THE LITIGATION OF AN EXEMPT HOUSE,
ST. AUGUSTINE’S, CANTERBURY, 1182-1237

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DR. KNOWLES has described the history of papal exemption of English Benedictine monasteries from episcopal control as: "... the gradual substitution of the canonical conception of reserved jurisdiction for the feudal one of papal Eigenkirchen." 2 This, he has shown, was substantially achieved during the pontificate of Alexander III, when that great canonist laid down criteria for distinguishing the privileges which established some degree of immunity ab episcoporum subjectione and summed up the position of a house enjoying such privileges in a standard phrase: "qui, nullo medianti, ad jurisdictionem beati Petri . . . pertinet." 3 These privileges were partly ceremonial, and the most important of them concerned the right of an abbot of an exempt house to blessing in his own church without the usual canonical oath of obedience to the diocesan. This right was accepted with the greatest reluctance by the bishops and for more than two centuries the election of an abbot was followed by a lawsuit at the Apostolic See. This was not due merely to episcopal obstinacy. As early as the pontificate of Innocent II, the abbot and monks of St. Augustine’s had been advised by the pope:

... si qua tibi vel fratribus tuis adversa contigerint, tuum erit ad communem omnium fidelium matrem, ecclesiam Romanam, recurrere . . . ut tam tu quam ipsi dignis apud nos consolationibus foveantur, et a suis oppressionibus rele­venter." 4

1 I have to thank Professor C. R. Cheney and Mr. E. Stone, who read this article in typewritten and made a number of valuable criticisms.
2 Monastic Order in England (1940), p. 584.
3 Downside Review, i. (1932), 208.
4 Elmham, Historia monasterii s. Augustini, Rolls Series (1858), p. 374. Many of the documents which will be cited exist in several transcripts but normally the most accessible source has been cited and the manuscript versions have been indicated only where they supply important variations.
This invitation was eagerly accepted, and it is evident that the monks hoped to use their privileged connection with the Holy See to enlarge their liberty as much as they could.

In the middle of the twelfth century, during the pontificate of archbishop Theobald, the monks wanted not only exemption from the profession of obedience but also exemption from the payment of the traditional sums, amounting to 50s. 7d., for the holy oils on Maundy Thursday. In the course of the ensuing lawsuit, which the monks took to the pope, both parties presented their case to the papal delegates at Winchester in 1143 and the monks stated roundly that they had learnt from their papal privileges:

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\ldots \text{monasterium sancti Augustini ut jus proprium sedis apostolicae munientium, nulliusque alterius ditioni subditum, abbatem et monachos praedicti loci neque subjectionem, neque consuetudinem, neque redditum aliquem seu in magno sive in minimo archiepiscopo et ecclesiae sanctae Trinitatis solevere debere.}^1
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In other words, the monks wanted exemption because they wanted freedom; in this case they wanted to loosen the close ties which connected them with Christ Church and abolish the customs paid to the archbishop which pointed to their subjection to him. This they did, at a price. The archbishop consented to surrender his right to the 50s. 7d., since such payments smelt

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1 R. Twysden, *Hist. anglic. scriptores decem* (1652), col. 1803, and see the translation by A. H. Davis, Blackwells (1934). Dr. Davis discussed the relations between Thorn's chronicle and the earlier chronicle material on which, for the most part, Thorn is dependent until he reaches his own day. Dr. Davis's conclusions are too simple; only an exhaustive and minute comparison between the surviving texts could establish their true relationship, but certain points seem clear. Thorn used an earlier chronicle which he attributed to Thomas Sprott (*X Scriptores*, 1758). Thorn is not clear as to just where Sprott's chronicle ended, but there is an obvious change in the character of the narrative in 1220 after the account of the successful attempt of abbot Hugh to gain blessing without any profession of obedience. There is, for example, henceforth, far less detail given of the various lawsuits in which the abbey was constantly engaged. Lambeth MS. 419 contains a chronicle very close to the early part of Thorn which concludes with the rehearsal of the letter from the abbey to Honorius III in support of their abbot-elect, Hugh. There is nothing to suggest that the manuscript is defective at this point and it seems likely that one of Thorn's sources, the most important of them for the period covered by this article, finished in 1220; it may or may not be the work of Sprott. Neither Lambeth MS. 419 nor Tiberius A. ix, a closely related manuscript, could possibly be Sprott's own work, since both are written in fourteenth century hands.
of simony, in return for property which brought in £4 a year.¹ But, more important, the pattern for the relations between the archbishop and the convent had been set; the monks had embarked on a policy of substituting the jurisdiction of the universal ordinary for the jurisdiction of the local ordinary. It was to the pope that the abbey went after this for permission to appropriate its churches, to assign them to the various obedientiaries—the extensive muniments of St. Augustine’s contain very few episcopal charters after the time of archbishop Theobald and these are mainly confirmations of secular grants of little legal importance in themselves—but above all it was to the pope that the abbey took its litigation. Since for many purposes the abbey was still subject to the bishop’s ordinary jurisdiction and the diocesan was as eager to extend his powers as the abbey was to reduce them, a great deal of the abbey’s litigation involved the diocesan. The full extent of the abbey’s exemption from his authority is only disclosed, indeed was only established, in the course of this litigation.

By the last quarter of the twelfth century the acute issue had become the abbey’s control of its churches and the exercise of ordinary jurisdiction over its parish priests and parishioners. It is probable that Lanfranc began the process whereby more and more control over the abbey’s churches was exercised by the ordinary; at any rate he forced the abbey’s parish priests to attend the diocesan synod and not an exclusive, abbatial, synod.² But it is plain that this was only a beginning and probable that much of what was later to be claimed as normal, ordinary, jurisdiction was still left to the abbey, if it was exercised at all. In the course of the dispute over chrism money, the judges delegate gave a useful definition of the ways in which the archbishop was necessary to the abbey: “... in datione olei 7 crismatis, in

¹ X Scriptores, 1805. Canonically the archbishop had no case, but these payments were difficult to suppress. See C. R. Cheney, From Becket to Langton (Manchester 1956), p. 153. It is interesting to find Theobald writing to the archdeacon of Chester on the same matter between 1159 and 1161 condemning certain men who have forced the local clergy to purchase “ the sacred chrism of the sacrament ” and remarking: “Quod quam sit sacris canonibus adversum fidelis novit ecclesia” (Letters of John of Salisbury, ed. W. J. Millor and H. E. Butler (Edinburgh, 1955), i. 170). ² X Scriptores, 1791.
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dedicandis ecclesiis, in ordinibus faciendis, in justiciis\textsuperscript{1} caeterisque negotiis prout postulatur."\textsuperscript{2} The heads of dispute of thirty years later hardly appear, or if they do, have to be read into \textit{in justiciis}. The absence of any reference to the archdeacon or the control of the abbey’s churches, to custodies during vacancies, to other issues hotly disputed a quarter of a century later, is interesting. It looks as though that period saw considerable strides in the growth of diocesan government at Canterbury. At any rate the later period, which opens with the deposition of abbot Clarembald, whose fifteen years of office had prevented the monks from litigating with anyone except their abbot, is marked by the clash of archbishop and archdeacon on the one side against the abbey on the other over a much wider field; it is the archdeacon who has replaced Christ Church as the monks’ opponent.\textsuperscript{3} Litigation about what was probably the archbishop’s claim to institute the incumbents of the abbey’s churches seems to have arisen directly out of the quarrel over chrism money. During that dispute Thorn claims that Theobald would not permit the abbey to dispose of its own churches instead intruding incumbents unwelcome to the monks.\textsuperscript{4} This could mean that Theobald was directly encroaching on the patronage of the abbey,\textsuperscript{5} probably in retaliation for the abbey’s refusal to pay chrism money, and this is no doubt the impression the chronicler meant to convey. But it is very likely that in fact the archbishop had raised the issue of his right, as ordinary, to institute the incumbents of the abbey’s churches. This is suggested by the bull of Lucius II dated 17 April 1144 which confirmed the settlement of the suit over chrism money achieved by the council of Winchester in 1143 and dealt with other issues

\textsuperscript{1} "\textit{in justiciis}" is supplied from Lambeth MS. 419, fo. 132\textsuperscript{v} and Tiberius A. ix, fo. 130\textsuperscript{v}.

\textsuperscript{2} \textit{X Scriptores}, 1804.

\textsuperscript{3} The situation at Canterbury is illuminated by Dr. Barlow’s discussion of similar litigation at Durham (\textit{Durham Jurisdictional Peculiars} (Oxford, 1950)). He remarks on the growth of ordinary jurisdiction at Durham, p. 146, at the end of the twelfth century and its serious consequences for "the corollaries of an archaic conception of ownership which had perdured when the churches were in ecclesiastical hands".

\textsuperscript{4} \textit{X Scriptores}, 1800.

\textsuperscript{5} A. Saltman, \textit{Theobald, Archbishop of Canterbury} (London, 1956), p. 66 takes this passage in this sense.
recently argued before the pope himself. A passage from the bull refers to what seems to have been the archbishop’s successful claim to the right to institute the abbey’s parish priests:

luxta decretum quoque predecessoris nostri bone memorie Urbani pape statuimus, ne in parochialibus ecclesiis, quas idem monachi tenent, in episcopatu Cantuariensi absque tuo vel successorum tuorum consilio prebiteros collocent, quibus, si idonei fuerint, parochie curam cum eorumdem monachorum consensu committetis, ut eiusmodi sacerdotes de plebis quidem cura vobis rationem reddant.¹

Not surprisingly the abbey’s memorials do not contain the bull of Urban II, and significantly this passage from Lucius II’s bull is not included in Thorn’s transcript. It appears, then, that Theobald had already claimed and been conceded the right of institution of the abbey’s rectors. The monks do not seem to have surrendered to this claim without a struggle and about twelve years later Theobald complained to the pope that the monks: “... ecclesias in fundis eorum sitas nobis subtrahere machinantur...”² and appealed in his turn. We do not know the result of this appeal unfortunately, but a bull of Alexander III, which Thorn says was obtained “during the vacancy”, i.e. in the time of abbot Clarembald, defines the ordinary’s right of institution much as it had stood in the bull of Lucius II, since it allows the monks to have the patronage of their own churches but insists that they present the incumbents to the diocesan for institution:

Quibus si ydonei fuerint, episcopus curam animarum commitat ut sibi de spiritualibus vobis de temporalibus debeant respondere.³

The context of the bull is unknown.

The struggle broke out in earnest in 1176 with the election of abbot Roger. The new abbot was a monk of Christ Church, and he was elected because he could bring with him, as a kind of dowry, some relics of St. Thomas.⁴ In spite of his provenance he refused to make a full profession of obedience to archbishop Richard or to go to the cathedral for blessing. After two journeys to Rome, Roger was eventually blessed by the pope himself in 1179. The archbishop retaliated by impugning the authenticity

¹ Holzmann, Papsturkunden in England (Berlin, 1935), ii. no. 34.
² Letters of John of Salisbury, i. 20.
³ X Scriptores, 1815.
⁴ X Scriptores, 1819.
of the abbey’s privileges and the matter was still sub judice when Alexander III died in 1181.¹ More was at issue than the profession of obedience, as the spate of bulls obtained between 1179 and 1182 shows. In sum they lay down the rough outline of the area within which the abbey was still subject to the ordinary jurisdiction of the diocesan. Gervase of Canterbury is quite explicit that under abbot Roger the abbey began a campaign to overthrow the archbishop’s ordinary jurisdiction so far as it could.² Roger was prepared to admit the archbishop’s spiritual jurisdiction over the abbey’s priests and clerks, which, in view of the bull of Alexander III quoted above, he could not very well have denied. But it is clear that he intended to interpret this subjection as narrowly as possible. According to Gervase he would not admit that the laymen in the abbey’s parishes were subject to the ordinary, he would not allow his clerks to attend synods, nor would he heed the excommunications of either the archbishop or his officials. Thorn mentions other heads of disputes.³ The archbishop, or rather the archdeacon on his behalf, claimed custody of the abbey’s churches during vacancies and the possession of the keys of vacant churches and their revenues. It is probable that the abbey tried also to deny or evade the archdeacon’s right to institute their clerks and claimed the right to depose them at will,⁴ since Thorn says that they lost these rights by reason of the composition they made with archbishop Richard, which ended this first phase of the dispute in 1183.⁵

In fact, the diocesan’s right of institution had already been accepted by the pope. The nearest Alexander III came to

¹ Knowles, DR, p. 414.
² Gervase of Canterbury, Opera Historica, Rolls Series (1879), i. 302.
³ X Scriptores, 1831.
⁴ These claims show how extreme the abbey’s demands were. The history of the right to institution in the abbey’s churches has already been outlined; abbots had been prohibited from ejecting the incumbents of abbey churches “absque proprii episcopi iudicio” as early as the council of London, 1125 (Chronicle of John of Worcester, ed. J. R. H. Weaver (Oxford, 1908), p. 21).
⁵ This composition and the litigation which led up to it are discussed by R. Foreville, L’Eglise et la Royauté (Paris, 1943), pp. 524-32. Her account of the dispute is defective and her conclusions dubious because (working in wartime France) she failed to use Thorn’s narrative and the abbey’s cartularies.
interfering with it was in a bull which was probably dated 16 February 1179, and was addressed to the archbishop and archdeacon of Canterbury. The pope threatened them that if they did not institute suitable persons presented to them by the monks for their vacant livings, he would give St. Augustine's the right to ignore their authority. It is plain, even from this, that the ordinary's right of institution was taken for granted by the pope. Of the other heads of dispute the pope accepted the abbey's right to the keys of its vacant churches—which seems to have meant in practice the right to serve them during a vacancy—and a second bull implies, not very plainly, the abbey's right to the usufruct of the vacant churches. The pope strictly forbade the archbishop or his officials, even by virtue of a legatine commission, to excommunicate the abbey's clerks and men without a special mandate from the Apostolic See. This, of course, must have made the exercise of the ordinary's jurisdiction in spiritual matters over the abbey's clerks difficult since he was deprived of his normal means of coercion. At no point did the pope define what his spiritual jurisdiction was. In the end the archbishop complained to the king who summoned abbot Roger and "a domino papa petita et accepta permissione" mediated between them and a composition was negotiated between November 1182 and 8 March 1183. The archbishop accepted such of the abbey's privileges as had papal support. He abandoned his claim to a profession of obedience, but for himself only: he promised to dedicate the abbey's churches and ordain their priests freely: the right of the archbishop or his official to institute both rectors and vicars was conceded whilst the abbey was allowed the keys of the vacant churches and their fruits: on the death of a rector or vicar, the abbot must present a new incumbent within forty days. The disputed right of

1 Elmham, p. 437. 2 Ibid. p. 440. 3 Ibid. p. 446. 4 Ibid. p. 433. 5 Gervase, i. 302; X Scriptores, 1835. 6 Gervase, i. 303; X Scriptores, 1837.

There had obviously been complaints to Rome that the abbey was unduly prolonging vacancies, see Alexander III's bull in Elmham, p. 438. Behind this dispute probably lay the archbishop's determination that the abbey churches should have regularly appointed incumbents. There is evidence that Faversham church was served, before the composition, "per capellanum commensalem" (P.R.O. Exchequer Remembrancer, Misc. Bks., 27, E. 164/27, fo. 102*).
excommunication was not mentioned but the archdeacon secured his procuration fees in all except the abbey's five appropriated churches: all the abbey's clerks must attend synods and parishioners of the abbey's churches were subject to the archdeacon's court, although the abbot had the right to see how cases were conducted there; he had no powers in such cases. The abbey's privileges touching matters not mentioned in the composition were to retain their full force—this presumably included the cancellation of the ordinary power of excommunication. The monks had done better than their chronicler admits; even abbot Roger seems to have thought that the monks had gone too far. Thorn says: "abbas Rogerus sancti Augustini in prosecutione causae predictae tepesceret. . . ." In any case, these three years of dispute, as Dr. Knowles has pointed out, elicited "no less than 39 extant and printed papal documents". These had been supplemented by a negotiated compromise between the main contestants which had left the archdeacon with most of his rights over the abbey's churches intact.

Although it is certain that the monks were dissatisfied with the composition, it does not seem that there was any renewal of the disputed claims until after the accession of Innocent III. Most of the bulls obtained by the abbey between 1183 and 1198 are confirmations of older privileges, and there is nothing in them or the chronicles to deny that by and large the terms of the composition were observed by both sides. It is not easy to discover who first broke the uneasy peace but the weight of what evidence there is suggests it was the abbey. There seems to have been some trouble after archbishop Hubert had received his legatine commission from Celestine III, when the pope warned Hubert that he could not use his legatine authority to exact an oath of obedience from abbot Roger. But of the other contested points there is no mention. The breakdown of the terms of the composition, so far as can be seen, had taken place by the middle of 1201. Some time before May 1201, probably

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1 I.e. Milton, Faversham, Chislet, Minster and Northburne.
2 X Scriptores, 1834.
3 DR, p. 412.
4 X Scriptores, 1841. Hubert probably visited the abbey as legate (Mem. Ric. 1 (1865), ii. 370).
in the same year, Milton church fell vacant and the monks exercised their customary rights there, apparently without any protest on behalf of the archdeacon until the whole question of the monks’ right to the custody of their vacant churches had been reopened in Rome. But in May 1201 Faversham church fell vacant and the archdeacon claimed custody of the church in apparent defiance of the terms of the composition of 1183. At about the same time the churches of Langdon and Stone also fell vacant and here, too, the archdeacon claimed custody. When the monks refused to permit this the archdeacon retaliated by refusing to institute their presentees and put the church of Stone under an interdict. The main questions settled in the compromise of 1183 were now reopened. Now at no point in the dispute did the monks accuse the archbishop or his officials of violating the composition, which must suggest that it was they who first rejected it, and this inference is supported by a letter of Innocent III, preserved in the White Book of St. Augustine’s, which delegated judges to hear a plea of the abbot and monks for the quashing of what must surely have been the composition of 1183:

Cum bone memorie R. Cantuariensis archiepiscopus in clericis eorumdem iurisdiccionem diceret se habere, ipsi autem illos ad se pertinere proponerent pleno iure; abbas ipse in eius prejudicium iacturam transactionem inivit, contra quam idem abbas 7 monachi restitui postulabant.

The letter is unfortunately undated and the chroniclers do not mention it. Since it seems likely that the quarrel was renewed between the vacancy at Milton and the vacancy at Faversham, i.e. by the end of May 1201 at latest, and since archbishop Hubert’s stock was at its lowest in Rome at this time, it may well be that the monks took the opportunity to reduce, or reject, whatever jurisdiction the composition of 1183 had left the archbishop over their churches.  

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1 X Scriptores, 1844.  
2 Ibid. 1859.  
3 E. 164/27, fo. 101v. Gervase i. 303 hints at what may be this suit: “Romani etenim et argentum magis quam justitiam sitientes, seditiones inter eos et litigia commovebant.” This is appended to his account of the negotiations of 1182-3.  
4 A mandate of Innocent III (E. 164/27, fo. 101f) shows that monks interpreted their plenum ius over their churches as excluding the archbishop’s right of institution. We do not know what happened in this suit but the monks had abandoned the claim by late 1201. See E. 164/27, fo. 103v.
But the course of the new litigation was interrupted by a violent dispute with the king over the patronage of Faversham church. Abbot Roger, in the interval between his election and his blessing and for a short time afterwards, found Henry II uneasy about the precise significance of the abbey's relationship to the pope. Henry's suspicions were partly allayed by a letter of Alexander III interpreting *nullo mediate* as referring to the ecclesiastical, but not the secular, personality of the abbey\(^1\) and partly by the diversion of the abbey's patronage at his instance. A certain master Franco had already been assigned a pension of four marks by abbot Roger "ad petitionem camerarii domini papae".\(^2\) Franco was probably a papal clerk; it is difficult to explain the papal chamberlain's interest in him otherwise and in 1179, when *pontificalia* were restored to the abbot, certain of the ceremonial garments were brought from Rome "per nuncium Franconis camerarii domini papae".\(^3\) It seems possible (although the earlier manuscripts agree with Thorn) that something has gone wrong here and that Franco was the messenger and the pensioner. If so, then Henry had been solicited too, for the pension was increased from four to sixteen marks at the king's request. It was "assigned to him in a sure place"\(^4\)—the church of Milton. More serious from the abbey's point of view was the presentation of a royal clerk, Osbert de Camera,\(^5\) to Faversham. The presentation was made by the king and tolerated by the monks, who retained the traditional pension of six marks. The loss of Middleton and Faversham, two out of their five appropriated churches, was resented by the monks who thought, with reason, that they might lose their two churches permanently. They defended their threatened title with royal episcopal confirmations of the original grant.\(^6\) From Urban III

\(^1\) Elmham, p. 429.  
\(^2\) *X Scriptores*, 1828.  
\(^3\) Ibid. 1825.  
\(^4\) Ibid. 1829.  
\(^5\) He is presumably the important cameral official noticed by Tout, *Chapters* (1920), i. 115 and by Mr. Jolliffe, *Eng. Hist. Rev.*, lxviii. 342-3.  
\(^6\) The original grant is supposed to have been made by William I in 1070 and is attested by two charters (Davis, *Regesta Regum Anglo-Normannorum* (1913), nos. 35 and 39). There are two problems here: the genuineness of the grant and the authenticity of the charters. Davis thought both grant and charters were suspicious since Faversham church is listed in Domesday Book neither
they obtained a bull by which these enforced presentations could be invalidated, and they obtained another from Celestine III mentioning Milton and Faversham by name and forbidding their alienation. But in spite of this impressive series of title-deeds, trouble began on the death of Osbert de Camera on 3 May 1201.

On Osbert's death the archdeacon claimed custody of the church, and it is clear from the sequel that the monks appealed to the pope. But more immediately dangerous was the king's

under *Terra Regis* or *Terra sancti Augustini*. Milton church is listed as belonging to St. Augustine's, but there is an obvious reason for its inclusion since: "xl solidi de iii solins regis exeunt ei" *D.B.* i. fo. 2 b. *Domesday Monachorum* lists churches and even villages of which *Domesday Bk.* makes no mention; since there is no evidence that the abbey's title to the two churches was disputed before the reign of John, it may be taken as reasonably certain that the grant was genuine and the substance of the charters is reliable. It is unlikely, however, that the two charters survive in their original form. The substance of the two charters is virtually identical, but they differ in the form of their conclusion and in their witness lists (none of the witnesses are suspicious). Davis, op. cit. p. 120 prints one of the versions from the charter roll of 20 Edward II (an earlier and better text is found *Carte Antique Rolls*, 9, mem. i, no. 8). This concludes: "Facta est hec donacio in villa que dicitur Wyndesor, anno incarnationis domini millesimo LXX. Testibus..." I have seen no other genuine diploma of the Conqueror which concluded in this fashion. Indeed this conclusion looks like an unhappy compromise between the more usual type of diploma and writ ending. It resembles, however, a spurious Ramsey writ (Harmer, *Anglo-Saxon Writs* (1952), p. 261), which in its Latin form concludes: "Hec carta facta fuit apud Windleshoram in iii° die ebdomade paschalis sub testimonio Ædgithe regine, Godwini et Haroldi comitum..." thus reproducing the priority of the time and place date to the witness list found in the document under discussion. The other version of the Conqueror's diploma is found in its fullest transcription in *Elmham*, p. 348. It is more normal in appearance and would arouse no suspicion except for the addition to a conventional diploma-style witness-list of: "Anno ab Incarnatione Domini MLXX facta est haec donatio, in villa quae dicitur Windesore." We know too little about the drafting of diplomas at this time to be dogmatic about the form of this document but its conclusion is slightly suspicious. The abbey's cartularies reproduce either version indifferently, but Julius D x has transcripts of both and it seems probable that the abbey had two charters in its archives: this, although not fatal, is suspicious in a house of such bad repute as St. Augustine's. Possibly the original charter was lost in the fire of 1168 or possibly it was improved for enrollment on the public records. It seems, then, two adapted versions have survived of what was probably one diploma of William I, the substance of which is adequately represented by the existing texts.

1 *Papsturkunden*, i, no. 286. 2 *X Scriptores*, 1844.
attempt to present another royal clerk, Simon, archdeacon of Wells, to Faversham. Simon was a clerk high in favour with both king and archbishop. He was a frequent datary of John's charters until his elevation to Chichester in 1204. He was a clerk of archbishop Hubert, too. The monks called him archiepiscopi vicecancellarius and the pope gave him the same style, but he is never so styled in any official document either royal or archiepiscopal. The title probably reflects the way in which his position in the royal chancery (where he seems to have occupied the second place after the chancellor, archbishop Hubert) appeared to the monks; it is very improbable that it was in any way an official title. Simon's connection with the archbishop was longstanding. He had been a canon of Salisbury during Hubert's pontificate; on his death he left 100 marks for a chantry in Hubert's memory. In spite of his importance and his connections, Simon was unable to obtain institution; his way was barred by the monks' appeal to Rome. The king peremptorily ordered the monks to cease hindering Simon's institution "sive ad nos pertineat donatio sive non". The monks sent an embassy to the king in France to show him their charters and to offer a large sum of money for their confirmation. John was unmoved: he refused to admit the force of their charters and he gave them a hint to forbear to appeal to the pope:

... prohibemus vobis ne vos aliquatenus opponatis quo minus donatio nostra rata consistat; moleste enim feremus si quid feceritis in hac parte contra jus nostrum et libertatem, nec illud fieri sustinebimus.

This letter can be dated 20 May 1201, and about the same date the archbishop also wrote to the monks on behalf of Simon.

1 "pro dilecto suo et nostro", Hubert referring to Simon, who witnessed many of his acta, the king and himself (E. 164/27, fo. 95r).
2 X Scriptores, 1845.
3 E. 164/27, fo. 99v.
4 Reg. s. Osmundi, Rolls Series (1884), i. 247.
5 X Scriptores, 1846.
6 The text in E. 164/27, fo. 95r, is dated "apud Feritatem xx die Maii". John was certainly at La Ferté 20 May 1202, as the Patent, Liberate and Norman Rolls show. On 20 May 1201 he was in Normandy but his precise whereabouts are unknown. It is certainly a coincidence that John should have made his only known visits to La Ferté on the same day in two successive years but the coincidence is unavoidable. Although Thorn's chronology is not always reliable, it is clear that this letter belongs to the whole sequence of events running from
His letter is a masterpiece of tact. He urged the monks, *salvo jure*, to accede to the king’s will and in return he promised to secure confirmation of their charters. The monks refused and the sheriff of Kent was ordered to evict the monks from Faversham.\footnote{X Scriptores, 1846.} The sheriff came down in person and found a small party of monks in occupation under the leadership of one Osbert. Osbert and his companions were evicted from the parsonage houses and retreated into the church, where they were besieged by the sheriff’s men from 31 July to 16 August.\footnote{Ibid. 1847.} By 15 August the monks had exhausted their supplies of food and water and they sent an appeal for help to the abbey. The next day abbot Roger arrived in Faversham leading a “strong band” which put the sheriff’s men to flight. The abbot, with a few companions, remained in occupation until 24 September when the sheriff returned “augmented by a mob of no small dimensions” and forcibly ejected the abbot and his party. The church was polluted with blood in the process. Abbot Roger appealed to Rome and the church was left in the possession of the rural dean.\footnote{Ibid. 1848.} The sheriff was Reginald de Cornhill who, like other members of his family, was normally on good terms with St. Augustine’s.\footnote{Black Bk. of St. Augustine’s, ed. G. J. Turner and H. E. Salter (1924), ii. 379.} Whilst abbot Roger was holding Faversham two of the abbey’s proctors were trying unsuccessfully to win over archbishop Hubert. The negotiations were interrupted by the arrival of two monks with the news of the abbot’s expulsion. Hubert was apparently very angry and excommunicated all who had taken part in the attack, saying that: “so horrible and so monstrous a deed has not the death of Osbert de Camera to the resumption of the abbey’s temporalities, all of which are assigned to 1201 by Thorn. Some of these events can be dated from other sources. Osbert died on Ascension Day and the letter in question was written 20 May following. Ascension Day 1202 was 23 May, so Thorn must be right in assigning Osbert’s death to 1201. The papal legate John of Salerno found St. Augustine’s in the king’s hands; he passed through London 30 September 1201. Unless this letter is detached from the reasonable chronological position assigned to it by Thorn, it must be dated 20 May 1201.\footnote{Ibid. 1848.} At the close of John’s reign, Reginald junr. was heavily fined by the king for quittance of his father’s debts; he was unable to pay, imprisoned and borrowed money from the abbey to obtain his release.
been committed in England since the slaying of St. Thomas the martyr." But he neither forgave the monks for their defiance nor did he order the archdeacon to surrender custody of the church to them. Towards the end of October the archdeacon, his official and the rural dean, came down to Faversham and reconciled the church, and having done so removed the altar and forbade the monks to say mass there. The monks lodged another appeal to Rome.

By this time the king had resumed the abbey’s temporalities. As the legate’s letter, which can be dated before 31 October 1201, mentions the resumption it seems probable that it was ordered in retaliation for the ejection of the sheriff in August. The abbey remained in the king’s hands until June 1203 and, although during these months there was a constant flow of papal bulls in the monks’ interest, they only recovered their temporalities on payment of a substantial fine. They offered John 200 marks and a palfrey for the confirmation of their charters but he would not give them an answer until he had

1 X Scriptores, 1849. Thorn claims, ibid. 1848, that Hubert was custos Anglie “ipso rege in partibus Normannie agente”. The Witham chronicler uses a similar phrase (Bulletin, xix. 502).

2 The archdeacon’s behaviour is described in detail in two letters of certain burgenses of Faversham appealing to the pope and the universal church for succour (Claudius D.x., fo. 255v). Local sentiment seems to have been very much on the monks’ side. The archdeacon’s official ordered the parishioners of Faversham to use other churches in the initial stages of the dispute (X Scriptores, 1847) and some of the majores of the parish had been excommunicated for refusing. The sheriff, on his first attempt to eject the monks, had been unable to do so because they had the support of seculares validi: abbot Roger must have raised his strong band locally. In the midst of their troubles the legate, John of Salerno, passed through Canterbury and wrote a letter in their support to the pope (E. 164/27, fo. 102v). He seems to have held some sort of local enquiry into the history of the dispute and found local testimony entirely in favour of the monks. This letter, since it mentions the assault on abbot Roger but not the monks’ appeal after the removal of the altar at Faversham, must be dated between 24 September and 31 October. The altar was not restored for some years. A letter of Innocent III ordering its restoration is dated 24 November 1205, Migne (PL, ccxv, 734).

3 X Scriptores, 1853. Thorn implies that John resumed the temporalities after papal letters excommunicating those guilty of the attack on abbot Roger had been received. But the abbey was in the king’s hands when the legate passed through Canterbury, and the pope could not have replied to the monks’ appeal by this date.
consulted the archbishop. The archbishop sent a sharp reply to the king's request for counsel. He thought that there was no doubt about the abbey's right to the patronage of Faversham, and he thought that the estates of the abbey ought to be fully restored:

As to whether you should receive an offering for this same restitution and money for your favour, we shall give you no advice since it seems to us that restitution ought rather to be made for nothing than for money and restoration of what was taken away done for its own sake, not for profit. You, no doubt, will do what seems good to you.

The king took the money and the palfrey. The monks had suffered some loss at the hands of the sheriff and his men. As Hubert put it in his letter to the king:

We know that you will have gained little from this confiscation whilst the aforesaid monks have suffered heavy loss and perhaps some of your men made no small gain. One may say then that you 'have beaten the bushes but others have gathered the birds'.

Although peace had been restored between the abbey and the king only on payment of a large fine, it would not be true to say that papal intervention had been entirely ineffective. There are two main points with which the pope dealt in his mandates, the abbey's claim to Faversham and the violence done to the monks. As to the first, although various papal privileges appropriating the church to St. Augustine's and forbidding its

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1 X Scriptores, 1855. Thorn claims that Hubert advised John to seize the abbey's estates, but this is hard to reconcile with a passage from Hubert's reply to John which, referring to the seizure, reads: "cum nullo modo fuerit laudabilis vel laudanda."

2 Ibid. 1856.

3 Thorn says he took only the palfrey but the Pipe Rolls show that the whole fine was paid by annual instalments.

4 The Sheriff and his men did not keep their pickings undisturbed as the following writ shows: "Rex vic' [Kancie salutem]. Significarunt nobis abbas et conventus sancti Augustini Cant' quod dum abbacia eorum in manu nostra fuit, plus quam cc marcas quas inde nobis soluisti, de illa recepisti. Quare mandamus tibi et firmiter precipimus quatum de eo quod recepisti de illa abbacia dum in manu nostra fuit et nobis non reddidisti, predictis abbatii et monachis respondeas." (E. 164/27, fo. 136r). John confirmed the abbey's charters on 15 June 1203 (Rot. Chart. 105b.).

5 The caution of the pope in this matter is shown by the fact that the sheriff himself was not excommunicated (E. 164/27, fo. 98v and X Scriptores, 1847, for his part in this violence).
alienation could be cited, basically the suit concerned patronage and the king had no intention of admitting papal competence to decide it. The issues are stated most clearly in a series of letters between the pope, the king and the judges delegate, which probably belongs to early 1202. The pope had entrusted the case against the men who had assaulted the monks to Eustace of Ely, abbot Samson and the prior of Bury. John, accordingly, wrote two furious letters, one to the abbey, one to the judges'; both are dated Rouen, 30 March, almost certainly 1202. John appealed to the customs of the realm—he had been advised that the patronage of Faversham belonged to him, but since this right was disputed the church should lie in the hands of the diocesan until the royal court should decide the issue. He justified the ejection of the monks on the grounds of their intrusion and violent detention; the pope ought not to have intervened as he had since the monks' appeal was fraudulent and against the rights of his crown. The judges' reply is an interesting document. They are firm that they cannot ignore a papal command but they do not discuss the king's assertion that a disputed advowson belonged to the royal court. They objected to the king's claim that it was customary for intruders into churches to be summarily ejected by the secular arm. Such intruders might be ejected only after they had been publicly excommunicated by the local ordinary. The question of patronage was not mentioned by the judges; indeed the pope himself, although firm on the matter of the assault, was circumspect in dealing with the matter of right. Thorn does not make it clear whether the monks ever took their claim to the patronage of Faversham to Rome eo nomine; some of their privileges, those forbidding the alienation of Milton and Faversham churches, for example, were probably designed to evade the customary prohibition on taking advowson suits to the pope. The pope certainly never mandated the delegates to hear the suit over patronage, although he did instruct them to restore to the monks the possession of Faversham church; in the larger issue he intervened mainly by writing a moderate, even pleading, letter to John begging him to restore

1 E. 164/27, fo. 98v and X. Scriptores, 1852.
the abbey's temporalities.¹ This letter is dated 19 November 1202 and Innocent wrote a second letter to his delegates requiring them to mediate between the abbey and the king on 3 January 1203.² Thorn says that they did intervene and that they prepared the ground for the final settlement. Thus the important issue of right and principle was evaded. The advowson went to the monks as the pope clearly thought it should; not, however, on account of any judicial decision made in an ecclesiastical court, but after mediation at the pope's instigation. The king waived his claim on payment of a substantial fine. The judges delegate had done their duty to the pope and resisted the king where it seemed that the king's agents had gone too far. The monks had learnt that papal protection was an uncertain defence against the heavy hand of an angry king.

Even whilst the abbey was in the king's hands the monks' case against the archbishop and the archdeacon had been proceeding, although by no means as quickly as Thorn's narrative suggests. The case was mainly concerned with the custody of the abbey's vacant churches; the vexed question of the archdeacon's right to excommunicate the abbey's men and interdict the abbey's churches was a subsidiary issue. If the monks had hoped to gain what they had "lost" in 1183, they were deluded, and in fact from the beginning of their case they found themselves defending what the composition of 1183 had granted them as their right. They claimed custody of Faversham which since the ejection of the abbot had been in the archdeacon's hands,³ and the archdeacon in turn claimed custody of Milton which had been vacant for four years and was in the abbey's hands.⁴ The monks claimed not only that they had a right to the custody of all their vacant churches but also that, since in their appropriated churches they were perpetual rectors, these were never, legally speaking, vacant.⁵

¹ X. Scriptores, 1854. The date is supplied from E. 164/27, fo. 99v.
² E. 164/27, fo. 100r. ³ X. Scriptores, 1857. ⁴ Ibid. 1860.
⁵ Ibid. 1861. At Rome the abbey's proctor used the phrase nullo mediate to express the relation of an appropriated church to the abbey, thus drawing an analogy between the relation of a church to the abbey and the relation of the abbey to the pope (PL, ccxv, 744). During the hearing before the judges delegate, the abbey's proctor asked whether the archbishop or the archdeacon was
The archbishop’s case probably began early in 1202. The pope originally entrusted the case to Eustace of Ely, abbot Samson and the prior of Bury, i.e. a diocesan bishop balanced by the abbot and prior of an exempt house. Thorn says that the opening of the case was delayed because they, with Archbishop Hubert, were across the sea. Diceto notes that Hubert, Eustace and Samson were summoned to Normandy by the king in December 1201. Thorn says that Hubert submitted to judgement as soon as he returned, but it is clear that the suit was a lengthy business. Thorn’s narrative is difficult here. He gives two not quite compatible versions of the course of the litigation of which the first is very condensed but essentially accurate—its author knew that the case was eventually remitted to Rome and was there the subject of a judgement by Innocent III which found its way into the decretal collections; the second is fuller, but less accurate, although its compiler knew that the suit was eventually settled out of court.

The initial proceedings were probably taken up with the assault on abbot Roger, and the archdeacon’s claim to the custody of Faversham church was opened by a mandate of late 1203, i.e. after the king’s case had been got out of the way. This has not survived, but a second mandate, Grave gerimus, addressed to Eustace, Samson and the prior of Bury, has claiming the right of custody (**X Scriptores**, 1861). He was told that the archdeacon’s claim was secondary and derived from the archbishop’s authority; it is obvious that this was the reply the proctor wanted since the archbishop’s authority could be opposed by papal bulls on some of the points at issue. The passage implies that the proctor was doubtful how far these bulls would hold against the authority of the archdeacon and it is confirmation of Dr. Barlow’s suggestion (**Durham Jurisdictional Peculiars**, p. 32): “it was not at this time held that freedom from episcopal burdens automatically entailed immunity from the exactions of subordinate officials”. The archdeacon thus had ordinary jurisdiction in his own right and traces of it can be found as early as the time of Alexander III (**Papsturkunden**, ii. 355).

1 This is apparent from the texts of the relevant mandates. At one point in his narrative, Thorn (**X Scriptores**, 1857) adds the bishop of London to the judges, but he has confused the judges delegated to deal with the Faversham suit with the judges delegated to hear the archdeacon’s counter-claim to Milton (**PL**, ccxv. 743).  
2 **X Scriptores**, 1858.  
4 **X Scriptores**, 1858.  
5 **X Scriptores**, 1857.  
6 Ibid. 1857-63.  
7 Ibid. 1858. The date is supplied from E. 164/27, fo. 116f.
This is dated 1 August 1204 and reproves the judges for allowing the monks' adversaries to waste a year in frivolous appeals. The judges obeyed the mandate and they completed their hearing by 1 March 1205; a day was given to the litigants for them to appear before the pope to receive sentence, 8 September 1205. The pope's decision was given in a bull dated 21 November 1205. So far as it went it was entirely in the abbey's favour, but it did not touch the main question at issue. The issue was mainly concerned with the right to custody of Faversham church whilst appeals concerning that right were pending. The abbey was to have the custody of Faversham and the archdeacon had to resign the fruits he had already received; the decision was "proprietas utriuslibet salvo jure."

The suit concerning Milton church was either slower or more probably begun at a comparatively late stage in the Faversham dispute (Thorn's narrative suggests 1203) by the archdeacon or his proctor, as a counter to the claims of the monks. A papal mandate of 12 December 1205 commands the bishops of London and Ely and the abbot of St. Albans to hear testimony in this case. It is clear that by this time the archdeacon's proctor had rather cleverly appealed to the pope's decision in the Faversham case as a precedent in favour of the archdeacon's right to custody of Milton, whilst his appeal was pending. The judges were delegated to consider the fundamental issues involved in these disputes, since the archdeacon claimed custody on the ground that:

1 Eustace of Ely sent the pope a list of nineteen questions on points of canon law; the pope replied to these December 1204 (C. R. Cheney and W. H. Semple, *Selected Letters of Innocent III* (1953), p. 69). One of these questions concerned frivolous appeals, especially the appeals of excommunicated clerks, another concerned "delaying exceptions" and malicious postponements.

2 The day and month are taken from *X Scripторum*, 1862. The year is almost certainly 1205 since Innocent III's Bull of 21 November 1205 rehearses most of the text of *Grave gerimus* and gives a brief account of the history of the suit since its reception by the judges-delegate. He remarks that the abbey's proctor had to wait almost three months for the archdeacon's proctor to appear (*PL*, ccxv. 731). Since the mandate is dated late November 1205, it fits very well with the date found in Thorn as the appointed day, 8 September.

3 Ibid. 729.

4 *PL*, ccxv. 743.
Nevertheless no definitive decision was ever reached and the matter was settled by a compromise so far as Faversham and Milton churches were concerned; again "salvo jure proprietatis in omnibus in predictis ecclesiis." From the compromise it would appear that the archdeacon was also claiming procuration fees from Milton, although it was an appropriated church, and that he had obtained letters from the pope committing the custody of Milton church to him. The claim was waived and the letters were handed over by the archdeacon. The compromise is not dated but it was probably negotiated some time in 1206. Thus after seven years of litigation the extent to which the abbey's churches were exempt from ordinary jurisdiction was still undefined—and the main question left unsettled.

So far as the evidence allows us to see, it was at last settled in 1237 by a compromise negotiated between St. Edmund, archdeacon Langton and abbot Robert, designed to define anew the degree of subjection of the "clerks and men of the manors and the abbatial estates to the archbishop of Canterbury, the archdeacon and their officials," as well as the extent of the ordinary's jurisdiction over the abbey's churches. The scanty evidence is enough to show that suits over these matters had been endemic since the days of the Faversham and Milton disputes. The abbey's chronicles have little to say about them although they hint at trouble over Chislet church when a clerk, presented as vicar, was instituted as rector. The compromise of 1237 mentions a dispute over Chislet as amongst the occasions for the negotiations. Some of the texts of the papal mandates issued in the course of this case have survived, and although they hardly suffice to give a clear picture of the events behind the suit they show well enough the consequences of the failure of the earlier litigation to elicit any definitive decision.

1 Loc. cit. 2 Claudius D. x, fo. 257r. 3 Black Bk. ii. 535; X Scriptores, 1883. 4 X Scriptores, 1881.
The earliest mandate which has survived is dated 17 February 1235, and the pope refers to an earlier suit over Chislet church when archbishop Richard Grant presented one of his clerks, William, to Chislet on the death of Richard the former vicar. From the pope's narrative it seems that it was not so much the encroachment on their patronage that the monks minded—it would be possible to infer from the text that the abbey had accepted William—but the admission of William, not as vicar but as rector. The particular issue was set against the whole context of the abbey's claims to freedom from ordinary subjection, and the pope says the monks

ad Romanam ecclesiam nullo medio pertinentis peticione monstrarunt quod cum monasterium ipsum a tempore fundacionis sue sub ea constructum fuerit libertate ut videlicet Cantuariensis archiepiscopi abbatem eiusdem monasterii in nullo sibi subditum reputaret.

Thus much more than the fate of Chislet church depended on the outcome of this suit. It appears from Gregory IX's letter that in this suit, after recourse to Rome, a decision in favour of the monks had been given. This mandate has not survived and its terms are not quoted by the pope, but by now William had either died or been ejected, and on the archbishop's authority another clerk, Robert of Ludlow, had been instituted as rector, and the abbey's presentee as vicar rejected. The recalcitrant monks who appear to have been in possession of Chislet church had been excommunicated by the archbishop's officials. From the pope's letter, then, it is clear that the monks were interpreting appropriation as absolute freedom; it is not surprising that the archbishop resisted and ignored the ancient status of Chislet church.

The second mandate, this time addressed to Henry III, is dated 30 April 1235. The pope has heard that, as at Faversham thirty years earlier, the monks "holding" Chislet church had been ejected by main force and those of the abbey's men who helped them had been gaolcd in Canterbury castle. Times had changed, England was ruled by a pious king and the province of

1 Julius, D. ii, fo. 78v.
2 The judges' decision is preserved in Julius D. ii, fo. 75r.
3 Julius, D. ii, fo. 77v.
Canterbury by one of its rare saints, but their methods of government seem to have been hardly more gentle. Two more papal mandates, one to the judges delegate and one to the archbishop and the abbot of St. Augustine's, dated 2 May 1235, and substantially repeating the contents of the letter of 30 April, complete the surviving documentation of the Chislet suit. But a single document relating to the archbishop's view of what was at issue is also preserved in the abbey's muniments. A letter of William, dean of Canterbury, names a day for the abbot to appear before the papal judges to answer charges raised at Rome by the archbishop. He rehearses the papal mandate sent to the judges delegated to hear the suit, which was dated 7 March 1236. According to the archbishop the abbey was attempting to treat all its churches as appropriated, proper incumbents were not being appointed and the churches were being served "per temporales et conductios presbyteros" and disposed of in all respects at the arbitrary will of the abbey. There can be little doubt that this is what the monks would have liked to do with their churches, although it is too obviously an ex parte statement to allow us to decide how far in fact they had been so behaving. Again the pope decided nothing definitely, and in 1237 a new composition was negotiated between the principal contending parties.

The major part of the document is taken up with the rights of the archdeacon. He retained the right to institute rectoris and vicars in the abbey's churches but the requirements of the earlier composition that these be presented within forty days was dropped. This is no doubt explained by the development of the canon law on this point. The archdeacon had the right to visit all the abbey's churches and to receive procuration fees from all except the five appropriated churches: the subjection of the abbey's clerks and men to the archdeacon's spiritual jurisdiction was also affirmed, with certain limitations for the abbot's familia: nor could the archbishop and the archdeacon suspend or interdict the appropriated churches, although their incumbents could be excommunicated—it seems that the abbey

1 Julius D. ii, fo. 79r and fo. 80v. 2 Ibid. fo. 79r. 3 Decretals, 3.38.3 and 22 and 27.
must have conceded the ordinary right to interdict their unappropriated churches: the monks were to agree to the surrender of the annual pensions they were accustomed to draw from their churches in return for the appropriation of the church of Preston, from which they could take twenty marks a year, a net loss of 2s. 6d.: finally, they were forbidden to farm any of their churches without the consent of the ordinary. 2

So far as the evidence goes the composition was moderately successful, although some of the issues were raised again under Boniface of Savoy, but the pattern had been set and the monks' attempts to loosen the subjection of their churches decisively defeated. The composition of 1237 was rather less favourable to the monks than that of 1183, which it seems probable they took the initiative in breaking. The monks had attempted to use their privileged relation to the Holy See to reduce their ordinary obedience to nothing, and this attempt had resulted in a prolonged series of expensive and inconclusive lawsuits at Rome. It is at first sight surprising how little good this expensive policy did them. The pope always, in the last and costly resort, supported the abbots' claim to exemption from the canonical profession of obedience, but to very little else. The issues

1 This was not accomplished until 1243 (Black Bk. ii. 539).
2 From the context, it is plain that abbey was to be prevented from serving its churches by stipendiary priests. This practice was certainly followed in other exempt houses, see Jocelyn of Brakelonde, Chronicle, ed. Butler (1949), p. 63. There is thus a genuine moral and pastoral issue behind the archdeacon's claim to an effective control over the abbey's churches. The bad effect which the long-drawn out litigation may have had on the proper ordering of parish-life in the abbey's parishes is evidenced by the existence of papal privileges (e.g. Elmham, p. 440, and a bull of Celestine III of 1191, Claudius D. x, fo. 44r, mistakenly ascribed by Thorn, X Scriptores, 1840, to 1188) empowering the abbey to deprive those incumbents of their churches who, in their turn, farmed out their benefices. Thorn, loc. cit. says that, "pro dolor", the monks had not used this privilege. It is fair to suppose that they had not done so, to avoid having recourse to the archdeacon to have the offending incumbents deprived.
3 X Scriptores, 1900.
4 Alexander III's decision exempting the abbot from the normal canonical oath was definite and intended to be binding for the future. His formal confirmation of the special privileges of the abbey shows this, since there is an unambiguous alteration in the wording of his privilege when it is compared with the last confirmation, made by Eugenius III, which makes this clear. This alteration is correctly described in X Scriptores, 1829 as against the editor of
raised by the abbey’s persistent appeals were never settled at Rome, but the monks were left to make what terms they could with the ordinary, which, although sometimes generous enough on the immediate cause of dispute, never impaired the ordinary’s basic right. It is probably unfair to judge the efficiency of the papal curia as the supreme ecclesiastical tribunal by this litigation; the monks were perhaps the victims of a wider movement in canon-law. The papacy was eager to convert the ancient right of advowson into a *ius presentandi* by which the rights of the ordinary were increasingly expanded and those of the patron correspondingly reduced.¹ No doubt the intention behind this policy was to limit the rights of the lay patron, but the strengthening of that ordinary jurisdiction over local churches, which was a large part of the *raison d’être* of the archdeacon, inevitably affected the rights of the monastic patron too. The times were no longer favourable to local immunities and peculiars; the growing centralization of church government and law rendered the creation of new immunities difficult and encroachment on old ones comparatively simple. It may well be that papal reluctance to give a definitive sentence on the points of law raised by the litigation of St. Augustine’s was not merely due to dilatoriness or legal incompetence, but to a desire to do what could be done for

Elmham, p. 417, who thought the privileges identical in substance. The full text of Alexander III’s privilege is found in E. 164/27, fo. 53v. In spite of this, abbot Roger’s immediate successors had to go to Rome for blessing. Dr. Knowles has suggested (DR, p. 413) that Alexander III intended St. Augustine’s to be on a level with: “those exempt abbeys, chiefly in Italy, whose abbots were regularly blessed by the Pope”. But Alexander III’s letter of 16 February 1179, announcing abbot Roger’s blessing to Henry II, hardly supports this view (Elmham, p. 431). The succeeding abbots-elect went to the pope for blessing because they could not otherwise have been blessed at all. On Roger’s death in 1212, his successor, Alexander, was forced to appeal to Rome against Stephen Langton, who produced forged bulls in support of his case (*X Scriptores*, 1866). These were exposed and in their stead Langton appealed to his rights under the common law of the Church; this case was still under way and uncompleted in 1224 when Robert of Battle, the new abbot of St. Augustine’s, obtained blessing, but not a decision, by permitting the appropriation of Littleborne church to the pope’s foundation of Mt. Mirteto. This meant that a pension of thirty marks a year was paid by St. Augustine’s (ibid. 2107). Exemption from the canonical oath of obedience was explicitly conceded by St. Edmund in 1237 but his successor still refused to recognize this privilege in 1252.

the abbey without weakening the canonical position of ordinary authority; there are, of course, cases where the pope behaved less circumspectly, but the tendency of the time was against the local, the particular and the immune.

It would be a mistake to force too close and necessary a connection between the litigation over the abbey’s churches and its persistent claim to stand *nullo mediante* to the See of Peter. Dr. Barlow has described a similar conflict of jurisdictions in the diocese of Durham between the cathedral priory and the ordinary. Here the monks, who had no claim to exemption, relied on forged charters granting them archdiaconal powers. The majority of the older Benedictine houses had had churches and authority over them long before the archdeacon had had very much ordinary jurisdiction; it was natural that the monks should resent the growth of his powers. It was equally natural that a monastery which stood in such a special relation to the Holy See should use its privileged position as a means of resisting the archdeacon; and this St. Augustine’s did, with very small success.

It is not easy to estimate the full consequences of their failure because it is impossible to know how they would have exploited their churches if they had gained the *plenum ius* they claimed. Excepting their five appropriated churches, the monks got only a small, fixed and archaic pension from their churches. Had their claims been successful they would have had the free disposition of all their churches and by serving them with stipendiary priests they could have considerably increased their revenues; there is some evidence that this was what they wished to do and their motives may then have been in part financial. Only in the five appropriated churches, a small number for so great a monastery, could they make more than these pensions. Even here, in abbot Roger’s time, three of the five, Faversham, Milton and Chislet, were temporarily lost to the abbey, so the abbey can, in fact, have relied on its churches for only a small part of its

1 The figures given in the agreement made for their suppression agree with those given in a list which goes back at least a century (*Royal MS., IB. xi, fo. 146v*).

2 Durham priory had nine in the archdeaconry of Durham alone (*Barlow, op. cit., p. 38*).

3 For Chislet at this time see Claudius D. x, fo. 171v.
revenue. The fact that for many years after the compromise of 1237 the monks seem to have made little attempt to appropriate any more of their churches, suggests that their motives were not primarily financial. Impalpable but very real motives of prestige must have played some part.

The recounting of this litigation is necessarily tedious to a modern reader, but it was apparently fascinating to the monks of St. Augustine's, if the length at which it is treated in their chronicles is anything to judge by. Apart from St. Alban's, the bulk of narrative material produced at St. Augustine's compares favourably with that of any other English Benedictine house, but it is the least known to historians, and with reason. It might have been expected that the abbey's position as direct tributary to the See of Peter would have given its monks a specially ecumenical outlook, but the chronicles suggest the contrary. It was exemption from the local ordinary not subjection to the universal ordinary which mattered to the chroniclers. It was their antiquity, their tradition, that the narrative historians describe; of anything outside this they have little to say. Thorn's references to the career of St. Thomas are striking, though scanty. Of the quarrel with Henry II he says merely that it happened and that the abbey thought it wise to abandon their lawsuit with abbot Clarembald, then:

"In the year 1170 St. Thomas, archbishop, was martyred in his own church on 29 December and in the fourth and fifth year after that the lawsuit was heard by the above mentioned bishops."

The chroniclers—no doubt they do not tell the whole story—give an extraordinary impression of insularity; not the insularity of Matthew Paris, but the insularity of a horizon bounded by the isle of Sheppey and the isle of Thanet. For all its great traditions and its exemption, the abbey's memorials are narrow, parochial and dull.

1 X Scriptores, 1819.