

THE CASE OF SAINT WILLIAM OF YORK¹

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THE complicated series of disputes which followed the York election of 1140–1 is familiar in broad outline to all students of the period. From a small beginning the strife came to involve almost every person of importance in England, and many on the Continent, and lasted, in its ramifications, for some twenty years. Yet the history of this controversy, though it could not fail to receive some notice in any detailed account of the times, has not hitherto been set out in full with complete accuracy. This failure has been due in part to the nature of the records, which are scattered among English chronicles, papal documents and Cistercian sources, and can only be fully used by one who has them all before his eyes simultaneously; many of those who have treated the episode *obiter* have failed thus to assemble them with completeness. In part also it has been due to gaps in the evidence at more than one crucial point, which have thrown all historians back upon conjecture. These gaps, in part, still exist, but it so happens that within the last few years a number of independent studies have reconstructed much of the narrative that was hitherto dark, and some important documents have come to light; it is therefore possible to arrive at something approaching to a clear view of the whole business.

Thurstan, the zealous and energetic archbishop of York who had vindicated the claims of his Church against Canterbury and had welcomed the Cistercians to Rievaulx and Fountains, breathed his last on 6 February 1140. Had he died a few years earlier, the see would in all probability have been filled by a successor of the king's choice, and no controversy would have arisen, but the political and ecclesiastical situation in England had recently undergone a great change. Politically, the country was divided by the struggle for the throne between Stephen and the empress, and the king's power had in consequence greatly declined. Ecclesiastically, the situation had since early in 1139 been dominated by the king's brother, Henry of Winchester, who was also papal legate. Henry's policy was fully Gregorian, but, as in all his actions at this time, there was in it a strong element of opportunism; he stood for a free Church, and in the matter of episcopal elections this implied the canonical procedure, that is, the free choice by the cathedral chapter assisted in their deliberations

¹ For Bibliography, *vide* Appendix (a), p. 212.

by other ecclesiastical notabilities of the diocese; but the exigencies of the time and his own temperament often led him to interfere with this freedom. Thus in the elections of these years the chapter, though nominally playing a large part in the proceedings, found its freedom limited in practice by more than one circumstance.² Freedom of election was a new thing, and the chapters of the great cathedrals often included several members of influential families unconnected with the diocese, together with a number of young ecclesiastics with great patrons. With such a personnel, division of opinion was inevitable, and if unanimity were not attained the minority could appeal to Rome. This in fact was what happened in the Salisbury³ and London elections, as later in those of York and Durham. Secondly, although the legate might proclaim, and the king permit, a free election, neither refrained from putting forward candidates of his own choice and frequently also of his own kin. This, as we shall see, occurred at York, as it had occurred at Salisbury and elsewhere. The whole situation at York, however, was novel, for the York electors acted under the eyes of a group of men who held opinions on the qualities essential to a bishop and on the freedom of election which were far more exacting than those held by Henry of Winchester.

This group, formidable by reason of the high character and fearlessness of those who composed it, consisted of the heads of the newly founded Cistercian abbeys, together with the priors of the northern houses of Augustinian canons who were in sympathy with their programme of reform. Only three years previously St Bernard had provided a model for his followers by his conduct of the election at Langres, and it was scarcely a year since the Lateran Council of 1139 had reasserted the right of *virii religiosi* of the neighbourhood to assist the chapter at an election; the monks and canons were therefore in a position to know what was going forward and anxious to exert their influence.

The leader of the group was William, first abbot of Rievaulx, an Englishman by birth and subsequently a monk of Clairvaux and the intimate disciple of St Bernard. During his fruitful period of office he won the affection and reverence of all who knew him, and numbered among his spiritual sons Ailred and Waldef.⁴ It is clear, however, that he had his full share of that fiery zeal characteristic of Clairvaux; this

² Voss, *Heinrich v[on] B[lois]*, pp. 41–5, and sources there cited.

³ At Salisbury the legate proposed Henry de Sully, his and the king's nephew; Stephen, however, wished for Philip Harcourt, the Chancellor. See Voss, *Heinrich v. B.*, p. 42, and Böhmer, *Kirche u[nd] Staat [in England]*, p. 376.

⁴ All the sources agree in their praise of William, especially Walter Daniel, *Vita Ailredi* (Powicke, *Ailred of Rievaulx [and his Biographer]*, p. 93), and John of Hexham, p. 317 (*vide* Appendix (a), p. 212 below). Among the white monks he was venerated as a saint, though never formally canonized. Cf. Sir Charles Peers in *Archaeological Journal*, LXXXVI (1929), 20 *seq.*

was well known to St Bernard, who on at least one occasion felt it necessary to utter a word of warning.⁵ Richard, second abbot of Fountains, was of a different mould. He had been the spiritual leader of the body of monks who seceded from York in 1132; from first to last complete retirement from the world was his one desire, and we may suppose that on this occasion only a sense of strict duty led him into action.⁶ Ailred, at this time a monk of fairly recent standing at Rievaulx, doubtless acted wholly according to the wish of his abbot. His friend Waldef, prior of the neighbouring Augustinian house of Kirkham, was a stepson of King David, a brother of Simon, earl of Northampton, and half-brother of Henry, earl of Northumberland; his high connexions and his own ability made him, as we shall see, a candidate for the vacant archbishopric, but, though widely known and trusted, he was still a young man and, as events were to show, had not yet found his true vocation. Thus these four men, all members of a circle inspired by the most rigid ideals of St Bernard, were by character or antecedents disposed to make a resolute stand whenever they conceived that a principle was at stake; three at least were of great energy of temper, and all were quite fearless. They were indeed a formidable group of opponents, and when to their cause were added Henry Murdac and St Bernard himself, it may be doubted whether there could have been found in all Europe another half-dozen so tenacious and so indefatigable.

As they had absorbed undiluted the ideals of Clairvaux, they naturally held the most extreme opinions not only upon the canonical freedom of elections as a part of the high policy of the Church, but also upon the exalted spiritual qualifications needed in its pastors; they were thus by no means prepared to co-operate unreservedly with Henry of Winchester, who was willing to make concessions not only to expediency, but also to the needs of secular policy, and whose plurality of offices and military adventures must have been a standing scandal to the reformers.⁷ During the canvassing at York their apprehensions could not fail to be intensified by a recollection of what had happened in recent episcopal and abbatial elections. The legate and the king between them had appointed or put forward relatives at Exeter in 1138, at Winchcombe in the same year, and at Salisbury in 1140. Early in the latter year the monks of Malmesbury

⁵ Bernard, *ep.* 353 (autumn, 1143): Propterea sciens zelum vestrum, ne forte plus justo ferveat, temperamentum scientiae non admittens, &c.

⁶ See especially the tribute of Serlo in *Mem[orials of] Fountains*, I, 73.

⁷ Besides holding the abbacy of Glastonbury while bishop of Winchester, Henry during 1139–41 was administering the sees of London and Salisbury; cf. Voss, *Heinrich v. B.*, p. 44. Henry of Huntingdon, p. 315, calls him: Novum quoddam monstrum... monachus et miles. Bernard's adverse opinion may be seen in his letter to Lucius II (*vide* Appendix (b), p. 213).

had succeeded in obtaining a free election by means of a large gift of money to Stephen, only to see the election quashed as irregular by his brother, who proceeded to appoint a candidate of his own.⁸ To these instances must be added the abbatial appointments of a royal relative at St Benet's of Holme and of a worthless illegitimate son of Stephen's at Westminster. Thus the prospects of a near relation of the king being thrust upon the electors of York was antecedently very probable; and indeed it was what actually took place.

The negotiations at York were protracted. Even if the judgement of John of Hexham be considered harsh,⁹ the sequence of events makes it clear that the York electors failed to act with despatch or decision. At one moment Waldef of Kirkham was a favoured candidate; he would naturally rally to himself both the party of reform and the supporters of the empress, and this circumstance would account for much that happened during the election and afterwards. He was vetoed by Stephen on political grounds, as being a relative of the Scottish royal house, but the earl of York, so we are told, who himself was related to Waldef, offered to remove the veto if rewarded for his pains by the life interest in an estate of the see. Waldef indignantly refused.¹⁰ Finally—whether before or after this we do not know—agreement was reached upon a nephew of the king, Henry de Sully, abbot of Fécamp. Henry had the support of the legate,¹¹ who had put him forward unsuccessfully a year before at Salisbury, and was to repeat the move seven years later at Lincoln. The elect, however, was unwilling to relinquish his hold on his abbey, and although his uncle and patron was in no position to criticize this, Innocent II, possibly acting under the influence of St Bernard, refused to allow him to hold the two offices. The business had therefore all to be done again, and it is permissible to suppose that the miscarriage did not strengthen the *moral* of the electors. It was at this stage that William le Groos of Aumâle, earl of York, once more, so it was alleged, intervened in the election with a message from the king to the dean of the chapter

⁸ See Voss, *Heinrich v. B.*, pp. 42–5, and references.

⁹ John of Hexham, p. 306: Clerici Eboracenses secundum desideria cordis sui varia et vaga sententia circumacti fuerant toto anno super electione facienda.

¹⁰ *Vita S. Waldeni in Acta Sanctorum*, August, I, 256, c. d. Attention was first called to this important passage by Prof. Powicke, *Ailred of Rievaulx*, p. 37, note 3. The writer was Jocelin of Furness, c. 1210, but there is no reason to question his statement; he clearly had Cistercian records before him, and could have no motive for fabricating an incident which he only mentions in passing, and of which he gives precise details which, so far as they can be checked, are entirely accurate. Thus he refers to William le Groos as *consanguineus* of Waldef, a circumstance alluded to by no contemporary source. Waldef was great-grandson of Adelaide, sister of the Conqueror, by Lambert, her second husband. William, earl of Aumâle, was her grandson by Eudes, her third husband. See *Complete Peerage* (ed. V. Gibbs), I, 350–3, s.v. Aumâle.

¹¹ John of Hexham, p. 306. Hexham wrongly calls Henry de Sully abbot of Caen.

that his nephew, William the treasurer, was to be chosen.¹² It was also subsequently alleged that the treasurer furthered his prospects out of his considerable wealth. The majority, therefore, in January 1141, proceeded to elect him, but a minority stood out, supported by the group of Cistercian abbots and Augustinian priors.¹³ Among those who thus resisted were the senior archdeacon, Walter of London,¹⁴ his brother archdeacons, and William the precentor. Clearly feeling had long been running high, for Robert Biseth, prior of Hexham, resigned office when the election was announced, as one despairing of the republic, and proceeded to Clairvaux where he asked for admission as a novice.¹⁵

William the elect was, as it seems, a son of Herbert of Winchester and Emma, an illegitimate daughter of Stephen, count of Blois, and half-sister to King Stephen. His father, himself an illegitimate son of Herbert II, count of Maine, had been treasurer to King Henry I, and William, besides being nephew to Stephen and Henry of Winchester, was related in more than one way to a number of Norman and French noble houses, including that of Roger, king of Sicily; besides the blood relationship, he was also the legate's godson.¹⁶ He had been brought up from boyhood in pleasure and wealth, and while still extremely young had been given the lucrative treasurership of York.¹⁷ His contemporaries and those who wrote before his canonization agree that he was amiable and generous, though unused to exertion of any kind, or to a serious employment of his time.¹⁸ His opponents, including the Cistercians of the north and St Bernard, accused him of unchaste living, and stood to

¹² John of Hexham, p. 313: *Summa vero querela eorum* [sc. the appellants] in hoc niti videbatur, quod Willelmus comes Eboracensis in capitulo Eboracensi praecepit ex ore regis hunc Willelmum eligi. For the account given by Innocent II see note 24 *infra*.

¹³ We are not told if the minority still held to Waldef as candidate. Roger Howden (Rolls Series), I, 198, says that Henry Murdac was William's rival, but it is clear that he is amalgamating and confusing the two elections of 1141 and 1147. Dr Poole, *St William*, p. 277, notes this as probable, which Tout had failed to do in *D.N.B.*, but continues: "[Bernard] exerted himself strenuously in favour of Henry and did not spare his denunciation of William." This is to anticipate in 1141 the situation of 1147.

¹⁴ He appears in John of Hexham, p. 307, as: "magister Walterus Lundoniensis archidiaconus." For the erroneous identification of him with archdeacon Osbert see Appendix (c), p. 213.

¹⁵ John of Hexham, p. 311. Cf. Ailred in Raine, *Priory of Hexham* (Surtees Society, 1864), I, 193.

¹⁶ For William's genealogy, see Dr Poole's *St William*, where it is set out very fully. For the spiritual relationship with Henry of Winchester, see *Hist[orians of the Church of] York* (Rolls Series), II, 272.

¹⁷ John of Hexham, p. 317. If we may trust two Selby charters William was treasurer of York under archbishop Thomas II, i.e. *ante* 1114 (*Selby Coucher Book*, Yorks. Archaeological Society, 1891, I, 290, 300).

¹⁸ John of Hexham, p. 317; William of Newburgh, I, 80; *Mem. Fount.* p. 80. The last passage, however, bears traces of interpolation.

this accusation for two years and more, maintaining it in the Roman trial before the pope.¹⁹

Upon his election, William went straightway to the king at Lincoln and was confirmed in the temporalities of his see; Walter the archdeacon, also on the way to Lincoln, was waylaid by the earl of York and imprisoned for a while, so John of Hexham tells us, in his castle of Bayham. Meanwhile, a few days later, on 2 February 1141, Stephen was unexpectedly taken prisoner at the battle of Lincoln, and the whole political situation was radically altered. Henry of Winchester, now the decisive influence in both Church and State, was the natural authority to whom the appellants against the election would address themselves, especially as it appears certain that Theobald of Canterbury designedly held himself aloof.²⁰ We do not know when the meeting with the legate took place; it was for him a year of great stress and activity, and he executed more than one political *volte face*; whatever may have happened between the parties, the appellants were ultimately directed to Rome.

By this time they had a powerful ally. We do not know how St Bernard first heard the news, but without a doubt he would have been kept informed by William of Rievaulx throughout the year. In any case, he addressed the pope in a number of vigorous letters, of which only the last has been preserved, carried to Rome, apparently, by one who had a first-hand knowledge of the affair.²¹ Soon after, the first deputation from York arrived, furnished with a commendatory letter (*ep.* 347) from Bernard. Besides Walter of London, Ailred was of the party, acting for William of Rievaulx, and his conduct of the business won him great credit.²² The elect, accompanied by his friends, was there also, and prolonged discussions took place, for both parties had influence in the

¹⁹ Cf. letter of Innocent II in Voss, *Heinrich v. B.* p. 169, and Holtzmann, *Papsturkunden [in England]*, 2, II, no. 32: Quidam religiosi viri illius terrae [i.e. the Cistercians and Augustinians] in praesentia nostra viva voce asseruerunt quod in provincia illa celebris fama est de ipsius incontinentia et incestu. Bernard, *ep.* 235, speaks of him as one: quem rumor publicae opinionis et operis veritas detestatur. Cf. *ep.* 240, and above all his statement to Eugenius in 1145 that Imar of Tusculum: tanta jam ut accepimus de homine illo audivit et cognovit ea, ut non possint nares ejus fetorem horribilem sustinere [n]isi tamen desuper ei fuerit data potestas (*vide* Appendix (b), p. 213). The judgement of Vacandard (*Vie de S. Bernard*, II, 326) that all this was calumny seems unjustifiable.

²⁰ So Gervase of Canterbury (Rolls Series), I, 123. Gervase wrote c. 1190, but his reference to William as *cuidam clerico* shows that he was copying an earlier document.

²¹ Bernard, *ep.* 346: Archiepiscopus Eboracensis venit ad vos, ille de quo saepenumero scripsimus sanctitati vestrae, homo qui... speravit in multitudine divitiarum suarum... a planta pedis usque ad verticem non est sanitas in ea [sc. causa ejus].

²² Walter Daniel, *Vita Ailredi*, in Powicke, *Ailred of Rievaulx*, p. 89. The date, however, must be 1142, not as given by Prof. Powicke (p. 68) 1141. Dr Poole, *St William*, p. 277, not having noticed this passage, does not distinguish between the two legations to Rome, which are confused also by Mr W. Williams, *St Bernard [of Clairvaux]*, p. 168.

college of cardinals. Finally, the pope cited all to appear before him again on the third Sunday of Lent in the following year, that is, 7 March 1143 (John of Hexham, p. 311). This time the opposition mobilized its full strength. Besides Walter the archdeacon and William the precentor of York, there were William, abbot of Rievaulx, Richard, abbot of Fountains, Waldef, prior of Kirkham and Cuthbert, prior of Gisburn. We learn from Innocent's ultimate pronouncement that the appellants brought all three charges—of unchaste life, of simony and of intrusion—against the elect, but relied chiefly on the last, for which they produced witnesses.²³ We can see clear traces of divided sympathy among the cardinals, and the testimony as to the precise circumstances of the alleged *démarche* of the earl of York was not above criticism, at least on a technical point. The rules governing the giving of witness in a canonical court were rigid, and their rigidity was not infrequently exploited by a judge (in this case the pope himself) who wished to escape the onus of a decision. Innocent therefore was able to refer the matter back to Henry of Winchester and Robert of Hereford as judges-delegate.²⁴ Their instructions were precise. If the dean of York (William of St Barbara), who, it was alleged, had been the recipient of the king's message, was willing to swear that the election had been free, it was to stand. Opportunity should then be given for the other two charges to be preferred. If no accuser came forward, the elect was to be allowed to clear himself on oath—the normal method in canonical procedure of rebutting *diffamatio*.²⁵

This was all that the papal letter contained, and Bernard states more than once that even this was a concession to the elect, not a judicial pronouncement of the court, but an answer to a personal appeal.²⁶ The

²³ Dr Poole, *St William*, writes: "probably the critical matter was a charge of simony". Innocent's letter (*vide* next note) makes it clear that uncanonical intrusion was the main charge. For the personnel, *vide* John of Hexham, p. 313.

²⁴ Innocent's letter to the legate, first published by Voss, *Heinrich v. B.* pp. 168–9, and since by Holtzmann, *Papsturkunden*, 2, II, no. 32, has not hitherto been used in any full account of the affair. It greatly strengthens the case against William. The pope writes: *Utriusque partis rationes et testes una cum fratribus nostris* [i.e. the cardinals] *diutius examinavimus. Gualterus siquidem archidiaconus... duos testes produxit, qui asserebant quod dilectus filius noster S[tephanus] rex Anglorum, frater tuus, per comitem Eboracensem decano* [i.e. William of St Barbara] *mandaverat ut G[uillelmum] thesaurarium in archiepiscopum sibi assumerent. Qui cum secundum sanctorum patrum institutionem et ecclesiasticam consuetudinem a fratribus nostris diligenter examinarentur de loco, in quo prefatus comes supradictum verbum ex parte regis decano dixit, discordes inventi sunt.* The reference in the last sentence is doubtless to Daniel, xiii, 51–9 (Vulgate). Many cardinals, it must be remembered, were anti-Cistercian.

²⁵ Innocent's words are: *Communi fratrum nostrorum consilio iudicavimus, ut, si decanus cum duabus vel tribus idoneis personis ipsius ecclesiae... juraverit... ipsa electio proprium robur optineat.* No alternative is given.

²⁶ Bernard, *ep.* 235: *Hoc autem non ex iudicio, sed ex misericordia: sic enim roga-verat ipse. Ep.* 236 (to the cardinals): *Nec vos latuit quam plena esset sententia, non*

abbots and their company presumably quitted Rome forthwith;²⁷ what William did does not appear, but shortly after he arrived in England he was in possession of a second document, purporting to be an authorization to the court to substitute other witness for that of the dean. As it has been very generally assumed by historians that such authorization was duly issued by Innocent, and as much hangs upon the matter, it will be well to examine the evidence closely.

Until the publication a few years since of the original (first) letter of the pope, it was possible to suppose that this contained a clause providing for an alternative to the dean, and the suggestion was made that Innocent, knowing when he wrote that William of St Barbara would soon be bishop of Durham, had prepared for all contingencies when drafting his letter.²⁸ The publication of the text of the letter has eliminated this hypothesis, and full weight should therefore be given to the assertion, made by Bernard at the time, when writing to the Curia which had tried the case, and repeated two years later to Eugenius III, that the second letter was either forged or the outcome of double dealing at Rome.²⁹ This assertion was in the event supported by the formal statement of Eugenius, in his letter to the clergy of York of 21 February 1146, that he can find no trace of such a letter in the papal register.³⁰ As Eugenius wrote when surrounded by a number of cardinals who had been members of the Curia in 1143, and still favoured William, we can scarcely suppose that failure to find traces of the letter was due to secretarial carelessness in registering it, or that Eugenius would have formally declared, as he did, that William's consecration had been illicit, if he had had knowledge of the letter having been issued, even though unregistered. John of Hexham, whom previous writers have followed, does indeed state that permission was given for an alternative witness to appear, but he wrote some twenty years later, and may well be only recording a version of the story

judicii, sed misericordiae; nimirum cum hoc Willelmus ipse quaesisset. This last letter, written to members of the court which had tried the case only some six months previously, must be accepted as a true account.

²⁷ The trial began on 7 March, and we know that Richard of Fountains returned home, after visiting St Bernard, on the eve of Pentecost, i.e. 23 May (*Mem. Fount.* p. 75).

²⁸ So Dr Poole, *St William*, p. 278: a suggestion which Mr W. Williams assumes as a fact in his narrative, *St Bernard*, p. 169.

²⁹ Bernard, *ep.* 236 to the Curia (October 1143): Quid enim de eo dicam, quod occultas et vere tenebrosas litteras habuisse se gloriatur Willelmus ille? . . . Et ecce, audierunt filii incircumcisorum: subsannant Romanam curiam, a qua post datam tam manifestam sententiam, furtim datas esse aiunt contrarias litteras. *Ep.* 240 to Eugenius III (1145): Qui sibi possessionem vindicat furtivarum commercio litterarum, nonne fur est et latro? . . . Si pro se [sc. Innocentio] liceret loqui, procul dubio diceret huic, quia Ego palam in te dedi sententiam, et in occulto locutus sum nihil.

³⁰ Cf. his words (Voss, *Heinrich v. B.* pp. 169–70): . . . causam diligentius inquirentes ex literis predecessoris nostri.

that had reached him.³¹ Moreover, the full significance of what happened at Winchester may perhaps have escaped the notice of modern writers. Instead of a witness (the dean or another) appearing to swear to the freedom of election, the elect was apparently allowed to apply to the very question which was *sub iudice* the procedure only allowed in the case of *diffamatio*, that is, *compurgatio* by means of an oath. It is scarcely credible that such a permission was formally given by Rome. That a second document of some kind existed seems clear, for Henry of Winchester would scarcely have ventured to act without it, but that it was either forged or (as would seem more likely) issued informally and dishonestly, and not by Innocent himself, seems equally clear from the evidence which we now possess, and it may well be that the legate allowed himself more latitude than was permitted even by this second letter.

Soon after the parties had quitted Rome, the dean of York was elected and consecrated (20 June 1143) bishop of Durham, and found himself under the necessity of forcing his way into the see, which was occupied by the intruder, William Cumin. Meanwhile, Henry of Winchester held his court as judge-delegate in his episcopal city in September 1143; there is no mention of Robert of Hereford. Henry had consecrated the new bishop of Durham three months before and doubtless knew how he stood with regard to the proposed oath; according to Bernard's contemporary statement he utterly refused to swear and even offered to give evidence in a contrary sense,³² and it may have been the previous knowledge of this that led to the production by William's party of the second letter. When the trial actually came on, he sent a message (so, at least, John of Hexham tells us) that he was prevented from attending by his own troubles. The Cistercians also kept away, perhaps realizing that protest could now achieve nothing.³³ The people of York desired William; the legate favoured him. The elect appeared, together with a suffragan, the bishop of Orkney, and the two abbots of York and Whitby (the two black monk houses, it may be noted, hardest hit by the Cistercians), and these three took some kind of oath in his support, though probably not as witnesses to the election but as *compurgatores* to William.³⁴ The legate

³¹ John of Hexham, after giving a very correct summary of Innocent's letter, adds: *Impetratum etiam fuit, vice decani aliam approbatam personam ad sacramentum posse substitui.*

³² Cf. Bernard's letter to Lucius II (Hüffer, *Bernard von Clairvaux*, p. 234): *Decanus namque ab ipso [sc. Henrico] ad preinitum invitatus juramentum non solum in publico juramentum renuit sed et in contrarium jurare paratus fuit.*

³³ John of Hexham, p. 315. Actually, unless dispensed *ad hoc*, the Cistercian abbots would have been at General Chapter.

³⁴ John of Hexham, p. 315, uses the vague words: *satisfacturi cum electo et pro electo. Compurgatores* did not swear to the innocence of the accused, but to his (general)

therefore proceeded to consecrate him, Theobald still holding aloof.³⁵ Two days previously Innocent II had died in Rome, and on the very day (26 September) of William's consecration a successor was elected, Celestine II, an enemy of the king and of the legate.³⁶ With the news of his election the legateship of Henry of Winchester automatically expired.

To the new pope, and to the whole college of cardinals, St Bernard, who had heard what had happened, poured forth his indignation in letters which must rank among the most vehement he ever wrote. William is an incubus upon the Church, twice intruded into the see, once by the king, now by the legate; the abbot of Clairvaux finds life a burden in a world where such things go unpunished.³⁷

Celestine was an old man, and so far as can be ascertained made no move. But this, under the circumstances, was equivalent to acting against William, for the archbishop of York had not yet received his pallium and so could not exercise full jurisdiction. Meanwhile, at about this time, the party of his opponents in the north had received a great accession of fighting strength in the person of Henry Murdac, ex-abbot of Vauclair, whom Bernard had sent to be elected abbot of Fountains in place of Richard, lately dead.³⁸

Celestine died after a short reign of six months on 8 March 1144. His successor, Lucius II, was of the opposite party in the Curia; in spite of this Bernard addressed to him an invective against Henry of Winchester, in which he begged the pope to refuse any application for the pallium.³⁹ Lucius, however, received Henry with warmth in Rome, though he did not renew his legateship, and after some months despatched Imar of Tusculum, a Cluniac, as legate to England, bearing with him the pallium for William.⁴⁰ Imar passed through France, where he met Bernard, who extracted from him a promise not to bestow the pallium unless the whilom dean of York, now bishop of Durham, should be willing to swear the

reliability. Cf. Paul Fournier, *Les Officialités au Moyen Âge*, III, iii, Le serment purgatoire, p. 266.

³⁵ Gervase of Canterbury, I, 123, asserts this, but he may be merely safeguarding any possible claims of Canterbury.

³⁶ John of Hexham, p. 315.

³⁷ Bernard, *ep.* 235 (to the pope), calls William: homo bis intrusus, primo quidem per Regem, deinde per Legatum. In *ep.* 236 (to the cardinals) he is: incubator ille. Bernard adds: urimur assidue, dico vobis, urimur graviter nimis, ita ut nos tædedit etiam vivere. It is not without piquancy that only a short time before he had written to William of Rievaulx (*ep.* 353, *vide supra*, note 4) begging him to curb his zeal.

³⁸ The date of Murdac's election cannot be fixed with certainty; cf. Bernard, *ep.* 320: dudum misissem. The most likely date is c. January 1144. Richard's obit in the President Book of Fountains is 12 October (1143). He died at Clairvaux.

³⁹ For this letter *vide* Appendix (b), p. 213.

⁴⁰ Imar would seem not to have left Rome till December 1144; see Poole, *St William*, p. 278. Tillman, *Päpst[lichen] Legaten [in England]*, p. 50, note, seems to favour an earlier date.

oath as originally prescribed by Innocent II.⁴¹ Imar seems not to have reached England before the beginning of 1145, and was engaged in several pieces of business in the south. William of York, for his part, either because of indolence, as a chronicler tells us,⁴² or because he knew of the condition to be exacted by the legate, made no movement, while the bishop of Durham wrote to Imar that the election of 1141 had been uncanonical.⁴³ Added to this, Theobald continued hostile,⁴⁴ and activity may have been resumed among the Cistercians.⁴⁵ Thus the legate in any case would presumably have refused to take a decisive step; as it was, Lucius II died shortly after his arrival in England (15 February 1145); when Imar returned, therefore, he carried the pallium back with him.

The successor of Lucius II was Eugenius III, the disciple of St Bernard and the friend and fellow-religious of Henry Murdac, abbot of Fountains. In his very first letter to the new pope Bernard demanded prompt and drastic action against William, and directed the attention of Eugenius significantly to the brief reigns of his predecessors.⁴⁶ The pope was in a difficult position. The majority of the cardinals favoured William; his consecration was a *fait accompli*, and the deposition of an archbishop was a very serious affair. But Bernard gave him no rest; in letter after letter he cried for action. The Church, he told him, is sighing for a pastor who will extirpate the stock of Ananias and Simon Magus; the pope alone can depose bishops. In whatever way seems good to him let him strike, or rather blast, the iniquitous archbishop of York. It is not for the abbot of Clairvaux to say, nor does he greatly care, which way the barren tree should fall, provided that fall it does.⁴⁷

⁴¹ Bernard, *ep.* 360: Laboravimus, quantum potuimus, adversus pestem communem... suggestimus domino Tusculano episcopo... et omnino promisit nobis se, nisi aliquid melius fecerit nobis, id saltem omnimodis observaturum, ne tradat ei pallium quod portat, si non juraverit decanus ille, nunc vero episcopus, &c.

⁴² John of Hexham, p. 317. Dr Poole, *St William*, p. 279, assumes that Imar visited York, and Mr W. Williams, *St Bernard*, p. 173, takes it for granted that he held an enquiry, but Tillman, *Päpstl. Legaten*, pp. 50–1, gives no reference to his presence in northern England, and I have found no allusion to it in the sources.

⁴³ So Bernard, *ep.* 240: Exstant denique litterae ipsius de eo ad apostolicae Sedis legatum [i.e. Imar, not, as Mr W. Williams, *St Bernard*, p. 174, supposes, Henry] in quibus manifeste manifestam asserit intrusionem, electionem negat. Cf. also the continuation of *ep.* 239 quoted above, note 19.

⁴⁴ Bernard, *ep.* 238, to Eugenius III (March 1145).

⁴⁵ So John of Hexham, p. 318: Resumpta itaque confidentia... [et] instantibus in appellatione [Cisterciensibus]. Cf. *Mem. Fount.* pp. 99–100. I have not, however, found mention of any in England making a move, save Murdac.

⁴⁶ Bernard, *ep.* 238. Mr W. Williams, *St Bernard*, pp. 173–4, confuses *ep.* 238 and 239.

⁴⁷ Bernard, *ep.* 238–40 (all of 1145): idolum illud Eboracense... quo autem impetu, non dico ferienda, sed fulminanda fuerit... vestrae conscientiae derelinquo... non multum interest qua parte arbor infructuosa cadat, dummodo cadat.

At this juncture, towards the end of the year, William of York, either as a forlorn hope or trusting in reports received from his Roman friends, proceeded to Rome to ask for the pallium. The case was once again examined at great length; a majority of the cardinals seems still to have favoured the archbishop,⁴⁸ but the pope, supported by Bernard and taking his stand upon Innocent's original letter, declared that the required oath had not been sworn and that the consecration of William had therefore been illicit.⁴⁹ It was doubtless owing to the influence of William's friends that Eugenius did not depose the archbishop there and then; he compromised by suspending him until such time as the bishop of Durham should have sworn the oath. That, however, at this stage, was the equivalent of defeat for William; he gave up the struggle and betook himself to the court of his kinsman Roger, king of Sicily.

When the news of the papal decision reached England the patience of William's supporters in the north broke down, and some of his relatives, regarding all the recent obstruction as the work of Henry Murdac, raided Fountains intent on vengeance, and inflicted a considerable amount of damage on the abbey.⁵⁰ News of this was duly transmitted to the pope, and the mutilation by the same body of men of Walter the archdeacon, who fell into their hands about this time, called forth another urgent appeal from Bernard to Eugenius for a final sentence upon William.⁵¹ This was at last pronounced early in 1147, and at the same time the pope issued letters authorizing another election. It was duly held at Richmond in Yorkshire on 24 July, and once again the votes were divided; the king's party, led by nominees of William, were for Hilary, sometime protégé of Henry of Winchester; a weightier group, including the suffragans William of Durham and Aldulf of Carlisle, were for Henry Murdac. The matter was referred back to the pope who, giving the vacant see of Chichester to Hilary, confirmed the election of Murdac, whom he himself consecrated on 7 December 1147. At the council of Rheims

⁴⁸ John of Hexham, p. 318: *Adstipulabantur ei instanter suffragia Romani senatus.*

⁴⁹ Cf. the pope's letter to the clergy of York (21 February 1146) announcing William's suspension (Voss, *Heinrich v. B.* p. 169; Holtzmann, *Papsturkunden*, 2, II, no. 50): *nequiter et maliciose contra formam iudicii predecessoris nostri consecratus est.*

⁵⁰ *Mem. Fount.* p. 101: *Abbatem de Fontibus Henricum... strictis gladiis perimere moliti sunt.* The attack on Fountains is then described. John of Hexham, pp. 318–19, speaks of the attack as on a grange of Fountains, but Serlo, a monk at the time, can scarcely be in error on this point, and he is supported by the *Chronicon de Melsa* (Rolls Series), p. 115.

⁵¹ William of Newburgh, I, 56–7: *Propinqui quoque depositi... seniore archidiaconum qui forte in manus eorum incid[it] abscidere minime vere[bantur].* This outrage, which only Newburgh records, doubtless helped to provoke Bernard's *ep.* 252 to Eugenius III, which hitherto has been taken as referring only to the attack on Fountains, and has been branded by many (following Walbran) as violent and exaggerated. But his words do not necessarily imply that murder had been committed.

in March 1148, William was once more solemnly declared to be deposed.⁵²

By this time he had returned to England. All hope now seemed lost, and the final disgrace caused, so we are told, a great change in him. He proceeded to Winchester, where his uncle the bishop loyally received him with all honour, and lived in the cathedral monastery with the monks in regularity and retirement, uncomplaining and without a word of reproach against his opponents.⁵³ So matters rested for six years till, in 1153, within a few weeks of each other, Eugenius (8 July), Bernard (20 August) and Henry Murdac (14 October) died.

When his opponents had thus all been removed by death, and the see to which he had been consecrated was again vacant, William once more took action, though it is impossible to be certain as to the exact sequence of his movements. William of Newburgh, the only quasi-contemporary source of information, states that he set out from Winchester on hearing of Bernard's death, while Murdac was still alive, but his statement in the same sentence that he proceeded to Rome to ask for mercy, not justice, seems, as Dr Poole noted, to involve confusion, for a plea for mercy could have no meaning while Murdac still occupied the see.⁵⁴ The late and usually untrustworthy *Life* of St William, and other late sources, relate that he went to Rome only after another election at York,⁵⁵ and this may well be the true version, for we know that he did not return to England till April 1154, six months after Murdac's death. In any case, when he arrived in Rome, he found the new pope, Anastasius IV, and the leading cardinals friendly;⁵⁶ everything, in fact, both at Rome and in England, would clearly be simplified by his appointment; and it was effected. He returned to his diocese in May 1154, and took especial pains to visit Fountains, to which he promised compensation, and Meaux, the Cistercian foundation of his sometime supporter, the earl of York.⁵⁷ The Cistercians had now undoubtedly decided to forget the

⁵² John of Hexham, pp. 320–1, who says he was consecrated at Trèves. John of Salisbury, *Historia Pontificalis*, ed. Poole, p. 6, says it was at Auxerre. For Murdac's activity at the council and the earlier decision of Eugenius supported by a minority of the cardinals *vide* Gervase of Canterbury, I, 134.

⁵³ John of Hexham, p. 320; a passage written before there was any question of canonization, and supported by the account in *Annales Wintonienses* (*Ann. Monastici*, Rolls Series, I, 54). For a somewhat embroidered version, which however refers to Winchester testimony, see *Hist. York*, II, 272–3.

⁵⁴ William of Newburgh, I, 79: Tertio [sc. Henrico] jam superstitē... spe recuperationis concepta... iudicium non accusans, misericordiam humiliter postulavit. Cf. Poole, *St William*, p. 280.

⁵⁵ *Hist. York*, II, 274, 396. See also *Chronicon de Melsa*, p. 116.

⁵⁶ Anastasius had been one of his chief supporters (*Hist. York*, II, 274); the powerful cardinal Gregory of St Angelus favoured him (Will. Newburgh, I, 79).

⁵⁷ *Mem. Fount.* pp. 109–10; *Chronicon de Melsa*, pp. 116–17.

past,⁵⁸ but the personal feud of so many years was not yet dead among the restless higher clergy of York. The new archdeacon Osbert and others appealed to Theobald of Canterbury as legate, bringing presumably the old charges against the personal character of William, and against actions of his during his previous tenure of the see. Before further steps could be taken the archbishop was dead. Shortly after his triumphal entry into York, having solemnly celebrated mass before entertaining a number of the clergy, he was on the same day taken ill, and died a week later, on 8 June; whereupon the dean, Roger, and Osbert the archdeacon succeeded (by questionable means, it was said) in bringing about the speedy election of Roger of Pont l'Évêque, archdeacon of Canterbury, who was duly approved by Theobald as legate and consecrated by him on 10 October.⁵⁹

Meanwhile, a charge had been preferred against archdeacon Osbert of having murdered the late archbishop by means of poison administered in the chalice at mass. The matter came before King Stephen at a council, no doubt that held at Westminster at Michaelmas, when the York election was discussed.⁶⁰ The accuser, one Symphorian, a chaplain of William, professed himself ready to undergo any of the various trials by ordeal; the accused, Osbert, protesting his innocence, demanded to be tried in an ecclesiastical court. Before any decision was reached, Stephen died; Henry II took cognizance of the case, and only with great difficulty and after several years could Theobald succeed in withdrawing it from the royal to his own jurisdiction.⁶¹ When at last, in 1159, the archbishop began the trial the case went through all the familiar stages. Symphorian could not produce the necessary witnesses;⁶² Osbert was therefore given the opportunity of clearing himself on oath of *diffamatio*, if his three brother archdeacons and four other clerics were ready to act as *compurgatores*. For whatever reason he failed to give

⁵⁸ I can find no authority for the statement of Voss, *Heinrich v. B.* p. 69: doch der Fanatismus der Cisterziensertums glühte noch im geheimen fort.

⁵⁹ William of Newburgh, I, 81–2: Robertus decanus et Osbertus archidiaconus... Rogerium... elegerunt, magnisque suffragiis atque terroribus Eboracense capitulum ad consentiendum induxerunt.

⁶⁰ Cf. the letter of [Theobald to Alexander III, written by] John of Salisbury, ed. Giles, I, 170, *ep.* cxxii: In praesentia regis Stephani et episcoporum et baronum Angliae in quodam conventu celebri.

⁶¹ John of Salisbury, I, 170–1: Vix cum summa difficultate, in manu valida et cum indignatione regis et omnium procerum, jam dictam causam ad examen ecclesiasticum revocavimus. This is an interesting confirmation of Dr Brooke's judgement as to Theobald's strength (*The English Church and the Papacy*, p. 189).

⁶² G. Foliot, *ep.* cxiv (ed. Giles, I, 152–3), says: nullis fulta testimoniis verba funde-[bat]. Theobald, however, implies a mere technical flaw (John of Salisbury, I, 171): Quum...actor...secundum subtilitatem legum et canonum accusationem non posset implere.

satisfaction and appealed to Rome,⁶³ and so the case disappears from our sight with the formal letter, written for Theobald by John of Salisbury, his secretary, acquainting Alexander III with the facts. A fortunate chance gives us the personal views of two acute contemporaries, but they are at variance. John of Salisbury, writing on private business to Alexander about this time, adds in what is almost a postscript to his letter that, whatever anyone may say, Osbert failed in his purgation.⁶⁴ It is natural to suppose that the *quisquis* of the letter alludes to Gilbert Foliot, bishop of Hereford, who for some reason had constituted himself Osbert's advocate with the pope. Foliot, who had read Theobald's letter, writes to inform Alexander that Symphorian had been bold in his challenges to the ordeal and in his appeals to the king's court only because he knew that ecclesiastical law forbade clerics to have recourse to either; he therefore begs the pope to keep an open mind and protect the innocent.⁶⁵

No record is extant of what happened at Rome, but every indication goes to show that no formal judgement was ever given, either there or in the court of a judge-delegate. The episode has its importance in view of what happened so soon after in England. It has not, so far as I am aware, been remarked that the spectacle of this case, relinquished by the king at the demand of the primate, passing through a series of fruitless delays and ultimately failing to reach an issue, may well have given Henry an incentive or an excuse for his demands at Clarendon in 1163. However this may be, if a formal process had ever been concluded we should scarcely find William of Newburgh thirty years later endeavouring—not, we may think, very efficiently—to elicit for himself and for posterity the truth of the matter from isolated survivors of the circle of archbishop William.⁶⁶ He had spoken, he tells us, with an aged, invalid and dying monk of Rievaulx, who had been a canon of York, and who denied the possibility of foul play having escaped the notice of himself and others. On the other hand, he quotes with approval the statement of Symphorian (with whom also he had spoken) that William had taken an antidote to poison. Strangely enough, he gives no hint in his narrative that Symphorian was the leading spirit of the accusation, which he refers to as

⁶³ Salisbury says he failed; Theobald that he preferred to appeal; Foliot is silent.

⁶⁴ John of Salisbury, *ep.* cviii (1, 158): Osbertus Eboracensis archidiaconus in purgatione defecit. Quisquis vobis suggesserit aliter non credatis. Giles dates this correctly as [late autumn] 1159. From internal evidence Theobald's letter can be given the same date.

⁶⁵ Foliot, *ep.* cxiv: Has quidem [litteras Theobaldi] diligenter inspeximus. It is interesting to find Foliot warmly supporting Osbert's refusal to submit to the king's court.

⁶⁶ William of Newburgh, 1, 80–2.

mera quorundam opinio, nor does he indicate Osbert as the accused, though he animadverts with severity upon his other activities. Indeed, taken as a whole, his evidence does little to clarify the question. He convinced himself, though it can scarcely be said that he proved, that the charge was without foundation; but before he wrote miraculous cures had been reported at the archbishop's tomb. They continued, and in 1227, after due enquiry, William was canonized by Honorius III. Thus ended, in a manner not wholly free from enigma, the story of William Fitzherbert, which had throughout its course abounded in unexpected changes of fortune and in episodes which, to us at least, must remain in some measure enigmatic.