

## ENGLAND'S LAST BACHELORS AND DOCTORS OF CANON LAW

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The editorial of this Journal recently recorded that an English university had awarded degrees in Canon Law for the first time in nearly 500 years.<sup>1</sup> That event sparked this short piece of research to discover the identity of the last graduates. To begin our short story, imagine, if you will, the scene on a summer's day in 1535. Nine men dressed in robes and fur-edged hoods are preparing for a decisive step in their career—they are to kneel before the Chancellor of the University of Cambridge for admission to the degree of Bachelor of Canon Law: a degree in the highest faculty of the university after Theology; a degree which has taken at least ten years of diligent study at the university to achieve;<sup>2</sup> a degree which opened the door to a high profile, and perhaps international, career in the Church. But over what should have been a happy day for those individuals hung a significant cloud. It was pretty clear by now that their university was under threat from the king's reforms following his break with the See of Rome and the rest of the Western Church. Although the exact nature of any reforms was not yet known, it must have been obvious that their subject and their faculty would be in the firing line.

And so indeed it turned out. In October of that year, the king issued injunctions and appointed Thomas Cromwell visitor of the universities.<sup>3</sup> Among other things, the injunctions simply provided that the study of canon law and degrees in it be abolished. Accordingly, the universities abruptly stopped teaching canon law as a distinct subject and stopped awarding degrees in that faculty. The canon law graduates of that summer thereby passed into history by marking, in a formal way, the fate of canon law as a

<sup>1</sup> (2003) 7 Ecc LJ 111. An MA in Canon Law was awarded by the University of London to eleven graduates of Heythrop College on Wednesday 11 December 2002, which number included the first ever female to be awarded such a degree in England. See the *Catholic Herald*, 13 December 2002, p 2. The year 2004 also marked the tenth anniversary of the first Canon Law degrees ever awarded in Wales. See the list of dissertations at (2004) 7 Ecc LJ 371.

<sup>2</sup> The statutes set a minimum of three years' study of civil law followed by five years of canon law for those who had already taken the degree of Master of Arts. An extra two years of civil law was prescribed for those without the MA. (See J A Brundage, 'The Canon Law Curriculum in Mediaeval Cambridge', in J A Bush and A Wijffels (eds), *Learning the Law—Teaching and Transmission of English Law, 1150-1900* (London, 1999.)) Mediaeval bachelors degrees in the higher faculties were normally undertaken after study in the Faculty of Arts, so study in these faculties was essentially what we would regard as 'postgraduate'.

<sup>3</sup> C N L Brooke (ed), *The History of the University of Cambridge*, I, 332. At Cambridge Cromwell appointed Dr Thomas Leigh, DCL, of King's College, to carry out the visitation on his behalf.

degree subject in England for the next half a millennium. Who were they?

At Oxford, on 12 July 1535, three priests, Henry Bromfield, Robert Francis and Geoffrey Lloyd were admitted as Bachelors of Canon Law.<sup>4</sup> At Cambridge, although the exact date is not known, nine men, all priests, were admitted to the same degree that summer.<sup>5</sup> Among them were John More, the last Augustinian Abbot of Thornton-on-Humber,<sup>6</sup> and Laurence Spooner OP, the last Dominican Prior of Derby.<sup>7</sup> The others were William Burwell BA,<sup>8</sup> Roger Rawlyn,<sup>9</sup> Thomas Houghton,<sup>10</sup> Hugh Griffin, of whom more later, and Messrs Cosin, Garnet and Fage whose Christian names are not recorded.<sup>11</sup>

The number of admissions to the degree of Bachelor of Canon Law in 1535 is unremarkable. Also unremarkable is the fact that at neither university was anyone admitted to the much rarer degree of Doctor of Canon Law.<sup>12</sup> In consequence, it is back to 1533 that we must turn to witness the last creation of a Doctor of Canon Law. The unwitting recipient of that honour turns out to be Doctor Roger Townsend, fourth son of Sir Roger Townsend of Raynham in Norfolk, admitted as a Doctor of Canon Law at Cambridge that year.<sup>13</sup> According to Venn, he was admitted as an Advocate in Doctors' Commons that same year, and became Chancellor of Salisbury shortly before his death in 1538.<sup>14</sup>

<sup>4</sup> C W Boase, *Register of the University of Oxford*, Oxford Historical Society (Oxford, 1885), Vol I. Robert Francis also studied canon law at Cambridge, was Vicar of Farrington, Hants, in 1526 and had died by 1559. For biographical details of Oxford men I have used generally: A B Emden, *A Biographical Register of the University of Oxford, AD 1501-1540* (Oxford, 1974); J Foster, *Alumni Oxonienses 1500-1714* (Oxford, 1891). I have modernised the spelling of names throughout.

<sup>5</sup> W G Searle, *Grace Book G, containing the records of the University of Cambridge for the years 1501-1542* (Cambridge, 1908). For biographical details of Cambridge graduates I have used generally: J A Venn, *Alumni Cantabrigienses* (Cambridge, 1922), Vols. I-IV; C H Cooper, *Athenae Cantabrigienses* (Cambridge, 1858).

<sup>6</sup> Possibly formerly Rector of Wickham, Durham, 1513 and later chantry priest and Master of Richmond School, Yorks, 1548. He was buried on 6 December 1571.

<sup>7</sup> He surrendered Derby in 1538 according to the account in Gumbley, Walter, *The Cambridge Dominicans, Blackfriars*, Oxford 1938, where his name is given as Ralph rather than Laurence which appears in Cooper (I, 69).

<sup>8</sup> If this is the same William Burwell who was admitted to a BA in 1518/9.

<sup>9</sup> Possibly Scholar of Christ's College and formerly Master of Thompson College, Norfolk, in 1524.

<sup>10</sup> Possibly Scholar at Jesus College and later Vicar of Caldecot, Cambs. 1538-43.

<sup>11</sup> The records also show three further supplicats for the degree that year, with no subsequent record of admission, by William Horwood, William Hoskins and John Baker. Unless the records of their admission are lost, these may have been the first to be deprived of the opportunity to receive the degree.

<sup>12</sup> Over the preceding thirty years, numbers of bachelors admitted each year had ranged from 1 to 16 and averaged just over 8, whilst admissions to the doctorate had ranged from 0 to 7 and averaged just over 1: *ibid.* and M Bateson, *Grace Book B, containing the proctors' accounts and other records of the University of Cambridge for the years 1488-1511*, Vol. II, Luard Memorial Series, Vol. 3 (Cambridge, 1905).

<sup>13</sup> For a full description of the process of admission, see J H Baker, *750 Years of Law at Cambridge* (Cambridge, 1996), p 6.

<sup>14</sup> 1533 appears also as possibly the last occasion on which the degree of Bachelor of both Laws (UJB) was awarded—to John Pickerell, possibly the son of William Pickerell, an Esquire Bedell.

That was not quite, however, the end of the story. When Queen Mary reconciled the country with Rome, an attempt was made to restore some of the more important institutions that had been dismantled by her father and brother.<sup>15</sup> It was unsurprising that her actions included a fresh visitation of the universities, and the effect of this, among others, was a final spurt of degrees in canon law being awarded before Mary's death in 1558.

It is at this stage that we re-acquaint ourselves with Hugh Griffin, JCB<sup>16</sup> of Peterhouse. After further study of twenty years, the Grace Book records, Hugh was finally ready (and allowed) to be admitted as a Doctor of Canon Law at Cambridge in 1556. So long had passed since the last admission of a Doctor of Canon Law that there was no existing Doctor to present him for the degree (as was the normal custom), so express provision was made for him to be presented instead by a Doctor of the Civil Law, Doctor Tregan.<sup>17</sup>

This short revival had started the previous year with renewed admissions to the degree of Bachelor of Canon Law at both universities: John Fayrhar and Richard Dunning at Cambridge, and John Lynch and William Laly (or O'Mullaly) at Oxford.<sup>18</sup> (Both of these contemporaries of New Inn Hall would subsequently become Anglican bishops in Ireland, Laly as Archbishop of Tuam 1573–1595, and Lynch as Bishop of Elphin 1583–1611.) But the revival was not to last. Donald Ryan<sup>19</sup> was admitted as Oxford's last Bachelor of Canon Law on 12 August 1556, and Cambridge admitted William Smythe, appropriately both a priest and a fellow of Trinity Hall, the canon law college, as the very last Bachelor of Canon Law in England in 1557.

Smythe was certainly the last student of the canon law in England to be admitted to a degree in the normal way, but, once again, the lack of exact dates at Cambridge prevents us from being certain whether he was the very last person to be admitted to a canon law degree in England. The other

<sup>15</sup> The Second Decree of Pole's Legatine Constitutions of 1555/6 provided, *inter alia*, 'that canon law be taught in the public schools as it used to be': see G Bray, *The Anglican Canons 1529-1847* (Boydell Press, 1998), pp 139 and 77.

<sup>16</sup> The custom of using post-nominal letters is a post-Reformation one. I have followed the convention used by Mitchell and Pantin (W T Mitchell and W A Pantin (eds), *The Register of Congregation, 1448-1463*, Oxford Historical Society (Oxford, 1998)) of JCB and JCD rather than that used by Emden and others of BCnL and DCnL because, as well as being neater and more in line with modern usage, it fits the text of the Grace Books which normally describe the degrees as '*in iure canonico*'. Contemporary abbreviated usage shows a preference for 'd' or 'dec' for 'decretals', thus, for example 'dec d.': see e.g. the Register of Doctors' Commons, Lambeth Palace Library DC1, but to modern eyes this might cause confusion with Divinity.

<sup>17</sup> J Venn, *Grace Book Δ, containing the records of the University of Cambridge for the years 1542-1589* (Cambridge, 1910), f 45a (pp 114 and xi). Griffin later became Vicar of Ashton-under-Lyme in 1557 until his death in 1564.

<sup>18</sup> On 30 April 1555, William White BCL is recorded as having supplicated for the degree that year, but no admission is recorded (he also supplicated for the DCL the following year).

<sup>19</sup> Also recorded as Daniel: A Wood, *Fasti Oxonienses* (London, 1815), i, 95, 150.

candidate for that distinction is the eminent cleric and lawyer Dr Niccolò Ormanetto,<sup>20</sup> DCL of Padua. Ormanetto was a papal advocate and datary who had come to England with Reginald Cardinal Pole to assist with the reconciliation with Rome.<sup>21</sup> He was appointed visitor of the University of Oxford, and was admitted as a Doctor of Canon Law by incorporation at Oxford on 21 July 1556. He progressed to Cambridge the following year and was incorporated as a Doctor of Canon Law there as well. The awarding of these degrees ceased once again upon the deaths of Queen Mary and Cardinal Pole within hours of each other in 1558.<sup>22</sup>

Doctor Griffin's death in 1564 left Ormanetto as the last surviving Doctor of Canon Law from both universities. He had left England on the accession of Elizabeth, and continued his diplomatic career. He returned to Padua in 1570 as its bishop. The Right Reverend Doctor Niccolò Ormanetto, DCL, JCD (Oxon), JCD (Cantab), Bishop of Padua, died in office on 18 January 1577/8. He was, however, survived by at least two of his junior brethren, the Most Reverend William Laly, JCB (Oxon) and the Right Reverend John Lynch, JCB (Oxon). We know that Laly died in 1595, but that at least Lynch took the canonical degree into the seventeenth century, since he remained Bishop of Elphin until his resignation in 1611. It is therefore possible that at least one of our canonists was still alive when Heythrop College was founded at Louvain in 1614.<sup>23</sup>

<sup>20</sup> Recorded in Anglicised form in some sources as 'Nicolas Ormanet' or 'Harmanet'.

<sup>21</sup> T M Mayer, *Reginald Pole, Prince and Prophet* (Cambridge, 2000), pp 291-297.

<sup>22</sup> William Stubbs suggested that 'the shadow of the double degree' lingered on in the plural form of 'laws' still represented by the 'LL' at Cambridge to this day: 'The History of the Canon Law in England', lecture, 20 April 1882 in *Lectures and Addresses on Mediaeval and Modern History* (Oxford, 1900), pp 380 and 369.

<sup>23</sup> Stubbs also recorded the claims of Nicholas Staughton and Richard Pearson to have been admitted distinctly as Doctors in both faculties at Oxford in 1659 and 1669 respectively, but evidence to back these claims is elusive. In about 1715, Charles Browne applied to the Vice-Chancellor of Oxford to proceed as bachelor and doctor of canon law. He was told that he could not be prevented from doing so, but that it would give the university a great deal of trouble. He died before he could achieve his ambition: *ibid.* p 381.