

DOCUMENTS DISCLOSING A PASSAGE IN THE
HISTORY OF THE TWYSDEN FAMILY.

COMMUNICATED BY THE LATE REV. L. B. LARKING, AND ILLUSTRATED BY THE REV. R. C. JENKINS, RECTOR OF LYMINGE, AND HON. CANON OF CANTERBURY.

I.

1538. *Dispensation from Monastic Vows, and Licence to Thomas Bede, etc., from Archbishop Cranmer.*

THOMAS miseratione divina Cantuariensis Archiepiscopus, Totius Anglie primas, et metropolitanus, ad infrascripta auctoritate parlamenti Anglie fulcitus: Dilecto nobis in Christo Thome Bede, nuper monacho soluti nunc monasterii divi Martini de Bello, Cicestrensi diocesi, ordinis sancti Benedicti presbytero, regularem vitam professo, Salutem gratiam et benedictionem. Cupientes te, ob tuorum exigentiam meritum, favore prosequi gratioso, Tecum, ut religione quam professus es exire, et ad seculum te conferre, ac ibidem, de cetero, in veste secularis presbyteri vitam agere, necnon beneficium ecclesiasticum, etiam si curam habeat animarum, obtinere, libere et licite valeas et possis, auctoritate predicta dispensamus, contrariis religionis et canonum institutis non obstantibus quibuscunque.

Datum in manerio nostro de Lambeth, sub nostro sigillo ad facultates, duodecimo die mensis Junii, anno domini millesimo quingentesimo tricesimo octavo, et nostre consecrationis anno sexto.

ROGERUS TOUNESHEND, COMISS.

To. HUGHES.

II.

1538. *Confirmation of the above Dispensation by King Henry VIII. under the Great Seal.*

HENRICUS octavus, Dei gratia Anglie & Francie Rex, fidei defensor, Dominus Hibernie, & in terra supremum caput Anglicane ecclesie, Omnibus ad quos presentes litere pervenerint, salutem. Inspeximus quasdam literas dispensatorias presentibus annexas, quas, et singula in eis contenta, iuxta quendam actum inde in Parlamento nostro editum, ratificamus approbamus et confirmamus per presentes: Ita quod Thomas Bede, in dictis literis nominatus, omnibus & singulis in eisdem specificatis uti valeat & possit, libere & quiete, licite & impune, secundum vim formam & effectum earundem, impedimento quocumque in aliquo non obstante. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud Westmonasteriam, duodecimo die Junii, anno regni nostri tricesimo.

VAUGHAN.

[Appended is the Great Seal.]

III.

1538. *Grant of an Annual Pension to Thomas Bede.*

HENRICUS octavus, dei gratia Anglie & Francie Rex, fidei defensor, Dominus Hibernie, & in terra supremum caput Anglicane ecclesie, Omnibus ad quos presentes litere pervenerint, salutem. Cum nuper monasterium de Bello, in comitatu nostro Sussexie, iam dissolvatur, unde quidam Thomas Bede, tempore dissolutionis illius, & diu antea, monachus ibidem fuit; Nos, volentes rationabilem annualem pensionem sive promocionem condignam eidem Thome, ad victum exhibicionem & sustentacionem suam melius sustinendam provideri: Sciatis igitur, quod nos, in consideracione premissorum de gratia nostra speciali, ac ex certa sciencia & mero motu nostris, per advisamentum & consensum Cancellarii & Consilii Curie Augmentacionum revencionum Corone nostre, dedimus & concessimus, ac per presentes damus & concedimus eidem Thome, quandam annuitatem sive annualem pensionem decem marcarum sterlingorum, habendum gaudendum & annuatim percipiendum easdem decem marcas, prefato Thome & assignatis suis, a festo Annunciacionis beate Marie Virginis ultimo preterito, ad ter-

minum & pro termino vite ipsius Thome, vel quousque idem Thomas ad unum vel plura beneficia ecclesiastica, sive aliam promocionem condignam, clari annui valoris decem marcarum aut ultra, per nos promotus fuit, tam per manus Thesaurarii revencionum Augmentacionum Corone nostre pro tempore existentis de thesauro nostro in manibus suis, de revencionibus predictis, remanere contingenti, quam per manus Receptoris exituum & revencionum dicti nuper monasterii pro tempore existentis, de eisdem exitibus & revencionibus, ad festa sancti Michaelis Archangeli, & Annunciacionis beate Marie virginis, per equales porciones solvendam. Eo quod expressa mencio de vero valore annuo, aut de certitudine premissorum sive eorum alicuius, aut de aliis donis sive concessionibus per nos prefato Thome ante hec tempora factis, in presentibus minime facta existit, aut aliquo statuto, actu, ordinacione, provisione, sive restriccionem in contrarium inde habito, facto, ordinato, seu proviso, aut aliqua alia re, causa, vel materia quacumque in aliquo non obstante. In cuius rei testimonium, has literas nostras fieri fecimus patentes. Teste Ricardo Riche milite, apud Westmonasteriam, sexto die Julii, anno regni nostri tricesimo.

DUKE.

Per Cancellarium & Consilium Curie Augmentacionum revencionum Corone Regis, virtute Warranti regis.

Irrotulatum in officio Johannis Thomson auditoris &c. xv^{to} die Novembris anno dni. 1559.¹

[Appended is a fragment of the Seal of the Augmentation Office.]

In dorso :—“Allo^m in S̄cco int Recorda de Tm̄io s̄c̄e Triñ, anno primo Regine Marie, Ro Ex pte Remem Regine.”

T. SAUNDER.²

Also :—“Irrot^m in thesaur Re^{da} dne regine Tmino pasche ano Regni sui primo.”

[Here some illegible initials.]

¹ In a later hand and ink.

² Sir Thomas Saunder, Remembrancer of the Exchequer.

IV.

CARDINAL POLE TO THOMAS TWYSDEN.

1556. *Dispensation and Licence to act as executor to his Brother's Will.*

REGINALDUS, miseracione divina, Tituli Sancte Marie in Cosmedin, Sacrosancte Romane ecclesie Presbyter, Cardinalis Polus nuncupatus, Cantuariensis Archiepiscopus, totius Anglie Primas, et Apostolice sedis legatus natus, necnon ad illustrissimos in Christo Principes Philippum et Mariam, Francie et Hibernie Reges, fidei defensores, et universa Anglie et Hibernie regna, sanctissime domini nostri Pape, et eiusdem apostolice sedis, etiam de latere legatus: Dilecto in Christo filio Thome Twysden, diacono nostre Cantuariensis dioceseos, Salutem. Cum pro parte tua nobis fuerit humiliter expositum, quod tu olim ordine divi Benedicti Regularem professus, monasterio, in quo te dederas (vita tua comite) sub habitu regulari vitam transigere monasticam, et deo devote in eodem famulari, deleto penitus et extincto, quod reliquum tibi vite deus dederit, in seculo agere, auctoritate legitima fulcitus, proposuisti: Quodque ab hinc septennio, Willelmus Twysden frater tuus, antequam ab humanis exemeretur, suum condidit testamentum sive ultimam voluntatem, in qua te et dilectam filiam Elizabeth, tunc consortem, nunc relictam suam, fecit et constituit executores, magnam et precipuam educandorum liberorum suorum curam, et multorum priorum operum executionem, tibi, de singulari fiducia et fraterna pietate, curam commisit et concedidit exequendam: Verum cum, sacrorum Canonum constitutionibus hujusmodi institutionem et executionem vetantibus, tu onus tibi iniunctum libere, sine Juris offensa et conscientie scrupulo, absque nostri, superioris tui, licentia petita et obtenta, exequi non valeas; Nobis igitur supplicari fecisti, ut in gratiam et beneficium liberorum orphanorum eiusdem defuncti, ac aliorum piorum operum executionem et gratiam, testamentum et ultimam voluntatem hujusmodi libere et licite exequi et perimpleri valeas. Nos, petitionibus tuis graciosè inclinati, ac orphanis et aliis miserabilibus personis, de pastoralis officii sollicitudine et clementia, consulere et perspicere in domino cupientes, ex premissis et aliis nobis expositis causis rationabilibus sanctè inclinati, tibi ut premissis et aliis repugnantibus Juris impedi-

mentis non obstantibus, testamentum et ultimam voluntatem dicti tui fratris defuncti, iuxta et secundum mentem Testatoris, pie, sincere, libere, et licite, exequi et perimplere in omnibus, et per omnia, valeas et possis, auctoritate nostra ordinaria (quantum de Jure poterimus) licentiam impartimur, et harum serie dispensamus pariter et indulgemus, In contrarium facientibus non obstantibus quibuscunque. In cuius rei testimonium sigillum nostrum presentibus affigi fecimus. Datum in manerio nostro de Lambeth, xij^o die Julii, anno domini, millesimo, quingentesimo, quinquagesimo sexto, et nostre consecrationis anno primo.

ANTHONIUS HUSE, Regfarius, R. iiij.

[Appended is the official seal of Cardinal Pole.¹

It represents, in the upper part, the Almighty holding a cross, on which is the crucified Saviour, surmounted with the Dove. Over the Almighty's head appears in the clouds the Virgin crowned, with the infant Jesus in her arms; all under an arched canopy. On either side, each under an arched canopy, is a bishop, with the pall, staff, etc.

In the lower compartment of the seal are the arms of Cardinal Pole, viz.,—

Quarterly of 8 :

1st, quarterly, France (3 lys) and England, over all a label of three points ;

2nd, per pale, a saltire engrailed for Pole ;

3rd, a saltire and a label of three points, for Nevil ;

4th, a fess between six cross crosslets, for Beauchamp ;

5th, chequy, a chevron ermine, for the old Earls of Warwick ;

6th, 3 fusils in fess, for Montacute ;

7th, an eagle displayed, for Monthermer ;

8th, quarterly,—1st and 4th, 3 chevronels, for Clare,—2nd and 3rd, per cross, in the 2nd and 3rd quarters a fret, over all a bendlet, for Spencer.

The shield is surmounted with the Cardinal's cap, on the

¹ This magnificent seal was engraved for the late Mr. Streatfeild's contemplated History of Kent, and may be seen in Vol. III. Arch. Cant. (p. 141), to which the block was most kindly lent by Mrs. Champion Streatfeild. It is hoped that the engraving may soon reappear, in the place for which it was originally designed, the project for this History being revived under new auspices, as most of our readers are aware.

dexter of which is a shield with the arms of the Priory of Christ Church, and on the sinister a shield with the arms of the archiepiscopal see. The motto round the seal is "SIGILL .
" REGINALDI . POLI . CARDINAL . CAI . ARCHIEPI . TOTIUS . ANGL .
" PRIMATI . APLICE . SEDIS . LEGATI . NATI."]

V.

1557. *Cardinal Pole to his Vicar-General David Poole, Grant of Pardon, and Dispensation to Thomas Twysden alias Bede, on his recantation.*

REGINALDUS, miseratione divina, Tituli Sancte Marie in Cosmedin, Sancte Romane Ecclesie Presbyter, Cardinalis Polus, Archiepiscopus Cantuariensis, sanctissimi domini nostri pape, et sedis apostolice, ad Serenissimos Philippum et Mariam Anglie Reges, et universum Anglie regnum, de latere legatus:—Discreto et nobis in Christo dilecto Davido Poole, in Archiepiscopatu Cantuariensi nostro in spiritualibus Vicario generali, Salutem in domino sempiternam. Ex parte Thome Twysden, alias Bede, diaconi nostre dioceseos, ordinis sancti Benedicti professoris, nobis expositum fuit, quod ipse,—post dissolutionem Monasterii de Battell eiusdem ordinis, Cicestrensi diocesi, (quod ingressus fuerat, et in quo, habitum per illius monachos gestari solitum suscipiens, professionem que ibi consuevit emitti regulare emiserat, et ad sacrum diaconatus ordinem promotus fuerat,) introducto hoc in regno perniciosissimo schismate factam,—absque apostolice sedis licentia, habitu suo regulari dimisso, et qui est clerici secularis assumpto, extra loca regularia per devia seculi vagatus fuit, et deinde, schismati prefato consentiens, domos, fundos, aliaque bona immobilia, secundum leges provisa auctoritate Parlamenti tum de facto editas, acquisivit, et per aliquot annos retinuit, schismatis et Apostasie reatu, necnon sententias, censuram, et penas contra tales latas damnabiliter incurrendo,—Cum autem, prout eadem subiungebat expositio, idem Thomas de premissis per eum commissis plurimum doluerit, et doleat de presenti, cupiatque ab illis, et censura ac penis propterea incursis, absolvi, et ecclesie unitati restitui, ac alias statui suo provideri; Nobis propterea humiliter supplicari fecit, quatenus sibi, de opportuno, super premissis, absolutionis et dispensationis remedio de benignitate apostolica providere

dignaremur.—Nos igitur, considerantes quod ad se redeuntibus gremium non claudit ecclesia, ac propter presentem ministrorum ecclesiasticorum hoc in regno defectum, aliasque rationabiles causas ad infrascripta concedenda moti, Discretioni tue, de qua in his et aliis plurimum confidimus, auctoritate apostolica nobis hac in nostra legatione concessa, et qua fungimur in hac parte, tenore presentium committimus, quatenus, si est ita, eadem auctoritate apostolica, dictum Thomam, cognita in eo vera et non ficta aut simulata penitentia, a quibusvis excommunicationis, suspensionis, et interdicti, aliisque ecclesiasticis sententiis, censuris, et penis, a Jure vel ab homine, quavis premissorum occasione, in eum latis et promulgatis, etiam si eas per plures annos sustinuisset, et in eis insorduisset, necnon schismatis et Apostasie reatu, et excessibus hujusmodi, iniuncta inde sibi pro modo culpe penitentia salutari, in forma ecclesie consueta, in utroque, conscientie, scilicet, et contentioso foro, plenarie absolvas et liberes; eumque unitati ecclesie restituas, [et] aliorum Christi fidelium consortio agreges. Necnon cum eodem,—dummodo alioqui vite ac morum honestas, literarum scientia, aliaque laudabilia probitatis et virtutum merita, sibi suffragentur, super quo conscientiam tuam oneramus,—super irregularitate per eum, quavis premissorum occasione, contracta, quodque illa et premissis non obstantibus,—omnibus, tam minoribus quam sacris subdiaconatus et diaconatus, rite tamen et recte per eum susceptis, ordinibus uti, et ad sacrum presbyteratus ordinem, alias tamen rite et recte, ascendere, et donec regularia loca restaurata fuerint, seu alias ad sedis apostolice beneplacitum, extra loca regularia hujusmodi in honesta toga presbyteri secularis remanere, et alicui beneficio ecclesiastico Curato, de illud obtinentis consensu, deservire, et bona predicta que de presenti retinet, non tanquam propria, sed tantum in usum ad eius sustentationem concessa, administrare libere et licite possit et valeat, miseratione in domino dispenses; Ac omnem inhabilitatem et infamie maculam sive notam, ex premissis circa eum quomodolibet insurgentem, penitus aboleas, ipsumque in pristinum, et eum in quo ante premissa quomodolibet erat, statum plenarie restituas, reponas, et redintegres, Premissis, ac regula de insordescentibus, aliisque constitutionibus et ordinationibus apostolicis, ceterisque contrariis, non obstantibus quibuscunque. Volumus autem quod idem Thomas de fructibus ex bonis hujusmodi provenientiibus,

qui necessitatibus suis supererunt, eleemosynas, seu in pios usus erogationes facere teneatur; quodque bona prefata, post dicti Thome mortem, eius Monasterio prefato, vel religioni, vel in aliquem usum pium, arbitrio eius ordinarii pro tempore existentis, applicentur.—Datum Grenewichi, Roffensi diocesi anno a nativitate domini Millesimo, quingentesimo, quinquagesimo, septimo, Duodecimo Kal. Martii, Pontificatus sanctissimi in Christo patris et domini nostri, domini Pauli, divina providentia Pape, Quarti, anno Secundo.

REG. CAR^{LIS} POLUS, LEG.

Exposuit decem solidos pro
scriptura et expensis.

M. ANTONIUS FAITA, cecr.

Jo. JORDANUS.

[Sealed with the Privy Seal of Cardinal Pole, bearing the same arms as in the last, and surmounted by the Cardinal's cap with this inscription:—"R. POLUS S. R. E. CAR. A LATERE ATUS"—in a tin box—fastened with silk cord.]¹

VI.

1557. *David Pole's Execution of the preceding Warrant.*

DAVIDUS POLE, legum doctor, Reverendissimi in Christo patris et domini, domini Reginaldi, miseratione divina, tituli sancte Marie in Cosmedin, sancte Romane ecclesie Presbyteri, Cardinalis Poli, Cantuariensis Archiepiscopi, totius Anglie Primatis, et apostolice sedis legati nati, necnon ad serenissimos in Christo Principes Philippum et Mariam Anglie Reges, et universum Anglie Regnum, sanctissimi domini nostri Pape, et eiusdem apostolice sedis, etiam de latere legati, Vicarius in spiritualibus generalis, et officialis Principalis, rite et legitime constitutus;—Dilecto nobis in Christo, Thome Twysden, alias Bede, diacono Cantuariensis dioceseos, diornis sancti Benedicti professori, Salutem in auctore salutis. Literas commissionales dicti Reverendissimi patris, sigillo suo ad facultates, in quadam capsula stannea, cera rubea, cum filis sericis coloris rubri, incluso sigillatas, ac per te

¹ Both the seal and a facsimile of the autograph were engraved for Mr. Streatfeild, and are given, by the same favour as the former and larger seal, in our Third Volume, *l. c.*

nobis presentatas nuper, cum omni reverentia debita recepimus, sub eo qui sequitur verborum tenore.

[Here the Dispensation is cited verbatim as above.]

Quantum quidem literarum commissionalium onus, ob tanti reverendissimi patris committentis honorem et reverentiam, in nos assumentes, ac iuxta eorum continentia rite procedentes, Quia comperimus te prenominatum Thomam Twysden omnia et singula, pro parte tua, prefato reverendissimo patri exposita et suggesta, in dictis literis commissionalibus contenta et specificata, perpetrasse et commisisse, ac de eis ex animo dolere, et apertis lacrimis ea deplorare, (cognita in te vera et non ficta aut simulata penitentia);—Igitur, te prefatum Thomam (primitus de peragendo penitentiam, a nobis, pro commissis et delictis tuis in dictis literis commissionalibus expressatis, rite et salubriter tibi iniunctam, ad sancta dei evangelia per te corporaliter tacta rite iuratum) a quibusvis excommunicationis, suspencionis, et interdicti, aliisque ecclesiasticis sententiis, censuris, et penis, a Jure vel ab homine, quavis premissorum occasione, latis et promulgatis, etiamsi eas per plures annos sustinueris, et in eis insordueris, Necnon schismatis et apostasie reatu, et excessibus per te premissorum occasione incuris, in utroque, conscientie scilicet, et contentioso, foro, auctoritate apostolica nobis in hac parte commissa, harum serie, plenarie absolvimus et liberamus; teque unitati ecclesie restituimus, et aliorum Christi fidelium consortio aggregamus. Necnon tecum (de cuius vite ac morum honestate, literarum scientia, aliisque laudabilibus probitatis et virtutum meritis, ex fidedignorum testimonio informamur)—super irregularitate per te quavis premissorum occasione contracta, quodque illa et premissis non obstantibus, —omnibus, tam minoribus, quam sacris subdiaconatus et diaconatus (rite tamen et recte) susceptis ordinibus uti, et ad sacrum presbyteratus ordinem (alias tamen rite et recte) ascendere, et (donec regularia loca restaurata fuerint, et alias ad Sedis apostolice beneplacitum) extra loca regularia hujusmodi in honesta toga presbyteri secularis remanere, et alicui Beneficio ecclesiastico curato (de illud obtinentis consensu) deservire,—ac domos, fundos, et alia bona immobilia, secundum leges provisa auctoritate Parlamenti huius incliti Regni Anglie nuper de facto editas, per te acquisita, et que de presenti retines, non tanquam propria, sed tantum in usum ad tui sustentationem concessa, administrare,—libere et licite possis et

valeas, eadem auctoritate apostolica nobis in hac parte commissa iuxta omnem vim, formam, et effectum literarum commissionalium hujusmodi, misericorditer in domino dispensamus; ac omnem inhabilitatem, et infamie maculam sive notam, ex premissis circa te quomodolibet insurgentem, a te penitus abolemus, Teque in pristinum, et in eum in quo ante premissa quomodolibet eras, statum plenarie restituimus, reponimus, et redintegramus, premissis, ac regula de insordescensibus, aliisque constitutionibus et ordinationibus apostolicis, ceterisque contrariis non obstantibus quibuscunque.

Volumus autem quod tu de fructibus ex bonis hujusmodi provenientibus, qui necessitatibus tuis supererunt, pauperibus elemozinas facias, seu eos in alios pios usus convertas, super quibus conscientiam tuam coram altissimo oneramus,—Quodque bona prefata post mortem tuam prefato monasterio de Battell, vel religioni, aut in aliquem pium usum, arbitrio Ordinarii tui pro tempore existentis, applicentur. In cuius rei testimonium Sigillum Archiepiscopale dicti Reverendissimi patris presentibus est appensum. Datum vicesimo die mensis Maii, anno domini millesimo, quingentesimo, quinquagesimo, septimo.

[Appended is the same official seal, as that to the licence to act as executor to William Twysden's will, described above.]

VII.

1584. *The Nuncupative Will of Thomas Twysden, of Wye.*

THE wordes which Maister Thomas Twysden spake last in the hearinge of us whose names are underwritten, weare thes,—viz,—“I wooll my nephew Tuisden shoulde be my executor,” Uppon hearinge of which wordes by me Rycharde Deringe, I called Mr. Roger Twisden and Mr. Charles Scott, and tolde them what he had saide;—and, after some other wordes, I Rycharde Dearinge spake unto the saide Thomas Twisden, in this sorte,—viz,—“Then it is your will, that my brother “ Twisden shoulde be your executour, and administer your “ goodes ” ?—he answered, “ Yea ” :—And this is the effecte

(as farr as we remember) that then was spoken, abowte three daies before his deathe.¹

RYCHARDE DERINGE.
CHARLES SCOTT.

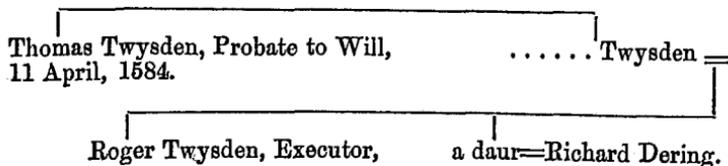
Probatum fuit p̄s suprascriptū testa^{tu} nuncupativum coram Maḡro Matheo Bourne clico deputato n̄ro in hac p̄te t̄time constituto undecimo die mensis Aprilis anno dni Millimo quingen^o octogesimo quarto Juramentis Charoli Scott armigeri et Thome Chapman testiū in h̄moi testa^o nominatorū.—Onusq; executionis eiusdem commissum est Rogero Twysden executori in suprascripto testamento nominato—p̄mitus in p̄sona maḡri Johannis Edwardes no^{ri} pub^{ci} eius procuratoř rite et l̄t̄ime jurat. de bene et fideliter p̄implend̄ d̄cū testamentū.—In cuius rei testimoniū sigillū offitii n̄ri p̄ntibus apponi fecimus. Datum, die mense et anno d̄ni pd̄cis.

[Appended is the official seal, with this inscription “Sigillum officialitatis archiepiscopi Cantuan.”—Under the central device is “15. S L. 81.”]

(Copied literatim from the original probate etc. at Roydon Hall—January 27, 1834.—L. B. L.)

THE above documents were placed in my hands by our lamented friend Mr. Larking, that I might connect and illustrate them for our Annual Volume. They relate to a family which has to his friends a twofold and peculiar interest; for he, whose portrait of the great Sir Roger Twysden is among the most precious of the works with which he enriched our pages, was also allied to that family in the dearest relations of life.

¹ Pedigraic matter to be collected from the above Will and Probate.



Roger Twysden, of Wye, married in 1536 Jane, daughter of Christopher Cooper, and had two sons; William, whose marriage with Elizabeth, heiress of Thomas Roydon, of Roydon Hall in East Peckham, made him the possessor of that estate, which till the memory of our older readers was the principal seat of the family; and Thomas, the subject of these lines, who became a Benedictine monk in the Abbey of Battle. At this period the destination of a second son, in whom the military propensity was not largely developed, was naturally the Church, either in its regular or secular establishment; and the great Abbey "De Bello" presented not only the advantage of a near neighbourhood but of a close connection with the town of Wye, his residence, the manor of which was among the earliest properties of the Great Norman Monastery. Such a foundation offered a worthy retreat to the younger members even of the greatest families, while the depressed estate of the secular clergy, whose best endowments were absorbed by the Monastic Orders, presented but little attraction.¹ Thomas Twysden does not appear to have proceeded beyond the order of the diaconate, when the long-threatened blow fell upon the Monastic system in England, and after the significant warning given by the suppression first of the alien and then of the lesser priories, the great Abbey of Battle was added to the "spolia opima" of the Augmentation Office.

In order fully to appreciate the documents which relate to our secularized Benedictine, who had with becoming regard to his Saxon name, taken "in religion" the designation of "Thomas Bede," we ought to endeavour, if possible, to realize the position of a monk thus forcibly emancipated from the three great

¹ The Synod of Mentz in 1261 complains that few churches in Germany could support their parish priests, so completely had the monks absorbed their revenues.

vows which constitute the monastic obligation. The great and paramount vow of Chastity might, of course, be obeyed under any circumstances, and without any of the restraints of conventual life. But the two remaining vows, those of Poverty and Obedience, would become impossible in a state in which the very efforts to subsist must create the dreaded evil of "property," and the absence of a monastic superior must render obedience impossible. In such a case the "*forum contentiosum*" would clearly assert the great principle of all law, "No one is bound to an impossibility," though the conscience would hardly be able to acquiesce in its decision; and the only remedy of a conscience thus perplexed would be the Dispensing power. We are accustomed to abuse the system of dispensations which prevailed in the Mediæval Church, and regarding them as the "step-mothers of law" and the "wounds of law," as they are popularly termed by their adversaries, to forget that in the case of a bad law or an unlawful vow they are rather the remedy than the disease,—that they wound in order to heal. The more enlightened casuistry of the modern Roman Church would hardly affirm the necessity of a dispensation to hold property in a case in which it had become impossible not to hold it. The civil law rules "*Rei impossibilis nulla est obligatio*," and our own great Bishop Sanderson affirms accordingly, "*cessante voti materiâ, cessat simul ejusdem obligatio*."¹

And here, as the subject matter of the oath was gone, viz. the support stipulated by the community, and the rule exercised by the superior, the obligation would naturally fail also. A clear parallel is presented to us in the case of a monk expelled from a convent, which has been much discussed by later Roman casuists. Pope Benedict puts it thus:—"Theologians and canonists have greatly disputed whether those cast out of a re-

¹ 'De Juramenti Obligatione,' Præl. vii.

ligious order are bound by the fundamental vows of religion,—namely, chastity, poverty, and obedience;” and he concludes that “though they are bound by the vow of chastity, the two other vows must be greatly moderated in practice. For the vow of poverty which might be kept in the cloister could not be kept where the support of daily life is to be obtained; nor yet obedience to a superior when any one is expelled from the body and society of the order over which he rules.”¹ It was unlikely, however, that such considerations should present themselves at this earlier period, and we cannot wonder that the released monk had recourse to the dispensing power, even though it had now devolved to heretical hands.

The Act of Parliament (25 Hen. VIII., cap. 21,) which resumed the dispensing power for the Crown, from which it had never been legally detached, is framed in the following terms:—“That the Archbishop and his commissary shall not grant any other licence, dispensation, faculty, etc., in causes unwont and not accustomed to be had at Rome until your Grace, etc. . . . shall first be advertised thereof and determine whether such licences shall pass or no;”—“and if it be determined by your Grace . . . that dispensations, etc. in any such case unwont shall pass, then the Archbishop or his commissary having licence of your Highness . . . shall dispense with them accordingly.” (§ 5.)

This law which forms the basis of Cranmer’s dispensation to Thomas Bede, enabling him to acquire and hold property, and to become a secular priest, suggests one or two preliminary questions which we will here present to the reader:—I. Was this one of the cases unwont which the Act refers to? II. What was the extent of the dispensing power then asserted for the Popes? III. What was the extent of that claimed by the Crown as succeeding to the dispensing power?

¹ Benedict. XIV.; de Synodo Diocces. l. xiii., c. xi., sec. 20.

I. It does not appear that this was a case in which the preliminary permission of the Crown was sought, the words of Cranmer merely referring to the Act of Parliament in general terms, "*ad infrascripta auctoritate parliamenti Angliæ fulcitus.*" It was not, therefore, a case unwont, and indeed must have had at this time very numerous precedents.

II. This reply leads us on to, and partly enables us to answer, our second inquiry, "What was at this time the extent of the dispensing power of the Popes?" The words of the Act point to a Roman usage much more moderate than that usually assigned to the Popes, and indicate that the dispensing power exercised in England was far more restricted than is generally alleged. The Postillator on the "Summa" of St. Raymond lays down the principle that a dispensation is either a *juris relaxatio* or a *juris declaratio*; and after stating the three views in regard to the dispensing powers then prevailing, concludes this to be the soundest view: "Papa non habet posse nec auctoritatem in votum relaxando jus; quia id non est ei subjectum; habet tamen potestatem *quantum jus sibi dat*; et ideo dispensare potest secundum quod dispensatio est *juris declaratio.*" The idea of a "juris declaratio" depends, however, ultimately on the meaning which the oath may receive by means of the Papal interpretation and of the power to (in a manner) commute it by what is called by the decretalists the "*recompensatio majoris boni.*" In the ultimate dispensation of Thomas Bede by Cardinal Pole, it will be seen that it is granted on this ground. Cranmer's on the other hand proceeds only on the ground of favour and personal merit, "*ob tuorum exigentiam meritorum*" — not a very satisfactory reason; for the only merit which Thomas Bede could have possessed must have been his faithful observation of his triple vow, for which the reward given him was simply the

permission to break it; which rather resembles the schoolboy's reward of a whole holiday for working very hard at his lessons, than the recompense of a monk who is supposed to find his reward in the duty itself.

III. The third question we proposed, "How far was the dispensing power claimed by the Crown?" is one which was argued with much eagerness in the days when James II. began his alleged toleration under the pretext of his dispensing power. Among the many tracts which were written at that period on this subject two may be mentioned on the side of the dispensing power which have considerable interest, that of the famous Independent, Philip Nye,¹ whose "thanksgiving beard" is celebrated in 'Hudibras,' and one written by "an eminent Minister of State, lately deceased," printed in 1688, and entitled 'The King's right of Indulgence in Spiritual matters asserted.' This writer affirms that "the Pope granted indulgence to whomsoever he pleased, and in any spiritual matter whatever" at this time, and that the King was by the Act of Parliament "possessed and reinvested in his ancient right," and so succeeded to this unlimited power. Such an assertion might have been true of the period of the great schism when dispensations were in the worst state of corruption, but it is not true of the dispensing power as exercised in Rome in the days of the Poles, the Contarinis, and the Sadolets. The very words "causes unwont, and not accustomed to be had at Rome," sufficiently indicate the greater degree of restraint which was then exercised; while the limitation of the "postillator," *quantum jus sibi dat*, points to a limit of positive law, like that of the *quantum de jure poterimus*" of Cardinal Pole's dispensation.

¹ "The King's authority in dispensing with Ecclesiastical Laws asserted and vindicated by the late Reverend Philip Nye, a Congregational divine." (London, 1687.)

We now proceed to examine these Dispensations more closely in regard to their bearing upon Thomas Bede's personal history. The merits to which Cranmer refers, and on the ground of which he dispenses, could clearly have been none other than the attachment he had shown to the doctrines of the Reformation, and the assistance which, as an influential member of a great monastic foundation, he must have been so well able to give to its work. Accordingly Cardinal Pole describes him as *schismati præfato consentiens*, and as guilty *schismatis et apostasiæ reatu*.¹

Now the modes by which this "Apostasia" is established are either "dimittendo tonsuram—accipiendo uxorem—abjiciendo religionis vestem," or "redeundo ad sæculum." The two latter charges constituted Thomas Bede's irregularity, Cranmer's dispensation transferring him "ad sæculum," and permitting his use of the "vesture of a secular priest." But besides the "Apostasia" he is charged with schism. And here it is very remarkable that no act of abjuration of the schism (which the older canonists assume to be necessary in such a case) is required by Cardinal Pole as the condition of reconciliation. Whether this is to be assigned to the fact, that the regularity of the legal proceedings in the case of the English reformation made abjuration dangerous in the face of the principles of Royal Supremacy which Mary herself never fully surrendered, or to the necessity of exercising the greatest degree of prudence in the case of those who were voluntarily re-entering the Church of Rome,—the practice is

¹ The latter guilt is not, however, to be understood in the proper and ordinary sense of apostasy, but in that of a departure from and relinquishing of, monastic life. Apostasy according to the decretalists is a threefold crime, or rather has three branches—infidelity (*perfidia*), disobedience, and irregularity. The case of Thomas Bede was simply one of "irregularity," '*quò quis a statu sumpta religionis recedit*.' '*Summa Raymundi de Schismate*,' lib. i. tit. vii. sec. i.

certainly different from that which prevailed elsewhere at this time, and which has generally prevailed at a later period.

Still more notable is the fact, that though Thomas Bede had acquired such merits in the eyes of Cranmer and of the King, and had even been admitted to priest's orders (as appears by Cranmer's own words), he is not charged with heresy or required to recant any doctrine or teaching he may have been betrayed into during the eighteen years of his Reformed life. According to the precedent of Berengarius, *abjuration* is the necessary preliminary to reconciliation; and the fact that none is here required, and that no formula or declaration of faith is imposed, lead us to conclude that the controversies between the churches in regard to doctrine were not so seriously regarded then as they are now. We have referred to the facts that Thomas Bede had taken priest's orders in the reformed church, and that these are disallowed by Cardinal Pole, who only recognizes him as deacon, and permits him to ascend in due time to the order of the priesthood. And here we approach the delicate and difficult question, which belongs as much to the province of archæology as to that of dogma. Did the Church of Rome recognize the English orders at this early period? Now, here the decretalists speak plainly when they affirm that "a heretical bishop who receives Episcopal Orders *in the church* can confer orders, but not the executive power conveyed in them,"¹ (*i.e.* jurisdiction), so that Cranmer's ordination having been *in the church*, it would seem that the orders conveyed by him should have been admitted; and possibly Cardinal Pole's denial of the priesthood of Thomas Bede may have had rather respect to jurisdiction than to order. Yet the fact must not be dissembled that one of Pole's articles of Visitation, in regard

¹ 'Roffredus Canonista, ap. Raymund de Pennafort,' lib. i. tit. v. sec. vi.

to the ministers of the church was this "An ritè et rectè sint ordinati?"¹ and though this may refer specially to the many who were ordained non-episcopally abroad, we cannot doubt that it extended to all who had not the Papal confirmation. For the Council of Trent was unanimous on this point when the Bishop of Aghadoe brought before it the case of the English orders, which (he asserted) had every element of a perfect ordination but this—and the fathers are said to have agreed with him in admitting the facts he alleged, and the conclusion to which he arrived, that the Papal confirmation was an integral part of ordination, and that the absence of it invalidated the sacrament. It may be said, indeed, on the other hand, that Cranmer had received the Papal confirmation in the fullest degree, to which the reply is obvious that as the condition of obedience on which it was given had failed, the privilege had become voided also. In any case it would appear that the orders Thomas Bede had received in the English Church were not recognized by the Legate.

We now come to consider the secularized monk as executor to his brother's will. William Twysden died on November 26th, 1549, and Cardinal Pope's dispensation is dated seven years after. This executorship involved the carrying out of the various charitable and pious dispositions of the testator, and the guardianship and management of the property of the orphan children. As the monastic vow of poverty precludes both the making of a will and the administration to one, this executorship of Thomas Bede constituted an important feature of his "irregularity,"—which had also proceeded so far that he had acquired a not inconsiderable property for himself, in lands, farms, etc.—in what manner it does not here appear. His reconciliation to the Church under these circumstances, and the terms of his

¹ 'Reginaldi Poli de Reformatione Angliæ Decret. XII.'

dispensation, have obviously a suspicious character, and indicate an anxiety to secure the "temporality" at the expense of his spiritual consistency, not to say sincerity. The condition which the Legate imposes, while it mercifully spares his life-interest, secures the "*recompensatio majoris boni*," by giving the reversion to the Church; in the fond hope that the monasteries would soon revive in all their glory, and that the returning of a genial Roman summer would bring back the monastic orders in all their varied plumage to their now desecrated nests. Vain hope! but one in which archæologists might well have shared.

The sin of possessing property or making a will involves the peril in the case of a monk of confiscation and a denial of Christian burial: "Religiosi qui testamentum condiderunt tanquam rei criminis proprietatis Ecclesiastica careant sepulturâ, et bona de quibus testati sunt . . . arbitrio Episcopi subjaceant."¹ This, I think, accounts for the nuncupative will, which is the last of these interesting documents. Although the dispensation of Cardinal Pole enabled Thomas Bede to administer to his brother's will and to carry out its dispositions, it does not appear to enable him to take anything under it, while the mandate to David Pole in the following year, reciting the dispensation, merely allows a sufficient sum to the secularized monk for his sustentation, the rest going to pious uses, and the whole after his death to the Church. It must have been to avoid this ultimate disposition of his earnings that he appointed his nephew Twysden to be his executor,—not as I conceive that he might carry out any charitable trust, and in order to avoid its falling under the bar of a superstitious use, as was the practice in more recent times; but as a universal legatee, named to carry out wishes which he must have

¹ Fabio Frangipani, Abp. of Nazareth, ap. Van Esper 'De Vitio Simoniaë, p. ii., c. iv.

been fully instructed in beforehand, though to put them on record would have been at once a violation of the law of the country, and of the much more flexible law of Thomas Bede's own conscience. At the time of his death, it would seem from the known tendencies of those who were with him, that he had again (in a measure at least) conformed to the doctrines of the Church of England. His near relations of the Dering family, who were early attached to the reformed doctrine and the Elizabethan rule, seem to have been at his death-bed; his "nephew Twysden" had married into the family of Sir Thomas Wyatt, whose devotion to the Protestant cause was so fatal to him, proving that the *entourage* of Thomas Bede in his later days rather consisted of the followers of Cranmer than of Pole; and that he left the "*domos, fundos, aliaque bona immobilia,*" to increase the "Augmentation Office" of Roydon Hall, rather than to tempt the greater Augmentation Office, which had swallowed up his earlier home.

Turning from the Monk to the Cardinal, we observe several noteworthy points in his dispensation, and the mandate arising out of it. Roman writers have noted the title which is here given to Pole as a rare and one of the earliest instances of the Pope's assigning a title belonging only to the deaconate, "*Sancta Maria in Cosmedin,*" to a Presbyter Cardinal,—a confusion even now unfrequent. The earliest Cardinals took their titles from the *Rioni* or divisions of the City of Rome, signing thus, "*Diaconus septimæ Regionis*" or "*primæ,*" or otherwise. And as the learned Marco Lupi, Arch-priest of Bergamo, shews in his treatise "*De Parochiis ante Annum Christi millesimum,*" that there were no distinct parishes in Rome before 1000, the titles must have grown up later, and the origin assigned popularly to the Cardinalate as representing the "parochial clergy" is evidently erroneous. They were rather the

Chapter of the patriarchal church living in community—as our own canons were, until “*præbendæ*” were annexed to them.

From the title of Pole we pass to consider his legatine office, and the authority under which he gives this dispensation. The office of “*legatus natus*,” held by the Archbishops of Canterbury, was little more than a title of honour, as was proved when Archbishop Chicheley contended in vain for precedence against Cardinal Beaufort, who merely from his Cardinalate insisted successfully on keeping the higher place. The letter of Pope Eugenius IV., written to Chicheley from the Council of Florence to take him down from his high place is, perhaps, the most curious specimen of the snubbing of Lambeth by the Vatican which is to be found anywhere. But although the twofold legatine office is mentioned,—that “*de latere*” denoting, as Eugenius tells us, his belonging to the very body of the Pope,—Pole dispenses in the first document as *ordinary*, and “*quantum de jure potuit*.” He recognizes the validity of the Acts of Parliament under which Thomas Bede held his new civil rights and pension (*leges tum de facto editas*), and appears to tread anxiously and delicately the dangerous ground from which parliamentary authority had withdrawn only to watch for the opportunity of a return. The second dispensation and mandate addressed to the Vicar-General, as it has a much larger scope, goes on the ground of his legatine office, and as it belongs to the following year, indicates a surer footing than the previous one. The paucity of the secular clergy then in England seems to contradict the general assertion that so preponderating a body of ecclesiastics accepted the change under Mary. Pole, in his “*Decrees of Reformation*,” confirms this great dearth of clergy, and exhorts the bishops to let their livings remain vacant as short a time as possible,—

complains that "the harvest is great, but the labourers few,"—and is anxious to provide "at least one clergyman" to say Mass in each church "in a decent surplice," for "vestments" were then out of the question.

The conditions of the reconciliation of the penitent form the next point of interest in the commission of Cardinal Pole to his Vicar. Thomas Twysden was under the excommunication "*late sententiæ*," and hence no monition was required, and no preliminary denunciation. He has in this case, (as in the case of heresy) to petition for absolution, to "declare his belief in what the Church believes," and to give satisfaction "*ad arbitrium superioris sui*."¹ What was the penance enjoined him does not here transpire, but the special conditions annexed to the reconciliation indicate it to have been rather pecuniary than personal. The absolution granted by the Legate was of that kind which the canonists call *plena*, which enabled the recipient of it to be promoted to the order of the priesthood. St. Raymond de Pennafort lays down a fourfold division of dispensations in case of heresy; and schism stands here on the same footing. He terms it "*semiplena*" "*plena*," "*plenior*," and "*plenissima*;" the first, in which the penitent is received in the order he possesses already without hope of further promotion; the second, when he is allowed to proceed to the priesthood and no further; the third, when he can ascend to a bishopric, and the fourth, when he can attain to every dignity whatever.² The second was the degree achieved by Thomas Bede, whose dispensation enabled him merely to turn his English priesthood into a Roman one. Whether he ever did this there is nothing to enable us to determine. Certainly the chances were greatly

¹ 'Decisiones Rotæ Romanæ Antiquæ,' Lugd. 1519, p. 250.

² 'Summæ,' lib. i., tit. v., sec. vii.

against it; and the influences around him lead us to conclude that he died at a good old age, in the Elizabethan dispensation, probably a member of that "mixed communion" which until the fulmination of the Bull "Regnans in Excelsis," broke it up, was likely a long time to have left the English church up to the days of its greatest trial, one and undivided.

We have now briefly noted the most interesting features in these almost unique family documents, which we present to the reader as copied from the originals by our lamented friend himself, and occasionally illustrated by his marginal notes and corrections. The writer is not aware whether the original documents, which were beautifully executed and perfectly preserved, are still in the possession of the family; but the perilous chances which attend upon such relics make it important that so authentic and interesting a copy of them should be preserved, as he desired, in these pages.