
The First Readers of Lyndwood's *Provinciale*

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The Provinciale (1430) is among the most significant and long-lived works of English ecclesiastical law. It edited and commented upon the legislation of the Province of Canterbury. This article explores the work's initial dissemination and early readership. It is based on an examination of the surviving manuscripts. The first owners of these manuscripts were almost all secular and religious clergy. Differences in content between the copies show how Lyndwood's work was modified. In particular, his edition became detached from his commentary. The manuscripts also reveal readers' responses to the work. Marginal annotations indicate the individual, collective and academic ways in which early users engaged. Manuscripts were kept up to date through the addition of new laws, but not consistently or for very long. They continued to be consulted alongside the first printed editions of the work. Study of these manuscripts establishes the wide reception and influence of the Provinciale in pre-Reformation England.

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One of the most important works of English ecclesiastical law, William Lyndwood's *Provinciale* (1430) comprised an edition of and commentary upon the laws made in the provincial councils of Canterbury from 1222 to 1416.² The *Provinciale* quickly became an authoritative piece of jurisprudence. The failure to implement the proposed revision of canon law following the break with Rome meant that the work long remained relevant. That the *Provinciale* is a mine of information about the lore of the English Church has been generally recognised. The work has less often been viewed as a physical book. We know the *Provinciale* as a printed volume. The full work was printed six times: first in 1483 and last in 1679, on both occasions at Oxford. The edition of 1679 is

- 1 I am grateful to the Marquis of Bath and to the institutional owners of the manuscripts for permission to consult and cite them. Since Lyndwood was the founding donor to the loan-chest of Pembroke College, Cambridge, I am particularly pleased to acknowledge the college's support through its fellows' research fund.
- 2 This journal has published two accounts: J Baker, 'Famous English canon lawyers: IV. William Lyndwood, LL.D. (†1446), Bishop of St David's', (1992) 2 Ecc LJ 268–272; B Ferme, 'William Lyndwood and the *Provinciale*: canon law in an undivided Western Church', (1997) 4 Ecc LJ 615–628. A more recent account is R Helmholz, 'William Lyndwood', in M Hill and R Helmholz (eds), *Great Christian Jurists in English History* (Cambridge, 2017), pp 45–67.

thus the received text.³ It has been the standard version for centuries; it is also the only edition to have been reproduced in facsimile in modern times (in 1968). The preface explained how the edition was based on the collation of three prior printings and of three manuscripts.⁴ Yet many more manuscript copies have survived: in a seminal piece (first published in 1961 and updated in 1973), Christopher Cheney identified 57.⁵ These manuscripts have been little studied since and they deserve a deeper and more expert examination than can be offered here. Nevertheless, my survey does shed light on how the *Provinciale* was received in the decades immediately after its composition.

Interest in provincial legislation had revived in the later fourteenth century. The production of manuscript copies peaked in the final phase of Thomas Arundel's archiepiscopate (1396–1414) and at the beginning of Henry Chichele's (1414–1443).⁶ The *Provinciale* represented the culmination of this development. Lyndwood had begun work before 1422, completed the main text in 1430 and finished the index four years later. He dedicated the work to Chichele, at whose behest it had supposedly been written. The preface emphasised the trouble that Lyndwood had taken to compile the constitutions: he had had to gather, correct and date a corrupt, muddled and scattered set of texts.⁷ He had consulted the registers of previous archbishops and studied collections of their laws in old books.⁸ Like a modern editor, he re-dated certain constitutions, included others whose attribution was doubtful, and collated variant phrasings.⁹ Rather than presenting the constitutions in chronological order, Lyndwood reorganised them in accordance with the decretals of Pope Gregory IX (the *Liber Extra*).¹⁰ He adopted the decretals' five-book structure and distributed the constitutions between 75 of their 185 titles.¹¹ To achieve his rearrangement, Lyndwood omitted unnecessary sections of a constitution (such as its preamble) and inserted the same constitution

3 W Lyndwood, *Provinciale, (seu constitutiones Angliae)* (Oxford, 1679). All references are to this edition unless otherwise stated. An alphabetical letter after a page number identifies a gloss. Second occurrences of the same letter on a single page are indicated by repeating the letter.

4 One manuscript was identified as being at Eton College, where it is now MS 98.

5 C Cheney, *Medieval Texts and Studies* (Oxford, 1973), pp 182–184. Cheney's categories were refined in B Ferme, *Canon Law in Late Medieval England: a study of William Lyndwood's Provinciale with particular reference to testamentary law* (Rome, 1996), pp 51–52, 147–148.

6 I Forrest, 'English provincial constitutions and inquisition into Lollardy', in M Flannery and K Walter (eds), *The Culture of Inquisition in Medieval England* (Cambridge, 2013), pp 45–59.

7 Lyndwood, *Provinciale*, sig *2v. Modern scholarship has established that Lyndwood made some mistakes of dating and attribution: see Cheney, *Medieval Texts*, pp 113, 131–137, 165–173.

8 Lyndwood, *Provinciale*, pp 28h, 32d, 101y, 140b, 167n, 171m, 191–192x, 319s.

9 *Ibid.*, pp 19e, 22h, 32p, 97l, 11e, 142p, 163f, 197k, 198z, 214u, 232d, 267cc, 339h, 347c. A group of constitutions attributed to Stratford whose authenticity Lyndwood doubted (*ibid.*, pp 90h, 98r, 133n, 140a, 143–144z, 222c, 313q, 323m) were designated *extravagantes* in a chronological table: British Library, London (BL), Royal MS 11 E I, fo 280r–v.

10 Thus one manuscript began 'Incipiunt constitutiones prouinciales secundum formam decretalium': Lambeth Palace Library (LPL), MS 479, fo 1r.

11 The constitutions are here cited by book, title and chapter number in the form 1.2.3 (*Huius autem concilii*).

more than once if different parts related to discrete titles. The extensiveness of his editorial intervention needs emphasising. As we shall see, it helps to explain the considerable variation between the different manuscripts.

To his selection Lyndwood added a vast commentary. He did so, he explained, with the aim of making the constitutions easier to understand.¹² Lyndwood may have been inspired by the commentary that John of Ayton had composed a century earlier on the constitutions promulgated by the two papal legates to England in the thirteenth century, Otto and Ottobuono. Although the commentary showcased Lyndwood's formidable erudition, his purpose was practical. Were someone enjoined bread and water as a penance, one gloss explained, then he or she must eat and drink accordingly rather than fast entirely.¹³ The *Provinciale* contained much guidance of this kind, which would have assisted someone exercising cure of souls. The longest title (5.16) covered the penitential process. The *Provinciale* thus reinforced the pastoral approach to canon law of popular manuals for the parochial clergy, such as the *Oculus sacerdotis* (1320s) and the *Pupilla oculi* (1380s), with which readers of the *Provinciale* would have been familiar.¹⁴ Lyndwood stated that he was writing not primarily for the well educated but rather for those 'simply learned and understanding little'. In his own mind, at least, this meant the average parish priest and also those administering lower-level jurisdictions (such as rural deaneries).¹⁵ Nevertheless, the language and complexity of his work did limit its audience. A law graduate was moved to write a vernacular instruction manual for priests when he read Lyndwood's 'golden and famous glose' on Archbishop Peckham's *Ignorantia sacerdotum* and himself found it (so he said) 'diffuse, intricat with lawe, and hard of intellecte'.¹⁶

Lyndwood intended that the *Provinciale* should circulate. His will (made in 1443 and proved in 1446) stipulated that one manuscript be chained up in St Stephen's Chapel at Westminster (where he was to be buried) as the base text against which copies could be checked, and that another be given to its scribe, who could recoup his labour by lending it out for copying.¹⁷ Manuscripts proliferated in individual and institutional libraries in the later fifteenth century. An

12 Lyndwood, *Provinciale*, p 95c.

13 Ibid, pp 15–16x. This gloss was noted in the margins of Bodleian Library, Oxford (Bodl), MS Bodley 248, fo 47r; Cambridge University Library (CUL), MS Ee.6.32, fo 5r; Longleat House, Warminster, MS 35, fo 5r.

14 An extract from the *Pupilla oculi* (4.9) on saying mass secretly and silently was copied into Bodl, MS Rawlinson C 664, fo 74v (J de Burgh, *Pupilla oculi* (Paris, 1510), fo 22v (para n)). Liverpool Hope University, Liverpool Cathedral, Radcliffe Collection, MS 30, includes the second part (*dextera pars*) of the *Oculus sacerdotis* and a supplement (the *Cilium oculi sacerdotis*).

15 Lyndwood, *Provinciale*, pp 79m, 95c, 335r.

16 P Hodgson, 'Ignorancia sacerdotum: a fifteenth-century discourse on the Lambeth constitutions', (1948) 24 *Review of English Studies* 1–11 at 2. The gloss is discussed in Helmholz, 'William Lyndwood', pp 57–59.

17 The will is printed, from Archbishop Stafford's register, in 'Report of the committee appointed by the council of the Society of Antiquaries to investigate the circumstances attending the recent discovery of a body in St. Stephen's Chapel, Westminster', (1851–1852) 34 *Archaeologia* 406–430 at 418–420.

autograph manuscript was sent by Lyndwood's executors to Oxford in 1448.¹⁸ A fellow of All Souls College, Oxford, donated a copy to the college library.¹⁹ At Cambridge, King's Hall purchased a copy in 1461–1462 and the university library possessed one by 1473. Successive masters of Peterhouse, Cambridge, gave the work to their college.²⁰ The religious orders also acquired manuscripts, including Bisham Priory (Berkshire), Osney Abbey (just outside Oxford) and an unidentified Cistercian house.²¹ Clergymen owned personal copies, which they might pass on to each other in their wills. In 1485, the rector of Loughton (Buckinghamshire) left a copy to Dr Abell of Oxford.²² Dr John Cloos, Dean of Chichester (d 1501), bequeathed his 'lynwode' to a relative in holy orders.²³

For Lyndwood, the English Church 'in its totality imports a kind of universalism in respect of itself'.²⁴ Yet it was not his subject, for the Province of Canterbury was neither exclusively English nor comprised all of England. Thus Lyndwood included Wales but barely mentioned the Province of York.²⁵ The decision of the northern convocation in 1462 to adopt Canterbury's legislation made the *Provinciale* much more relevant to York.²⁶ One manuscript contains an uncomplimentary allusion to the late fifteenth-century Archdeacon of York and Durham Ralph Booth.²⁷ In 1499, Richard Fox, then Bishop of Durham, gave a manuscript copy to the collegiate church of Bishop Auckland; that the scribe attributed the commentary to Sherwood (the surname of Fox's predecessor) may imply a lack of familiarity with the *Provinciale*.²⁸ Evidence that laypeople owned the work is much scarcer; none of the existing manuscripts can be shown definitively to have been owned by a layperson in our period. The famous judge and author Thomas Littleton (d 1481) did leave to the parish church of Halesowen (Shropshire) a book containing the provincial constitutions, which could have been Lyndwood's arrangement.²⁹ The serjeant-at-law Richard Heigham (d 1500) referred in his will to 'my booke called lynwode'. Heigham may, however, have acquired this book as a pledge from his brother

- 18 H Salter (ed), *Registrum cancellarii Oxoniensis, 1434–1469*, 2 vols (Oxford, 1932), vol I, pp 163–165.
- 19 R Thomson (ed), *Corpus of British Medieval Library Catalogues XVI: the university and college libraries of Oxford*, 2 vols (London, 2015), vol I, no UO12.55.
- 20 P Clarke (ed), *Corpus of British Medieval Library Catalogues X: the university and college libraries of Cambridge* (London, 2002), nos UC3.222, UC40.51, UC40.53, UC48.400, UC48.439.
- 21 Bodl, MS Lat th f 8; Bodl, MS Rawlinson C 273, fo 2r; BL, Royal MS 11 A XIV.
- 22 E Elvey (ed), *The Courts of the Archdeaconry of Buckingham, 1483–1523* (Aylesbury, 1975), p 35.
- 23 The National Archives, London (TNA), PROB11/12/275.
- 24 Lyndwood, *Provinciale*, p 266u.
- 25 *Ibid*, pp 47c, 47d, 47z, 315z, 354h, 354q, 355d.
- 26 G Bray (ed), *Records of Convocation*, 20 vols (Woodbridge, 2005–2006), vol XIV, p 4.
- 27 Eton College, MS 98, fo v (verso).
- 28 M Howden (ed), *The Register of Richard Fox, Lord Bishop of Durham, 1494–1501* (Durham, 1932), p 95. Fox also gave a copy to his new foundation at Oxford: Corpus Christi College, Oxford, MS 71, fo 1r.
- 29 TNA, PROB11/7/74. In late fifteenth-century London, a volume of provincial constitutions was chained in the Lady Chapel of St Margaret's, Bridge Street: London Metropolitan Archives, P69/MGT3/D/001/MS01174, fo 13v.

William, a doctor of divinity.³⁰ Overwhelmingly, the *Provinciale* was a book written for and read by clergymen.

Manuscript copies of the *Provinciale* fall into two main types: full versions, containing the constitutions and Lyndwood's commentary; and text-only versions, containing the constitutions but omitting the commentary. The most obvious difference between the two types is their size. The complete work required substantial, folio-sized volumes, which presented either a chapter surrounded by its glosses, or a chapter and then its glosses, or the whole text and afterwards the commentary.³¹ Abridging the commentary was a means of producing smaller volumes: one manuscript gave only Lyndwood's 'conclusions'.³² Separating the glosses possibly encouraged the production of text-only versions. These handy volumes make up the majority of the surviving manuscripts. They preserved Lyndwood's distribution of the constitutions into five books, but sometimes modified his selection by inserting more constitutions either under appropriate titles or at the end. Five common additions were laws on the authority of provincial constitutions, the purgation of defamed persons, the absolution of offences beyond the competence of parish priests, the abjuration of fornicators on pain of marriage (*sub pena nubendi*) and the observance of particular feast days.³³ Readers of manuscripts lacking these additions might think them deficient and supply the missing constitutions.³⁴ The most systematic editing reproduced only those constitutions that were 'in daily use' and hence removed 100 chapters.³⁵

Lyndwood's arrangement of the constitutions was thus overlaid upon pre-existing manuscript versions. It was adopted, but also adapted. This process can be pinpointed in an older collection of constitutions that belonged to John Wortham, rector of Fowlmere (Cambridgeshire). In 1446 (the year of Lyndwood's death), Wortham's chaplain, John Wright, copied into his master's volume a table of the books, titles and chapters of the *Provinciale*.³⁶

30 TNA, PROB11/12/98.

31 Eg BL, Royal MS 11 E 1; CUL, Pembroke College, Cambridge, MS 309; Gonville and Caius College, Cambridge, MS 263/667; Corpus Christi College, Oxford, MS 71.

32 'Expliciunt Conclusiones Willemi Lynwode Super Constitutionibus provincialibus': BL, Royal MS 9 AV, fo 189v. Gonville and Caius College, Cambridge, MS 157/207, also summarised the commentary.

33 After 1.2.3, Arundel, *Reverendissimae synodo* (see note 39 below); after 5.14.4, Rich, *Diffamati fama publica* (eg Fitzwilliam Museum, Cambridge, MS 347, fos 94v–95r); within a re-ordered title 5.16, Langton, *Plures sunt casus* (see notes 34 and 71 below); after 5.18.1, Winchelsey, *Abiuraciones autem fornicariorum* (eg Bodl, MS Rawlinson A 380, fos 77v–78r); after 5.18.1, Walden, *Splendor paterne glorie* (eg Trinity College, Cambridge, MS O.7.28, fos 169r–171v).

34 Eg 'Quidam habent hic [after 5.14.4] aliud capitulum quod incipit Diffamatj'; 'In fine huius tituli [5.16] quidam habent aliud capitulum quod incipit: Ex constitutione stephanj [ie *Plures sunt casus*]': CUL, Pembroke College, Cambridge, MS 309, fos 341v, 364v.

35 'Expliciunt Constitutiones provinciales que ad vsum faciunt cotidianum': Gonville and Caius College, Cambridge, MS 235/121, p 239. A personal selection appears in Emmanuel College, Cambridge, MS I.4.32, fos 64r–79v (with the next quire missing).

36 Trinity College, Cambridge, MS O.4.14, fos 148v–149v.

This contents list discloses that two titles had already been re-ordered and that another constitution had been added at the end.³⁷ Wright supplied the names of archbishops responsible for particular pieces of legislation, which sometimes required multiple attempts: the chapter *Item licet* (5.14.4) was attributed to Mepham, then to Peckham and finally (as Lyndwood had) to Stratford. Wright adjusted the list of chapters: for example, by deleting the extra constitution about the purgation of people publicly defamed. Such divergence may have occurred because copies of the *Provinciale* were being compared with other manuscripts of the constitutions, whose alternative attributions, different selections and additional contents were sometimes preferred.³⁸ Several manuscripts restored ‘a certain lengthy harangue’ at the beginning of Arundel’s constitution *Reverendissimae synodo* that Lyndwood had cut.³⁹ Copying also multiplied discrepancies. Archbishops’ names were added to a finished manuscript in a coloured ink (usually red: hence ‘rubrication’).⁴⁰ On one occasion, the chapter *Ex scripturis* (2.3.3) was misattributed to Mepham when the initial letter ‘I’, intended to aid rubrication, was taken to denote *idem* (that is, the same author as the previous constitution) rather than Islip.⁴¹

Manuscript copies of the *Provinciale* also yield evidence of how and by whom the work was consulted. Lyndwood’s constitutions frequently appeared alongside other texts, especially those relevant to diocesan and archidiaconal administration, such as visitation articles, guidance on procedure in church courts, and tracts on canon law. One manuscript contains the statutes and customs of the Court of Arches, Lyndwood’s own tribunal.⁴² Another manuscript was connected to the business of the consistory court of Hereford Diocese in the early sixteenth century.⁴³ Little slips of judicial business in a glossed volume associate it with the archidiaconal jurisdiction of the exempt abbey of St Albans.⁴⁴ Endleaves provided the space to jot down a specimen grant of probate made by the archdeacon’s official at Stamford (Lincolnshire) on 14 January 1482.⁴⁵ Although most manuscripts were written professionally, some were personal productions. In 1453–1454, the Archdeacon of Coventry, Roger

37 The titles were *De concessione praebendae* (3.7) and *De poenitentibus et remissionibus* (5.16). The constitution was *Abiurationes autem fornicariorum* (here attributed to Sudbury, rather than Winchelsey).

38 For example, someone following Lyndwood’s gloss (*Provinciale*, p 184h) would not have attributed *Quia inter rectores* (3.14.2) to Langham, as in Trinity College, Cambridge, MS B.16.38, p 40.

39 Lyndwood, *Provinciale*, p 282dd. The excised passage was summarised in an annotation as ‘Scienter contradicens constitutiones provinciales dicitur sacrilegus et ita est puniendus’: CUL, Peterborough Cathedral, Dean and Chapter Library, MS 9, fo 3v; Bodl, MS Bodley 18, fo 2v.

40 The process is apparent in Cardiff Central Library, MS 1.704, an otherwise complete copy of Lyndwood’s constitutions to which the archbishops’ names were never added.

41 Liverpool Hope University, Liverpool Cathedral, Radcliffe Collection, MS 30, fo 109v.

42 Trinity College, Cambridge, MS B.16.39, fos 1r–53v.

43 Gonville and Caius College, Cambridge, MS 207/113, pp 3–61, 341–356.

44 BL, Royal MS 11 E 1, fo 1r.

45 Edinburgh University Library, MS 149, fo 30r. These endleaves reused blank indulgences of the hospital of Santo Spirito in Rome.

Walle, transcribed Lyndwood's constitutions and devised his own index to them.⁴⁶ Around 1481, a man called Giles Wright wrote out the constitutions together with instructions on will-making, preaching and the mass, which suggests that he was a parish priest.⁴⁷ The law bursar of All Souls, Walter Stone (d 1519), copied out the constitutions alongside other legislation and legal tracts.⁴⁸

The most revealing evidence of the work's early use comes in the form of readers' annotations in the margins of their copies.⁴⁹ The majority of annotations drew attention to or summarised content. The commonest remark was the simple (and uninformative) *nota*. Other annotations offered more direction: for example, by drawing attention to a gloss for containing suitable sermon material.⁵⁰ Annotations may not necessarily reflect the response of an individual reader. Some were likely written by scribes from their copy text. An unfinished manuscript with marginalia supports that possibility.⁵¹ Other annotations may not have been original entries either but rather copies of existing marginalia. The presence of similar annotations in two manuscripts suggests a derivative relationship between them: for instance, both mentioned the vicars of Bampton (Oxfordshire) at the same point in the text.⁵² Therefore an annotation may reflect the engagement of more than one reader with the *Provinciale*. This layering of responses could itself indicate a broad interest in the work. The distribution of marginalia also suggests that some parts of the *Provinciale* seemed more pertinent to readers than others. The title on tithes (3.16) attracted the most annotation.⁵³ Such a concentration of interest would not have surprised the early Lutheran William Tyndale, who alleged in 1530 that the *Provinciale* was one of only two works that rural priests read, in order 'to gather tythes, mortuaries, offerings, customs, and other pillage'.⁵⁴

Some annotations show readers absorbing Lyndwood's views on sensitive subjects in which ecclesiastical law rubbed up against lay sensibilities. Several

46 Shrewsbury School, MS 8, fos 5v, 86v, 88r, 102r.

47 Lincoln Cathedral, Dean and Chapter Library, MS 133, fo 50r.

48 All Souls College, Oxford, MS 63, fo 230v. The contents are listed in A Watson, *A Descriptive Catalogue of the Medieval Manuscripts of All Souls College Oxford* (Oxford, 1997), pp 129–132.

49 Since very few annotations were internally dated (see notes 83–84 below), I have relied upon hand-writing to date the rest. This is obviously an imprecise method with room for error.

50 Bodl, MS Bodley 248, fos 317r, 330r, referring to Lyndwood, *Provinciale*, pp 326q, 341i; BL, Royal MS 11 E I, fo 269v, referring to Lyndwood, *Provinciale*, p 341i.

51 New College, Oxford, MS 215. The copyist stopped midway through *Cum quanta* (1.9.1).

52 CUL, Peterborough Cathedral, MS 9, fo 4v; Bodl, MS Bodley 18, fo 3r. The vicars of Bampton received some of the great tithes, which put them in the same position as the rectors covered in *Nullus rector* (1.3.2), hence the annotation.

53 Eg BL, Harley MS 2352; BL, Royal MS 9 A V; BL, Royal MS 11 E I; CUL, Peterborough Cathedral, MS 9 (which also contains a 'Notabilis tractatus de decimis'); LPL, MS 433; LPL, MS 479 (which also contains a 'tractatus de decimis'); CUL, Peterhouse, Cambridge, MS 53. In Cardiff Central Library, MS 1.704, which is not annotated, the constitutions are followed by the near-contemporary *Regula decimarum* of Andreas de Escobar.

54 W Tyndale, *Doctrinal Treatises and Introductions to Different Portions of the Holy Scriptures*, ed H Walter (Cambridge, 1848), p 394.

readers noticed his trenchant criticism of London's tithing custom, whereby inhabitants claimed to be excused from paying personal tithes.⁵⁵ Advice on how to frame libels (bills of complaint) in church courts so as to evade writs of prohibition from the common law earned marginal notes.⁵⁶ What may be Lyndwood's best-known gloss stated that 'an anointed king is not a pure lay person, but mixed'.⁵⁷ For two readers, this was a 'good gloss'.⁵⁸ It sought to explain how the king, though a layman, appeared to institute the head of a royal free chapel, the collegiate church of St Martin le Grand in London.⁵⁹ A possible solution was that the deanery had a dual nature: it was and was not a benefice. As lay patron, the king could give the temporalities of St Martin's but not its spiritualities. The fact that the two were inseparable might be resolved if the bishop's sufferance were tantamount to tacit institution. But Lyndwood rejected this line of argument: everything else about the deanery proved it to be a benefice. Only a papal grant, not prescription, could enable laypeople to institute to spiritual things; this remained the case, Lyndwood added, even though an anointed king was a mixed person. One reader condensed this gloss to the statement that the king 'was supported by the pope's authority'.⁶⁰ Lastly, at least one reader noted the general point that constitutions bound everyone within the province.⁶¹ This was not a proposition that commanded the automatic assent of common lawyers.⁶²

Sometimes a user applied what he was reading to particular individuals or institutions. One annotator observed for Master Fisher's benefit a chapter stipulating the church equipment for which parishioners were responsible.⁶³ Another believed a constitution pertinent to his lord's dispute with someone called Rose (possibly an invader of ecclesiastical property).⁶⁴ A gloss made a member of Peterhouse think of the acquisition by the college next door,

55 'nota pro materia decimarum personalium mota inter Rectores london' et mercatores eiusdem': Gonville and Caius College, Cambridge, MS 262/666, fo 135r, referring to Lyndwood, *Provinciale*, p 201d; CUL, MS Ee.6.32, fo 83r; Longleat House, MS 35, fo 78r; CUL, Pembroke College, Cambridge, MS 309, fo 236v.

56 'Nota practicam libellandi in causa periurij': CUL, Peterhouse, Cambridge, MS 54, fo 185v, referring to Lyndwood, *Provinciale*, p 3150; Longleat House, MS 35, fo 157v; Bodl, MS Bodley 248, fo 308v.

57 Lyndwood, *Provinciale*, pp 125–126h. This gloss might have been paraphrased in court in 1495 by Bryan CJCP, on the basis of what he had once been told by a 'wise doctor of the law': Year Books, Hil 10 Hen VII, pl 17, fo 18a.

58 BL, Royal MS 11 E I, fo 116r; Bodl, MS Bodley 248, fo 141v.

59 In law, institutions to benefices could only be made by bishops: *Decretum Gratiani*, C 16 q 7 cc 11–13 (E Friedberg (ed), *Corpus iuris canonici*, 2 vols (second edition, Leipzig, 1879–1881), vol I, col 804).

60 'Item querit an decanatus ecclesie sancti martini maioris lond' sit spirituale vel temporale arguit pro et contra concludit tamen quod est spirituale pro eo quod persona Regis conferentis illum decanatum est fulsita auctoritate pape': CUL, Peterborough Cathedral, MS 9, fo 33r.

61 'constitutio edita in consilio provinciali ligat omnes infra de provincia': Bodl, MS Laud misc 608, fo 183r, referring to Lyndwood, *Provinciale*, p 297k.

62 Year Books, Mich 20 Hen VI, pl 25, fo 13a (Newton CJCP); Mich 21 Ed IV, pl 6, fo 45a (Vavasour Sjt).

63 'Nota pro magistro ffyssher': BL, Royal MS 9 A XIII, fo 97v, referring to *Ut parochiani* (3.27.2).

64 'Vide hic pro domino versus Rose': Bodl, MS Laud misc 608, fo 159r, referring to *Ut invadentibus* (3.28.2).

Pembroke, of Linton church (Cambridgeshire).⁶⁵ In one manuscript, marginalia may have concerned the annotator personally. The individual who noted against the relevant chapters the tithes withheld from the mill at nearby Queenhill and the names of parishioners who had defaulted on other tithing obligations may have been the rector of Ripple (Worcestershire) himself.⁶⁶

Other pieces of marginalia show readers bringing their own legal knowledge to bear. One appears to refer to a tract that the annotator himself had written on the oil and chrism in baptism.⁶⁷ A reader added an opinion on pluralism given by the English canonist Thomas Chillenden (d 1411).⁶⁸ Another copied out the penance for bestiality supplied by an earlier English theologian, Thomas of Chobham (d 1233×1236).⁶⁹ Not every reader was uniformly impressed. 'That gloss is very absurd' someone remarked of Lyndwood's discussion of how many times a person could receive extreme unction.⁷⁰

The emergence of manuscripts without the commentary meant that some readers must have encountered the constitutions without the benefit of Lyndwood's advice on their interpretation. Other readers were, however, aware of the relationship between these manuscripts and the full *Provinciale*. They checked their copies, noticing omissions, misattributions and mistaken words. They spotted where chapters diverged from Lyndwood's order and attempted to clarify the correct sequence.⁷¹ Text-only versions with wide margins offered a reader who had sight of Lyndwood's commentary the opportunity of creating a bespoke *Provinciale*, in which select glosses of interest could be transcribed, paraphrased or summarised.⁷² One

65 'nota istam glossam pro ecclesia de lynton Elien' dioc' donata collegio de penbrokhal per dominum Glowcestre': CUL, Peterhouse, Cambridge, MS 54, fo 94v, referring to Lyndwood, *Provinciale*, pp 157–159h.

66 Longleat House, MS 35, fos 8v, 42v, 72v, 74r, 75r.

67 'Willemus ly[ndwood] Nota quod oleum et crisma non sunt de substantia baptismi sed elementum scilicet aqua et verborum prolacio igitur potest Sacerdos illud scilicet oleum et crisma differe pro isto vide paruum quaternum quem scripsi post doctorem Saundes': CUL, Peterborough Cathedral, MS 9, fo 7r, referring to *Cum sacri chrismatis* (1.6.4).

68 LPL, MS 433, fo 14v, referring to Thomas Chillenden, *Reportorium super Clementinis*, 1.7.1 (All Souls College, Oxford, MS 53, fo 16r).

69 Harvard Law School, Cambridge, MA, MS 37, fo 148v, from Thomas of Chobham, *Summa de penitentia*, ch 135 (F Broomfield (ed), *Thomae de Chobham summa confessorum* (Louvain, 1968), pp 402–403). The description of the author as Archbishop of Canterbury presumably confused him with Thomas Cobham (archbishop-elect in 1313).

70 'ista glossa est valde absurda in intellectu ideo vide bene quia est falsa mihi videtur': BL, Royal MS 11 C VIII, fo 50v, referring to Lyndwood, *Provinciale*, p 41.

71 Eg 'hic caret Ricardus Quia quidem et infra [1.4.3]'; 'pauci libri concordant in isto capitulo [2.4.1] vsque ad finem eiusdem'; 'hoc capitulum sequens [after 3.16.6] non habetur in lynwod'; 'Istud Capitulum [Peckham, *Altissimus* (here repeated after 3.26.2)] est Supra in titulo celebratione missarum'; 'In isto titulo [5.16] constitutiones non ponuntur in ordine igitur per modum alfabeti ponitur hic talis ordo scilicet A B C et cetera Willemus hic'; 'vacat ista constitucio [*Plures sunt casus* in 5.16] in noua compilacione': Gonville and Caius College, Cambridge, MS 207/113, p 71; BL, Royal MS 11 E I, fo 103r; CUL, MS Ee.6.30, fo 29r; Emmanuel College, Cambridge, MS I.3.14 (unfoliated); CUL, Peterborough Cathedral, MS 9, fo 120r; Bodl, MS Tanner 337, fo 179v.

72 Eg Gonville and Caius College, Cambridge, MS 222/237, p 26, referring to Lyndwood, *Provinciale*, pp 47–48b, 48g, 48s; Shrewsbury School, MS 8, fo 33v, referring to Lyndwood, *Provinciale*, pp 172q, 173b; Trinity

extensively enhanced manuscript had four paper leaves inserted in order to squeeze in more commentary.⁷³ It was when adding glosses on the controversial subject of tithes due on timber (*silva cedua*) that one reader ran out of space and continued on the endleaves; otherwise, he preferred to concentrate on Lyndwood's conclusions.⁷⁴ Excerpts from Lyndwood's glosses show readers consulting his commentary in order to understand the constitutions. An abbreviated version of Lyndwood's name (such as 'W. Lyn.') denoted the source of such marginalia. This type of annotation required greater critical engagement than remarks upon existing content. For instance, a generalisation in Book III (ecclesiastical judges may not imprison) was qualified with an exception taken from Book V (other than in cases of heresy).⁷⁵ Glosses helped readers decide which constitutions were important and which not.⁷⁶ Therefore text-only manuscripts could facilitate a kind of parallel reading and excerpting.

The success of the *Provinciale* affected which constitutions were remembered. What Lyndwood excluded was possibly overlooked. Some readers may not even have realised that they were consulting an edited selection. One contents table misleadingly described itself as covering 'all the provincial constitutions'.⁷⁷ Another unintended consequence of Lyndwood's work could have been the neglect of subsequent provincial legislation. The most recent constitutions in the *Provinciale* had been enacted in 1416. Later constitutions were added to manuscript copies. The latest that I have found dated to 1462: this was Bourghier's constitution regulating clerical dress (*Quamquam in hoc*).⁷⁸ The commonest addition was Chichele's constitution of 1439 for the augmentation of poor vicarages (*Cum propter nimiam*). It came to be regarded as an integral part of the text with its own title (*De augmentacione vicariarum*).⁷⁹ The thematic structure of the *Provinciale* did not adapt well to the incorporation of new laws. While later constitutions could be integrated into the five-book structure, they

College, Cambridge, MS O.7.28, fo 61r, referring to Lyndwood, *Provinciale*, pp 181n, 181o, 181p; Harvard Law School, MS 37, fo 90v, referring to Lyndwood, *Provinciale*, p 241f; Bodl, MS Bodley 18, fo 80r, referring to Lyndwood, *Provinciale*, p 278e.

73 LPL, MS 433, fos 84r–87v (glosses on 4.2.1, 4.3.1 and 4.3.2).

74 CUL, Peterborough Cathedral, MS 9, fos 53r, 58v, 201v–202v, referring to Lyndwood, *Provinciale*, pp 190f, 190h, 190r, 190y, 200f, 200g, 200h, 200n.

75 CUL, Peterborough Cathedral, MS 9, fo 88r, referring to Lyndwood, *Provinciale*, pp 264–265d, 322m.

76 Eg 'Quasi nichil in hac constitucione dicit Willemus', referring to *Praecipimus ne consecretur* (3.23.6): CUL, MS Ee.6.32, fo 104r; Longleat House, MS 35, fo 97r.

77 'Explicit tabula omnium constitutionum prouincialium': LPL, MS 479, fo 114r.

78 Bodl, MS Rawlinson C 664, fo 72r–v; Longleat House, MS 35, fo 207r–v. The text of the constitution formed part of a minute on the convocation of 1462, which I intend to publish elsewhere.

79 Eg BL, Harley MS 2359, fo 93v; Bodl, MS Bodley 65, fo 76r; Edinburgh University Library, MS 149, fo 27v. This integration is also suggested by the two explicits in Harvard Law School, MS 37, fos 147v, 148v: the first after *Cum propter nimiam* ('Expliciunt Constituciones prouinciales'); the second after *Plures sunt casus* ('Expliciunt').

were more usually inserted at the end.⁸⁰ These supplements were occasionally identified by the legal terms *novellae* and *extravagantes*.⁸¹ Some of them derived from the archbishop's mandate to his bishops to promulgate the new constitution.⁸²

Certain readers tried to keep their work up to date. Roger Walle noted that a correction, modifying the general sentence of excommunication, had been made to a constitution in the convocation of 1460.⁸³ As an archdeacon, Walle had presumably attended this convocation; others were not so well placed to keep the text current. Another reader recorded how a constitution made by the then archbishop, Thomas Bourghier (1454–1486), requiring the presence of the parish priest at the making of a testament, had superseded Lyndwood's gloss.⁸⁴ That this constitution is otherwise unknown exemplifies the potential drawback of reliance upon the *Provinciale*.⁸⁵

The first printed edition of the *Provinciale* appeared in 1483.⁸⁶ To the modern eye, the work seems to have defeated the printer, Theodoric Rood of Oxford. Far superior were the editions produced at Paris in 1501 and 1506 by the scholar-printer Jodocus Badius Ascensius. Subsequent English editions restricted themselves to printing the constitutions without Lyndwood's commentary: between them, Wynkyn de Worde and Richard Pynson published eight text-only editions from 1496 to 1517. Only one such edition, published by Pynson in 1499, appended Chichele's constitution augmenting poor vicarages; the others confined themselves to Lyndwood's selection.⁸⁷ Readers of manuscripts may have consulted printed editions. In one manuscript, prefatory glosses to five chapters (in which Lyndwood dated the law, summarised its content and explained excisions) could have been added from the first edition of 1483.⁸⁸ In another

80 For example, *Cum propter nimiam* was placed in the title *De clericis non residentibus* (3.4) in Lincoln's Inn, London, MS Hale 148, fos 23v–24r, and in the title *De praebendis* (3.5) in Emmanuel College, Cambridge, MS I.3.14 (unfoliated).

81 Bodl, MS Rawlinson C 664, fo 73r; St John's College, Cambridge, MS 243, fo 67r; Trinity College, Cambridge, MS O.7.28, fo 166v.

82 For example, the transcription of *Cum propter nimiam* in Magdalen College, Oxford, MS Lat 143, fos 300r–301r, included Chichele's mandate (dated 8 January 1440).

83 'Correcta erat ista constitucio in conuocacione celebrata in ecclesia sancti pauli die martis proximo post festum sancte crucis Anno domini Millesimo Quadringentesimo sexagesimo': Shrewsbury School, MS 8, fo 83r, referring to *Auctoritate dei patris* (5.17.1). The correction inserted the phrase 'seu in speciali siue in genere' between the words *crimen* and *imponunt*: Lyndwood, *Provinciale*, p 347.

84 'conclusio w[illemi] quod sufficienti duo testes in vltima voluntate sine presencia proprii [presbyteri] Sicut dotis Sed hodie requiritur eius presencia secundum constitutionem editam per dominum Bovc[hier] iam Cantuariensem Archiepiscopum': CUL, Peterborough Cathedral, MS 9, fo 46r, referring to Lyndwood, *Provinciale*, p 174g. Cf Ferme, *Canon Law*, p 65.

85 An archiepiscopal monition to the same effect was, however, issued in 1455: see F du Boulay (ed), *Registrum Thome Bourghier, Cantuariensis archiepiscopi, A.D. 1454–1486* (Oxford, 1957), pp 23–25.

86 This edition had no title page, but began with the heading of the first title (*De summa trinitate et fide catholica*). Several other early editions did the same.

87 [*Provinciale*] (London, 1499), sigs 15r–17r. This is one of two editions published by Pynson in 1499. The first words on its second folio are 'Altissimus & infra'.

88 CUL, MS Ee.6.32, fos 29v, 30r, 30v, 32v, 33r; [*Provinciale*] (Oxford, 1483), sigs k3r, k5r, l3r, l7r, m1r.

manuscript, an alternative reading for a single word (*recipere*) could have been sourced from the Parisian editions.⁸⁹

Printed versions were also personalised: into a copy of the 1506 edition belonging to a canon of Butley Priory (Suffolk) were transcribed two petitions to convocation and a spoof letter from the sultan.⁹⁰ While the availability of printed editions seems to have ended scribal production, manuscripts continued to be consulted. In one, the feast days abrogated in 1536 were erased.⁹¹ The following year, a few months after the dissolution of his house, a monk of London's Charterhouse was given a manuscript.⁹² A similar study of the marginalia in printed copies could shed light on how the *Provinciale* was read after the break with Rome and during the Reformation. Of particular interest would be the English translation of Lyndwood's constitutions published in 1534.⁹³

This survey of the manuscripts of the *Provinciale* establishes the work's extensive dissemination in the fifteenth and early sixteenth centuries. More evidence of its proliferation can be found in library lists and in wills. The manuscripts' contents illustrate the ways in which the *Provinciale* informed those carrying out the administrative, pastoral and legal functions of the English Church. Annotations reveal readers engaging with the work on personal, institutional and intellectual levels. The *Provinciale* consolidated a distinctive corpus of English ecclesiastical law, while grounding it firmly within the transnational *ius commune*. For some readers, the *Provinciale* may have reaffirmed substantive points of difference with common law; for rather more readers, it helped them to know their tithing rights.

Lyndwood was almost too successful in that his achievement seems to have discouraged further editorial work. In 1504, Ascensius proposed that 'the provincial constitutions not yet (in so far as I see) sufficiently ordered be condensed in a proper volume'; but this did not happen.⁹⁴ The *Provinciale* remained a fitting climax to a period of heightened interest in provincial legislation. The fact that Lyndwood had no successors—at least, none until the seventeenth century—reflected the esteem in which his work came to be held. It is hoped that this article has shown the potential for further research into the *Provinciale* not only as a text but also as a collection of manuscripts and printed books.

89 'respicere lyn.': Harvard Law School, MS 37, fo 82v; *Provinciale seu constitutiones Anglie* (Paris, 1501), fo 122v; *Provinciale, seu constitutiones Anglie* (Paris, 1506), fo 124r. Contemporary English editions had *recipere*. The 1679 edition gave *respicere*, with *recipere* as a manuscript variant (Lyndwood, *Provinciale*, p 225).

90 J Myres, 'Butley Priory, Suffolk: I. The history of the priory', (1933) 90 *Archaeological Journal* 177–281 at 225–228.

91 Corpus Christi College, Cambridge, Parker Library, MS 544, fos 18v–19r, referring to *Ex scripturis* (2.3.3).

92 CUL, Pembroke College, Cambridge, MS 309, fo 402v (gift of Elizabeth Colles to Bartholomew Burgoyne on 12 September 1537).

93 *Constitutions Prouincialles, and of Otho, and Oethobone, translated in to Englyshe* (London, 1534). I hope to write about this translation on another occasion.

94 *Constitutiones legitime seu legatine regionis Anglicane* (Paris, 1504), sig Aiv.