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Bishop Bullingham and Chancellor Blackleech

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Bishop Bullingham and Chancellor Blackleech: a diocese divided

By F. D. PRICE

FEW dioceses in Elizabethan England could so fully have warranted the hatred of, and scorn for, their administrations poured out by Puritan critics and their anti-clerical associates as did the diocese of Gloucester. Under the pathetically weak, irresolute and impoverished Bishop Richard Cheyney (1562-79) the authority of the Consistory Court, responsible for the enforcement of spiritual and moral discipline upon both clergy and laity in the diocese, declined to the point of near collapse, its citations ignored and its censures treated with contempt. By the 1570s no less than five out of every seven defendants summoned to appear before the court ignored the citation, and the great majority of these seem never to have troubled to submit and to seek absolution from the excommunication which by their contumacy they automatically incurred.¹ Side by side with growing weakness went growing corruption as the judges and subordinate officials sought to compensate for the loss of fees upon which they depended for their livelihood. In marked contrast to his predecessor, John Hooper (1551-53), Bishop Cheyney left the conduct of the Consistory almost entirely to his successive chancellors; and under Chancellor Powell, between 1576 and 1578, corrupt dealing became the rule rather than the exception. When Powell was eventually brought to book before the High Commission in 1578/9, not only were many cases of corruption proved against him, but he was also charged with adultery, fornication, rape, blasphemy, haunting of taverns, not receiving communion, perjury, rioting in the cathedral precincts, reviling litigants, and being habitually drunk in charge of the Consistory Court.² With this "venerable man" (as he was conventionally described in the court act books) as its guiding spirit,

¹ F. D. Price, "The Abuses of Excommunication and the Decline of Ecclesiastical Discipline under Queen Elizabeth", *English Historical Review*, LVII (1942), 106-15.

² F. D. Price, "An Elizabethan Church Official: Thomas Powell, Chancellor of Gloucester Diocese", *Church Quarterly Review*, CXXVIII (1939), 94-112.

it is small wonder that the Gloucester Consistory should have been regarded with contempt by those whom it should have punished and reformed.

With Powell's fall in January 1578/9 and Cheyney's death in the following April, an opportunity might seem to have been offered for a complete overhaul of the Gloucester court and a reformation of its abuses: but the opportunity was not taken. The government allowed the see to remain vacant for two years in order that it could enjoy the revenues, small as they were; and then the man appointed, John Bullingham, was almost as unfortunate a choice as Cheyney had been.

Bullingham seems to have been an honest and well-meaning man, but he was blundering and tactless: not at all the person to cope with the difficulties confronting an Elizabethan prelate. Bishop Aylmer of London was indeed moved to protest when Bullingham had been nominated for episcopal rank. "The men," he wrote (referring to Bullingham and another bishop-elect), "I love and wish well unto. But my care for God's glorie and her Majesties quietude compelleth me (to the discharge of my conscience) to saye as I think of them that they be everie waye verie unfitt persons to discharge such places, as the further thei are off from the vew of her Majestie and your Highnesses (*the Privy Council*), soe much the more dangerous it is to have unskylfull officers in theis dangerous daies."³ Events were to prove Aylmer's forebodings fully justified.

Bullingham's past career, moreover, must have made him appear suspect to many in his diocese, for he had fled abroad to escape from the Protestant régime in Edward VI's last years, had returned to England under Mary and been ordained and presented by the Crown to the living of Boxwell in 1554,⁴ and had apparently been under a cloud at the beginning of Elizabeth's reign.⁵ After he had conformed to the Elizabethan settlement, however, promotion came fast, thanks perhaps to the good offices of his brother Nicholas, Bishop of Worcester from 1571 to 1576. It was on Nicholas's presentation that he became Rector of Withington in 1571,⁶ and he also acquired prebends of London, Worcester, Lincoln and Hereford, and the Archdeaconry of Huntingdon. On becoming Bishop of

³ Brit. Mus. Cotton MS. Vesp. C. xiv, 530; quoted in F. O. White, *Lives of the Elizabethan Bishops* (1898), 279.

⁴ *Cal. Pat. Rolls, Phil. & Mary*, I, 383; Gloucester Diocesan Records, II, 79.

⁵ J. Foxe, *Acts and Monuments* (ed. Townsend and Cattley, 1839), VIII, 204-5. Wood, *Athenae Oxonienses* (ed. Bliss, 1813), II, 842-3, is incorrect in stating that Bullingham was an exile under Mary and returned to England on the accession of Elizabeth.

⁶ G.D.R., xxviii, doc. 23.

Gloucester in September 1581 he was also granted the bishopric of Bristol *in commendam*.⁷

Martin Marprelate poured scorn on Bullingham for his lack of learning and for the absurdity of his pulpit style, and asserted that he was "not able to say bo to a goose."⁸ Admittedly Martin's allegations must be taken with a grain of salt.⁹ Yet the fact remains that when Bullingham had once been put up as a court preacher, in 1571, Archbishop Parker wrote that "I intend hereafter not to do so again . . . In him I perceive neither *pronunciationem aulicum* nor *ingenium aulicum*; not meet for the court."¹⁰ Finally, among Bullingham's disadvantages, may be mentioned his possession of a wife who seems to have been an Elizabethan Mrs Proudie and who brought with her to Gloucester a crew of grasping relatives eager to batten upon the slender resources of the see.

The man whom Bullingham chose as his Chancellor, Vicar-General and Official-Principal, to supervise the administration of the diocese and conduct the Consistory Court on his behalf, was William Blackleech, LL.B. Blackleech first appears in that capacity, in the records of the court, in November 1581;¹¹ and he remained in office, despite the Bishop's subsequent efforts to dislodge him, throughout Bullingham's episcopate.

From the act books of the Consistory Court it is evident that, so far from any effective reforms being instituted, the abuses which had grown rampant under Chancellor Powell continued to flourish under his successor. The corruption practised by the late Chancellor had spread throughout the hierarchy of the court, so that the lesser officials — especially the apparitors — were as tainted as the judge

⁷ Le Neve, *Fasti Ecclesiae Anglicanae* (ed. Hardy, 1854), I, 214, 438, 519; II, 53, 187, 446; III, 81. Lambeth Reg. Grindal, ff. 66–71. Bristol had likewise been held *in commendam* by Bishop Cheyney, but Bullingham was forced to resign it in 1589, and he lost his Hereford prebend at the same time. In 1592 he asked in vain to be given Oxford to be held *in commendam* with Gloucester. He had need of some such supplementation of his income, for Gloucester was reported in 1575 to be the poorest see in England, worth only £315 a year (J. Strype, *Aylmer* (1821), 110; *Annals* (1824), II, pt. i, 576).

⁸ *Hay any Worke for a Cooper*, 10: ". . . it is no shame to be a L. bishop if a man could, thogh he were as unlearned as John of Gloucester"; *An Epistle to the Terrible Priests of the Convocation House*, 59–61: "And if you woulde have an ilsample of an excellent pulpit man in deede, go no further then the B. of Gloucester nowe living". (*Puritan Discipline Tracts*, 1845, 1843).

⁹ Bullingham graduated as B.A. in 1550, and was a probationer fellow of Magdalen College, Oxford, at the time of his flight abroad in the early 1550s. He took his B.D. in 1556 and D.D. in 1567 (J. Foster, *Alumni Oxonienses, 1500–1714*, I, 208).

¹⁰ *Parker Correspondence* (ed. Bruce & Perowne, 1853), 318. Strype, *Parker* (1821), II, 496.

¹¹ G.D.R. XLVIII (folios un-numbered). He may be identified with the William Blackleech (Blacklege, Blackley) who graduated as B.A. from Brasenose College, Oxford, in 1566, and B.C.L. in 1573 (Foster, *op. cit.*, I, 133).

himself.¹² These officials survived Powell's fall, and they were not likely to mend their ways unless stern disciplinary action was taken against them. No such action was forthcoming from either Bullingham or Blackleech.

Indeed, it is clear that Blackleech himself was soon indulging in the same nefarious activities as his predecessor. As with Powell, the usual vehicle for corrupt dealing lay in the commutation of penance for monetary payments — a practice that had come increasingly to be followed in the 1560s and 1570s. Officially the money received in lieu of penance was to be devoted to "pious" (*i.e.* charitable) uses such as the relief of the poor. But in an increasing number of cases the records refer to distribution being made "at the judge's discretion"; and, as the evidence at Powell's trial had disclosed, this often meant that the money went into his own pocket. As a further cover for corruption, defendants who failed to answer the summons in open court sometimes appeared privately before the Chancellor afterwards and obtained absolution and commutation of penance. This might be done without the presence of a notary or other witnesses, the Chancellor merely telling the Registrar that for certain considerations he had dismissed such and such defendants privately. In Powell's time a favourite rendezvous for such dealings, doubtless congenial to a man of his habits, had been the premises of a vintner (also named Powell, so perhaps a relative); Blackleech, more discreet, preferred to operate in his own house.¹³

Entries of such cases in the Gloucester act books are legion during Blackleech's chancellorship. For example, William Willis, suspected of naughtiness with his servant, was dismissed on paying £4, to be given to the poor and other pious uses at the judge's discretion, "to avoid scandal between him and his wife, and for certain other causes."¹⁴ Thomas Conway, gentleman, who had divers children unlawfully by one Elizabeth Kingston, had his penance privately commuted to a payment of £5 "because he was seen greatly to lament his past conduct and promised to amend his ways, and because he was of gentle birth and undertook to avoid the woman's company in future".¹⁵ Thomas Kettleby, gentleman, was ordered penance for his suspected life with Ann Harshold, but this was commuted because he was of gentle family and to avoid scandal

¹² F. D. Price, "Elizabethan Apparitors in the Diocese of Gloucester", *Church Quarterly Review*, cxxxiv (1942), 37-55.

¹³ G.D.R. LIII (Office business, November 1582—February 1585/6), *passim*. It is interesting, and perhaps significant in view of later developments, that the registrar should have kept this separate record of the Chancellor's conduct of "private" sessions in his house.

¹⁴ G.D.R. LIII, f. 4.

¹⁵ G.D.R. LIII, f. 6.

"between him and others with whom he is wont to associate."¹⁶ Thomas Neale, who got Eleanor Buddinge with child, was let off for £2 "because grave disgrace and harm might arise (*from his doing penance*), and because he was of gentle family and footman (*anteambulo*) to the Lord Bishop".¹⁷

The element of corruption involved in such proceedings is made the more evident by the way in which persons thus privately dismissed were often presented by their parishes at subsequent visitations with a complaint that they had never been punished when previously reported. Thus Henry Acton, presented for incontinence in 1599, claimed that he had been dismissed by Blackleech for £3 6s. 8d. in 1595 and a further £1 in 1597: in effect he had been making periodical payments for the privilege of immorality.¹⁸ Again, when Oxenton parish presented of John Fisher that "one called by the name of greate Alice was delivered of a childe in his house," the charge was casually noted as "alreadye aunswered *ex relacione domini*".¹⁹

Nor were Blackleech's improprieties confined to making money out of sexual offenders. On 26 February 1588/9 John Harvey of Flaxley was excommunicated for failing to appear on a charge that he "serveth the cure and is noe minister", but was later dismissed by Blackleech at the petition of one Mr Bowre. Yet on 27 November 1591 he was again charged before the Bishop with administering the communion though a layman. He then said that "he was willed by the minister at Easter . . . to minister the communion with the cupp only after the minister had begunne, for the sooner dispatch of the people, and he thought he mighte have done it lawfullye because he was made deacon by Mr Blackleech by worde of mouthe."²⁰ Blackleech himself was not in Holy Orders.

The Chancellor's conduct seems to have met with no check for some years, though in 1586 some complaints had evidently reached London; for on 20 March of that year the Privy Council wrote to the Lord Lieutenant and other Gloucestershire justices of the peace about alleged abuses in the Consistory Court.²¹ What the particular abuses were which led to this intervention, and what the results of the justices' investigations, we do not know; but Blackleech continued to enjoy his office undisturbed for another

¹⁶ G.D.R. LIII, f. 12^v.

¹⁷ G.D.R. LI, f. 16^v.

¹⁸ G.D.R. LXXXVII, f. 287^v.

¹⁹ G.D.R. LXXVI, f. 271.

²⁰ G.D.R. LX (folios un-numbered), LXVII, ff. 65, 67.

²¹ *Acts of the Privy Council* (ed. Dasent), XIV, 39.

three years. Then, in 1589, there began a quarrel between the Bishop and the Chancellor which was to stir the diocese and disrupt the ecclesiastical jurisdiction, with disastrous results, for several years to come.

Bullingham had at last determined to get rid of Blackleech, who — for reasons unstated — had been absent from his Gloucester duties from 17 July 1588 until the following 14 January. On 13 March 1588/9 Christopher Stratford, a proctor in the Consistory, exhibited the Bishop's letters of commission by which Gilbert Borne, LL.D., was appointed his Vicar-General and Official-Principal: which commission Borne accepted, and he took the Oath of Supremacy accordingly.²²

Blackleech, however, was not thus easily to be discarded. He held court on 7 April; and in consequence, on 9 April, the Bishop had to issue a decree "concerning the expedition of spiritual causes within his diocese and before his person". Although Blackleech, ran the decree,²³ had been removed from his offices of Vicar-General and Official-Principal for certain crimes and excesses perpetrated within the diocese, he had notwithstanding contumaciously persisted, and was still persisting, to exercise these offices. Worse still, he had come to the cathedral on 7 April with a rough and vulgar multitude armed with daggers and missiles as for war (*multitudine plebeia ac fusca pugionibus ac telis armata et tanquam ad bella armata*), and had there forcibly occupied the Consistory place as if it had been a fortress, so that the venerable man, Gilbert Borne, LL.D., the Bishop's lawful Vicar-General and Official-Principal, could not enjoy his office as by right he should. From these proceedings, continued the decree, rumours and struggles tending to sedition had developed, so that the Bishop feared lest blood should be shed in the sacred edifice unless seasonable measures were promptly taken. For this reason, and to remove the uncertainties arising from the incompetence of the judge at present in charge without lawful authority (*i.e.* Blackleech), the Bishop decreed that henceforth he would personally preside over the court and expedite its business.

Bullingham then ordered the next session of the court to be held in the Hall of his Palace, and warned Robert Draper, the principal apparitor, and the other officers of the court to be present there and then. Meanwhile they were to publish this decree throughout the diocese, and under no circumstances to execute any processes given under the seal of Blackleech, on pain of dismissal.

²² G.D.R. LXI (folios un-numbered).

²³ *Ibid.*

Ten days later, on 19 April 1589, Bullingham duly took the judgment seat at the Palace. The Reverend Father for certain causes him and his conscience moving, runs the entry in the act book,²⁴ decreed that all causes due to be heard and expedited at this day and hour in the Consistory Court were to be expedited before his fatherhood in this place, the Great Hall within the Palace of Gloucester, since the said Reverend Father, by his account, was feeble (*imbecillis*), so that he could not go to the Consistory Court place without grave danger to his body.²⁵ He therefore instructed John Marrow, notary public, (who was his brother-in-law) to do the dirty work of braving Blackleech's mob and publishing the episcopal decision within the court place at the cathedral. Marrow seems, however, to have escaped molestation. He announced the holding of the court at the Palace and, on his orders, Beard (one of the apparitors) made public proclamation in a loud voice that all the people should go thither. And at once, wrote the scribe, we all went there; one Kiffin, a servant of the Bishop, being left in the Consistory place to intimate the premises to those coming after.

In point of fact, however, all the court did *not* go to the Bishop's Palace. Blackleech remained sitting in the court place at the cathedral, and he was not alone. Two of the proctors and the majority of the eleven diocesan apparitors remained loyal to him and ignored the Bishop's orders; and with this following Blackleech proceeded to hold his court as if nothing had happened. So Gloucester was now confronted with the curious spectacle of two rival courts, each claiming to exercise the same jurisdiction over the same cases and prepared to issue mutually contradictory orders and judgments. Of the unfortunate Mr Gilbert Borne we hear no more. The only session of the court at which he ever appeared was the one at which he formally accepted an office he was never to exercise. Apparently Blackleech's violent supporters were too much for him, and he fled to a more orderly neighbourhood, leaving the wretched Bishop to cope with the situation as best he could.

For nearly three months after this there was stalemate. An attempt by the Bishop to cut the ground from under Blackleech's feet by proceeding against the officials of the court who had supported the Chancellor was a complete failure. On 27 May Richard Maddockes and John Cottam, the two proctors of the Blackleech party, were pronounced contumacious by the Bishop for their neglect to appear in his court to prosecute cases in which they had been briefed, and

²⁴ *Ibid.*

²⁵ Perhaps Martin Marprelate was justified in accusing Bullingham of a certain timidity (*Supra*, p. 177).

were sentenced to be deprived of their offices. Likewise eight pro-Blackleech apparitors were declared contumacious and dismissed, Robert Draper, the principal apparitor, being instructed to appoint new men to fill their places.²⁶ At the cathedral the Bishop's fulminations were ignored: Blackleech continued to hold court with the assistance of these members of his party, and — so long as litigants resorted to them — his and their livelihoods were assured.

Then on 8 July the Bishop plucked up courage to take stronger measures and proceeded in person to the Consistory place in the cathedral to deal with Blackleech himself.

On which day and place, the acts record,²⁷ the Reverend Father first and before all things appointed Mr John Marrow, gentleman, as his assessor and counsellor to sit with him.²⁸ And then the Lord Bishop warned, asked and ordered Mr William Blackleech to desist from interruption of his fatherhood in the exercise of his ecclesiastical jurisdiction this day and place, and to retire from the Consistory place on pain of the laws; and similarly the same Reverend Father warned, asked and ordered the same Blackleech a second and a third time to desist and retire as at first. Also he forbade the same William Blackleech then and there that he should presume to exercise any ecclesiastical jurisdiction in this place today on pain of the laws. The same William Blackleech protested that he did not intend to disturb the same Lord Bishop, but to carry out his office and to offer his services to the said Reverend Father in this respect. Therefore the same Reverend Father pronounced the said William Blackleech, not retiring from the justice place but there contumaciously remaining and with the same Reverend Father judicially sitting, to be contumacious on account of his contempt and manifest disturbance; and, in pain of his contumacy, he then and there excommunicated him. Then at once the same William Blackleech, saving the reverence of the said Reverend Father, appealed from this sentence of excommunication, unjustly and unrightly (as he asserted) laid upon him, to the Court of Audience of the Reverend Father in Christ the Lord Archbishop of Canterbury . . . instantly, more instantly and most instantly.

So again the Bishop had been checked; and while Blackleech's appeal was pending before the Court of Audience both sides at Gloucester continued to hold their rival courts. Until 8 July the

²⁶ G.D.R. LXI (folios un-numbered). Fourteen out of the twenty-seven instance cases on the agenda of the Bishop's court this day had to be abandoned in the absence of parties and proctors on both sides.

²⁷ *Ibid.*

²⁸ For Marrow's influence over the Bishop, *vide infra*, pp. 192–193.

Bishop's courts had been held at the Palace, but now he too sat in the Consistory place at the cathedral — on days other than those when it was occupied by Blackleech or his surrogates. Meanwhile the Registrar and his deputies impartially recorded the acts and collected the fees of both jurisdictions: for them, at least, the situation must have been not unprofitable.²⁹

It was not until fifteen months later, in October 1590, that the next major development in the dispute occurred.³⁰ In the intervening time Blackleech more than held his own against the Bishop in the war of the courts. The agenda at his courts remained well filled, and by the summer of 1590 the number of proctors practising under him had grown from two to four. The chief apparitor, Draper, also went over to his side after being in the first instance loyal to the Bishop.³¹

That the struggle between the two parties was not limited to holding rival courts and instituting proceedings on appeal elsewhere during these months is indicated by a curious case, in which the Privy Council had to take a hand, in the December of 1589. On the 28th of that month the Privy Council wrote to certain justices of Gloucestershire and aldermen of Gloucester city that information had been received from Bishop Bullingham that "divers shamefull and infamous letters, lybells and other scandalous and seditious devises have bene verie lately divulgated and cast forthe within the citie of Gloucester by some malitious adversaries of the Gosple, to the greate discreditte aswell of his lordship (*the Bishop*) as of Doctor Rudd, the Deane there, and other godlie disposed persons, intendinge therebie, as it should seeme, not onlie the discreditte of them but the disgrace and contempte of the whole mynisterie, if possiblie they might, to the most pernicious example of others, not to be suffred". The justices were to search for evidence and to examine the men named by the Bishop and Dean.³²

From the surviving fragment of the evidence collected in the case, among the State Papers Domestic, it appears that the publisher

²⁹ Blackleech is described in the act book headings variously as 'pretended Vicar-General', 'conducting himself as Vicar-General', and even 'lawful Vicar-General'.

³⁰ *Infra*, p. 184. When Bullingham had to travel to London later in 1589 he appointed the Dean of Gloucester and six other clerical dignitaries to exercise the ecclesiastical jurisdiction on his behalf (G.D.R. LXI, court of 20 November 1589). Curiously, we find one of these commissaries, Thomas Turner, Vicar of Lydney, bringing a case before Blackleech and employing Maddockes as his proctor on 15 July 1590. Turner charged one of his parishioners, James Mychell, with assault, and evidence was brought that Mychell called Turner "knave preiste, blyncyng knave preiste and patched preiste" before striking him on the head "in such a vyolent manner that the bludd issued" (G.D.R. LXIII—folios un-numbered).

³¹ Draper was declared contumacious when he failed to appear in the Bishop's court on 20 October 1590 (G.D.R. LXIII).

³² *Acts of the Privy Council*, xviii, 287.

of the libellous documents was none other than the chief apparitor, Robert Draper, and that he was aided and abetted, if not instigated, by William Blackleech. Draper, with two associates, agreed to "publish" the libels, wrote them, let them fall in the cathedral and cloisters, pretended to "find" them there, and then showed them to various people — including Blackleech, who is described in the evidence as a "favorer of the lybells". "William Blacklege hath seen two libells published against the Bishop and the Dean. He believeth the Latin letter written to the Dean to be true. He read the libells, but did not acquaint the parties whom they concerned therewith". Apparently he kept copies for his own purposes, for John Warde (one of his surrogates or deputies in the Consistory) deposed that he was shown one of the libels in Blackleech's house.³³

The Privy Council suggested that the matter should be referred to the Ecclesiastical Commission.³⁴ It seems, however, that Blackleech managed to wriggle out of this unsavoury business, for, as has been indicated, he remained free to continue the struggle of the courts at Gloucester. Likewise Draper remained free to assist him in his capacity of principal apparitor.

While the case in the Court of Audience was going on, it appears that Blackleech also instituted proceedings against the Bishop in Chancery, presumably on grounds of wrongful dismissal, for we next hear of the Lord Chancellor intervening on his behalf. But the Bishop, however personally unskilled in the law, could be as obstinate as Blackleech himself; and an order from London that Blackleech was to be unmolested in the possession of his office only led to a new clash at Gloucester. If Blackleech must be allowed to sit in court, then Bullingham determined that he would exercise his undoubted right to take his seat alongside the Chancellor in order to keep an eye on his activities. Moreover, if he could not touch the Chancellor, he was at least resolved to discipline those who had aided him, in particular the proctors who had practised in the Chancellor's court.

The renewal of the conflict came on 6 October 1590, and it was recorded in detail (and with evident excitement) by the Registrar, John Jones, in person.³⁵ The occasion proved too much for Jones's Latin, and he had to resort to English to report proceedings of so unprecedented a nature.

³³ State Papers Domestic, Elizabeth, ccxxix, 46.

³⁴ *Acts of the Privy Council*, xviii, 362. A special diocesan ecclesiastical commission had been established in 1574 (F. D. Price, "The Commission for Ecclesiastical Causes for the Dioceses of Bristol and Gloucester, 1574", *Trans. BGAS* LIX (1937), 61-184.

³⁵ G.D.R. LXIII. In the act book heading the date originally written was "Septembris", but this has been struck through and "Octobris" inserted.

“On which daie . . .”, wrote Jones, “the sayd Reverend Father, the Bushopp of Gloucester, sitting judicially together with Mr William Blackleeche, fyrst and before all thinges the sayd Reverend Father did publicquely protest and deliver in open courte these speches followinge, or to the like effecte, *videlicet*:—

“I have received an injunction from the right honorable my very good lord, the Lord Chauncelor, for sufferinge Mr Blackleeche here to enjoy his office. My purpose and intent is not (I protest before God) in any point to breake the same; for I, being here as the father of the countrie, may not gyve such an example amongst you to shew my self disobedient, especially to so excellent a magistratre as my Lord Chauncelor is, whome I do honour and will obey in all dutie. And therefore, I do protest, if I do any thinge against the injunction, whereof I would be lothe, it is not of any willfull stubbornesse or disobedience, but my intent is, by sitting here, to see justice ministered and to noe other end.”

Bullingham then turned to deal with the offending proctors: “Where I published here the last courte certen good orders to be hereafter observed in my Consistory,³⁶ I am sorry to see them so litle regarded, nor like to be regarded. Among other thinges I took order that there should be no other proctors in this place but such as should be allowed of by my self. And now I see some here who have not vouchsafed once to come unto me or to make any suite to me in that behalf.”

Richard Maddockes, LL.B., was the first of the proctors to be attacked by the Bishop; he had supported Blackleech and practised in his court since the jurisdiction had first been divided a year and a half previously. “Then the Lord Bushop sayed, Mr Richard Maddockes, I expected you would ere this tyme have come unto me, according to my order the last courte, and enformed my conscience whether you, being a clergy man and a beneficed person, may by lawe be a proctor; for I assure you what I doe procedeth not of mallice but for the satisfaction of my conscience.³⁷ Whereto Mr Maddockes replied, I had thought I had satisfied your Lordship the last courte, for I vouched the chapter *In Nostra Presentia* where

³⁶ There is no record of these orders in the act books.

³⁷ A Richard Maddockes, who took his B.C.L. at Oxford in 1563, held the living of Llangunllo, Cardiganshire, in 1567. It may be noted that Robert Awfield or Alfield, who was a proctor in the Gloucester court from 1560, had been allowed to practise while in Holy Orders and beneficed. He was presented to Bourton-on-the-Water in 1575 and (after resigning this and obtaining a pension of £9 a year for life out of its revenues) to Barnsley in 1576. It was only subsequent to the latter appointment that he gave up his proctorial practice (G.D.R. xxviii, 74, 84; xl, Stow Deanery presentments; xxxviii, 84).

two priestes were allowed proctors.³⁸ And then Mr Maddockes desyred that he might dispute upon that poynt with Mr Greene³⁹ before his lordship."

The Bishop was not going to allow himself to be side-tracked into academic argument. He replied curtly that "there was no tyme then, saieng that Mr Maddockes might have come to him before that tyme; his lordship saieng further to him, Am I not worth the wistelinge?"

"Moreover the sayd Reverend Father dyd declare that such as should be admitted by him to procure⁴⁰ in his courte should first take the othe of her Majesties supremacye,⁴¹ saieng: There are some here that have already bene with me to crave my admission; those will I now swear. And because I will not seeme partiall, I will begyn with those whom yt may be thought I most favour; and then did minister the sayd othe to his coosen, Mr Thomas Bullingham, bachelour of lawe, Roberte Pettifer, Arnolde Collwall, publique notaries, Marmaduke Hodgshon and Christopher Stratford, having all bene proctors in that courte before that tyme.⁴²

"Then sayed Mr Blackleeche to Mr Maddockes, Prytcharde and others that had likewise bene proctors there,⁴³ You will likewise take the oathe; who answered, Yea. But the sayd Reverend Father thought good to differ (*defer*) to minister the sayd othe to them untill his lordship had fyrst conferred with them; but was contented and pleased that they should in the meane tyme be admitted to procede as proctors in such their causes wherein *lis* was *contestata*.⁴⁴

"And the Regester then dyd reade an acte decreed and sett downe by the sayd Reverend Father that morning, before the courte, whereby it appeared that the sayd Reverend Father had inhibited

³⁸ The reference is to the *Decretales D. Gregorii Papae IX*, lib. 1, tit. xxxviii (*De Procuratoribus*), cap. 4, which begins "In Nostra Praesentia . . .". Maddockes probably used the edition published at Lyons in 1584, in which the passage appears on pp. 461-4.

³⁹ Richard Greene was Chancellor of Gloucester Diocese from 1571 to 1576, when he was dismissed by Bishop Cheyney. He remained at Gloucester, continuing to serve on the diocesan Ecclesiastical Commission, and was temporarily recalled by Cheyney to conduct the Consistory Court after Powell's disgrace in January 1578/9.

⁴⁰ *i.e.* to practise as proctors.

⁴¹ The Act for the Assurance of the Queen's Majesty's Royal Power, 1563 (5 Eliz. c. 1) required that the oath should be taken by "all . . . persons which . . . shalbee admitted to any ministerye or office in . . . the comen lawe or any other lawe or lawes . . . before . . . they shall bee admitted, allowed or suffrede to take upon . . . them to . . . occupye anny such vocacion . . . , and that in the open court wherunto he dothe . . . belong" (cl. 4); and it was made the responsibility of the bishops to administer the oath to "every or any spirituall or ecclesiasticall person within their proper diocesse" (cl. 5). (*Statutes of the Realme*, 1819, IV, pt. 1, 403).

⁴² These had all sided with the Bishop against Blackleech and had practised in the Bishop's court since the split in the jurisdiction.

⁴³ Members of his party who had practised in his court.

⁴⁴ *i.e.* cases of party *v.* party in which the preliminaries had been disposed of and the suit was formally under way.

the Regester and his deputies to wryte any acte or proceeding at the petition of any proctor not allowed by his lordship, according to a former order of his lordship, unlesse yt be in causes wherein *lis* was *contestata* as aforesayd.

“Then immediatlie”, the acts continue, “the sayd Mr Blackleeche, being in court with the sayd Reverend Father, sayd, I perceive we are like to have a confusion. And immediatlie (*he*) sayd to his servaunt Thomas Beard, You are Roberte Draper the head apparitors deputie; make a proclamacion. Which being done by him, Mr Blackleech immediatlie dyd prorogue and continew all causes assigned or appointed to be heard at that daye, houres and place, unto St. Johns church in Gloucester till on of the clock in the afternoone of the same daie, and caused the same to be publiquely proclaymed. And immediatlie Mr Blackleeche, together with the sayd Mr Maddokes, Pritchardes, Penny and Cottam, his proctors, departed out of the courte, with dyvers clyents, apparitors and others following them, and walked up and downe in the cathedral church of Gloucester.

“And the sayd Lord Bushoppe, continuinge his judiciaall sittinge, caused publique proclamacion to be made and thereby intimated to all such as had ought to doe, or were to appeare in that place at that tyme, that they should not departe but stay there, them selves or their proctors, to here their causes proceded in by his lordship. And then the sayd Lord Bushopp dyd continew there sittinge judicially and proceded in hearing of causes there dependinge, the premisses not withstandinge.

“And about half an houre after tenne of the clock in the same forenoone, the same Mr Blackleeche came againe into the Consistory place and, standing bare headed without the inner barr there (the sayd Lord Bushopp still judicially sitting and proceedinge), sayd, Where I have prorogued all causes to St. Johns till on of the clock after dynner, dyvers of the clyentes whose causes here depend have made sute unto me to dispathe their cawses before noone. And therefore I doe revoke that my former prorogacion, and doe now prorogue and continew all cawses here appointed to be hearde this tyme and place to St. Johns church in Gloucester forthwith; and cawsed it to be publiquely proclaymed againe; and then departed the Consistory towards that church of St. Johns.

“And the sayd Lord Bushopp satt still judicially and procured, by publique proclamacion, intimacion to be gyven to the parties assembled that they should stay there before his lordship and appeare by them selves or their proctors to see proceedinges in their

causes according to justice and to the former procedinges therein. And then the sayd Lord Bushopp proceded in the cawses there depending, and satt judicially in hearing of the same till half an howre past eleven of the clock or thereaboutes, in the saide Consistorie place, in the presence of John Jones, notary publique, etc., continually attending his lordship and wryting his lordships procedinges in such cawses as depended before him."⁴⁵

To all this account of the day's excitement Jones duly appended his signature. It is evident that he himself was on the Bishop's side, although either he or one of his assistants continued to record the acts of the Chancellor's court as well. Having been the chief witness for the prosecution at the trial of Chancellor Powell in 1578/9, perhaps he expected now to slay another giant in the person of Blackleech. Shortly after the clash in October 1590 Blackleech tried to remove Jones from his office of Registrar, and Jones was forced to invoke the aid of Chancery and of the Court of Requests to resist this threat. Blackleech's action in seeking to dispossess Jones, "contrary to the liking and comaundment of the now Bisshop of Glocester", earned him a rebuke from the Privy Council, which described his behaviour as "in their lordships opinions verie foule and contrary to all right and equitie".⁴⁶ Eventually, as will be seen, Jones was to see Blackleech brought to book for his misdeeds, and he was to survive both parties to the dispute over the jurisdiction, retaining the registrarship until his death in 1630 after serving under eight successive bishops.⁴⁷

The intervention of the Lord Chancellor in October 1590 proved to have done nothing towards solving the problem of Gloucester's conflicting jurisdictions. The position after Blackleech had walked out of the Bishop's court on 6 October was virtually the same as it had been beforehand. The two courts continued in rivalry to one another, the only change being that Blackleech had had to move out of the cathedral. Even this advantage (if such it was) only remained to the Bishop for a short while. On 3 November Bullingham made a rather feeble gesture when the scribe recording the acts of Blackleech's court at St. John's noted — half-way through the proceedings — that "William Butcher tolde me my lord had willed him to will Mr Blackleech to prorogue all causes to the Consistory

⁴⁵ There were 60 cases on the agenda. In 32 of them the hearing was adjourned when neither the parties nor their proctors appeared. In others the Bishop took action as requested on behalf of that party whose proctor did appear to prosecute the case before him.

⁴⁶ *Acts of the Privy Council*, xx, 286-7; xxi, 133.

⁴⁷ T. D. Fosbrooke, *Original History of the City of Gloucester* (4th ed., 1819), 154, 176 and plate. Jones's memorial demi-effigy remains in what was the Consistory court place at the west end of the south aisle of the cathedral.

because his lordship would sitt with him; which he had soe done, and willed me to registre yt". Blackleech took no notice of the summons; and after this the Bishop retreated with his court to the Palace, leaving the Consistory place once more to be occupied by the Chancellor.⁴⁸

The muddled state of the act books of this period⁴⁹ reflects the confusion into which the Consistory business had been plunged by the long continued existence of the rival courts: in respect both of the "office" or disciplinary jurisdiction and of the "instance" jurisdiction for settlement of disputes between party and party — the ecclesiastical counterparts of the lay courts' criminal and civil jurisdictions respectively.

The fact that the two courts might sit on different days did little to reduce the confusion. The same cases appeared on the agenda in either court, but the actions taken might be widely different; and as the instance procedure was exceedingly complicated and lengthy (cases sometimes dragging on for years) the results may readily be imagined. If both parties to a suit, or their proctors, resorted to one of the rival courts the case might proceed reasonably well: the other court merely declared both parties contumacious and then abandoned the case. More frequently, however, and for obvious reasons, one party would brief a proctor practising in Bullingham's court, the other a proctor practising in Blackleech's court. Then each court would declare the party in the rival court contumacious and proceed to settle the case in the interest of the party in its own court, so that eventually two contradictory judgments would be issued.

Perhaps more damaging to the reputation of the ecclesiastical authority were the effects of the divided jurisdiction upon the office work of the Consistory. Such disciplinary proceedings (the overwhelming majority of which were concerned with breaches of the moral laws) originated, not only from the parochial presentments made to the Bishop at his formal visitations of the diocese, but also from individual information laid from time to time. The apparitors were a principal source of such information. As in Chaucer's day, they were expected to make business for their courts by unearthing local scandals as they travelled about the dioceses, reporting them to the judges — if the offenders were not prepared to pay adequately for silence.⁵⁰ So naturally the apparitors who frequented Blackleech's court brought cases there, just as those who were loyal to the Bishop brought cases before him.

⁴⁸ G.D.R. LXIII.

⁴⁹ G.D.R. LXIII, LXIV, LXVI, LXVII, LXVIII.

⁵⁰ F. D. Price, "Elizabethan Apparitors in the Diocese of Gloucester", *Church Quarterly Review*, cxxxiv (1942), 37-55.

The result, not infrequently, was that the same people were cited to answer the same charges twice — before both Bishop and Chancellor — while the Registrar's failure to institute any proper system of cross-references made matters all the worse.⁵¹ Thus Thomas Newporte alias Sadler of Cirencester was excommunicated by the Chancellor on 12 January 1591/2 for not appearing to answer a charge of incontinence for which he had earlier been ordered penance by the Bishop, who excommunicated him again on 14 January for not performing the penance.⁵² John Bower of Berkeley, when called before the Bishop for suspected life on 10 March 1591/2, said that the case was pending before the Chancellor and asked the Bishop to release him accordingly; but Bullingham refused to do so, and eventually both judges cited him anew to receive penance for the same offence.⁵³ In the case of Augustine Lee or Lea of Campden, of whom it was reported that he "useth to suffer his mill to grynde on Sondayes and holidayes", an apparitor undertook in the Chancellor's court on 12 January 1591/2 that he would pay 2s. to the use of the poor; yet he was cited to appear before the Bishop for the same offence on 14 January, and after three adjournments was ordered on 18 February to make public confession of his fault in church. Throughout February and March the Chancellor's court was citing him for non-payment of fees, eventually securing 6*d.* from him.⁵⁴

The peevish nature of the courts' rivalry is well brought out in the case of Richard Putlye. When he appeared before the Chancellor on 15 March 1591/2 he produced a certificate signed by the Bishop, stating that "Richard Putlye of Bagpath hath bene convented before me for incontinency with Edith Millard of the same parishe, whome I have lawfully discharged and dismissed for his said offence, and therefore he is not to be called or troubled for the same". The note was addressed "To Chancelor, Archedacon or any other exercising ecclesiasticall jurisdiction in the dyoces of Gloucester". Blackleech, however, refused to accept this, and ordered Putlye to show an entry of his dismissal in the registry act books, he confessing "se habere nothing els for his discharge".⁵⁵

⁵¹ With rare exceptions: *e.g.* in *Office v. Ann Skelton of Tetbury*, due to appear before the Bishop on 10 November 1591, there is a note, "Vide in libro officii coram magistro Blackleech" (G.D.R. LXVIII, f. 36).

⁵² G.D.R. LXVI, f. 21; LXVII, ff. 70^v, 79^v. On 28 February he appeared before the Bishop and asserted that he had sent 2s. 6*d.* "pro dimissione" by one Anthony Chapman "et quod nullum introduxit".

⁵³ G.D.R. LXVI, ff. 41^v, 45; LXVII, ff. 96^v, 99; LXVIII, ff. 157, 158^v. He failed in compurgation before the Chancellor on 15 March.

⁵⁴ G.D.R. LXVI, ff. 22^v, 29, 34^v, 38, 43; LXVII, ff. 80, 84^v, 88. In 1588-9 he had been before Blackleech on a charge of suspected life (G.D.R. LX).

⁵⁵ G.D.R. LXVI, f. 47. On the other hand there are some instances of Blackleech dropping disciplinary cases when they were reported to be pending in the Bishop's court: *e.g.* *Office v. Henry Mason of Yanworth*, 16 February 1591/2; *Office v. Robert Wattes of Quedgeley*, 5 July 1592 (*Ibid.* ff. 31, 104).

It was, however, upon their ability to attract instance business that the fortunes of the rival courts would ultimately depend, for it was from the protracted instance suits that the greater part of the fees was derived. When Blackleech first set up his court in St. John's church the advantages as a whole lay with him. He had only four proctors as against the Bishop's six; but of these four, Maddockes and Pritchardes were the most popular of the Gloucester advocates, and they brought with them to Blackleech more litigants than the Bishop's court could attract. Moreover, Blackleech was the traditional judge in the Consistory, and he was—unlike the Bishop—a trained canon lawyer.⁵⁶ Yet he seems to have failed to maintain his advantage. His office jurisdiction also proved increasingly ineffective: on 12 January 1591/2, for example, no action could be taken in 39 out of the 42 cases on the agenda, and 20 of the defendants were decreed to be excommunicated for their contumacious non-appearance.⁵⁷

Such was the situation when at last, on 11 April 1592, after three years of conflict between the two courts, the unity of the diocesan jurisdiction was restored. It seems that the case in the Court of Audience had ended in a compromise settlement. On that day John Jones recorded that "the articles subscribed by the Lord of Canterburye his Grace were by Mr Marrow presented and publicly read by the foresayd Mr John Jones, Register, and then certayne demaundes made and required on the behalfe of the Reverend Father in God, the Lord Busshopp of Gloucester, dated xj^o Aprilis 1592, were also read, and therto the sayd Mr Blackleech subscribed his name".⁵⁸

What the Bishop's demands were is not stated; but their nature may be judged from the fact that the names of Maddockes, Pritchardes and the other proctors of Blackleech's party disappear from the court records from this time onwards. The Bishop had evidently asserted the claims he had advanced in 1590 to allow to practise as proctors only those men of whom he personally approved. There was also a general purge of the apparitors: on 6 June 1592 Christopher Stratford, who had been appointed principal apparitor *vice* Draper, nominated ten new men as his deputies, and the deed of their appointment was presented to Blackleech in open court on 18

⁵⁶ The Bishop, however, usually had someone with court experience as a surrogate to sit with him as assessor.

⁵⁷ G.D.R. LXVI, ff. 20^v–24.

⁵⁸ G.D.R. LXIX, f. 1. The Bishop's court last sat for office business on 1 April, and the cases from it were then continued before the Chancellor on 19 April (G.D.R. LXVII, ff. 106, 115).

July.⁵⁹ The Chancellor's party had suffered defeat, and Blackleech had sacrificed his supporters in order to save himself.

Yet, though at least unity had been restored in the matter of jurisdiction, all was by no means well within the diocesan administration, and internal quarrelling was still rife during the remainder of the 1590s. For this, however, the responsibility seems to have lain not so much with Blackleech as with the Bishop's wife and her scheming brother, John Marrow the proctor. As has been seen, Marrow had been at the Bishop's elbow at the crucial stages of the conflict with Blackleech, and one wonders whether he, rather than Bullingham, was the real opponent with whom the Chancellor had to contend.⁶⁰

In 1594 Jones brought an action against Marrow in the Court of Requests concerning the alleged usurpation of his registrarial functions. From the documents in the case⁶¹ it appears that in 1593 the Consistory was evacuated to Cirencester to escape the plague raging in Gloucester, while the Bishop withdrew to The Vineyard, his house just outside the city, taking Marrow with him. There, although he had forbidden Jones and his deputies to come near, lest they should introduce the infection into his household, he transacted a certain amount of administrative business and ordained a number of clergy. Marrow, with certain colleagues, was used as registrar for this work, and Jones complained that thereby he was being deprived of fees legally due to him. Moreover, Marrow was refusing to hand over the records: "whereby the said registry is very unperfectlie kepte and uncerten, which in tyme muste needes breed many inconveniences to a greate number of persons, and especially to poor orphantes and fatherlesse children". In reply, Marrow claimed that Jones had seized the opportunity afforded by the plague to neglect his duties, so that the Bishop "was muche offended with him, and did thinke that he did not in suche sorte use and behave himself as his saide office required".

Five years later, shortly after Bullingham's death, Jones and Marrow were again at loggerheads, and this time the matter was

⁵⁹ G.D.R. B 9/1.

⁶⁰ There is a suggestion of corrupt dealing on Marrow's part in the case of Henry Reeve of Dumbleton, who appeared before the Chancellor on 5 April 1592, charged with getting his wife with child before marriage and with marrying her without a licence and out of the diocese. Reeve produced a certificate of dismissal signed by the Bishop, and told Blackleech that he had been ordered to confess his fault before four neighbours in his own house. He said that he had paid Marrow "xviij^s and xvj^d" to procure this order for a private penance, and that "when this order was done he was not present, but Marrow told him my lord had taken such an order". Blackleech then dismissed him (G.D.R. LXVI, f. 55).

⁶¹ P.R.O.: Court of Requests, Elizabeth, Bundle 163, no. 9.

taken to the Star Chamber.⁶² Mrs Bullingham had persuaded or threatened the wretched Bishop into granting to Marrow a twenty-one years lease of The Vineyard, which was said to be the only habitable residence remaining to the impoverished see—the Palace in Gloucester being described as “a very vaste, mellancollick, decaied and ruinous howse”. Jones, however, acting for the new Bishop, took advantage of a sub-lease made by Marrow to try to gain possession of The Vineyard, and this led to a major riot in which Mrs Bullingham’s son by a former marriage held the place by force of arms against Jones and the sheriffs of Gloucester, using “very fowle wordes and yll speeches” towards them.

At the same time as he was trying to dispossess Jones of the registry in 1593, Marrow also got Mrs Bullingham to make the Bishop dismiss, without reasons given, Robert Pettifer and Arnold Collwall from their posts as proctors. They secured an order from the Court of Requests for their reinstatement, but Marrow then forced the Bishop to make a quibble about their taking the Oath of Supremacy (which they had already done in 1590)⁶³ so that a further appeal to Requests was necessary. From the evidence⁶⁴ it appears that Mrs Bullingham told the dismissed proctors that if they would pay a certain sum of money (ostensibly to the Bishop, but really to her and Marrow) she would see that the Bishop readmitted them. What made matters look the more ugly for the Bishop was the fact that he had employed Pettifer as his counsel to prosecute the case against Blackleech in the Court of Audience three years earlier and still owed him a considerable sum for his services in that capacity. As the Registrar and other witnesses agreed, however, the Bishop himself was too worthy a person to play such a trick on his own initiative: it was all done by the procurement of his wife and Marrow. Pettifer himself said that “he was very sory that the Lord Bishope of Gloucester was ledd in suche sorte as he was by others, for that he, the said Pettifer, knew very well that the said Lord Bishope of his own disposicion would never have displaced him . . . from his proctorshipp”.

While all this squabbling was going on, Chancellor Blackleech—whatever promises he may have made at the time of his submission in 1592—was able to continue his former dubious practices in the Consistory so long as the ineffective Bullingham remained his titular

⁶² P.R.O.: Star Chamber, Elizabeth, Bundles 1, J 23; 6, J 27; 10, J 15; 13, J 16; 38, B 10.

⁶³ *Supra*, p. 186.

⁶⁴ P.R.O.: Court of Requests, Elizabeth, Bundles 33, no. 65; 129, no. 42; 165, no. 182. State Papers Domestic, Add., xxxiii, 20.

superior.⁶⁵ But in May 1598 Bullingham died; and he was succeeded in the following November by a prelate of a very different mettle, Godfrey Goldsborough.⁶⁶

It is clear from the act books that Goldsborough was suspicious of Blackleech from the very beginning, for he regularly heard office cases personally and usually sat in court with the Chancellor at the instance sessions.⁶⁷ In the autumn of 1599 Blackleech was frequently away on what was said to be "serious and urgent business" (presumably litigation) in London. The Bishop made a protest about this on 30 October, and on the following 9 January he complained of the "insufficient" character of Blackleech's surrogates.⁶⁸ Blackleech's fall soon followed. He last sat as judge in April 1600, and thereafter the Bishop personally presided over the court until October, when a new Chancellor, John Seman, was appointed and took office.⁶⁹ At the same time a new purge was conducted of the more corrupt elements among the proctors, scribes and apparitors. Thus Goldsborough achieved, within two years of his coming to Gloucester, what Bullingham had striven unsuccessfully to accomplish during the greater part of his episcopate.

The immediate occasion of Blackleech's downfall was probably the case of one Robert White of Temple Guiting who, after being excommunicated in January, appeared before the Bishop on 21 May 1600, charged with incontinence. The record of the case⁷⁰ illustrates the depth to which the diocesan jurisdiction had again sunk. White told the Bishop that "about ten weekes since, Mr. Crumpe (*Vicar of Didbrook*) delt with him for his discharge, and brought him to Ciprian James (*an apparitor*); and when he came unto him he (*James*) told him that, yf he would, he would procure his discharge for the matter under his masters (*Margin: Mr Chancellors*) hand, to lie in his coffer by him, yf we did agre upon it. And then afterwards he demaunded of him xx^{tie} nobles for it in his masters hall, and (*said*) that yf he were excommunicated by his lordship (*the Bishop*) it should be as nothing. And Ciprian James brought him to Mr.

⁶⁵ Thomas Felpes, accused of suspected life, was absent when due to appear in court on 7 June 1592, but came before the Chancellor in his house on the same day, swore that he was not guilty, and was dismissed without being put to compurgation (G.D.R. LXVI, f. 81^v). Walter Lovell, charged with incontinence, told Chancellor Seman on 1 April 1601 that he gave William Barloe, "apparator to Mr Blackleech", 40s. "aboute harvest last", and Barloe "promised to discharge him for this matter" (G.D.R. xc, f. 7^v). William Bradford, charged with suspected life, told Seman on 27 April 1601 that "he was heretofore called in question before Mr Blackleech for this matter but never putt to his purgacion" (*Ibid.* f. 20^v).

⁶⁶ Lambeth Reg. Whitgift, III, ff. 205^v-6. Le Neve, *Fasti*, I, 438.

⁶⁷ G.D.R. LXXXVI, LXXXVII, xc.

⁶⁸ G.D.R. LXXXIV (folios un-numbered); LXXXVII, f. 69.

⁶⁹ G.D.R. LXXXIV; LXXXVI, f. 177.

⁷⁰ G.D.R. LXXXVII, f. 103^v.

Chauncellors house, and he brought him into his studie; but Mr Chauncellor would sett downe no certaintie for the matter, but he told him that he should go to Mr Jones the next morning and he should admitt his penance; and then he should know what he should pay for his penance and licence of marriage”.

Though Blackleech did not this time attempt to cling to his court in defiance of the Bishop or the new Chancellor, he evidently refused for some months to accept the fact of his dismissal, for we find him continuing to issue marriage licences despite an episcopal inhibition. Later in 1600 Samuel Hallowes, the minister of Dursley, appeared before the Bishop for conducting an illegal marriage. He said that he got a licence on behalf of the parties from Blackleech, dated 12 August—three months after the Chancellor’s dismissal. Fourteen shillings had been paid to Blackleech for this licence by one Birch, the parson of Uley, while the minister had received 38s. for himself and 10 lbs. of butter for his wife from the bride. He confessed in court that he knew that the Bishop “had generally inhibited all the clergy of this diocese to mary any persons by force of any licence from Mr Blackleech, becawse his lordship had suspended him”.⁷¹ Birch of Uley was an apt intermediary in this business: he was himself married at this time to his servant, Anne Danby, “without banns or lawful dispensation”. When Richard Beale, the curate of Maisemore, was accused on 15 August of conducting Birch’s marriage, he said that he had done so by virtue of a dispensation signed and sealed by Blackleech, which the Bishop ruled to be “without sufficient authority”. Birch, also charged with getting the woman with child before the marriage, claimed to have been dismissed for this by the former Chancellor in 1597.⁷²

When Blackleech could not secure reinstatement he sought revenge. Adopting the role of outraged virtue, he brought a case against Goldsborough in the Star Chamber, alleging that the Bishop and certain officials of the Gloucester Consistory who had supported him had been guilty of “greveous oppressions and exactions and other offences . . . to the great impoverishinge of your Highnes subjectes in that dioces”. This suit apparently failed, the bill of complaint being cancelled in June 1601; but, not to be balked, Blackleech then got his son, also William Blackleech, of Gray’s Inn,⁷³ to bring a Star Chamber action against some of Goldsborough’s

⁷¹ G.D.R. LXXXVI, ff. 161^v, 162^v.

⁷² G.D.R. LXXXVI, ff. 154 (first of two sheets thus numbered), 157^v.

⁷³ According to Fosbrooke (*op. cit.*, 278) he was only twenty-three when he died in 1603 and was buried in Gloucester Cathedral. The *Brasenose College Register, 1509-1909*, however, records his matriculation there at the age of fourteen in 1587 (I, 71).

supporters, notably Henry Aisgill or Asgill (a prebendary of Gloucester and surrogate in the Consistory) and Philip Norton (one of the Gloucester deputy-registrars).

On 26 January 1602 the younger Blackleech charged Aisgill with exercising unlawful jurisdiction in the Gloucester court,⁷⁴ with aiding and abetting Puritans, with using the court authority to oppress his private enemies, and with breaking the head of one of these enemies with a "great cudgell" in the choir of the cathedral. Aisgill was described as "a verey indiscrete and furious person . . . offensive and scandalous to that reverende function". Norton was accused of extorting excessive fees and receiving bribes to secure the dismissal of offenders before the Consistory Court.

To secure Star Chamber intervention, however, evidence of a threat to the public peace was necessary. The younger Blackleech duly provided it. "The said Asgill and Norton", he alleged, "being assisted with Richard Grene and James Wittcombe, a most lewde person and one that had been sundrie tymes convicted of felonie, together with many other desperat and disordered persons, to the nombre of twentie persons, armed with swordes, daggers, iron barres and other lyke ingins and weapons, in verey raginge, ryoteous and outrageous manner . . . entered and brake into the howse of the said William Blackleeche, your said subjectes father, in the said colledge of Gloucester, the twelft day of Marche last past; the said Asgill and Norton pretendinge and gevinge out, of purpose to drawe and gather to them the greater companie to assist and strengthen them in that so greate an outradge and ryott, that they had warrant from the lordes of your Highnes most honourable Privie Councell for the takinge and apprehendinge the said William Blackleeche, father to your said subject, as thoughe the said William had committed some heyneous and greveous offence; the truthe beinge that to this day there hath not bene any one misdemanour laid to his charge, and that the said Asgill and Norton had not any suche warrante as they pretended . . . Notwithstandinge, by means of the said Asgill and Norton their publishinge and gevinge out as is before shewed . . . there assembled together that trublesom and dangereous tyme in one howre aboute the howse of your said subjectes father att the least aboute five hundreth persons, to the great terror and disquietnes of divers your Highnes subjectes there beinge . . ." ⁷⁵

⁷⁴ Aisgill had acted as commissary for the Bishop to conduct office sessions of the Consistory following Blackleech's dismissal, and subsequently acted as surrogate to Chancellor Seman (G.D.R. LXXXIV, LXXXVI, xc).

⁷⁵ P.R.O.: Star Chamber, Elizabeth, Bundle 39, B 16.

Thus characteristically, amid riot and confusion, the venerable William Blackleech, sometime Vicar-General and Official-Principal to the Lord Bishop of Gloucester, disappears from our view. How he spent the rest of his life we do not know: but he remained at Gloucester and when he died in 1616 he was buried in the cathedral, beneath a monument claiming untruthfully that he had held the office of Chancellor of the diocese for twenty-five years.⁷⁶ Those who remembered his career in the 1580s and 1590s may have permitted themselves a wry smile when they read his epitaph:—

Causidicus fueram dum me mea fata sinebant

Nunc mea stellifera causa peracta fore est

Tristis et indignor tu (cui licet) argue causa

O quanto melior sors mea sorte tua est.⁷⁷

The quarrel between Bishop Bullingham and Chancellor Blackleech was not an event unique in the Elizabethan Church.⁷⁸ What is remarkable, however, is that the extraordinary situation of the divided jurisdiction, with rival Consistory Courts fighting over the same cases, should have been allowed to continue for no less than three years. There is no evidence of any intervention on his own initiative by the Archbishop of Canterbury, such as one might have expected of a disciplinarian like John Whitgift; and the appeal to his Court of Audience, like that to Chancery, by the contending parties exacerbated rather than eased the situation. Even more surprising, perhaps, is the absence of any direct action on the part of the Privy Council (usually so ready to intervene in matters which threatened local peace or in which a challenge to established authority was involved) or of the High Commission, for which a local agency was available in the Royal Commission for Causes Ecclesiastical already constituted in the diocese. Blackleech's survival for so long is striking evidence of how strongly entrenched he was in the legal possession of his office, however much he might abuse it.

It would be rash to assume that his eventual removal in 1600 was followed by any effective eradication of the abuses in the dio-

⁷⁶ Fosbrooke, *op. cit.*, 278.

⁷⁷ Browne Willis, *Survey of the Cathedrals* (1742), I, 707.

⁷⁸ In 1583 Bishop Overton of Lichfield attempted to eject his Chancellor Beacon from office in favour of his son-in-law, Babington. As at Gloucester, the result was that "there were two courts sped, supplied by two divers men". The Bishop prohibited the proctors from practising before Beacon or his surrogates, and tried to shut Beacon himself out of the court place. This led to a riot during which Beacon was violently assaulted in the cathedral, and he brought actions against the Bishop "in the Star-chamber, in the Chancery, at the Council Table, and before the Archbishop of Canterbury, in the Common Pleas, and at assizes and sessions in the country, yea, and in his own Consistory". The dispute at Lichfield was less protracted than that at Gloucester, however. John Whitgift (then Bishop of Worcester) was appointed by the Archbishop to head a special visitation of the diocese, and by June 1583 he had managed to settle the controversy (Strype, *Grindal* (1821), 404-10; *Whitgift* (1822), I, 199-213).

cesan administration. The private commutations of penance that had provided the opportunities for corrupt dealing continued under Chancellor Seman.⁷⁹ The roots of the evils lay in the established system of the church courts; and though individual officials might be purged the system remained. The procedures followed in the courts permitted, and indeed invited, abuses such as those practised by men like Powell and Blackleech, and corruption came to be accepted by them as a natural means of supplementing the income legally derivable from fees.⁸⁰ Only after the shock of the Puritan Revolution, when the Anglican Church embarked on the long process of conversion from being a national authority into becoming a voluntary society, and began to withdraw from its claims to exercise the full disciplinary authority that it had inherited from the Church of Rome, was it possible to effect any real reformation in its administrative and judicial system.

⁷⁹ e.g. Seman is recorded to have told the deputy-registrar that he had privately dismissed one Thomas Toms (whom he had previously ordered to do penance) at the petition of two gentlemen, "et quod ipse vult persolvere mihi feoda mea", 12 September 1602 (G.D.R. xc, f. 237^v).

⁸⁰ Cf. *A Second Admonition to the Parliament* (1572): "... who be their Chauncelloures? ... I heare not of one of them that is no briber . . . How are matters dealt with in their courts, but all for mistresse money?" (*Puritan Manifestos*, ed. Frere and Douglas (1907), 105-6).