1.29.9, 2.13.5-6, 2.30.1, 3.48.4, and 4.21.4, in *Corpus iuris canonici*, ed. Friedberg, vol. 2 (Graz, 1955).

14. A concordance of the collections appears in Appendix C.

15. *Regesta Pontificum Romanorum ad annum 1198*, ed. Philip Jaffé, 2nd ed., vol. 2 (Leipzig, 1888), nos. 13915, 13921, and 14219.

16. Duggan, *Twelfth-Century Decretal Collections*, 166 and 175.

17. C. R. Cheney and Mary G. Cheney, *Studies in the Collections of Twelfth-Century Decretals* (Vatican City, 1979), 43-51. The manuscript used by the Cheneys was *The St. Florian Collection*, in Sankt Florian, Stiftsbibliothek, III.5, fols. 173-183.

18. Frank Barlow, *The Letters of Arnulf of Lisieux*, Camden Third Series, vol. 61 (London, 1939), pp. 1-1x.

19. F. W. Maitland, *Roman Canon Law in the Church of England* (London, 1898), 122-31.

20. Mary G. Cheney, "The Compromise of Avranches of 1172 and the Spread of Canon Law in England," *English Historical Review*, 56 (1941): 177-97; Duggan, *Twelfth-Century Decretal Collections*, 1-12.

21. Oxford, St. John's Library, MS 126; used by J. A. Giles, *Patres ecclesiae anglicanae* (Oxford, 1844), and J. P. Migne, *Patrologiae Cursus Completus, Series Latinae*, vol. 201 (Paris, 1903).

22. Barlow, *Letters*, 176.

23. *Collectio Lipsiensis*, in *Quinque compilationes antiquae*, ed. Friedberg, sections 39.10 and 39.11.

24. *Magni rotuli scaccarii Normanniae sub regibus Angliae*, ed. Thomas Stapleton (London, 1840), 96 and 258.

25. The text of the letter has been conflated from Barlow, *Letters*, 176-77, based on Oxford, St. John's College, MS 126, and Migne, PL 201.144, based on Paris, Bibliothèque Nationale, MS Lat. 14763. The textual differences occur primarily in punctuation and in spelling (u/v and c/t).

26. Later collections clarified this provision by adding the words *ante restitutionem*. See, for example, *Decr. Greg.* 2.13.6.

27. The completeness of this manuscript may be seen by comparing this section with its counterpart in *App.* 7.19: "Quod iudex potest terminum appellationis abbreviare, et si intra terminum non fuerit appellationem prosecutus, appellentem prosequi appellationem compellere potest, vel coram se iudicio stare debet."