



6800701787

The Augustinian Canons in the Diocese of Worcester and their Relation to  
Secular and Ecclesiastical Powers in the Later Middle Ages

Donald Dean Nichols, III

Submitted to the University of Wales in fulfilment of the requirements for  
the  
Degree of Doctor of Philosophy

University of Wales, Lampeter  
2009

NIC

## Abstract

In the later medieval period the Augustinian canons flourished in England, yet they have received relatively little scholarly attention. This thesis attempts to integrate the evidence for the eight houses in the diocese of Worcester and contribute to the knowledge of the Augustinian canons by analyzing how the canons related to those outside the monasteries and whether or not a cohesive Augustinian identity can be identified. Focusing on the relations between the canons and the secular and religious power structures, this thesis seeks to place the canons within the broader ecclesiastical and cultural framework in later Medieval England.

Chapter one provides the broader context for the thesis, describing the origins of the order and its expansion into England, and the specific foundations of the monasteries in Worcester diocese. It also describes the wider monastic situation in Worcester, surveying the monasteries of other orders in the diocese.

Chapters two and three explore and analyze the interactions between the canons and the secular powers in England. Though there were many benefits to close relationships with the most powerful people in England, many expectations came with such connections. In chapter three, the administration and effects of the Statute of Mortmain, the legislation most aimed at the religious in England will be examined.

Chapters four and five focus on the relations between the canons and the ecclesiastical powers in medieval England. A detailed analysis of the interactions between the leading ecclesiastical powers and the canons is in chapter four. In chapter five, the question of the canons and their parish churches is considered. The importance of spiritualities for the canons and whether or not the canons undertook parish ministry serve as the key points of exploration in the search for the Augustinian identity.

## Declaration

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed. \_\_\_\_\_ (candidate)

Date... *11 Feb 2009* .....

### STATEMENT 1

This thesis is the result of my own investigation, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references.

Signed *✓* \_\_\_\_\_ (candidate)

Date... *11 Feb 2009* .....

### STATEMENT 2

I hereby give consent for my thesis, if accepted, to be available for photocopying and for inter-library loan, and for the summary to be made available to outside organisations.

Signed. \_\_\_\_\_ (candidate)

Date... *11 Feb 2009* .....

## Table of Contents

Abstract.....	i
Declaration and Statements.....	ii
Acknowledgments.....	v
List of Abbreviations.....	vi
Introduction: The Augustinian Canons and Their Place in Monastic Historiography.....	1
Chapter 1: The Augustinian Canons in Worcester Diocese: the English Context for their Arrival and Dispersal .....	19
Chapter 2: The Augustinian Canons and the Nobility of England: Patronage, Privileges and Expectations .....	58
Chapter 3: The Statute of Mortmain and its Impact on Augustinian Income .....	141
Chapter 4: Ecclesiastical Powers and the Augustinian Canons.....	204
Chapter 5: The Augustinian Canons and their Parish Churches.....	290
Conclusion.....	374
Appendix 1-1:Houses of Monks and Canons in Worcester Diocese .....	379
Appendix 3-1: Number of Mortmain licenses granted to Houses of Augustinian canons in Worcester Diocese from Edward I – Henry VIII.....	380
Appendix 3-2: Augustinian Incomes in the Later Middle Ages.....	381
Appendix 3-3: Gloucester, St. Oswald .....	382
Appendix 3-4: Cirencester Abbey Spiritualities .....	383
Appendix 4-1: The Visitations of Bishops and Priors of Worcester.....	385
Appendix 5-1: Spiritualities as a Percentage of Total Income for Monasteries in the Diocese of Worcester.....	386
Appendix 5-2: Augustinian Monasteries and their Spiritualities as a Percentage of their Total Income according to the Valor Ecclesiasticus.....	388

Appendix 5-3: Rectories and Churches at farm in the Valor and/or Ministers' Accounts 392

Bibliography..... 393

Maps and Plans

Map 1 – Male Monasteries in Worcester Diocese .....32

Map 2 – Male Monasteries in Worcester Diocese (Excluding Augustinians).....33

Map 3 – Augustinian Monasteries in Worcester Diocese.....41

## Acknowledgments

In the production of a work of this scope, there are many, many people to thank, for such an undertaking is not possible alone. Here, I express in writing my deepest gratitude to those who have patiently labored with me throughout this process.

First and foremost, I must thank my advisor, Professor Janet Burton, whose guidance and advice were absolutely essential. Without her expertise and mastery of this topic, this thesis would simply not have been possible. I am grateful for not only her intellectual contribution and guidance but also her personal forbearance with my many e-mails, queries and my overall verbosity.

I also want to express my thanks to my family and friends. To my beautiful wife, Karen: thank you for encouraging and supporting me on this long journey. Thank you for the extra work and labor you carried while I was toiling in the library. Thank you for listening to me ramble on about medieval monasticism when you really did not want to. Thank you for choosing to spend your life with me! To my three children, Alyson, Claire and Sam: thank you for your patience and endurance while I was studying and unable to do many things with you that I would have loved to do. You're the best! To my mother, Dee McJilton: thank you for your ongoing support, both emotional and financial. To LB Graham, Brian Aucker and Walker Cosgrove: thanks for helping keep things in perspective and encouraging me to press forward and finish.

To the friends and colleagues I have met along the way, especially Allison Fizzard, Greg Peters and Andrew Abram, your research, assistance and friendship have gone a long way toward making this product what it is.

## List of Abbreviations

- BL* British Library
- Cart St. Aug* Walker, David, ed., *The Cartulary of St. Augustine's Abbey, Bristol*, Gloucestershire Record Series 10 (Gloucester: Bristol and Gloucestershire Archaeological Society, 1998)
- CCR* *Calendar of Close Rolls Preserved in the Public Record Office* (London: HMSO, 1900-1963)
- CIM* *Calendar of Inquisitions Miscellaneous, Chancery, preserved in the Public Record Office*, 8 vols (London: HMSO, 1916-2003)
- Cir Cart* Ross, C. D., and Mary Devine, eds., *The Cartulary of Cirencester Abbey, Gloucestershire*, 3 vols (London: Oxford University Press, 1964-77)
- CP* *The Complete Peerage, or a History of the House of Lords and all its members from the earliest times*, ed. G. E. Cockayne and others, 14 vols in 15 (London, 1910-98)
- CPL* *Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland*, 18 vols (London: HMSO, 1893 - )
- CPR* *Calendar of Patent Rolls Preserved in the Public Record Office* (London: HMSO, 1891-1916)
- EEA Worc* Hoskin, Philippa M., ed., *English Episcopal Acta 13, Worcester 1218-1268* (Oxford University Press, 1997)
- EEA York* Burton, Janet E., ed., *English Episcopal Acta V, York 1070-1154* (London: Oxford University Press, 1988)
- EGC* Patterson, Robert, ed., *Earldom of Gloucester Charters* (Oxford: Clarendon Press, 1973)
- EPN* Watts, Victor, et al, ed., *The Cambridge Dictionary of English Place Names* (Cambridge: Cambridge University Press, 2004)
- HRH* Knowles, David, Christopher Brooke and Vera London, eds., *Heads of Religious Houses England and Wales, I: 940-1216* (London: Cambridge University Press, 1972); Smith, David and Vera C. M. London, eds., *Heads of Religious Houses, England and Wales, II: 1216-1377* (Cambridge: Cambridge University Press, 2001)
- JEH* Journal of Ecclesiastical History

- JTS* Journal of Theological Studies
- L&P Hen VIII Letters and Papers, Foreign and Domestic of the Reign of Henry VIII, preserved in the Public Record Office, the British Museum, and elsewhere*, 21 vols (London: HMSO, 1862-1932)
- MA* Dugdale, W, *Monasticon Anglicanum*, ed. J. Caley, H. Ellis, and B. Bandinel, 6 vols in 8 (London, 1817-30)
- MO* Knowles, David, *The Monastic Order in England*, second edition (Cambridge: Cambridge University Press, 1963)
- MRH* Knowles David and R. Neville Hadcock, *Medieval Religious Houses, England and Wales* (New York: St. Martin's Press, 1971)
- Origins* Dickinson, J. C., *The Origins of the Austin Canons and their Introduction into England* (London: SPCK, 1950)
- PUE* Holtzmann, Walther, ed., *Papsturkunden in England*, 3 vols, *Abhandlungen der Gesellschaft der Wissenschaften zu Göttingen, Phil-Hist. classe, neue Folge*, xxv, 1-2, dritte Folge, 24-5. 33 (Berlin and Göttingen: Vandenhoeck and Ruprecht, 1930-52)
- Reg Bransford* Haines, Roy Martin, ed., *A Calendar of the Register of Wolstan de Bransford, Bishop of Worcester, 1339-49* (London: HMSO, 1966)
- Reg Cobham* Pearce, Ernest Harold, ed., *The Register of Thomas de Cobham, Bishop of Worcester, 1317-1327* (London: Printed for the Worcestershire Historical Society, by Mitchell, Hughes and Clarke, 1930)
- Reg Clifford* Smith, Waldo E. L., ed., *The Register of Richard Clifford, Bishop of Worcester, 1401-1407: a calendar*, *Subsidia mediaevalia*, 6 (Toronto: Pontifical Institute of Mediaeval Studies, 1976)
- Reg Geynesburgh* Willis-Bund, J. W., ed., *The Register of William de Geynesburgh, Bishop of Worcester, 1302-1307* (London: Mitchell, Hughes and Clarke, 1929)
- Reg Giffard* Willis-Bund, J.W., ed., *Episcopal Registers, Diocese of Worcester*, 4 vols (Oxford: Printed for the Worcestershire Historical Society by James Parker and co., 1902)
- Reg Lanthony* Rhodes, John, ed., *A Calendar of the Registers of the Priory of Llanthony by Gloucester: 1457-1466, 1501-1525*, Gloucestershire Record Series 15 (Gloucester: Bristol and Gloucestershire Archaeological Society, 2002)



- Reg Martival* Edwards, Kathleen, ed., *The Registers of Roger Martival, Bishop of Salisbury, 1315-1330*, 4 vols (Oxford: The Oxford University Press, 1959-1975)
- Reg Orleton* Haines, Roy M., ed., *Calendar of the Register of Adam de Orleton, Bishop of Worcester, 1327-1333* (London: HMSO, 1979)
- Reg Reynolds* Wilson, Rowland Alwyn, ed., *The Register of Walter Reynolds, Bishop of Worcester, 1308-1313* (London, Mitchell, Hughes and Clarke, 1927)
- Reg Stapledon* Hingeston-Randolph, F. C., ed., *The Register of Walter de Stapledon, Bishop of Exeter (1307-1326)* (London: George Bell and Sons, 1892)
- Reg SV* Willis-Bund, J. W. ed., *The Register of the Diocese of Worcester During the Vacancy of the See: Usually Called 'Registrum Sede Vacante' 1301-1435* (Oxford: Printed for the Worcestershire Historical Society by J. Parker, 1897)
- Reg Wakefield* Marett, Warwick Paul, *A Calendar of the Register of Henry Wakefeld, Bishop of Worcester 1375-95* (Leeds: Printed for the Worcestershire Historical Society by W. S. Maney & Son, 1972)
- RO* Knowles, David, *The Religious Orders in England*, 3 vols (Cambridge: Cambridge University Press, 1948-59)
- RRAN* Davies, H. W. C., C. Johnson, H. A. Crone, and R. H. C. Davis, eds., *Regesta regum anglo-normannorum 1066-1154*, 4 vols (Oxford: Clarendon Press, 1913-1969)
- Taxatio* Astle, T., S. Ayscough and J. Caley, eds., *Taxatio ecclesiastica Angliae et Walliae auctoritate P. Nicholai IV, circa A.D. 1291: printed by command of His Majesty King George III ... in pursuance of an address of the House of Commons of Great Britain* (London: G. Eyre and A. Strahan, 1802)
- TBGAS* *Transactions of the Bristol and Gloucestershire Archaeological Society*
- TNA* The National Archives
- TRHS* *Transactions of the Royal Historical Society*
- Valor* Caley, J. and J. Hunter, eds., *Valor Ecclesiasticus temp. Henry VIII Auctoritate Regia Institus*, 6 vols (London: s.n., 1810-34)
- VCH Glouc.* Page, William, ed., *The Victoria History of the County of Gloucester*, vol. 2 (London: A Constable and Company, ltd., 1907)

*VCH Warw.* Page, William, ed., *The Victoria History of the County of Warwick*, vol. 2  
(London: A Constable and Company, ltd., 1907)

## Introduction

The Augustinian canons have traditionally posed a difficult puzzle to solve for many scholars of monasticism. Essentially created in the eleventh century, the canons were hybrids, priest-monks of the Gregorian Reform program, a new monastic order with a new vision of the monastic life.<sup>1</sup> As such, when they burst onto the English monastic scene they engendered significant patronage from powerful kings and bishops, they proliferated throughout the realm with unparalleled speed and consistency, and they became the possessors of many lands and especially parish churches. While these traits apply to almost all Augustinian monasteries in England, diversity is the hallmark of their order. The many Augustinian houses in England ran the gamut of possibilities for convents. One Augustinian monastery, Carlisle, was a cathedral chapter; a handful were mitred abbeys. Some were minute cells of one to three canons with annual incomes of less than £5; some houses had incomes in excess of £1000.

The diocese of Worcester, the subject of this thesis, provides, in essence, a microcosm of the order. Nine Augustinian monasteries figure prominently in the diocese and exhibit that diversity to which attention has already been drawn. These were:

---

<sup>1</sup> In the introduction to J. C. Dickinson, *The Origins of the Austin Canons and their Introduction into England* (London: SPCK, 1950), pp. 7-25, Dickinson traces the history of the regular canons in the western church. Though the claim of the Gregorian reformers was that the regular canons had always been a part of the church, Dickinson believes that they essentially invented the order for their own ends. His conclusion is that 'the ideal of the medieval regular canons is scarcely found in the first thousand years of the Church's history, though it has been foreshadowed partially and sporadically. Its main characteristic – the union of clerical status and a full common life – is seldom if ever absent from the stage, but the part it plays is extremely small save in exceptional epochs, and there are few indications of its existence in the West on the eve of the Gregorian Reform'.

Cirencester, Lanthony, St. Augustine's Bristol, Kenilworth, Studley, St. Oswald's Gloucester, St. Sepulchre Warwick, Horsley and Dodford.<sup>2</sup> Three of them were, either from their foundation or by the time of the Dissolution, of abbatial rank. Eight were founded in the twelfth century, one in the thirteenth. Two did not survive until the sixteenth century, and only four ranked among the major monasteries in England, having a net income of over £200 at the time of Henry VIII's *Valor Ecclesiasticus*. One house was founded by Henry I himself, one by his chamberlain, and two were founded either at the impetus of, or directly by, bishops. The priory of Warwick was the first English house of the order of St. Sepulchre in Jerusalem, while another, St. Oswald's Gloucester, was a royal free chapel peculiar to the archbishop of York. One ended as a vicarage in the fourteenth century, and one was combined with a Premonstratensian house in the fifteenth century. If not diverse, there is perhaps no suitable word to describe the houses in the diocese.

### ***The Augustinian Canons and their Place in Monastic Historiography***

Worcester diocese presents a representative yet partial portrait of the Augustinian order, an order that by the end of the medieval period claimed more monasteries in England than any other. Ironically, for all their successes (and of course failures) the Augustinian canons have received, compared to the other male monastic orders, nominal direct attention, particularly the canons within the context of England. In the last fifty years or so there have been only two sizeable works focusing on the order in England as a whole.

---

<sup>2</sup> For the sake of this study, I will frequently use the number of nine monasteries in Worcester diocese, though properly speaking, only eight were actually situated in the diocese. Kenilworth was actually in the diocese of Coventry and Lichfield, but its significant possessions in Worcester diocese make it an important part of the life of the diocese.

One of these, J. C. Dickinson's *The Origins of the Austin Canons and Their Introduction into England*,<sup>3</sup> stands as the definitive work on the order to date, but as its title suggests, it makes little effort to extend beyond the earliest years of the order's presence in England, its systematic study ending at 1215.<sup>4</sup> The other major work devoted to the order as a whole, *The Geography of the Augustinian Settlement*,<sup>5</sup> comes from David Robinson, though as the title of his work suggests, it is a geographical study of the order that surveys well the locations, possessions and economics of the order, but fails to offer much insight into the nature of the regular canons or their impact on medieval life. In contrast, Carolyn Walker Bynum's works on medieval spirituality, *Docere Verbo et Exemplo: An Aspect of Twelfth Century Spirituality*, and *Jesus As Mother*,<sup>6</sup> address the contributions of the Augustinian canons to the spiritual life of the medieval world with some cogency, though these are rather narrowly focused studies of the canons and certainly are not limited to the English Augustinians.

Beyond these have been several studies of individual monasteries. Most notable among these have been A. Hamilton Thompson's *Bolton Priory*,<sup>7</sup> a work that provided a portrait of single monastery and its institutional life. Recent doctoral theses have also illuminated the stories of important individual Augustinian monasteries as well, thus aiding an understanding of the overall conception of the order. The most significant of these have been Allison Fizzard's 'The Augustinian Canons of Plympton Priory and their

---

<sup>3</sup> Dickinson, *Origins*.

<sup>4</sup> Though to be fair, Dickinson's work does provide some clear insight into the life of the order as it extended past The Fourth Lateran Council of 1215.

<sup>5</sup> David Robinson, *The Geography of Augustinian Settlement in Medieval England and Wales*, British Archaeological Reports, British Series, 2 vols (Oxford: British Archaeological Reports, 1980).

<sup>6</sup> Carolyn Walker Bynum, *Docere Verbo et Exemplo: An Aspect of Twelfth Century Spirituality*, Harvard Theological Studies 31 (Missoula, MT: Scholars Press, 1979) and *Jesus as Mother: Studies in the Spirituality of the High Middle Ages* (Berkeley: University of California Press, 1982).

<sup>7</sup> A. Hamilton Thompson, *Bolton Priory*, Thoresby Society, XXX (1924).

Place in English Church and Society, 1121-C.1400',<sup>8</sup> Anne Geddes's 'The Priory of Lanthony by Gloucester: an Augustinian house in an English town, 1136-1401',<sup>9</sup> and Andrew Abram's recent thesis, 'The Augustinian canons in the diocese of Lichfield and their Benefactors, 1115-1320'.<sup>10</sup> Each of these studies has focused its attention on the canons and their relation to medieval society. Fizzard and Geddes, each studying in great detail one single house, focus their studies primarily on the twelfth and thirteenth centuries, though they do attend, with some thoroughness, to the situations of the later medieval time period. Abram's study deals predominantly with the question of benefactors and their relationships with the priories in Lichfield; his study casts its net wider than a single house and focuses almost entirely on the interactions between the monasteries and their benefactors.

It must be fairly stated that the attention given to the Augustinian canons far exceeds the book-length studies mentioned above. It would be unfair to neglect the labors of generations of scholars who have included valuable work on the regular canons in their larger, more general works, or in articles centering on an aspect of monasticism and medieval history. Janet Burton, Christopher Brooke, David Postles, David Walker, C. D. Ross, H. A. Salter and Frank Barlow are only a few of the scholars who have included the canons regular in their purview of the monastic landscape. It is their findings and conclusions against which the evidence available for the canons in Worcester diocese will ultimately be weighed, for such is the goal of this thesis.

---

<sup>8</sup> Alyson Dawn Fizzard, 'The Augustinian canons of Plympton Priory and their place in English church and Society 1121-1400' (unpublished doctoral dissertation, University of Toronto, 1999). See also her *Plympton Priory: a house of Augustinian Canons in south-western England in the late Middle Ages* (Leiden; Boston: Brill, 2008).

<sup>9</sup> Anne M. Geddes, 'The Priory of Lanthony by Gloucester: an Augustinian house in an English town, 1136-1401' (unpublished doctoral dissertation, The Johns Hopkins University, 1997).

<sup>10</sup> Andrew Abram, 'The Augustinian Canons in the Diocese of Lichfield and their Benefactors, 1115-1320' (unpublished doctoral thesis, University of Wales, Lampeter, 2007).

### *The Augustinian Canons and the Diocese of Worcester: sources and historiography*

This study aims at a slightly wider target than does the study of an individual monastery. In considering a number of houses within a given region, this survey of the diocese of Worcester aims to inform the historian of monasticism of the common traits of a number of houses, seeking to identify patterns of behavior, interaction, development and decay where discernable, and to investigate both differences and common patterns. More specifically, the aim of this study is to identify the specific ways in which the Augustinian canons interacted with the world outside the cloister, the ways in which the regular canons impacted and influenced their communities, and more specifically still, the major powers therein. The foci of the study, therefore, are the canons' relations with the crown and nobility of England and the place of the canons in the ecclesiastical world of their diocese, particularly in the later medieval period. These two points of contact with the world outside the convent begin to add to and augment the currently understood identity of the Augustinian canons as an order and how they related to the major sources of power and influence in the diocese. The other benefit of this regional inquiry is that it will aim to confirm or question the findings of previous works, whether general studies such as Dickinson's or more targeted discussions concerning the canons, which can be anomalous. Worcester diocese was chosen specifically for such a regional study since it embodies the order well, containing diverse monasteries that might be said to represent a cross-section of the order, if one could be found.

The sources available for the study of the diocese of Worcester are numerous. The diocese has the good fortune of having a number of surviving cartularies. Two of the

larger houses for which this is the case, Cirencester Abbey<sup>11</sup> and the abbey of St. Augustine's Bristol,<sup>12</sup> figure significantly in monastic studies broadly but have received little direct attention on their own or as a unit. Their cartularies have been published and will be consulted extensively for this study. Lanthony Priory has voluminous extant unpublished cartularies, which were used extensively by Anne Geddes for her study of the priory, referenced above.<sup>13</sup> Lanthony also has a trove of registers of the priors, some of which have been published by John Rhodes,<sup>14</sup> some of which remain unprinted in the National Archives. Both sets of registers inform this study. The cartulary of Kenilworth Priory was edited for an unpublished PhD thesis in 1966.<sup>15</sup> Since it lies, properly speaking, outside this boundary of Worcester diocese and receives only tangential treatment in this thesis, that cartulary has been left ultimately unplumbed.

Aside from complete cartularies, there are many manuscripts extant in the National Archives and the British Library for the houses in question. Several of these serve to enhance the knowledge of the monasteries, though the fragmentary nature of most of them makes listing them here gratuitous; they will be cited as necessary. Two large caches of manuscripts in the National Archives concerning the smaller houses of the diocese figure prominently in this study, however. The small priory of St. Sepulchre Warwick has a detailed roll of manuscripts touching the appropriation of the church of

---

<sup>11</sup> C. D. Ross and Mary Devine, ed., *The Cartulary of Cirencester Abbey, Gloucestershire*, 3 vols (London: Oxford University Press, 1964-77).

<sup>12</sup> David Walker, ed., *The Cartulary of St. Augustine's Abbey, Bristol*, Gloucestershire Record Series, 10 (Gloucester: Bristol and Gloucestershire Archaeological Society, 1998).

<sup>13</sup> The Lanthony Cartularies are contained in the Duchess of Norfolk's Deeds in TNA C115/74-84. See also G. R. C. Davis, *Medieval Cartularies of Great Britain: a short catalogue* (London: Longman's, Green, 1958), pp. 60-61.

<sup>14</sup> John Rhodes, ed., *A Calendar of the Registers of the Priory of Llanthony by Gloucester: 1457-1466, 1501-1525*, Gloucestershire Record Series, 15 (Gloucester: Bristol and Gloucestershire Archaeological Society, 2002).

<sup>15</sup> C. Watson, ed., *Edition of the Kenilworth Cartulary* (London: University of London, 1966). This is a printing of the manuscript text found in BL Add 47677.



Snitterfield that serves to give insight into the actions taken by this small monastery in the fourteenth century.<sup>16</sup> Likewise, the priory of Studley has an intriguing collection of manuscripts concerning its struggle for the church of Aston Cantlowe in the fourteenth and fifteenth centuries.<sup>17</sup>

Beyond these manuscript sources lie still more evidence. The records of the crown, notably the Patent Rolls, Close Rolls, Charter Rolls and Inquisitions all provide invaluable insights into the interactions between the kings of England and the monasteries. In the case of the diocese of Worcester, two major collections of archives from aristocratic families provide further evidence for the life of the canons. The earldoms of Hereford<sup>18</sup> and Gloucester<sup>19</sup> each have many charters that detail their interaction with the monasteries. Additionally, the many church records available augment and enhance the cartulary information. The registers of the bishops of Worcester, stretching from 1268 onward, present much information regarding the interactions of canons with the episcopal see. For the diocese of Worcester, several volumes have been calendared and published,<sup>20</sup> including the registers of Godfrey Giffard (1268-1301), William Geynesburgh (1302-1307), Walter Reynolds (1308-1313), Thomas Cobham (1317-1327), Adam de Orleton (1327-1333), Wolstan de Bransford (1339-1349), Henry Wakefield (1375-1395), and Richard Clifford (1401-1407). Complementing these is the very valuable *sede vacante* register, covering the years 1301-

---

<sup>16</sup> TNA E328/21/i-xv.

<sup>17</sup> TNA E135/23/1-18, and E135/4/6 and E327/133.

<sup>18</sup> David Walker, ed., *Charters of the Earldom of Hereford, 1095-1201*, Camden Society Fourth Series, 1, 1 (London: Offices of the Royal Historical Society, 1964).

<sup>19</sup> Robert Patterson, ed., *Earldom of Gloucester Charters* (Oxford: Clarendon Press, 1973).

<sup>20</sup> See David M. Smith, *Guide to Bishops' Registers of England and Wales: a survey from the Middle Ages to the abolition of Episcopacy in 1646* (London: Offices of the Royal Historical Society, 1981).

1435. Additionally, the numerous volumes of papal correspondence highlight the many points of contact between the individual monasteries and the papacy.

Taken together, these sources provide a vast amount of evidence by which one can survey the Augustinian canons and their connections to the world outside the cloister, and the various ways in which the canons engaged that world in the later medieval period.

***A Study of the Augustinian Canons in the Diocese of Worcester: aims and methodology***

This thesis aims to advance what is known about the Augustinian canons and their place in English church and society. Through an analysis of nine monasteries in one ecclesiastical unit, in this case the diocese of Worcester, the identity of the order of Augustinian canons will be explored and expanded. While several studies have been done to examine the life of individual monasteries, a study like this one, that takes a group of monasteries bound by similar geography and power structures, stands as a unique contribution to the current study of the regular canons. Such a study allows for a broader approach to monastic history that allows one to grasp the unity and diversity of the Augustinian canons in England.

Chapter one sets the context in which the arrival and dispersal of the canons must be considered. The Benedictines had a very strong, firmly established presence in the diocese of Worcester when the canons arrived in the twelfth century. Into a religious world marked by grand abbeys of black monks, the black canons came, followed by the white monks and later the friars. Though it is difficult to know just how competitive the struggle for benefaction was, there is no question that the Augustinians had competition

throughout their existence, from both the older monastic presence and the newer, more ascetic Cistercian brothers. After considering the monastic landscape of the diocese, the foundation of each Augustinian house in the diocese will be explored. From there, the focus of this thesis will turn outward, to the interactions of the canons with those outside the monastery's walls.

Of the many arenas in which one can survey the canons and their extra-cloistral world, the one that is perhaps most accessible to the contemporary scholar is the connection between the canons and the nobility of England, especially the crown. The voluminous and detailed records of the English crown, whose reach extended to all institutions and families in England, both great and small, provide nearly boundless venues for study. The interactions between the nobility and the canons, the focus of chapter two, may be the most appropriate place to begin an inquiry into the Augustinian identity, since, from their inception and especially at the time of their introduction into England, the crown played a crucial role in the founding and flourishing of the order. For the canons in Worcester diocese, not only the crown but also the great baronial families of the region played a significant role in the order's success. Though often in competition with the grand Benedictine houses in the diocese, the Augustinian canons were intimately connected with the earls of Hereford and Gloucester, the Lords Berkeley, the Cantilupes and other notable lay powers in and around the Southwest of England. These close connections between the canons and the powerful barons and crown of England are often considered to be one of the most significant factors in the order's origins.

At the beginning of the twelfth century the canons' relations with the nobility in Worcester diocese were the crucial impetus for the flowering of the order in the face of a

wholly Benedictine landscape. As will be explored in chapter two, the canons were intimately connected to the baronial families of the southwest of England, some of the most powerful families in England in the twelfth century. The political alliances of the patrons of the monasteries seems to have influenced the benefaction received by the larger houses in the diocese, as Cirencester, St. Augustine's Bristol and Lanthony Priory all received reciprocal benefaction or support from the patrons and benefactors of the others.

The close ties between the monasteries and the secular powers of medieval England were not limited to the early medieval period however. Indeed, the vast majority of this study will deal with the later medieval period, exploring the many ways that the wealthy and powerful families of England continued to interact with the Augustinian houses. The ongoing benefaction of and the rights granted to the canons by the crown and the powerful families in southwestern England reveal just how intertwined the canons were with the secular powers. Additionally, the many services the lay powers requested or demanded, and the benefits of the canons from these relationships reveal the ongoing importance of monastic life in England, even until the eve of the Dissolution. Far from fading into a dreary horizon, most of the monasteries, and especially the abbots and priors of the larger houses, continued to enjoy a prominent place in medieval society until the very end, in the midst of increasing popular piety and the ascendance of the itinerant religious.

The relations with the secular powers reveal one of the hallmarks of the Augustinian identity this thesis proposes, namely its rich diversity. Royal connections did not always ensure prosperity for a monastery, as the story of Dodford Priory reveals.

Though the records available for the study of the interactions between the crown and the canons are many, they are highly imbalanced. As is often the case, the larger monasteries have a disproportionate amount of extant information, which makes them a much more fertile field for study. However, as this thesis will demonstrate, the smaller monasteries occasionally offer compelling foils to the generally held conclusions about monastic life and will thus be studied in conjunction with their larger brothers wherever possible.

The support of the secular powers was essential to the early and ongoing prosperity of the monastic foundations in Worcester. It is clear, however, that the situation in the early sixteenth century was not identical to that of the early twelfth century. The religious and political landscape had changed dramatically, and monasticism itself looked different at the end of the period than at the beginning. One major change was in the status of the Augustinians' patrons and the opportunities they enjoyed to patronize a monastic house. Though it may have been less expensive to found a house of Augustinian canons than a Benedictine monastery, the founders of the monasteries in Worcester diocese were influential and powerful people, wealthy patrons taking an interest in the canons early and often in the twelfth century. There were many issues involved in the choice of patronage for the early benefactors of the order, however, and as time wore on and the Augustinian canons lost their luster of newness, the relatively economical cost to found a house of canons likely became more significant, as lesser nobles and landed gentry became substantial contributors to the order. Not surprisingly, their foundations paled in comparison with larger Augustinian houses first founded in England.

The ability of any layman to patronize a monastic institution appears to have been severely limited by the Statute of Mortmain. The focus of chapter three, the Statute of Mortmain, enacted by Edward I, looks, on paper, to be a clear dividing line in monastic history. This thesis will argue that though patronage certainly changed in the later medieval period for the Augustinian canons, and though the later foundations were in general much smaller foundations with sometimes scant, sometimes wholly inadequate endowment, the Statute of Mortmain seems not to be the driving force behind such realities. Rather, it seems that the statute may have only solidified a trend that was already cementing itself in the later medieval landscape. Though perhaps not determinative, the Statute of Mortmain did have an effect on the nature and size of the grants made to the houses of regular canons and the expense and inconvenience the monasteries encountered in trying to realize and exploit such grants. This thesis will examine the ways in which the statute was implemented and its effects on the monasteries in Worcester diocese, using the Statute and its effects as a window into the possessions and income of the Augustinian canons in the later Middle Ages. Through a careful study of the acquisitions of several of the Augustinian houses in the diocese, it will be argued that the effect of Mortmain was negligible and that the canons did not suffer substantially at the hands of the crown's oversight and meddling in the patronage of the laity.

The secular powers certainly had great influence on the Augustinian houses of Worcester, but they were not the only outsiders with whom the canons were engaged. Though all religious houses were connected to and dependent upon the laity for their existence in some fashion, it is in their connections to the ecclesiastical powers that

another key facet of the Augustinian identity is revealed. As regular canons, priests living under a rule, the Augustinians were not monks, though the language of monasticism is, if only for purposes of expediency, applied to them. The canons were, in the words of a leading scholar of the order, part of the 'ordinary machinery of the church'.<sup>21</sup> As such, the lives of the bishops, the papacy and the canons touched frequently in the medieval period.

The interactions between the canons and the ecclesiastical powers, the subject of chapter four of this thesis, present some of the most intriguing (and entertaining) accounts of later-medieval monastic life. The canons were, in respect to their position before the diocesan authorities, distinct from many other monastic orders on account of their nearly universal lack of exemption from episcopal oversight. This difference and the manner in which one interprets the status of the regular canons, as fundamentally monastic or fundamentally clerical, is one of the most important issues in any cogent discussion of the order. The conclusions drawn by many scholars concerning several of the major questions about the Augustinian canons turn not on the extant evidence, scant as it is at points, but on the assumptions made concerning the nature of the canons regular themselves. Regardless of what their 'official' status might have been, it is clear that the canons, whatever freedoms they did enjoy, rarely enjoyed freedom from the diocesan or archdiocesan powers.

The canons had many dealings with which the ecclesiastical powers of Christianity were intricately intertwined, and while it is true that the connections between all monasteries and the diocesan authorities were tense at times, this tension is most acutely illustrated in the interactions between the priors of Worcester and their administration of the diocese during a vacancy. On issues of elections, visitations,

---

<sup>21</sup> Dickinson, *Origins*, p. 201.

presentations, and at other times, the canons and the diocesan authorities came into sharp disputes. The issue of jurisdiction also came to a head for several of the archbishops as well, particularly centering on the small priory of St. Oswald's Gloucester, as it was a royal free chapel, a peculiar of the archbishop of York, yet situated in the archdiocese of Canterbury. Other rights, obligations, and duties granted to or foisted upon the canons by the ecclesiastical powers in England will also be analyzed as the relationships between the monasteries and the diocesan authorities are examined.

Additionally, the interactions between the papacy and the canons will illustrate another facet of the Augustinian order. The papacy granted the monasteries and the individual canons several rights and privileges. Many of these were granted in the later medieval period and served, so some have argued, as a way out of the regular life. The canons also made frequent use of the papal judge-delegate system that grew up in the medieval church. Frequently they were called upon to serve as judges delegate, and perhaps just as frequently, they sought out papal protection and authority in pursuing resolution to their own conflicts.

From a consideration of the interactions between the ecclesiastical powers and the canons, chapter five of this thesis turns to what has been the most contentious and important issue in modern historiography concerning the Augustinian canons, namely the relationship between the canons and their parish churches. As the aim of this thesis is to advance the knowledge of the nature of the Augustinian order and their place in English church and society, it is this topic that most clearly reveals the Augustinian identity and therefore deserves detailed study. The aforementioned challenge of interpreting the status of the canons, as monastic or clerical, looms large in addressing this most contentious



question. The answer to whether or not the canons undertook parochial ministry in the churches in their possession is grounded not only in the interpretation of such documents as may be extant but perhaps more directly in one's understanding of the nature and status of the order.

To the modern sensibilities, there is little that distinguishes the Augustinian canons from the Benedictine or Cistercian monks. Indeed, even to many seasoned scholars, the distinction is slight. Christopher Brooke has suggested that there are enough points of similarity between the Benedictine and Augustinian houses to conclude that there would be no significant distinction in the eyes of the average twelfth- or thirteenth-century observer.<sup>22</sup> Though he acknowledges there were 'many subtle shades of colour – many slight differences adding up in the end to major divisions',<sup>23</sup> he maintains that there was no clear distinction between monk and canon, and that the mind of the desirous patron would as often as not have been 'confused and blinded by the profusion of indistinguishable goods laid out in the shop for his choice'.<sup>24</sup> Indeed, it is Brooke's claim that over time the order of canons became more monastic and less distinct from typical English Benedictinism.<sup>25</sup> However, in an influential article Brooke contends that canons were folks 'nearer to the city centres, to the ordinary lives of the community, to pastoral

---

<sup>22</sup> See Christopher Brooke, 'Monk and Canon: some patterns in the religious life of the twelfth century', in *Monks, Hermits and the Ascetic Tradition*, Studies in Church History, 22, ed. W. J. Shiels (Oxford, 1985), pp. 109-129.

<sup>23</sup> *Ibid.*, p. 129.

<sup>24</sup> *Ibid.* Elsewhere, Brooke argues that a modern student simply must concede that we 'do not know' the difference between a canon regular and a monk. But at the very least he puts the would-be scholar in good company by using evidence from Chaucer's *Canterbury Tales* to show that even the master poet offered a hazy picture without clear distinctions between the orders. He claims that his conclusion of agnosticism is the final answer we should give if 'we are honest with ourselves and with the evidence'. See Christopher Brooke, *The Monastic World 1000-1300* (London: Elek, 1974), pp. 164-5.

<sup>25</sup> *Ibid.*, p. 163.

care, at least in origin and in principle'.<sup>26</sup> To Brooke, it seems that many of the first communities founded were intended to be involved in hospital work or even parish ministries.<sup>27</sup>

For much of the twentieth century it was held that the fundamental distinction between the monks and canons was that the canons participated in the cure of souls and the parochial ministry in the churches they possessed. To some this was the determining characteristic of the order.<sup>28</sup> Dickinson has shown, softening the views of some early in the twentieth century,<sup>29</sup> that though the Augustinian canons did serve some of their churches, from their inception they never intended to serve *the majority* of the houses in their possession. Indeed, as he and others have pointed out, two obvious reasons they could not have been in charge of the cure of souls in most of their churches were the distance away from their convent that many of the churches stood and the relatively small number of canons in English houses.<sup>30</sup> A lack of written evidence as to their parochial ministrations has led most scholars to take a pessimistically agnostic view toward the parochial ministry of Augustinian canons. While some of them certainly did, and many were given permission to undertake the cure of souls, Dickinson and others firmly hold to the belief that if they served the churches in their possession, it was most certainly on a

---

<sup>26</sup> Brooke, 'Monk and Canon', p. 125. See David Postles, 'The Austin Canons in English Towns, c. 1100-1350', *Historical Research*, 66 (1993), 1-20, for confirmation of this idea.

<sup>27</sup> See Brooke, 'Monk and Canon', p. 123, where Brooke claims that 'examples of Augustinian houses with their origins in hospitals, or with some evident connection with pastoral affairs, or at least with city communities, could be multiplied without effort'.

<sup>28</sup> T. Scott Holmes, 'The Austin Canons in England in the Twelfth Century', *Journal of Theological Studies*, 5 (1904), 343-356, and Walter Howard Frere, 'The Early History of Canons Regular as Illustrated by the Foundation of Barnwell Priory', in *Fasciculus Ioanni Willis Clark dicatus* (Cambridge: Cambridge University Press, 1909), 186-216, are the two leading examples of this perspective.

<sup>29</sup> Egerton Beck, 'Regulars and the Parochial System in Medieval England', *Dublin Review*, 172 (1923), 235-251, was a harsh assessment of Frere's and Holmes's work, claiming that the canons never served more than about 2½ percent of the churches in their possession.

<sup>30</sup> Dickinson, *Origins*, p. 240.

small scale.<sup>31</sup> It seems that most recent scholars have followed in Dickinson's footsteps on this issue.<sup>32</sup>

But there is more to the question of the canons and their parish churches than the questions of parochial service. As it will be argued in chapter five of this thesis, and as it is generally known but perhaps rarely argued strongly enough, the canons were in a manner disproportionate to the other orders, dependent upon spiritualities for their sustenance. The statistical data for this is conclusive, and it is one of the central aspects of the Augustinian identity. Though this study does not undertake a comprehensive comparison between the Augustinian houses and the houses of other orders on this issue, there are clear examples of the canons seeking and indeed preferring spiritual possessions over temporal possessions at various times in the later medieval period. This seems to be true especially for the smaller monasteries in Worcester diocese. At the same time, however, there is what appears to be a striking laxity pertaining to the maintenance of the rights of the monasteries over their churches on some occasions as well. So severe were the lapses in management, and on at least one occasion the misappropriation of a church in their care, that the end result was costly litigation and fees, and even loss of the parish church altogether. Together, the nature of the parochial services performed by the canons and the management of their spiritual possessions are an essential part of the Augustinian identity.

---

<sup>31</sup> See a thorough discussion of this in Dickinson, *Origins*, pp. 224-254, especially ideas such as, 'The most notable fact which emerges from this is the absence of anything which suggests that the Augustinians had any intention of undertaking wholesale charge of their dependent churches', p. 232.

<sup>32</sup> See Fizzard, 'Plympton', pp. 175-184.

With this backdrop of the key questions to be addressed in this thesis in place, it is now essential that some portrait of the diocese be presented. The monasteries in question are diverse and represent not only a good cross-section of the order as a whole, but also offer remarkable insight into the diversity that might be encountered in any region of medieval England. It is entirely likely that a monastic landscape like this, with monasteries large and small, some nationally known and connected to the most powerful families in England, others ignominious in their own locality, was more typical than atypical. Worcester diocese offers us the fortuitous condition of having this diversity rather well-preserved documentarily. It is to such a portrait that this thesis now turns.

## Chapter 1

### **The Augustinian Canons in Worcester Diocese: the English Context for their Arrival and Dispersal**

The Augustinian canons appeared in England late in the eleventh century, but it was not until the twelfth century that they blossomed into the most prolific religious order in England. Their spread, which began in earnest under King Henry I and continued throughout the entire twelfth and thirteenth centuries, finally slowed and faded only in the fourteenth century. That the time of their greatest successes in terms of the number of new foundations coincides with what many scholars have called the ‘Twelfth-century Renaissance’<sup>1</sup> is not surprising, for in many ways the Augustinian canons were a new breed of priest-monk, a hybrid between the two classes of servants of God. Though the idea of the regular canons was a new one, in promoting such a way of life the papal reformers believed themselves to be recreating or reviving the *vita apostolica*, an ancient and authentic version of the Christian life.<sup>2</sup> The emergence of the Augustinian canons at the time of the Gregorian Reform coincides with what many scholars have labeled the ‘crisis of cenobitism’.<sup>3</sup> This crisis, whose very existence has been challenged of late, is

---

<sup>1</sup> Brooke, *Monastic World*, pp. 125-134.

<sup>2</sup> See Dickinson, *Origins*, pp. 7ff. for the eleventh century conception of the *vita apostolica* and the regular life of priests.

<sup>3</sup> See Van Engen, ‘Crisis’ pp. 269-273, for a discussion of how the historiography of the mid-twentieth century led to the interpretation of a ‘crisis’ in monasticism as a spark for the new and eremitical orders.

traditionally seen as a noticeable rejection of the older Benedictine form of monasticism in favor of the new orders, particularly the Cistercians and Augustinians. Such an historical ‘crisis’, if indeed such a crisis can be said to have existed, creates a compelling backdrop for the retelling of the drama of the foundations of the Augustinian canons in England. From such a general survey of the order’s founding and flowering in England will follow an analysis of the foundation stories of the individual monasteries that will make up the focus of this study.

### *The Expansion of the Augustinian Canons in Their English Context*

The Augustinian canons were an order that appeared in England, as previously stated, in the late eleventh century, their first truly Augustinian foundation likely being St. Botolph’s, Colchester, which was founded around 1095.<sup>4</sup> From there, they spread to cover most of southern England in the early twelfth century. Though they were present in all parts of the country, the majority of their foundations were located, in the early phases of their expansion, in the southern part of the country, and most commonly in the towns of the south of England.<sup>5</sup> The sheer number of foundations in the early twelfth century is significant for the purposes of understanding the order itself and especially the motives of the benefactors. As Dickinson indicates, there were 43 houses of Augustinian canons founded in England between 1100 and 1135.<sup>6</sup> Though it is widely contended that this time was the true flowering of the canons, as they enjoyed close ties with Henry I and his

---

For perhaps the strongest codification of this view, see Norman Cantor, ‘The Crisis of Western Monasticism’, *The American Historical Review*, 66 (1960), 47-67.

<sup>4</sup> Dickinson, *Origins*, pp. 98ff.

<sup>5</sup> Postles, ‘Austin Canons’, p. 3. See also, Brooke, ‘Monk and Canon’, pp. 122ff, where the same observation is made, almost in passing.

<sup>6</sup> Dickinson, *Origins*, p. 138.

entourage, there were actually more houses founded between 1135 and 1170, 53, than during the reign of Henry I. By 1215, the number reached 173, and before the Black Death in the 1340s, the number of houses peaked at over 210.<sup>7</sup> This spectacular, sustained growth is remarkable when compared with all other orders in England.

Most striking about the Augustinian canons is that their period of growth was not short-lived but ongoing. The Cistercian storm, which swept through England in 1130s, rivaled the canons for predominance from the 1130s to the 1150s. According to David Knowles, the white monks, who did not enter England until 1128, witnessed 17 monasteries come into existence by 1136. By 1176 there were 58 houses.<sup>8</sup> The growth of the order slowed voluntarily in 1152 as the Cistercian general chapter passed legislation forbidding further foundations. Though a few were still founded, it was after 1153 and the death of its greatest spokesperson, Bernard of Clairvaux, that the rapid growth of the order ended.<sup>9</sup> Though the Cistercians began an enterprise that was to revitalize the monastic endeavor and change the face of ecclesiastical life in England, in terms of monastic foundations, they could not sustain a lasting strength comparable to that of the Augustinian canons.

Studies of patronage patterns in the Middle Ages have highlighted some of the discernable trends of monastic foundation. J. C. Ward's study of the Clare family traces the patronage of a single prominent family and their monastic foundations from the time of the Norman Conquest through the early fourteenth century. Ward notes that the foundation of a house for either Cistercians or Augustinians should have been cheaper than a house of Benedictines, noting that the Cistercians' desire to settle in 'isolated

---

<sup>7</sup> *Ibid.*, pp. 138ff.

<sup>8</sup> Knowles, *MO*, p. 711.

<sup>9</sup> *Ibid.*, p. 346.

wilderness' meant that uncultivated, and even uncultivable land was frequently granted to them.<sup>10</sup> The Augustinians, the author argues, never having the statutory minimum of 13 canons like the Cistercians, could inhabit smaller houses with less land. The canons also accepted rents and tithes, two things the Cistercians did not in the early stages of their order.<sup>11</sup> Many scholars, including Dickinson, have noted this relatively small price tag of the Augustinian canons as one possible explanation for their growth.<sup>12</sup> Although it seems to be true that a house of Augustinian canons would not be as expensive to found as the Benedictines or Cistercians, on close inspection, the earliest founders of the order lacked neither money nor land. Indeed, many of them were very wealthy landowners with long histories of benefaction.<sup>13</sup>

When the houses in the diocese of Worcester are specifically studied, it can be seen that this pattern holds true. Of the foundations in the diocese of Worcester, all but two were founded in the time of Henry I or Stephen. Of those, Henry himself founded Cirencester Abbey, the richest house of the order at the time of the Dissolution; Henry de Newburgh, the first earl of Warwick, founded the priory of St. Sepulchre Warwick. Kenilworth Priory (later elevated to abbatial status) was founded by one of Henry I's rising men, Geoffrey de Clinton. Though the family recorded no lands held by inheritance, Geoffrey de Clinton passed on a strong legacy to his son, and served as

---

<sup>10</sup> J. C. Ward, 'Fashions in Monastic Endowment: The Foundations of the Clare Family 1066-1314', *JEH*, 32 (1981), 427-451 (p. 439).

<sup>11</sup> *ibid.*

<sup>12</sup> See also R. W. Southern, *Western Society and the Church in the Middle Ages* (Harmondsworth, Eng: Penguin, 1970) and 'King Henry I' in *Medieval Humanism and Other Studies* (Oxford: Blackwell, 1970).

<sup>13</sup> Judith A Green, *The Government of England Under Henry I* (Cambridge: Cambridge University Press, 1986), p. 283. Green presents lists of greater and lesser landowners during the reign of Henry I. A comparison of this list with the names of those who founded or significantly endowed Augustinian houses is illustrative of the number of upper nobility involved in the early settlement and expansion of the order.



sheriff of Warwickshire for part of Henry's reign.<sup>14</sup> Shortly after Stephen came to the throne, Miles of Gloucester, who was to become the earl of Hereford, founded the priory of Lanthony by Gloucester. The abbey of St. Augustine's Bristol was founded by Robert Fitzharding, the fountainhead of the Lords Berkeley,<sup>15</sup> in ca. 1140. St. Oswald's Gloucester was founded by Archbishop Henry Murdac in 1147. Studley Priory, the latest of the more significant foundations in Worcester diocese, was founded in 1154 by Bernard of St. Walery, and may be considered the only house founded in this era by a lesser landowner. Given the status of most of the founders, there was clearly more to the growth of the canons regular than simply a good bargain, for these families could and did found and richly endow other monasteries in this same time period.

Ward offers two other reasons for the patronage of the new orders in the twelfth century, namely, 'the desire to be in at the start of a new monastic movement and the high regard in which the Cistercians and Augustinians were held'.<sup>16</sup> While it is difficult to gauge how significant the 'newness factor' was for the founders and patrons of the Augustinians, or for that matter any other order, it must be true at least in part that the patrons found something beneficial, indeed, superior to the old order of things for so many new houses to be founded consistently by so many different people. The Cistercians offered a stricter, more contemplative life than did the Benedictines, while following the same rule, at least in name. For those historians who see a crisis in monasticism in the twelfth century, the favoritism shown to the Cistercians has often

---

<sup>14</sup> For a brief biography, see Green, *Government*, pp. 239-42.

<sup>15</sup> *CP* vol ii, pp. 124ff. See also *Cart. St. Aug.* nos 66-73, which detail Robert Fitzharding's grants to the abbey.

<sup>16</sup> Ward, 'Fashions', p. 439.

been presented as a response to the wealth and perceived laxity among the black monks.<sup>17</sup> The canons regular were created explicitly to reform the secular clergy, to draw them under a rule so that the church might end nicolaitism (clerical marriage) and nepotism.<sup>18</sup> This made the order fundamentally different from either the Benedictines or the Cistercians from its inception. The regular canons were definitely new, and it must not be presumed that the elite members of the English nobility were immune from the lure of fashion. In an era when monastic patronage was not only an act of religious piety but also a mark of nobility, to be in line with the king and his courtiers could only be construed as desirable. The newness of the regular canons went further than simply a new name or new face to the same routine, for canons regular were not monks and maintain their distinction even today.

That the regular canons were held in high regard in the early twelfth century is unquestionable. The Augustinian canons from the earliest times of their expansion in the first trimester of the twelfth century enjoyed unparalleled royal support, for in Henry I the regular canons found their first great patron. The king was directly responsible for the foundation of five houses of canons,<sup>19</sup> but his close friends and confidants accounted for approximately three-fourths of the 43 houses founded during his reign.<sup>20</sup> The undeniable court patronage has often been credited with providing the spark that propelled the order into the forefront of monastic life in England. Dickinson saw royal patronage as not solely causal for their astonishing proliferation, but significant, as it no doubt was. He

---

<sup>17</sup> John Van Engen, 'The Crisis of Cenobitism Reconsidered', *Speculum*, 61 (1986), 269-304. The main thesis of Van Engen's study is to demonstrate that the wealth of the Benedictine's was *not* a problem and not the reason for the so called 'crisis' of western monasticism.

<sup>18</sup> Allison Fizzard's dissertation on the canons of Plympton priory does an excellent job offering explicit evidence that, in the case of Bishop William Warelwast, this was so. Fizzard, 'Plympton', pp. 43ff.

<sup>19</sup> Dickinson, *Origins*, p. 126.

<sup>20</sup> C. Warren Hollister, *Henry I*, ed. by Amanda Clark Frost (New Haven: Yale University Press, 2001), p. 397.

ultimately concluded that ‘it is... undeniable that there must have existed some singularly potent bond between the court of Henry I and the new order to explain why so many’ members of the royal entourage chose to found houses of Augustinian canons.<sup>21</sup> That ‘singular bond’ is elusive, for alas, Henry never stated it directly. And, as Dickinson and others pointed out, Henry’s patronage was by no means exclusive to the canons. C. Warren Hollister detailed the patronage that Henry bestowed upon the larger Benedictine houses. Abingdon, Ramsey, Battle, Gloucester, Reading and St. Augustine’s, Canterbury, all received multiple grants of land, privileges and exemptions in Henry’s reign.<sup>22</sup> And, Henry’s most lasting gift to any church or monastic house was the foundation of the magnificent Reading Abbey, a Cluniac house, for which Henry clearly had a soft heart.<sup>23</sup> Dickinson argued that the king became aware of the regular canons by observing both Aldgate and Merton, which were well-situated in leading English towns.<sup>24</sup> As David Postles has pointed out, the normal pattern for the early Augustinian canons was to settle their monasteries in the towns of Southern England.<sup>25</sup>

Beyond royal support, the close ties with the episcopal powers of England were significant as well for the Augustinian expansion. From their entry into England, the influence of the diocesan and metropolitan bishops on the Augustinian order was immense. Henry I most certainly had become aware of the order, at least in part, due to Anselm of Canterbury, and though their relationship was never overly peaceful, it is clear that Anselm had at least some influence over the monasteries Henry chose to establish.

---

<sup>21</sup> Dickinson, *Origins*, p. 129.

<sup>22</sup> Hollister, *Henry I*, p. 401.

<sup>23</sup> See Hollister, *Henry I*, pp. 398-442, for a thorough discussion of Henry’s patronage of Reading and other Cluniac houses.

<sup>24</sup> Dickinson, *Origins*, p. 129.

<sup>25</sup> David Postles, ‘Austin Canons’, pp. 1-20.

As archbishop and primate of England, Anselm had necessarily a close relationship with the king, and perhaps more significantly as it turns out for the Augustinian canons, with the queen. Dickinson chronicles how two foundations, those of Holy Trinity, Aldgate, and Llanthony Prima in Hereford diocese, were put in place, directly or indirectly, through Matilda at the urging of Anselm.<sup>26</sup> So great a name as Anselm most certainly gave the new order validity in the eyes of the royal family, and their patronage never ceased.

But Anselm was not the only episcopal patron of the order either. Lanfranc, Archbishop Thurstan, Henry Murdac, Henry of Blois, William of Malmesbury, Archbishop William Corbeil, himself a regular canon, and William Warelwast were all episcopal patrons of the Augustinian canons in the first half of the twelfth century. Such names as these cast the net of patronage significantly wider than the king and his court, though these men were certainly mindful of the king's giving patterns.<sup>27</sup> There was support and benefaction for the order from all sides, the king and queen, the archbishops and diocesan leaders, as well as major barons, earls, and other lay magnates.

The Augustinians and the Cistercians were, it would seem, the ready recipients of the fruits of the so-called 'crisis in cenobitism'. John Van Engen sought to disprove this notion of a crisis in cenobitism by showing that the Benedictines 'held steadily or grew appreciably in new foundations and total numbers throughout the period of supposed crisis (1050-1150)'.<sup>28</sup> He also claims that a view that accepts the 'crisis' must be based

---

<sup>26</sup> Dickinson, *Origins*, pp. 109-112. Anselm was also influential in the foundation of Little Dunmow by the Clare family. See also Ward, 'Fashions', p. 441.

<sup>27</sup> As noted previously, added to this group of patrons must be the names of major nobility in England at this time, including the Berkeleys, the Clares, the Bohuns, Robert d'Oilly, Walter Espec, Miles of Gloucester and the Fitzharding family of Bristol. See the table of landowners who gained through patronage in the reign of Henry I in Green, *Government*, pp. 283ff.

<sup>28</sup> Van Engen, 'Crisis', p. 277.

upon a 'literal reading of the Benedictines' critics',<sup>29</sup> and that the notion of a 'crisis' is based on the observation that with so many new orders appearing after 1050 (1100 in England) the only possible conclusion was that there was something deeply wrong with Benedictine life.<sup>30</sup> While it may be true that the claims of a deep-rooted crisis in the Benedictine way of life may be at least partly unfounded, it cannot be denied that there was a significant, indeed, overwhelming shift away from Benedictine foundations in the twelfth century.

This was the case in England, where, as previously stated, there were over 230 Augustinian (173) and Cistercian (58+) foundations between 1100 and 1215, compared with roughly 20 Benedictine foundations.<sup>31</sup> Of the Benedictine foundations, only Reading can claim to rival any of the Benedictine houses refounded during the tenth and eleventh centuries in England. In fact, most of the houses of Benedictines founded after 1100 were small cells or dependent priories, many of which did not survive until the Dissolution.<sup>32</sup> To claim that there was vitality in the ongoing foundations of the black monks in the twelfth century is a definite stretching of the data.<sup>33</sup> A similar observation can be made when looking at the number of religious added to the orders from the twelfth century onward. Surveys counting the religious from Domesday to the Black Death list the total number of Augustinian canons at 2,236. This is approximately 10% more than the roughly 2000 black monks added to the order, which was itself slightly more than the

---

<sup>29</sup> *Ibid.*, p. 273.

<sup>30</sup> *Ibid.*, p. 270.

<sup>31</sup> Knowles, *MO*, p. 711.

<sup>32</sup> See Knowles and Hadcock, *MRH*, pp. 58-93, for a catalog of these.

<sup>33</sup> Curiously, Van Engen claims that the numbers of black monks reached an all-time high under Henry I, and that the number of monks continued to increase until the end of the century. Van Engen, 'Crisis', p. 276.

Cistercian number of 1,656.<sup>34</sup> The overall increase in this time for all male religious was approximately 13,000, making the Augustinians roughly 17% of the total number, the Benedictines ~16%.<sup>35</sup> When considering this data we must bear in mind the short but vital time period between Domesday and the beginning of the twelfth century that left the black monks without rival for monastic recruits and patrons. Van Engen claims that the real proof of the vitality of the Benedictine order during this supposed crisis was not only their continued dominance in acquiring new members, which can be seriously challenged, but also in leading the intellectual renewal of the church, which he considers the norm of Benedictine life.<sup>36</sup> This conclusion should not surprise; the new orders were just that, new, and there was obviously some lag time between the foundation of new orders and their ascendancy to positions of influence and power, though this too was not slow in coming.

One striking phenomenon of the growth and rather immediate influence of the regular canons, which belies its close relation to the Gregorian Reform movement, is the quite sudden disappearance of monk-popes in the early part of the twelfth century, and the rise to power of the new orders in the papal curia at the same time. This absence of Benedictines occupying key episcopal positions finds its most striking moment in England in 1124-25, when the black monks failed to have a bishop among their number. Perhaps coincidentally, this is just about the same time that William of Corbeil, himself a regular canon, served as archbishop of Canterbury.<sup>37</sup> Very telling indeed was the trend in

---

<sup>34</sup> See Joseph-Cox Russell, 'Clerical Population of Medieval England', *Traditio*, 2 (1944), 177-212 (p. 212). Taken together, of course, the Cistercians and the Augustinian brothers are approximately double the number of Benedictines.

<sup>35</sup> *Ibid.*

<sup>36</sup> Van Engen, 'Crisis', p. 302.

<sup>37</sup> Knowles, *MO*, pp. 709-10.

the overall hierarchy of the church, namely, following the five powerful monastic popes associated with the investiture contest, Gregory VII, Victor III, Urban II, Paschal II, and Gelasius II, there rose to the pontificate a series of regular canons, Calixtus II, Honorius II, Innocent II, Lucius II, and the only English pope, Adrian IV (1154-7).<sup>38</sup> In the period between 1124 and 1159 there were two short-lived pontifical secular clerks, otherwise *all* the popes of the second quarter of the twelfth century were from the new orders. And, not insignificantly, after the midway point of the medieval renaissance, all the popes save one were secular clerks. The exception was Gregory VIII, a regular canon of St. Martin in Laon.<sup>39</sup> The first pope of the thirteenth century, arguably the most significant papal figure of the later medieval period, Innocent III, had formerly been a regular canon of St. John Lateran.<sup>40</sup> Additionally, the rise to prominence of the new orders in the papal curia signals a very definite movement away from traditional Benedictine monasticism in the twelfth century.<sup>41</sup>

Van Engen seems to fail to appreciate the vitality of the Augustinian growth in the population centers of England, asserting that while the new orders were growing in the wilderness and in the isolated regions of England, it was the Benedictines who maintained and grew in strength in the towns. 'Where Benedictines had assumed responsibility to intercede for the rest of society, the new religious repudiated all intercessory and ecclesiastical obligations to concentrate in isolated communities upon personal salvation... the new religious fled towns, churches, and schools to seek out the

---

<sup>38</sup> I. S. Robinson, *The Papacy 1073-1198* (Cambridge: Cambridge University Press, 1990), pp. 211-12.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*, p. 213.

<sup>41</sup> See *ibid.*, p. 214, particularly surrounding the election of 1130, in which the new orders were combative against the old.

“wilderness”.<sup>42</sup> This seems wholly to neglect the growth of the Augustinian canons, the majority of whose early houses were in towns or near to them. Very few Augustinian foundations were eremitic in nature, especially in the first half of the twelfth century.

If the contemplative strain of the Augustinian canons has been often overstated, so too the importance of the Augustinians in urban areas has been underplayed. If one looks carefully at the Augustinian houses considered contemplative, one sees that only a small minority were settled in places that could be considered suitable for the eremitic life. Only seven houses of canons founded prior to 1154 can be put into this group, and most of them were very small and have left little if any impact on the history of the Augustinian canons.<sup>43</sup> While Van Engen’s ideas may indeed point toward a corrective position among monastic scholars, one that does not throw the black monks out at the start of the twelfth century, it is very clear that when the Benedictines encountered competition, they did not keep pace with the newer orders. Even he concedes that by the 1130s the Benedictines were forced to make changes to deal with the rising tide of the newer orders, and that, ‘from the late twelfth century or early thirteenth century, while never undergoing any sudden crisis or collapse, they assumed a position ever less central to medieval religious life’.<sup>44</sup> It seems his quibble is over the use of the word ‘crisis’, when what one really sees is a shift away from the Benedictines as the favored monastic order. This movement began in earnest in the early twelfth century, and as Van Engen

---

<sup>42</sup> Van Engen, ‘Crisis’, p. 303.

<sup>43</sup> Jane Herbert, ‘The Transformation of Hermitages into Augustinian Priors in the Twelfth-Century England’, in *Monks, Hermits and the Ascetic Tradition, Studies in Church History*, 22 (1985), pp. 131-145. Herbert identifies only eleven eremitical houses for her study, roughly seven percent of the total number of houses founded in England in the twelfth century. Of those, only Nostell and Lanthony I ever made significant mark on the monastic life of England, and Lanthony, as we will see later, was all but given up for the priory near Gloucester of the same name, the canons preferring to remain near the city than return to the wilderness. Dickinson too tends to give these very few Augustinian foundations far more prominence in his study of the order than they seem to deserve on close inspection.

<sup>44</sup> Van Engen, ‘Crisis’, p. 304.



fighters to defend the status of the Benedictines until 1150, which may be granted, the lasting effects of this initial and, in the case of the Augustinian canons, ongoing, popularity began to manifest itself quite clearly in the later twelfth century. With the broad context of the canons' entrance into England in place, it is now time to survey the ecclesiastical and political structures of Worcester diocese in order to understand the specific context for the houses in this study.

### *Ecclesiastical Geography: The Neighbors of the Augustinian Canons in the Diocese of Worcester*

A survey of the religious houses of all orders in the diocese of Worcester is necessary for an understanding of the ecclesiastical geography of the see.<sup>45</sup> There were several houses of Augustinian canons in the diocese, each of which will receive detailed exposition throughout this thesis. Though some were very small and made little if any notable impact on the history of England, or even their immediate region, many of the houses of canons played an important role in the religious life of the diocese. Alongside and in most cases predating the Augustinian houses, the major monastic orders, particularly the Benedictines, had a strong presence in the diocese. The other orders, the Cistercians, the Cluniacs, Premonstratensians, as well as the mendicants, the female religious and hospitals, all contributed to the church's influence within the diocese in the medieval period as well. The following maps will give a clear idea of the geographical locations of the male monastic houses in the diocese of Worcester.

---

<sup>45</sup> See below, Appendix 1-1, p. 379, for a table displaying the male religious houses in the diocese, excluding the friars. See also map 1 (p. 32), map 2 (p. 33), and map 3 (p. 41) for the geographic distribution of the houses of various orders.

# Map 1 - Male Monasteries in Worcester Diocese

## Male Monasteries in Worcester Diocese

- x Augustinian Canons
- o Benedictine
- v Cistercian
- c Cluniac
- p Premonstratensian



## Map 2 - Male Monasteries in Worcester Diocese (Excluding Augustinians)



b = Benedictine  
 c = Cistercian  
 p = Premonstratensian  
 x = Cluniac

The most prominent Benedictine monastery in the diocese was its cathedral. The first cathedral in Worcester, St. Peter's, had its origins in ca. 680, when it was initially founded for clerks and monks.<sup>46</sup> St. Mary's, which later became the lasting home of the cathedral chapter, came into existence ca. 743, apparently as a double monastery for monks and nuns. St. Mary's was refounded between 974 and 977 for Benedictine monks and grew to be one of the largest houses in the diocese, with 50 monks in residence by 1089. The numbers of conventual brothers seems to have held steady between 1100 and its dissolution in 1539 x 1540, with between 40 and 45 monks in residence continuously.<sup>47</sup> Its income at the time of the Dissolution was £1290, and it had two priories in the diocese as dependencies, Westbury upon Trym, which existed for only 26 years, from 1086 to 1112, and Little Malvern, a smallish priory of around a dozen monks, which was founded in 1171 and had a net income of only £98 at the Dissolution.<sup>48</sup> As a cathedral priory, it was both a leading chapter in the diocese as well as the home of the bishop. But Worcester was not the first monastic refoundation of the tenth-century revival within the diocese.

The monastic revival that swept England in the tenth century brought to Worcester no less than six houses that would reach the status of abbey before 1102. The first such foundation was the abbey at Pershore. Originally founded in 689 by King Oswald for secular canons,<sup>49</sup> in 972 it became a Benedictine house of modest size, and under Edward the Confessor was annexed to Westminster Abbey, a status that persisted

---

<sup>46</sup> *MRH*, p. 81.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> Roy Midmer, *English Medieval Monasteries 1066-1540* (Athens: University of Georgia Press, 1979), p. 253.

until 1241.<sup>50</sup> It was a Benedictine house of modest size until its dissolution in 1534, housing approximately 20-30 monks. Its income at the time of the *Valor* was £643.<sup>51</sup> Winchcombe Abbey was refounded as a house of Benedictines at about the same time as Pershore, ca. 970.<sup>52</sup> Housing between 25 and 60 monks over its history, Winchcombe was only the third largest Benedictine house in Gloucestershire, and at its dissolution in 1539, its valuation was set at £759.<sup>53</sup> Gloucestershire was also home to Tewkesbury Abbey, a large and wealthy house that had two dependent priories in the diocese of Worcester, St. James' Bristol and Deerhurst, as well as other dependent houses in Monmouthshire, Dorset, and the county of Glamorgan, and an important grange in Glamorgan, Wales.<sup>54</sup> Altogether, the income of Tewksbury at the time of the Dissolution was £1598, and for most of its history it housed between 35 and 50 monks.<sup>55</sup> Just after the founding of Tewksbury in 980, Evesham was refounded. It too was a large Benedictine house, numbering between 30 and 60 monks during its history, and when it was dissolved in 1539, its net income was £1183. It had three dependent houses, one of which was in Denmark.<sup>56</sup> The last major foundation was St. Peter's Gloucester Abbey. Having been a monastic site since ca. 681, in 1017 it was renewed as a Benedictine abbey.<sup>57</sup> In time it grew to possess seven priories, one hospital, and a school which was attached to it. Reported to house 100 monks in 1104, though seemingly averaging

---

<sup>50</sup> Ibid.

<sup>51</sup> *MRH*, p. 73.

<sup>52</sup> *MRH*, p. 81; Midmer, *English Medieval Monasteries*, pp. 329-330. This house was originally for nuns, followed by secular canons.

<sup>53</sup> Ibid.

<sup>54</sup> *MRH*, p. 78.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid., p. 65.

<sup>57</sup> Ibid., p. 66.

between 35 and 50, St. Peter's Gloucester was the second wealthiest abbey in the diocese with a *Valor* income of £1430.<sup>58</sup>

The Benedictine presence in the diocese of Worcester was, by the late-tenth century, firmly established; within two hundred years, this would be the case in the whole of England. In Worcester, no fewer than six abbeys came into existence between 972 and 1017, and the only house of even average size founded after 1017, that of Great Malvern, had its foundation in ca. 1085. It is of significance for our study that by the time of the 'flowering of monasticism' in the twelfth century, all the major Benedictine houses in the diocese were in place, and only three were founded in the diocese of Worcester after 1100, those being St. James' Bristol (1137), Leonard Stanley (1146) and Little Malvern (1171).<sup>59</sup> Of these, only Little Malvern ever appears to have exceeded 12 monks in residence at any time. Though small, they only added to the strong Benedictine presence that was to influence and shape the diocese throughout the medieval period.

The numbers tell only part of the story of the Benedictine presence in Worcester, however, as a simple study of a map shows that the Benedictine settlement in the diocese was rather localized.<sup>60</sup> All the Benedictine houses of significance were situated within a stretch of land that was not more than 30 miles by 20 miles on England's western edge. Between the towns of Gloucester and Worcester, there were no fewer than eight Benedictine houses, including all of the larger convents. And, north of the town of Worcester and south of Gloucester, there were only two Benedictine houses, the rather insignificant houses of St. James' Bristol and Leonard Stanley.<sup>61</sup> Though these facts

---

<sup>58</sup> Ibid.

<sup>59</sup> Ibid., pp. 60, 69.

<sup>60</sup> See above, map 1, p. 32, and map 2, p. 33.

<sup>61</sup> Midmer, *English Medieval Monasteries*, p. 41.

alone do not mean that the Benedictines were invisible occupants in the more rural reaches of the diocese, their presence was surely seen and felt most directly in the two larger towns of the diocese. Indeed, as Janet Burton states, ‘The strength of the monastic order in the Anglo-Saxon kingdom coincided with those areas in which royal power and authority were a reality.’<sup>62</sup> The diocese of Worcester lay in an area that once was Mercia and Wessex, which the successors of King Alfred had united. In partnership with the great reformers, Dunstan, Aethelwold and Oswald, one of the great reforming monks who eventually rose to become the bishop of Worcester,<sup>63</sup> the kings of Anglo-Saxon England oversaw the many Benedictine foundations described above that were so instrumental in the life of the diocese. Though these larger Benedictine houses existed prior to the Norman Conquest, most of them were rather modest at the time of the invasion, their gross income in 1086 ranging from £72 at Worcester to £129 at Evesham.<sup>64</sup> The Benedictines, then, mark the first significant monastic presence in the diocese of Worcester, and indeed they would remain the largest single order in the diocese, as the other monastic orders made only moderate strides into the diocese.

Perhaps because of the well-established Benedictine presence in Worcester, the Cistercians came to Worcester only sparingly. Only five houses of significance came to be founded in the diocese, four of which were founded in the heyday of Cistercian foundation, between 1138 and 1156.<sup>65</sup> In 1138, the house of Bordesley was founded, it being a daughter of Garendon, a daughter of Waverley, the first Cistercian house founded

---

<sup>62</sup> Janet Burton, *Monastic and Religious Orders in Britain, 1000-1300* (Cambridge: Cambridge University Press, 1994), p. 5.

<sup>63</sup> *Ibid.* pp 3-5.

<sup>64</sup> *MO*, pp. 702-3. These numbers are fairly modest for Benedictine houses. The wealthiest of those in the diocese at this time, Evesham, ranked only 21<sup>st</sup> among Benedictine houses. Though ca. 1100 the numbers of monks in the houses was average, their income seems to trail the wealthiest Benedictine houses.

<sup>65</sup> For lists of foundations in England, see *MO*, pp. 707-8.

in England.<sup>66</sup> Bordesley housed between 14 and 33 monks during its existence, and shortly after its foundation it spawned two of the other Cistercian houses in Worcester diocese, Flaxley in 1151 and Stoneleigh in 1156. Neither of these houses likely ever exceeded 15 brothers, and neither grew to prominence in the Cistercian order. Kingswood was another smallish Cistercian abbey, founded from Tintern ca. 1149. It too housed between 12 and 15 monks, and its income at the time of the dissolution was £232.<sup>67</sup> The last foundation in the diocese of Worcester, notable for its late appearance, was Hailes, founded in 1246, a daughter of Beaulieu. It grew to house 22 monks and had a net worth of £357 as recorded in *Valor Ecclesiasticus*.<sup>68</sup>

Though the Cistercians were a significant force in England in the twelfth century, they never moved into Worcester in any significant numbers, and thus do not figure as prominently in the story of the diocese as do the Benedictines. Even more conspicuous by their paucity of numbers are the Cluniacs, who claim only the house of Dudley, a priory of never more than four monks, in the entire diocese of Worcester. Founded as a dependency on Much Wenlock in 1149, it survived until the Dissolution when the monks handed over the house; the *Valor* appraisal was only £33.<sup>69</sup>

In all there were only five nunneries to be found in the diocese, two Cistercian, Cook Hill and Whistones,<sup>70</sup> and two Benedictine, those of Westwood and Wroxall,<sup>71</sup> and one house of Augustinian canonesses at Bristol, St. Mary's.<sup>72</sup> Along with them was one house of Premonstratensian canons in Halesowen, a relatively large house of canons, who

---

<sup>66</sup> *MRH*, p. 117. Though Furness was founded first, it was Savigniac, making Waverley the first truly Cistercian house in England.

<sup>67</sup> *Ibid.*, p. 110.

<sup>68</sup> *Ibid.*, p. 109.

<sup>69</sup> *Ibid.*, p. 96.

<sup>70</sup> *Ibid.*, pp. 222, 226.

<sup>71</sup> *Ibid.*, pp. 220-221.

<sup>72</sup> *Ibid.*, p. 227.



figure into this thesis because of their absorption of the very small Augustinian priory of Dodford in the fifteenth century, and which shall receive some treatment later.<sup>73</sup>

Thirteenth-century Worcester saw, as did all of England, the arrival of the mendicant orders, and though they will fall outside the scope of this thesis, their presence deserves mention. By 1227, the town of Worcester had a house of Franciscans, while the Dominicans, the only other mendicant order to settle there, did not arrive until the very late date of 1347.<sup>74</sup> In 1230, the Franciscans settled a house in Gloucester. The Dominicans followed their lead, and in 1241 founded a friary in the town, as did the Carmelites, who arrived in 1268. At the southern edge of the diocese, Bristol saw all four major groups of friars settle within its walls, with both the Franciscans and the Dominicans arriving before 1230. The Carmelites followed them in 1267, the Austin Friars in 1313. Their numbers are not as easy to track, but their presence was surely felt. In all, there were nine friaries in existence in the diocese of Worcester at the time of the Dissolution.

Including friaries, there was, accordingly, a total of 30 monastic houses in the diocese of Worcester in the Middle Ages. Nine of them were houses of Augustinian canons. Seven houses of canons were still in existence in the diocese at the time of the Dissolution, two of the nine foundations having been dissolved during the fourteenth and fifteenth centuries. The trait that first strikes any historian who comes to study the houses of canons in Worcester is their diversity. While it is generally true that across England Augustinian houses were smaller than Benedictine and Cistercian houses, there were four substantial Augustinian houses in Worcester diocese from the early twelfth century until

---

<sup>73</sup> See below, pp. 87-97, for my discussion of Dodford and Halesowen.

<sup>74</sup> The numbers reported for all the settlements of friars come from *MRH*, pp. 182-203.

the time of Henry VIII. Along with the four larger monasteries, five small houses, some of which thrived and some of which were almost complete failures, played a part in the religious landscape of the diocese. While there are no doubt differences among the Benedictines and Cistercians, there are such striking differences between houses of Augustinian canons that they almost defy generalization. Recognizing this, the following section will set out a general description of the Augustinian houses present in the diocese of Worcester and identify, where possible, the commonalities and differences at the basic levels of size, prehistory and general characteristics. This serves the purposes of surveying the houses that constitute the subject of this thesis, setting the stage for the key questions to be answered and working toward identifying, if possible, a distinctive Augustinian identity.

### *Augustinian Foundations in the Diocese of Worcester*

A detailed look at the foundations and possessions of the Augustinian canons in Worcester is now necessary if there is any hope to begin to establish some conception of the Augustinian identity. Some of the points have already been mentioned, but a more complete look at the characteristics of each Augustinian house in Worcester will more clearly elucidate the diversity of the houses, the significance of the crown and upper nobility in their foundations, the widespread possession of parish churches and frequent assistance of the bishops in attaining them, and the possibility or actuality of parish ministry undertaken by the canons in Worcester in the twelfth century. For the sake of organization, the nine houses here addressed will be presented chronologically from the date of their foundation. As it happens, all but two of the houses in the diocese of

Worcester were founded in the reign of Henry I or Stephen, the earliest being St. Sepulchre,<sup>75</sup> the latest Horsley. The following map will locate more precisely the location of each Augustinian monastery.

### Map 3 - Augustinian Monasteries in Worcester Diocese



<sup>75</sup> It seems to be true that Cirencester was conceived and begun in about 1117, but there is strong evidence that the full regular life began there in 1131, the more commonly referenced date of its foundation.

The first Augustinian monastery to be founded in the diocese of Worcester was the priory of St. Sepulchre, Warwick, in Warwickshire. The life of the house began in 1109, when Henry de Newburgh, the first earl of Warwick, founded the house in imitation of the canons regular of St. Sepulchre in Jerusalem.<sup>76</sup> In 1188, with the fall of Jerusalem, the order became ‘virtually indistinguishable’ from other houses of Augustinian canons.<sup>77</sup> The early gifts to St. Sepulchre were small but enough to maintain their way of life. Eventually, the canons enjoyed the revenues from the churches of Snitterfield and Haselor along with lands in Warwick, and the church of St. Clement Danes, London, which was later to be situated opposite the permanent inn of the bishop of Llandaff.<sup>78</sup> In 1291, the total value of the house was no more than £8.<sup>79</sup> There were only eight canons in the house in 1339, and only three plus the prior surrendered the house in the sixteenth century, when their income listed in the *Valor* was £41, its debts exceeding £133.<sup>80</sup>

Kenilworth, a large priory that later gained abbatial status, exemplifies many of the characteristics of the Augustinian canons expounded above. Its founder was Geoffrey de Clinton, the chamberlain and treasurer to King Henry I, who established the monastery in 1122. He was a generous benefactor to the house, and at the foundation he gave the priory the churches of Wotton, Clinton and Barton along with many lands around the

---

<sup>76</sup> *VCH Warw.*, p. 97. See also *MA*, vol. vi, p. 602.

<sup>77</sup> See *MRH*, p. 158.

<sup>78</sup> *VCH Warw.*, p. 97. See also *CPR*, Edw I, 1271-81, p. 371.

<sup>79</sup> *Ibid.* See also, *Taxatio*, pp. 218, 218b, 228, 229. See also ‘The Taxatio Database’ online resource at <http://www.hrionline.ac.uk/taxatio/info.html>, accessed 11 February 2008.

<sup>80</sup> *Valor*, vol. iii, p. 86.

castle he built for himself in Kenilworth.<sup>81</sup> Among his other chief benefactions, he later gave the canons the tithe on everything that entered the castle, ‘*Notum sit vobis me concessisse in elemosinam canonicis sanctae Mariae de Chenillewrda, plenarium decimam de omnibus quaecunque et undecunque ad castellum meum pervenerint...*’<sup>82</sup> as well as the church of Stone.<sup>83</sup> His sons after him were also generous benefactors of the canons, granting several churches and many lands to the priory and confirming the gifts of their father and grandfather.<sup>84</sup> Many other early benefactors aided the prosperity of the monastery, among them the king, who gave a church and land in Wooton and Lillington, and Roger, earl of Warwick, who granted the churches of Brayles and Wellesbourne.<sup>85</sup> Dugdale also noted that Henry I granted the house ‘great liberties and immunities’,<sup>86</sup> and an inspeximus of a charter of King John, granting the canons freedom ‘*ab omnibus serviciis secularibus*’, is to be found in the Patent Rolls of Richard II.<sup>87</sup> Clearly the house was well-connected in its early years.

Along with the patronage of the king and of those close to him, there is also clear evidence of episcopal patronage and support of the house. In a letter of Pope Honorius II, dated 25 February 1126, confirming papal protection over the gifts to the house, the churches of Brayles, Wellesbourne, Sintenfeld and Claverdon all were granted ‘*ex*

---

<sup>81</sup> *MA*, vol. vi, pp. 220-1, charter Num I. This bears the designation ‘Ex registro de Kenilworth, penes Sim. Clarkei baronettum, An. 1640,’ which Monasticon lists as Harleian MS 3650. *VCH Warw.*, p. 86. See also *RRAN*, vol. ii, no. 1428, which details several of the foundation grants with royal confirmation.

<sup>82</sup> *MA*, vol. vi, p. 221. This is charter number II listed in the Monasticon for Kenilworth, which as to its origin is listed as the same as charter I above.

<sup>83</sup> *Ibid.*, charter Num III.

<sup>84</sup> *Ibid.*, charters IV-V.

<sup>85</sup> *RRAN*, vol. ii, no. 1428.

<sup>86</sup> *MA*, vol. vi, p. 142.

<sup>87</sup> CPR Ric II, 1389-92, p. 257. The footnote on this page of the Patent Rolls declares that the corresponding charter roll for this entry is wanting.

*concessione episcopi Wigorniensis*'.<sup>88</sup> A letter from Alexander III identifies the church of Hampton in Arden granted 'a bone memorie Rogero quondam Coventrensi episcopo'.<sup>89</sup> We are also told in a charter of Henry I, dated between 1123 and 1126, that the church of Stonely (Stanleia) was given to the abbey from the king's domain at the request of Thurstan, archbishop of York.<sup>90</sup> It is clear that Kenilworth had no shortage of support from the king's court and from the bishops around it.

The *VCH* claims that by the time of the *Taxatio* in 1291, the house possessed *in proprios usus* or had the right of advowson in over 25 churches, and the spiritualities of the abbey were valued at over £114.<sup>91</sup> Further evidence to support the receipt of these churches exists in charters of the crown. A charter of King Henry I lists seven churches that are confirmed to the house; ten churches are listed in a charter by Stephen.<sup>92</sup> Several churches or revenues from churches were appropriated to the house later as well. In 1236 the church of Eatington was converted *in proprios usus*,<sup>93</sup> likewise the church of Tanworth between 1237 and 42. £20 per year from the church of Charlecote was granted to the priory in 1240.<sup>94</sup> Additional evidence for the house's churches can be found in the number of presentations recorded for it. The register of Godfrey Giffard (1268-1301) shows that the house presented to at least twelve of churches during his tenure.<sup>95</sup>

---

<sup>88</sup> Holtzmann, *PUE*, vol. iii, no. 14.

<sup>89</sup> *Ibid.*, no. 287.

<sup>90</sup> *RRAN*, vol. ii, charter no. CLXXIX, p. 355.

<sup>91</sup> *VCH Warw.*, citing *Taxatio*, *passim*. The temporal income of Kenilworth in the *Taxatio* can be discerned to be £53 3s 2d, from lands in Worcester diocese (p. 228); Lincoln diocese (p. 73); and Coventry and Lichfield diocese (p. 254).

<sup>92</sup> *RRAN*, vol. ii, no. 1428 and vol. iii, no. 418, respectively.

<sup>93</sup> *EEA, Worcester 1218-1268*, no. 14 The church of Tanworth however was listed in the *Taxatio* as valued at £33, 6s 8d and the priory having only a £1 6s 8d portion in it. This raises the question of exactly what was appropriated and when.

<sup>94</sup> *Ibid.*, no. 115 and no. 155 respectively.

<sup>95</sup> *Reg Giffard*, pp. 66, 338, 350, 410, 411, 429, 430, 508, 511, 532, 545 and 546.

Kenilworth also provides interesting evidence regarding the question of the canons serving in their churches they possessed.

Frequently, papal bulls issued to Augustinian houses in the twelfth century granted the canons the privilege of sending three or four canons to serve churches in their possession. Such grants were made to several of the larger houses of the order, though no such letter exists for Kenilworth. Rather, the standard language of appointment to the churches in their possession was granted in a letter from Alexander III. '*In parochialibus vero ecclesiis vestis liceat vobis clericos eligere et episcopo presentare, quibus si idonei fuerint episcopus animaram curam committat ita quidem.*'<sup>96</sup> Though this could be construed to mean that they could appoint one of their own, it seems unlikely, since a clear indication of the right to appoint brothers from among the canons is frequently given in the many charters stipulating that a minimum of three canons serve together, as mentioned above. Rather than being granted the right to appoint one of its own, the abbey of Kenilworth was unusual among the other houses in the diocese of Worcester in that it was commanded to institute vicars in its churches at a much earlier date than its sister houses. In a letter from Lucius III, the house was allowed to retain the benefices *ad proprios usus* on the death of those priests or clerks serving them at the time of the grant, a right commonly given to Augustinian houses.<sup>97</sup> But at Kenilworth, such permission was followed with the stipulation that the house present vicars to the diocesan for those benefices. They were allowed to retain the tithes and offerings provided they instituted vicars and other ministers to their churches.<sup>98</sup> This provides early evidence of the move

---

<sup>96</sup> Holtzmann, *PUE*, vol. iii, no. 289.

<sup>97</sup> See *Ibid.*, no. 472 for a similar example.

<sup>98</sup> *Ibid.*, no. 348.

toward what would become the perpetual vicarage instituted throughout the church in England in the thirteenth century.

Kenilworth Priory/Abbey was involved in many disputes with both secular and religious powers in the medieval period, though it maintained a prominent standing in the county of Warwickshire, the abbot being placed on the commission of the peace of that county, the only religious official to be so named, in 1524.<sup>99</sup> The *Valor* income of the house was £538+, and at its surrender in 1539 the abbot received a pension of £100.<sup>100</sup>

It was in 1117, when the king began the construction of a new church and monastery in Cirencester, that the secular canons who had served the church were ousted in favor of the eventual Augustinian house there.<sup>101</sup> Fourteen years later, the building was far enough along to institute an abbot, Serlo, who would lead the initial years of the abbey that would eventually become the wealthiest house in the prolific order.<sup>102</sup> Henry I, the founder of Cirencester, gave to the house all the endowments of Regenbald, the dean of Cirencester, an ill-reputed pluralist,<sup>103</sup> which included some 16 churches and lands in five different counties at the time of Domesday. The initial endowment, which included other grants in addition to the lands of Regenbald, was substantial and included, among other things, two hides in Cirencester, a third of the toll from the Sunday market, two-

---

<sup>99</sup>From: 'Houses of Austin canons: Abbey of Kenilworth', A History of the County of Warwick: Volume 2 (1908), pp. 86-89. URL: <http://www.british-history.ac.uk/report.aspx?compid=36499>. Date accessed: 12 November 2007. (p. 88), citing *L and P Hen. VIII*, ii, 2421, 2490, 2571, 2638.

<sup>100</sup> *Ibid.*, pp. 88-9. *VCH* gives as its source, Aug. Off. Misc. Bks. ccxxxii, 226.

<sup>101</sup> 'Houses of Augustinian canons: The abbey of Cirencester', A History of the County of Gloucester: Volume 2 (1907), pp. 79-84. URL: <http://www.british-history.ac.uk/report.aspx?compid=40274>. Date accessed: 12 November 2007, citing, Flor. Wigorn. (Eng. Hist. Soc.), ii, 70. See also *MRH*, p. 154.

<sup>102</sup> *Ibid.* *VCH* cites p. 47 of E. A. Fuller, 'Cirencester Abbey Church', *TBGAS*, 17 (1892-3), 45-52, which itself does not cite its source. *Cir Cart* gives the source for such a date as the 'Hexham Chronicle, in James Raine, *Priory of Hexham*, Surtees Society, xlv (1864), p. 66: (Henry I) *construxit eciam coenobium Cirencestre quarto ante obitum suum anno, in quo... canonicos regulare collocavit*; Florence of Worcester, *Chronicle*, 9ed. B Thorpe, English Historical Society, 1848-9), ii, 92.' See *Cir. Cart*, vol. i, xix, n.1.

<sup>103</sup> *Cir Cart*, vol. i, no. 28. Ross in his introduction puts the number at 19.



thirds of the tithes from the royal demesne, and the tithes of the entire parish of Cirencester.<sup>104</sup>

Unlike many other houses of the order, Cirencester had a paucity of churches given to them after their foundation. In 1254, Cirencester was in possession of 14 churches, with portions of five others, and pensions from an additional nine. The total recorded value of the benefices possessed by abbot and convent at this time was £303 6s 1d.<sup>105</sup> At the time of the *Valor*, the *VCH* records that the house had 19 churches and lands in eight counties.<sup>106</sup> Though this number is still fairly large for a monastic house, compared with other large houses of the order, it is relatively small. The abbey of Kenilworth, as noted above, possessed in full or in part, approximately 35 churches, while other houses like Leicester and Launde had 52 and 26 churches respectively before the beginning of the thirteenth century.<sup>107</sup> As Ross notes, the total percentage of spiritualities for Cirencester Abbey amounted to only approximately a third of the house's total income, statistically lower than other houses of the order.<sup>108</sup>

There is with Cirencester little evidence of direct episcopal patronage, though there are in the papal letters to the house confirming the gifts of Henry I and Regenbald, the constant mention of Bishop Roger of Salisbury and Bishop William of Winchester.<sup>109</sup> There are also listed among the names of those aiding in the pleas of the house Bishop Robert of Hereford and Archbishop William of Canterbury.<sup>110</sup> In 1190 King Richard I sold the town and manor of Cirencester to the abbey, with the nearby land of Minety and

---

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*, no. 459, pp. 408-9.

<sup>106</sup> *VCH Glouc.*, p. 80.

<sup>107</sup> *Cir Cart*, vol. i, p. xxv.

<sup>108</sup> *Ibid.*, also n. 3 and n. 4.

<sup>109</sup> Holtzmann, *PUE*, vol. iii, nos 30, 248 et al.

<sup>110</sup> *Ibid.*, nos 37 and 74 respectively.

seven hundreds, for £100 and a rent of £30 annually.<sup>111</sup> This would prove to be a significant move for the abbey as it thereafter emerged as the most powerful force in the town, enjoying responsibility for the courts, a jail, significant fairs in the town, and control of trade. In later times these powers brought Cirencester Abbey into sharp conflict with the burgesses of the town, who came to resent the authority of the abbot and sought to form a gild merchant in the early fifteenth century, only eventually to lose in court to the abbot.<sup>112</sup> As such, though the holdings of the abbey are not the most extensive in the order, its power over the town in which it was situated was perhaps greater than any other Augustinian house.

The founding of Llanthony by Gloucester, in 1136, can be encapsulated as a flight for safety. The priory of Llanthony in Monmouthshire, Wales, known as Llanthony Prima, which came under the jurisdiction of the bishop of Hereford, was caught in the battles that raged at the death of Henry I.<sup>113</sup> When a Welsh lord sought refuge in the convent and his enemies surrounded the monastery and cut off the food supply, the canons sent a message to then bishop of Hereford, their former prior, Robert de Bethune. He in turn found refuge for them near the town of Gloucester, and in 1136, under Prior Robert de Braci, the canons took the land offered to them by Miles, constable of Gloucester and later earl of Hereford, and began to build themselves a church, which was

---

<sup>111</sup> This well-documented grant will be detailed later, see below, pp. 81-86, but for the initial grant see *Cir Cart*, vol. i, no. 32.

<sup>112</sup> *Ibid.*, no. 12.

<sup>113</sup> There is great debate surrounding the foundation of Llanthony I as recorded in Dickinson, *VCH* and *MA*. Dugdale reports that Llanthony I was urged by Anselm and populated by Merton, Holy Trinity and Colchester. As Dickinson notes, this could not be entirely accurate unless the time between Anselm's influence and the foundation of the house was several years, since Anselm died in 1107 and Merton was not founded until 1114. This discrepancy has little to do with the current discussion, except that if Anselm was an advocate for Llanthony I, then Llanthony II could claim indirect patronage from Anselm. This may potentially have strengthened the case for episcopal favor upon the canons. See Dickinson, *Origins*, ch. 3, *MA*, vol. vi, pp. 135-6, and *VCH Glouc.*, pp. 80-81.

eventually dedicated by the bishops of Hereford and Worcester in 1137.<sup>114</sup> Thus, the priory of Lanthony Secunda, or Lanthony by Gloucester came into existence. Originally populated by canons, probably thirteen in number, from Llanthony Prima in Wales, in 1146 another twenty canons from the mother house joined them in Gloucester.<sup>115</sup> A lengthy charter is preserved in Dugdale's *Monasticon* that details the story of the founding of the first Llanthony in Wales and the subsequent translation of the canons to Gloucester. It is therein recounted that the majority of the canons preferred the new site next to Gloucester, but some desired to return to the old and its more rugged existence.<sup>116</sup> The relations between Llanthony in Wales and Lanthony by Gloucester were never very peaceful, as there was strife and competition over both canons and possessions. The second foundation near Gloucester consistently triumphed over the former, until the first became a dependent cell of the second in 1481.<sup>117</sup>

From its foundation, Lanthony Secunda had many patrons and many men and women of all strata of society gave lands and churches to the priory. Miles of Gloucester, the founder of the house, made significant contributions including the church and chapels of St. Owen's in Gloucester.<sup>118</sup> There are three charters of Henry I in favor of Llanthony Prima, and two charters from Empress Matilda in favor of Lanthony next to Gloucester, one granting the manor of Great Berrington, the other attesting the gift of Miles (then earl

---

<sup>114</sup> From: 'Houses of Augustinian canons: The priory of Lanthony by Gloucester', *A History of the County of Gloucester: Volume 2* (1907), pp. 87-91. URL: <http://www.british-history.ac.uk/report.aspx?compid=40276>. Date accessed: 13 November 2007, citing *MA*, vol. vi, p. 130

<sup>115</sup> *Ibid.*

<sup>116</sup> *MA*, vol. vi, pp. 128-134. The description of the charter in *MA* states that it is from *Historia Foundationis, et postea Translationis ejusdem* [Ex *Historia Abbatiae de Lanthony*, in *bibl. Cottonia*, (sub effigie Julii, D. xi. fol. 30. b.)]. A thorough recounting of this history, tracing the history of the priory through its priors, can be found in J. N. Langston, 'Priors of Lanthony by Gloucester', *TBGAS*, 63 (1942), 1-144.

<sup>117</sup> *MA*, vol vi, p. 139. This ascription of this charter is given as *Licentia per Regem Edwardum Quartum, pro Unione Prioratus de Lanthony Prima, in Wallia, Prioratus de Lanthony juxta Gloucestriam* [Pat. 21 Edw. IV. P. 2, m. 4.]. It can be found in *CPR Edw IV, Edw V, Ric III*, 1476-1485, p. 284.

<sup>118</sup> Holtzmann, *PUE*, vol. i, no. 72.

of Hereford) of the vill of Hempstead.<sup>119</sup> The church of Berrington had been granted to the house by Roger, earl of Hereford, and the prior and convent presented to Great and Little Berrington no less than eight times during the tenure of Bishop Godfrey Giffard.<sup>120</sup> There is evidence for possession in whole or in part of 26 churches in the twelfth century.<sup>121</sup> Lanthony by Gloucester continued to enjoy the favor of, among others, the Bohuns, the heirs of the earls of Hereford, and added property to their estates throughout the twelfth century.<sup>122</sup> It also added some significant holdings in Ireland that, though only sporadically profitable, aided the strength and prosperity of the house. The priory went through seasons of prosperity and travail in its history, due most often to inconsistent management of finances and poor discipline in the house. The *Valor* lists a net income for the house of £648+ with 19 churches in its possession, along with one chapel.<sup>123</sup>

The third large monastery in the county of Gloucestershire was St. Augustine's Bristol. The convent, founded by Robert Fitzharding, who was described in the *VCH* as a 'rich citizen of Bristol', and dedicated on 11 April 1148, came to be the largest house in the important seaport in the west of England. A generous endowment by Fitzharding consisting of eight manors and 15 churches along with other holdings<sup>124</sup> led to the prosperity of the convent. Before 1189 the canons received seven more churches and significant holdings in Ireland besides, most of which came from the Lords of Berkeley,

---

<sup>119</sup> *RRAN* vol. ii, charter nos 247, 265 and 267, and vol. iii, nos 497-8.

<sup>120</sup> *Reg Giffard*, pp. 32, 411, 433, 506, et al.

<sup>121</sup> Holtzmann, *PUE*, vol. i, nos 53, 72, 89, 141, 142, 159, 189, 190, 196, 275, 320.

<sup>122</sup> *VCH. Gloc*, p. 88. This entry is citing E. A. Fuller, 'Cirencester Guild Merchant,' *TBGAS*, xviii (1893-4), 32-74 (p.43), which is itself citing 'regist. Antiq., Lanthony Abbey, A. IX. I, nos. 23 and 26'.

<sup>123</sup> *Valor* vol. ii, pp. 423-430, though see E. S. Lindley, 'A Short Study in Valor Ecclesiasticus', *TBGAS*, lxxvi (1957), 98-117, and Geddes, 'Lanthony', pp. 146-171, for a discussion of the income of the priory and the inaccuracy of the *Valor* in this instance.

<sup>124</sup> *Cart St Aug*, nos 66-73 are the charters from Robert Fitzharding to the house. See also *VCH Glouc*, p. 75.

the descendants of Robert Fitzharding.<sup>125</sup> The charters printed in the *Earldom of Gloucester Charters* reveal substantial patronage on the part of the earls to St. Augustine's.<sup>126</sup> Though other houses received their patronage in the twelfth century, none benefited from the number of grants from the earls as did St. Augustine's.<sup>127</sup> The relations between the earls of Gloucester and the convent were not always so amicable, however. In 1285, during the episcopate of Godfrey Giffard, Gilbert de Clare, earl of Gloucester and Hereford, and his brother Bogo, along with Roger de Veel, were holding the abbot in prison, probably over a church valued at £100 that Bogo had seized illegally from the house the previous year.<sup>128</sup>

Though they are likely to have been in possession of many more churches, as the previous gifts have demonstrated, in the time of Godfrey Giffard (1268-1302), the abbot and convent appointed vicars and priests to eight different churches.<sup>129</sup> Through poor management, lax discipline and, as noted above, some degree of villainy, the house came into serious debt, so severe in fact that in the early fourteenth century the canons were known to have been begging for food and drink in the streets of Bristol.<sup>130</sup> In 1282, the abbot was sworn at a value for the tax for the Holy Land at £210 13s 7d,<sup>131</sup> and at the

---

<sup>125</sup> *Cart St Aug*, nos 74-86 are the charters of the early Lords Berkeley and the descendants of Robert Fitzharding who made grants in the generation after Robert.

<sup>126</sup> Robert B. Patterson, ed., *Earldom of Gloucester Charters* (Oxford: Clarendon Press, 1973) nos 11-33.

<sup>127</sup> Overall, the gifts to canons seem to outweigh those given to the other orders, with Bradenstoke, Canonsleigh, Durford and other houses among the recipients of land and churches. See appropriate charters in *EGC* for specific grants.

<sup>128</sup> *Reg Giffard*, pp. 233, 271.

<sup>129</sup> *Reg Giffard*. St. Leonard's (p. 69); All Saints, Bristol (p. 98); Holy Trinity (p. 227); St. Nichols, Bristol (p. 278); Berkeley (p. 338); Almondsbury (p. 350); Wapley (p. 367); Wotton (p. 543).

<sup>130</sup> *Reg Reynolds*, p. 21. In 1284 the house was already in debt over £300, though the bishop himself notes that the seizure of the above-mentioned church by Bogo de Clare contributed to that debt significantly. See *Reg Giffard*, p. 233.

<sup>131</sup> *Reg Giffard*, p. 143.

time of the *Valor*, St. Augustine's showed an income of £670 and was in possession of more than 23 churches in England and Ireland.<sup>132</sup>

One of the smaller houses in the diocese, that of St. Oswald's Gloucester, was founded as an Augustinian house of canons around 1150 by Henry Murdac, the archbishop of York. The land of the house had been in great dispute for nearly 100 years prior to this, as the dioceses of York and Worcester, held jointly before the Norman Conquest, later vied for jurisdiction, neither willing to concede the land to the other.<sup>133</sup> Prior to its foundation as an Augustinian house, St. Oswald's was a minster served by secular canons. At the change from secular to regular canons, the seculars were either re-assigned or deposed and their prebends given to regulars for their endowment.<sup>134</sup> Though poorly endowed, they had the promise of future benefaction given by the archbishop of York, who, never granting the autonomy of free election or oversight to the canons, maintained a diligent if overbearing authority over the canons. Indeed, the house was, when opportune, not categorized by the archbishop of York as a monastic foundation but a royal free chapel, so that he could maintain his unchallenged rule over the prior and governance of the house.<sup>135</sup>

This house represents well the diversity of the Augustinian foundations not only in England but in the diocese of Worcester itself. Here was a small priory situated in an important city with two other large monasteries, St. Peter's Gloucester and Lanthony, very near to it, and though it was small, the prior played a significant role in the activities

---

<sup>132</sup> *VCH Glouc*, p. 77, *MA*, p. 367. As the *Valor* excluded St. Augustine's, its income must be compiled from other sources. See below, pp. 189-193, for a discussion of the income of the abbey.

<sup>133</sup> *Ibid.*, p. 85. See also *EEA York*, pp. xix-xxxii, for a thorough discussion of the conflicts between the archbishop of York and Canterbury over the claims to primacy and jurisdiction over the lands in the diocese of Worcester and elsewhere.

<sup>134</sup> Such was also the case with Cirencester, see above, pp. 46-48, for a discussion of the foundation of that house and its transformation from secular to regular canons.

<sup>135</sup> *Ibid.*, p. 86.

of the bishopric in the thirteenth century, and drew the ire and angst of the bishop of both Worcester and the archbishop of Canterbury for their presence. Indeed, in 1301, the canons claimed that Bishop Godfrey Giffard had done them so much harm that many of the brothers had suffered illness.<sup>136</sup> St. Oswald's was never wealthy, its *Valor* income listed at only £90, and it possessed only one church and four chapels from which it received spiritualities.<sup>137</sup>

The history of Studley Priory began at Witton near Droitwich. The monastery at Witton was founded in 1135, but the canons remained there only until about 1145 when they moved to Studley Priory.<sup>138</sup> The date of Studley's foundation is recorded in Knowles and Hadcock in the time of Henry II,<sup>139</sup> that is, after 1154, though as noted above the exact time of the canons' arrival in Studley is uncertain. For a small priory it was rather well-endowed. Its founder, Peter Corbezon (later called Peter de Studley), gave the priory the churches of Wicton, Studley and Coughton in Warwickshire, and Salperton in Gloucestershire. He additionally gave them half the town of Wicton and other lands in Worcestershire. After the move to Studley, the founder added the church of Audburne and the chapel of Dormston.<sup>140</sup> The lands and possessions were mismanaged however,<sup>141</sup> and there were likely only a few canons in residence when Walter de Cantilupe became the patron of the house. The Cantilupes continued generously to endow the house with lands, so that at the time of the *Taxatio* in 1291, the temporalities of the house were worth

---

<sup>136</sup> *Reg Giffard*, p. 543.

<sup>137</sup> *VCH Glouc*, p. 86.

<sup>138</sup> *MA*, vol vi, p. 186. A charter of Edward III confirming the possessions of the priory asserts that the priory was founded by Peter de Studley in the church of St. Peter de Witton. It further asserts that he moved them from Witton to Studley at a later date. There are no dates given for either of these occasions; Edward's charter mentions only charters of Peter. This same move is attested in *Cal Charter Rolls*, Edw III, 1327-1341, pp. 60-62.

<sup>139</sup> *MRH*, p. 175.

<sup>140</sup> *VCH Warw*, pp. 94-5. *Cal Charter Rolls*, Edw III, 1327-1341, pp. 60-62.

<sup>141</sup> *Ibid*.

ca. £20, and the spiritualities ca. £5.<sup>142</sup> Studley remained as a small priory of probably no more than eight or ten canons until 1536. Its *Valor* income of £117 is once again representative of what seems to be the pattern of Augustinian income, as £88 of gross spiritual income was derived from the six appropriated churches,\*though the net income from the same was only just over £33. Its temporal income was just over £83.<sup>143</sup> It also had a hospital, likely situated at its gate, in its possession at the time of the Dissolution.<sup>144</sup>

Dodford Priory is an Augustinian house of interest, not so much for its foundation or its exploits, but for its demise. Very small from the time of its foundation in 1184, its history ends unusually as the house merged with the Premonstratensian canons of Halesowen in 1464. At the *Taxatio* in 1291, the income of the house was under £5,<sup>145</sup> and after it merged with Halesowen, only the prior was left. He served the church at the monastery from this point.<sup>146</sup> It is likely that there never were more than two canons in the convent.

The last Augustinian house of canons in the diocese, and the lone representative of a thirteenth-century foundation, was Horsley Priory. A former alien cell of Troarn, a Benedictine abbey in France, Horsley came to be an Augustinian priory, wholly dependent upon Bruton, in Somerset, in 1262. Though the house was very small, it was responsible for the cure of souls of the church of Horsley. Stephen, a canon Bruton, was presented to the care of Horsley Priory in 1262.<sup>147</sup> The prior of Horsley, who was appointed by the prior of Bruton, was granted the cure of souls of the churches of Horsley

---

<sup>142</sup> *Ibid.*, and *Taxatio*, p. 230.

<sup>143</sup> *Valor*, vol. iii, pp. 86-7.

<sup>144</sup> *ibid.*

<sup>145</sup> *Taxatio*, p. 231.

<sup>146</sup> *VCH Warw*, p. 136.

<sup>147</sup> *EEA*, Worcester, 1218-1268, no. 114. See also, *Two Cartularies of the Augustinian Priory of Bruton and the Cluniac Priory of Montacute in the county of Somerset* (London: printed for the Somerset Record Society by Harrison and sons, 1894), no 316.



and Wheatonhurst in 1276.<sup>148</sup> The house never distinguished itself for its size, wealth or aptitude in caring for the souls of the churches in its possession, as it was dissolved in favor of a vicarage in the late fourteenth century. Its holdings seemingly never expanded, and its livelihood dependent on the house of Bruton, Horsley's history came to an end in 1380.

### *Conclusion*

This survey of the Augustinian houses in the diocese of Worcester confirms many of the features of the canons presented in the work of Dickinson and others. That the favor of Henry I and his court was of utmost importance in the foundation of many of the houses in the diocese can be clearly seen. That the houses received significant episcopal patronage and support is evident from the frequent inclusion of bishops as witnesses to their charters and in the papal letters of the twelfth century, many of which confirmed to the order a substantial number of churches. Income from parish churches made up a significant percentage of the total income of all the houses in the diocese, and this demonstrates further the favor shown to the Augustinian canons by all patrons in the twelfth century. In accord with the Gregorian Reform program, the regular canons were the beneficiaries of many churches that laymen could no longer openly exploit for financial gain. Many of the churches that wound up in monastic hands in the twelfth century found their way into the houses of regular canons rather than Benedictine monasteries, illustrating the trend away from the older form of monasticism toward the new orders that transformed the monastic landscape in the twelfth century.

---

<sup>148</sup> See *Cartularies of Augustinian Priory of Bruton*, no 322. See also *VCH Glouc*, p. 92.

The regular canons offered a new approach to monasticism, one that not only followed the less severe rule of St. Augustine and had a less extensive divine office, but was also initially seen to take a more active role in parish ministry, thus justifying the appropriation of churches in the twelfth century. As other authors have demonstrated and the papal letters of the twelfth century show, the regular canons had the right to, and frequently did, serve some of the churches appropriated to them, even if this never included most of the churches possessed.<sup>149</sup> That this action became less and less of an emphasis in the order is perhaps evident in the slackening of episcopal patronage after the first half of the twelfth century and the eventual institution of the perpetual vicarages, which became the norm in the thirteenth century and beyond, at least until the Black Death in the middle of the fourteenth century.

It is to the specific interactions between the canons and the key powers of later medieval society that this thesis now turns, examining in detail how the Augustinian canons were connected, through their own inclination and by the will of those in power, to those individuals and institutions that dominated life in the Middle Ages. With a look to the twelfth century, but focusing primarily on the later medieval era, this thesis will examine these most important of relationships for the canons. The crown, the nobility and the episcopal powers of the later medieval period each interacted with the canons in significant ways, to the benefit and detriment of the order that sought not only to survive, but to thrive amid the coming of the friars, the scourge of the Black Death, the rise of the

---

<sup>149</sup> Dickinson, in *Origins*, pp.236-238, lists fully 27 houses for which there is conclusive, extant evidence that parochial ministry was undertaken in at least one of the churches the canons possessed. This number is nearly ¼ of all the houses known to exist in the twelfth century, and it of course goes without saying that our evidence for the time period is overwhelmingly incomplete. Thus, it should not be questioned whether or not the canons undertook parish ministry, though the extent to which it occurred is hotly debated.

humanistic Renaissance, and ultimately, the Protestant Reformation that led to the utter demise of monasticism as England knew it.

## Chapter 2

### **The Augustinian Canons and the Nobility of England:**

#### **Patronage, Privileges and Expectations**

A diplomat traveling abroad in today's world enjoys freedoms and privileges that seem elaborate, even pretentious, to most of us commoners. To have the pleasure of the king, president or prime minister might be more sought after than money or popular acclaim, for indeed they can bring some of the finest perks and opportunities that can be found in the world. Medieval England was no different. Not only did it behoove one to be in the good graces or close confidence with the crown, it provided one with freedoms and, to put it crudely, less stress, than one might otherwise encounter. This was true of lay nobles seeking to defend and extend their patrimony, secular clerks and ecclesiastics striving to ascend the ladder of the church, and religious houses yearning to enjoy the religious life in service to God as unhindered by the limitations and bureaucracy of the temporal world as possible. It is no surprise then that the regular canons for their part sought to acquire as much immunity from the crown as they could. To greater or lesser degree, each monastery was bound to the crown and to the nobility of the region in which it was situated; without patrons there would have been no monasteries. But all houses attempted to acquire grants, freedoms and privileges from the secular powers that had influence over them. Some of these are well-documented in the records of the monastic institutions,

others receive only passing reference in the voluminous government records of medieval England.

The Augustinian canons, like all religious orders, sought the patronage of the king and upper nobility. To be well-connected to the crown or the powerful barons of medieval England was the best assurance of future prosperity any convent could attain. Several houses were fortunate enough to be royal foundations, thus generally assuring the present and future canons that, if necessary, they would have the support and protection of the crown in times of need. Conversely, royal patronage also brought with it obligations to the crown that transcended the normal boundaries of interaction between monasteries and the kings; patrons, whether royal, lay or ecclesiastical received and occasionally demanded rights to the priory that were inconvenient and even malicious.<sup>1</sup> Having an aristocratic patron was not necessarily any better – sometimes the lay patrons of a monastery posed more of a threat to the convent than royal. In general terms, however, the patronage of the crown or the nobility was of great benefit to a religious institution, and in this the Augustinian canons in Worcester were no exception. Several of the houses enjoyed the patronage of the king, some of them from the time of their foundation, which enabled them to prosper and thrive.

The first part of this chapter will examine the relationships between the canons and the crown and greater nobility, reaching back in part into the twelfth century, in order to establish which of the houses of canons enjoyed the favor not only of the king himself but also of those closely connected with the king. In particular, this section will investigate the tumultuous time surrounding the succession of Henry I, the anarchy and

---

<sup>1</sup> See below for a discussion of specific instances of strained relations between the canons and their patrons. For lay patrons in particular see Karen Stöber, *Late Medieval Monasteries and their Patrons: England and Wales c.1300-1540* (Woodbridge: Boydell, 2006).

civil war waged between Stephen and Matilda, and how the canons and their patrons navigated the turbulent waters of the southwest of England at the time. It will become clear that the three largest houses, Cirencester, Lanthony and St. Augustine's Bristol, shared a web of patronage at a time when monastic patronage was a common way to declare one's personal and political loyalty. This section will also examine how the grants made to the monasteries early in their history, for St. Augustine's during the reign of Henry II, for Cirencester during the reign of Richard I, had long-term consequences, both beneficial and detrimental to the houses. In Cirencester's case, the rights granted in the reign of Richard I caused fierce disputes between the house and the town of Cirencester until the fifteenth century. The last section of the first part of this chapter will document the story of a monastery whose royal patronage did not lead to prosperity, in the unusual case of Dodford Priory.

The second part of this chapter will detail and analyze the various interactions between the canons and the nobility that did not involve grants of new properties. Some of these interactions were materially profitable for the canons; some simply made life convenient. The specific grants to hold the temporalities of the house during a voidance and the various other miscellaneous grants made to the canons all contributed to the well-being of the order as a whole and of individual houses in particular. Last, this chapter will examine and analyze the expectations placed upon the various monasteries by the kings and other nobles. Though the monasteries would have seen themselves first and foremost doing the work of God for the benefit of the eternal realm of the King of Kings, they were in no small part doing the temporal work of the realm for the kings of England as well.

## Royalty and Aristocratic Influence on Augustinian Foundations: Henry I and the 'Anarchy' of 1135-1154

### *Cirencester Abbey*

Only two monasteries in the diocese of Worcester were royal foundations; the larger more prosperous of these was Cirencester Abbey. Cirencester, the wealthiest of all the Augustinian houses at the time of the Dissolution was founded by Henry I in about 1131. Though over the course of its existence many men and women bestowed their possessions upon the monastery, Henry was by far the primary benefactor of the abbey, for it never again received quite as substantial a gift as it did from the hand of the king. At the time of its founding, Henry I gave to the abbey a few lands from his own domain in Cirencester, but gave all the possessions of one Regenbald, a noted pluralist who held lands in many counties in southwest England.<sup>2</sup> The cartulary belies the significance of Henry's gift.<sup>3</sup> Charters from Stephen and Henry II directly confirm the gift of the king and his charter,<sup>4</sup> and virtually every king until Edward I harkened back to Henry's gift when taking the monastery into their protection or defining its rights. Edward III also inspected and confirmed the charters of Henry I, Henry II, Richard I and Henry III.<sup>5</sup>

---

<sup>2</sup> The lands of Regenbald were granted, according to one author, after a lifetime of service in the administration of the crown, and it may simply be that Henry was the one who had opportunity to fulfill the request of Regenbald, that his lands go to a monastic house on his death. See A.K.B. Evans, 'Cirencester Abbey: The first hundred years', *TBGAS*, 109 (1991), 99-116.

<sup>3</sup> See note for the foundation charter, no. 28, where Ross *et al* believe that though the charter information is likely essentially accurate, the charter itself had been 'improved' sometime after its original drafting. *Cir Cart*, no. 28n, p.24.

<sup>4</sup> *Cir Cart*, vol. i, nos 28, 28a, 29, and 30. These charters are the first in the cartulary following an explanation of how the lands and churches became the property of Regenbald by Edward the Confessor and William I, nos 25-27.

<sup>5</sup> *Ibid.*, nos 121-2. The popes as well clarify the possessions given by the king, specifying them in indults dated as early as 1136, when Innocent II confirmed the charter of Henry I, again listing all the possessions of Regenbald. Several other papal indults also take the house under protection of the See of Peter and confirm this particular grant.

The possessions Henry gave the church of St. Mary in Cirencester included lands in the vill of Cirencester, and in Gloucestershire, Wiltshire, Somerset, Dorset, Berkshire, Oxfordshire, Buckinghamshire, Northamptonshire and Winchester.<sup>6</sup> The largest gifts of land were located in the counties of Gloucester, Berkshire and Wiltshire. Along with the lands Henry I gave the church, he also bequeathed the spiritual possessions of Regenbald, 19 churches in the counties listed above.<sup>7</sup> These made up the heart of the monastery's spiritual possessions, and as will be seen, accounted for the vast majority of the *spiritualia* of the house for the extent of its history. There were a few later appropriations, but the vast majority of the house's possessions came from the initial gift of their founder, Henry I.

In 1254, the abbey held 29 spiritual possessions: 14 rectories, 5 portions, 9 pensions, and one entry simply listed as 'tithes'.<sup>8</sup> Of the 19 churches granted to the abbey by Henry I, all save one (Ampney St. Mary<sup>9</sup>) were still in the hands of the monastery in 1254. Thirteen of the original churches in the possession of the monastery were still held as rectories, three were reduced to portions of tithes, and the remaining three were by then only pensions. However, according to the cartulary, the eighteen churches from Henry's foundation brought the abbey approximately £275 per year. The total *spiritualia* for the convent was just over £303. It is clear that Cirencester displayed the traits

---

<sup>6</sup> Ibid., no. 28.

<sup>7</sup> Though this generous gift was put in place ca. 1130, the canons of Cirencester were not able to take full possession of all these gifts until later, as life portions of some of the secular canons of Cirencester church as well as favored members of Henry's curia were safeguarded by the king. These too are confirmed by Stephen's charter. See Evans, 'First Hundred Years', and *Cir Cart*, no. 28n.

<sup>8</sup> Ibid, no. 459.

<sup>9</sup> According to *Reg Giffard*, p. 508, 551, a former prior had given the church to his nephew, a layman, and the rector in 1298, Walter de Chiltonham, returned it to their hands. According to *Cir Cart*, # 329, they held the advowson of the church in 1249. In 1298, Bishop Giffard stated the case of the abbey against the then rector, Walter, and in 1301 the church was restored to the abbey. See *Cir Cart*, vol. iii, nos 113, 410, 411. See below, pp. 329-334, for a detailed discussion of this church.



common to most of the Augustinian monasteries in Worcester diocese: a heavy dependence upon spiritualities and strong benefaction early in their history that was not matched as the house developed and grew.<sup>10</sup>

Though undoubtedly the most generous and significant, Henry I was not the only royal patron of the house. Stephen also took up the cause of Cirencester on a few occasions, confirming Henry's charter<sup>11</sup> and granting quittance of toll and safe passage for the abbey and its possessions.<sup>12</sup> He also restored the lands of Boycott in Oxfordshire,<sup>13</sup> and gave two hides of land in Cirencester to the abbey from his own domain.<sup>14</sup> Beyond that, Stephen did little to assist the monastery. No fewer than 15 charters of Henry II exist in the cartulary, showing that he was quite involved in the affairs of the monastery. Though most are writs of protection and defense of the monastery's properties,<sup>15</sup> he did confirm the grant of Roger, earl of Hereford,<sup>16</sup> and grant to the canons the revenues of his lands in Cirencester, valued at £29, for the completion of their church, in 1155.<sup>17</sup> Henry II, whose notable support from the earls of Gloucester during the battle between Stephen and Matilda for the crown in the 1140s, figures prominently in the stories of most of the houses of canons in the diocese of Worcester, as his patronage and support of Cirencester and St. Augustine's Bristol exemplifies.<sup>18</sup>

---

<sup>10</sup> See below, pp. 197-201, and Appendices 3-4 (p. 383) and 5-2 (388) for elucidation of these traits.

<sup>11</sup> *Cir Cart*, vol. i, no. 29.

<sup>12</sup> *Ibid.*, no. 58.

<sup>13</sup> *Ibid.*, no. 60.

<sup>14</sup> *Ibid.*, no. 59.

<sup>15</sup> *Ibid.*, nos 62-75.

<sup>16</sup> *Ibid.*, no. 61.

<sup>17</sup> See Evans, 'Cirencester, First Hundred', and *Cir Cart*, no. 66n.

<sup>18</sup> Evans suggests that it is was the civil war in Stephen's time and the ravaging of battles in the Gloucester area that moved Henry II to aid Cirencester in an effort to display the continuity between his reign and that of his grandfather, the founder of the abbey. This also led Henry II to choose canons from Cirencester to populate Waltham, a grand Augustinian abbey founded by his hand. See Evans, 'First Hundred Years'.

### *St. Augustine's Bristol*

St. Augustine's Bristol, though not founded by Henry I or his descendants, was wrought in large part by the future Henry II as well as key political figures involved in the disputes over the succession of Henry I and the resultant civil war. In this embattled period, Robert, earl of Gloucester, son of Henry I, became the primary supporter of Empress Matilda, and it was the earls of Gloucester and their close companion, Robert Fitzharding, who became the primary patrons of the monastery. Additionally, Roger III of Berkeley, a supporter of Stephen, was stripped of his land and authority, and it was only through a marriage with the Fitzhardings that the Berkeleys also become major contributors to the abbey, eventually becoming the patrons of the abbey, having a family chantry in the abbey itself. In the foundation, and later in the early struggles over the possessions of St. Augustine's Bristol, the powerful influence the patrons and founders had upon the prosperity of the house and how their political alliances necessarily impacted the monasteries bearing their name can be seen.

Many scholars have researched the confusing morass of source material pertaining to the foundation of St. Augustine's Bristol, and though it is anything but clear from the charters and secondary sources available, a reasonable timeline can be summarized as follows.<sup>19</sup> There was a church dedicated to St. Augustine, apostle to England, in Bristol that may date back as far as the seventh century.<sup>20</sup> The church known today as the church of St. Augustine the Less served as the first place wherein the

---

<sup>19</sup> For explanation of all these details, see especially, J. C. Dickinson, 'The Origins of St. Augustine's Bristol', in *Essays in Bristol and Gloucestershire History*, ed. by Patrick McGrath and John Cannon (Bristol and Gloucestershire Archaeological Society, 1976), pp. 109-126; *Cart St. Aug.*, pp. xiv-xxii; Arthur Sabin, 'The Foundation of the Abbey of St. Augustine at Bristol', *TBGAS*, 75 (1956), 35-42; and for the specific names of bishops involved, see F. W. P. Hicks, 'The Consecration of St. Augustine's Abbey, Bristol', *TBGAS*, 55 (1933), 257-260.

<sup>20</sup> See Dickinson, 'Origins of St. Augustine's', pp. 124-126.

communal life of the abbey was lived.<sup>21</sup> In or about 1140, Robert Fitzharding conceived to found in Bristol an abbey of regular canons of the order of St. Victor.<sup>22</sup> In 1148, when it was judged that sufficient buildings were in place and the donations to the monastery ample to support communal life, Richard of Warwick became the first abbot.<sup>23</sup> This is the usual date given as the founding of the monastery. What today stands as Bristol Cathedral, not far from the church of St. Augustine the Less, was the site of St. Augustine's Abbey in the medieval epoch. During the short episcopate of Alfred, bishop of Worcester (1158-1160), the altars were dedicated, and by 1170, the abbey of St. Augustine's Bristol was dedicated by four bishops, Roger of Worcester, Bartholomew of Exeter, Nicholas of Llandaff, and Godfrey of St. Asaph.<sup>24</sup> This so called 'new church' served as the home of the canons for the life of the abbey and still stands in Bristol today.

However clear the above description may or may not be, it still hardly does justice to the men involved in the founding of the abbey. An engraving in the abbey itself reads, '*Rex Henricus Secundus et Dominus Robertus filius Hardingi filii regis Daciae huius monasterii primi fundatores extiterunt*'.<sup>25</sup> That some well-intentioned engraver claimed Henry II to be the founder is without question. The truth of the assertion is altogether

<sup>21</sup> See Dickinson, *ibid.*, and *Cart. St. Aug.*, p. xxii, for discussions of the actual purpose of this location.

<sup>22</sup> This is the date given for the foundation of the abbey by Knowles and Hadcock, *MRH*, p. 150.

<sup>23</sup> 1148 is the date noted by David Walker as 'the significant date,' when the first abbot was appointed. See *Cart St. Aug.*, p. xxii.

<sup>24</sup> The names of these four bishops are the cause of much of the dissension regarding the foundation of the monastery. Sabin claims, 'This statement is so remarkable that it is vastly surprising that it did not provoke both comment and investigation long ago', Sabin, 'Foundation', p. 38. John Newland, abbot of the monastery in the fifteenth century, wrote a chronicle of the abbey's founding and inserted names of bishops where only letters had been in the charter manuscripts. Newland said this dedication took place in 1146; however, according to Sabin, based on the dates of the reigns of bishops of the sees involved, it had to have been between 1168 and 1174. Walker, *Cart. St. Aug.*, and Dickinson, 'St. Augustine's' settle for a date of 1170. Also, a copy of Abbot Newland's Roll is readily available: see I. H. Jeayes, Esq., 'Abbot Newland's Roll of the Abbots of St. Augustine's Abbey in Bristol', *TBGAS*, 14 (1889-90), 117-130.

<sup>25</sup> Quoted in Dickinson, 'Origins of St. Augustine's', p. 110. F. W. P. Hicks stated to the contrary that 'This inscription has either been regarded as a careless Renaissance restoration or as an attribution to the king of a pious deed he performed when prince... the inscription can now be regarded as absolutely correct'. F. W. P. Hicks, 'The Consecration of St. Augustine's Abbey, Bristol', *TBGAS*, 55 (1933) 257-260.

another matter. There is no suggestion in the charter evidence that the abbey ever directly claimed royal foundation, but it is beyond doubt that Henry, as duke of Normandy and Aquitaine, and later as King Henry II, was a substantial enough patron of the monastery to warrant him being ascribed by some as the founder.

In actuality, as noted above, St. Augustine's was founded by Robert Fitzharding, a wealthy citizen of Bristol. Upon the foundation of the monastery, Robert gave many lands in and around Bristol to the canons, as well as many churches of his possession, as its initial endowment. Many of the lands Fitzharding granted were held of the crown and confirmed by Henry, duke of Normandy, later King Henry II, and thus he was reputed by some as a founder of the house.<sup>26</sup> Henry's personal ties to the monastery run deep. In a charter which has been dated to 1153, the then Duke of Normandy and count of Anjou openly states that '*in initio juventutis mee beneficiis et protectione cepi juvare et fovere causa et amore dei omnes illas terras et redditu pertinentes ad coronam Anglie*'.<sup>27</sup> Having observed the building of the church, likely between 1140 and 1146, he was so moved that he vowed to patronize the monastery. Possibly as early as 1151 he made good on his promise. The future King Henry II, as duke of Normandy and Aquitaine, and count of Anjou, made several grants to the church and confirmed many others. Some of these lands became sources of significant income for the abbey.

According to the cartulary of the house, the future king gave the church the lands of Abbots Leigh, Almondsbury, Fifehead Magdalen in Dorset, Ashleworth near Gloucester, and smaller landholdings in Wapley, Lasborough and South Cerney.<sup>28</sup>

<sup>26</sup> *VCH Glouc*, p. 75, citing Red Book of St. Augustine's, Berkeley Castle MSS. fols 17, 18.

<sup>27</sup> *Cart St. Aug*, no. 5.

<sup>28</sup> *Ibid*, no. 1. This is a charter of confirmation from King Stephen, dated January 1154. Charters 2 and 3 are from Henry, as duke of Normandy, confirming the gifts and rights of Almondsbury and Ashleworth.

However there are also charters that ascribe the gifts of Leigh and Almondsbury to Robert Fitzharding, the founder of the house.<sup>29</sup> Whatever the case, it is clear that the abbey enjoyed the support of the future King Henry II, and whether he gave or simply confirmed these gifts to the abbey, his benefaction was to be of great importance for the abbey. Though there are no further grants of the king discernable in the charters of the house,<sup>30</sup> the scope and value of these gifts reveal how significant the patronage of the king was to the monastery.

The value of the gifts at the time of the foundation of the house is not clear, but from the *Taxatio* and other records, we can get an estimate of the value of these estates. According to the 1291 survey, Ashleworth and Almondsbury together brought in almost £28 in temporalities to the abbey, approximately 36% of the total temporalities recorded for the house.<sup>31</sup> In 1491-2 these same two properties accounted for 22.5% of the total income of the house. This can be compared with the churches and urban property in Bristol drawing 27%.<sup>32</sup> These two grants were quite significant for the abbey, and they came from the king's lands. Henry II's connection with the house and Robert Fitzharding will be explored more fully later,<sup>33</sup> but it is enough now to say that though the benefaction of Henry II did not match the scope of the gift his grandfather gave to Cirencester, it nonetheless was of great importance for the abbey and its prosperity.

---

<sup>29</sup> See *EGC*, nos 11-12, and *Cart St. Aug*, no. 32 concerning Almondsbury. Perhaps Almondsbury and Leigh are the lands referred to in *VCH* as having been held from the king.

<sup>30</sup> There are many charters wherein Henry, as king and as duke, takes the house under his protection, assures their rights, and/or confirms grants of other patrons. Charters nos 2-19 of the cartulary are all charters of Henry to the monastery. *Cart St. Aug*, nos 2-19.

<sup>31</sup> *Taxatio*, p. 233b.

<sup>32</sup> *Cart St. Aug*, p. xxviii. Walker notes that this does not include renders in kind, which, according to him, would slightly change the percentages, but not the scale of the total. His analysis was drawn from Gwen Beachcroft and A. K. Sabin, ed., *Two compotus rolls of Saint Augustine's Abbey, Bristol, for 1491-92 and 1511-12* (Bristol: Bristol Record Society, 9, 1939), pp. 276-8, 288. See *Cart St. Aug*, p. xxviii n.1.

<sup>33</sup> See below, pp. 77-81.

Apart from the grants of Henry II, the only other royal grants the abbey received were from his son, John, as count of Mortain, who gave the abbey land for assarts.<sup>34</sup> John also took the abbey under his protection<sup>35</sup> and offered both specific and general confirmation of the abbey's possessions. Stephen also confirmed the gifts of Henry in one charter to the monastery.<sup>36</sup> Other than these three, the kings of England appear only in passing in the cartulary, having seemingly played at best a very minor role in the life of the house.

King Henry II was not the only member of the nobility to play a significant role in the life of the house. Before he had become king, Henry was caught in the grips of the battle for the succession to the throne of his mother, Empress Matilda, and Stephen of Blois, his uncle and reigning king. Robert, earl of Gloucester, one of the many bastard children of Henry I, was a staunch defender of Matilda in the civil war, and Henry was quite naturally drawn into the fray. Henry's relationship to the earls of Gloucester and the Berkeley family led to a long line of patronage for St. Augustine's, but left behind them a sticky web of allegiances.

Robert Fitz Roy, the first earl of Gloucester, was a bastard son of Henry I who, through a marriage to Mabel Fitz Hamon, acquired the honors of Gloucester in England, Glamorgan in Wales, and Evrecy and Ste Scholasse-sur-Sarthe in Normandy.<sup>37</sup> Robert's son, William, cousin to Henry II and brother of Roger, bishop of Worcester (1164-79), continued the generous patronage of his father (who died in 1147), though it seems he

---

<sup>34</sup> *Cart St. Aug*, no. 23 and no. 51. John seems to have given 44 acres of land in Eissemore as assarts. This gift receives mention in his own charter, no. 23, and in the charter of his wife, Isabella, countess of Gloucester, no. 51.

<sup>35</sup> *ibid.*, nos 20-1.

<sup>36</sup> *Ibid.*, no. 1.

<sup>37</sup> *EGC*, p. 3.

was not as well-liked by the king as his father was.<sup>38</sup> Eventually, William's daughter, Isabel, countess of Gloucester, married the future King John while he was the count of Mortain. John, whose marriage to Isabel was eventually dissolved for consanguinity by Archbishop Baldwin, became earl of Gloucester upon the marriage, and retained the title and most of the lands of the honor until his death in 1216.<sup>39</sup> Eventually, the Clare family, already important in England, became the earls of Gloucester for 97 years.<sup>40</sup> This convoluted family tree leads to a confusing pattern of benefaction for the abbey. Though the kings themselves gave comparatively little to the abbey, it certainly enjoyed the patronage of the earldom of Gloucester, and by extension the Angevin and Plantagenet royal houses.

Aside from the earls of Gloucester and the kings of England, the abbey also enjoyed substantial patronage from the Fitzharding and Berkeley families. The Fitzhardings were of old English stock, having been based primarily in Somerset before the Conquest. They supported William in the Conquest, and eventually Robert Fitzharding came to be an influential and powerful man in the city of Bristol.<sup>41</sup> Fitzharding became associated with Robert, earl of Gloucester, and ultimately with Duke Henry, greatly expanding his influence in the town in the years of the Anarchy.<sup>42</sup> After assisting Henry of Anjou with the founding of his house in Bristol, as noted above, Robert's family merged with the Berkeleys through the marriage of his son Maurice to

---

<sup>38</sup> For the status of William, earl of Gloucester, see David Crouch, 'Earl William of Gloucester and the end of the Anarchy: New Evidence Relating to the Honor of Eudo Dapifer', *The English Historical Review*, 103 (1998), 69-75.

<sup>39</sup> *EGC*, nos 3-7. At one point John actually sold Isabel for 20,000 marks, which the *EGC* claims to be the highest bride price ever paid in Medieval England.

<sup>40</sup> *EGC*, no. 6.

<sup>41</sup> See *Cart St. Aug.*, pp. xi-xiv for a brief summary of the Fitzharding family, and of course *CP* for a thorough discussion of Berkeley line.

<sup>42</sup> *Ibid.*

Alice, daughter of Roger de Berkeley. Through this union, the Fitzharding legacy carried on in substantial patronage to the abbey from the Berkeley family.<sup>43</sup> Thus, we can see that the abbey of St. Augustine's Bristol was well-endowed and linked closely with the noble families of England from its foundation until its dissolution. Were it not for such close connection to the crown and the Berkeleys, it may very well have foundered early in its existence and not held nearly the place it did in the life of the city of Bristol throughout the medieval period.

*The Web of Patronage of the Augustinian canons in the Diocese of Worcester*

Both St. Augustine's Bristol and Cirencester demonstrate the powerful effects of royal patronage for the canons in Medieval England. These two houses, along with Lanthony by Gloucester, illustrate an even more compelling interaction between the canons and society in Medieval England when taken together, because their founding and the coincidence of the explosion of the Augustinian canons to England with the Anarchy provides a provocative backdrop for a study of monastic patronage. Expediency, locality, prestige, and piety may have all played major roles in the foundation and endowment of monasteries throughout history, but political pressures, alliances, and feudal duties also influenced monastic patronage as well. As has already been stated, the fact that the Augustinian canons were new to England and the fashionable order at the time of Henry I was likely of major significance for the torrid pace of foundations during his reign and

---

<sup>43</sup> See Stöber, *Later Medieval Monasteries*, pp. 156-162 for a more complete discussion of the patronage of the Berkeleys and the monastery. Stöber focuses particularly on the burial preferences of the Berkeleys, many of whom were buried in St. Augustine's.



beyond, even after the Cistercian storm swept the country. In the diocese of Worcester, Henry's influence and the clear impact of political alliances and the requisite reciprocity of feudal bonds on monastic patrons come to the forefront in the intricate web of patronage between the aforementioned monasteries.<sup>44</sup>

Robert, earl of Gloucester, the illegitimate son of Henry I, made a claim to the throne on his father's passing in 1135. Stephen, Henry's nephew, made a successful attempt to be crowned in 1135, and in Robert's mind usurped the throne. Robert's camp based itself, not surprisingly, in Gloucester, and only after it was clear that Robert would not ascend the throne did they begin to back Matilda in her quest for the crown. Matilda's son, Henry, duke of Normandy and Aquitaine was also entrenched in this group and would eventually succeed Stephen after his death in 1154. The full details of this oft told story are not wholly significant for this study, but the web of patronage surrounding the monasteries founded by these towering political figures is highly instructive of the pressures laymen and abbots felt to keep the correct political ties in times of uncertainty.

As described above, it was Robert Fitzharding, in close partnership with the future Henry II, who founded St. Augustine's Bristol. As noted, the exact year of the foundation is uncertain, but it was clearly underway by 1140. Henry II and Robert Fitzharding were close partners of Robert, the first earl of Gloucester, and though no charter explicitly states that Robert was a patron of St. Augustine's, his family, particularly his son, William, was one of the most significant benefactors of the house. The earls of Gloucester, the future Henry II and the Empress were the most important players in the

---

<sup>44</sup> See Geddes, 'Lanthony', pp. 64ff. and Emma Cownie, 'Gloucester Abbey 1066-1135: an illustration of religious patronage in Anglo-Norman England', in David Bates and Anne Curry, eds, *England and Normandy in the Middle Ages* (London: 1994), pp.143-157 (148-9) for a discussion of how the retainers of the major baronial families frequently patronized their lord's foundations.

war against Stephen that was coming to a head in the late years of the 1130s. But more help was secured for the Empress's cause when in 1139 Miles of Gloucester, later Miles the first earl of Hereford, switched his allegiance from King Stephen to that of the Empress.<sup>45</sup> After declaring for the Empress in 1139, Miles entered into a treaty with Robert, earl of Gloucester, in c.1141, wherein they pledged to assist one another, especially in the war against Stephen.<sup>46</sup> These two men agreed to support one another through the crisis, and their sons did the same, as another extant treaty, similar to the first, reveals.<sup>47</sup> These two families became close allies and supporters of the empress and the Angevin cause.

More important for our survey, though, is their patronage of the Augustinian canons. Miles, constable of England, later first earl of Hereford, was the founder of Lanthony next to Gloucester. In 1136, he was convinced by Robert de Bethune, a former canon of Llanthony in Wales, then bishop of Hereford, to come to the aid of the canons of the Welsh house and found a cell near Gloucester. Miles assented, but with seemingly mild excitement; his initial grant to the priory was meagre.<sup>48</sup> Dugdale's *Monasticon* records another, more generous grant to the house in 1137, which reveals the powerful ties Miles had in the region. The witnesses to the charter included Simon and Robert, bishops of Worcester and Hereford, respectively, Robert, abbot of Tewkesbury, Serlo, abbot of Cirencester, and William de Berkeley.<sup>49</sup> But, after securing the earldom of

---

<sup>45</sup> Though David Walker has questioned the full scope of Miles's allegiance to the King, there is no question that before 1139 he was a supporter of the crown against the earl of Gloucester and the Empress. See David Walker, 'Miles of Gloucester, Earl of Hereford', *TBGAS*, 77 (1958), 66-84.

<sup>46</sup> This treaty is in *EGC*, no. 95, and is summarized in no. 10 of David Walker, 'The Earldom of Hereford Charters', *Camden Miscellany*, 22 (London: Royal Historical Society, 1964), 1-76.

<sup>47</sup> *EGC*, no. 96. This charter has much more emphasis on the superiority of the earl of Gloucester over the earl of Hereford than the first, the way the agreement no doubt was.

<sup>48</sup> Geddes, 'Lanthony', p. 41.

<sup>49</sup> *MA*, vol. vi, pp. 136-7.

Hereford because of his support for the empress, he suddenly became a very generous patron to his house, even amidst opposition from Bishop Robert.<sup>50</sup> Miles gave substantial grants to the canons of Lanthony, stating in his charters that this was due to his new title, '*iamque consulatus honorem adeptus dedi eis manerium meum de Hechhamsteda*'; he wanted a house fitting of an earl.<sup>51</sup> Most indicative of all was the fact that this gift was made in the presence of the empress and Robert, earl of Gloucester.<sup>52</sup> This in itself is telling of how one man's political fortunes can affect a monastery, in this instance for the good. But it is far from the entire story. It seems that Miles's good fortune and newly found power, not to mention his allies, swayed not only his patronage but also those of his son, Roger.

It is in Roger that the political alliances forged by his father manifested themselves in what can logically be considered reciprocal patronage of each other's monasteries. From the earls of Gloucester, who were in some respect lords over the earls of Hereford, the priory of Lanthony was granted quittance from all tolls. This right was granted by Earl Robert before Miles was named earl of Hereford, and it was granted again by Earl William of Gloucester.<sup>53</sup> There are no apparent grants to Lanthony on the part of the earls of Gloucester, but the reverse is not true. The earls of Hereford, the patrons of Lanthony, made several gifts to St. Augustine's Bristol, the house of the earls of Gloucester.

---

<sup>50</sup> Geddes, 'Lanthony', pp. 45-46 and *MA* vol. vi, pp. 136-7.

<sup>51</sup> Cited in Geddes, 'Lanthony', p. 46, n.1. See also *MA* vol. vi, p. 137.

<sup>52</sup> *MA*, vol. vi, p. 137.

<sup>53</sup> These charters are in *EGC*, nos 110 and 111. 110, the charter of Robert, earl of Gloucester is proposed at around 1136, but any date before 1141 is possible, and it seems likely to conclude that a date after the treaty of friendship between the earl and the patron of the monastery in question is possible, if not likely.

Roger, earl of Hereford, it must be noted, signed a treaty of friendship and perhaps vassalage to the earls of Gloucester in about 1148,<sup>54</sup> and gave several grants to St. Augustine's Abbey, including rents in Gloucester,<sup>55</sup> 50s of land in Painswick,<sup>56</sup> 100s of land and a mill in South Cerney, along with four furlongs of land.<sup>57</sup> Along with these gifts, Roger and his brother Walter entered into fraternity with St. Augustine's.<sup>58</sup> Walter and Margaret de Bohun, Miles's sister and heiress to the earldom after the death of Walter, confirmed these gifts, and Margaret even expanded them in a charter of c.1165 x 1197.<sup>59</sup> In this manner, the earls of Hereford made good on their vassalage.

The ties between the patrons of two of the then new monasteries in the diocese of Worcester, St. Augustine's and Lanthony, which were both tied to the two most powerful families in Gloucester during the civil war of the 1130s and 1140s, the earls of Gloucester and the earls of Hereford, respectively, are apparent. Not only did they patronize the house they founded, but the earls of Hereford came to patronize other houses of the order as well.

Besides St. Augustine's, the earls of Hereford also patronized and supported Cirencester. In three charters, Earl Roger issued letters of protection, the right to oversee all business sworn by their men to be necessary to the church, and granted two hides of land in Cirencester.<sup>60</sup> Another charter, from Henry, duke of Normandy and Aquitaine, confirmed the gift of Roger of Hereford of two hides of land, one in Cirencester, the other

---

<sup>54</sup> *EGC*, nos 95, 96, 110, and notes to each.

<sup>55</sup> *Cart St. Aug.*, no. 58.

<sup>56</sup> *Ibid.*, no. 59.

<sup>57</sup> *Ibid.*, no. 60.

<sup>58</sup> *Ibid.*, no. 59.

<sup>59</sup> *Ibid.*, nos 61-64.

<sup>60</sup> These three charters are printed in both *Cir Cart*, vol. iii, nos 26, 27, 31, and Walker, 'Earldom of Hereford', nos 29, 57, 58.

in Chesterton and Baunton, though this may very well have been the same grant.<sup>61</sup> There are additionally two charters in which Roger, earl of Hereford, confirmed gifts made to Cirencester, one a virgate of land from his fee by Walter de Brussels, one concerning a gift given by one Butler regarding his chapel at Cheltenham.<sup>62</sup> Further ties between the earls of Gloucester and the canons of Cirencester can be found in the witnesses of the earl's charters, where Serlo, abbot of Cirencester appears prominently in the aforementioned charter of Miles recounting his gifts to the canons of Lanthony.<sup>63</sup>

After the demise of the earldom of Hereford following the death of Roger and then his brother Walter, their sister Margaret, who married Humphrey de Bohun, continued to be a significant patron to Lanthony. As its patroness, she made several gifts to the canons of Lanthony, the details of which survive in more than twenty extant charters.<sup>64</sup> The Bohuns, now the earls of Hereford, also appear in the Cirencester cartulary in various capacities. Humphrey de Bohun appears as the only witness in a restoration of lands to Cirencester made by Empress Matilda.<sup>65</sup> He was also a witness to charters granted by Henry II and King John on behalf of Cirencester's possessions.<sup>66</sup> Well into the thirteenth century the Bohuns continued to be advocates for the house, as the family witnessed charters, heard cases in their courts and confirmed grants to the abbey.<sup>67</sup> The cartulary does indicate some trouble in the fourteenth century as Humphrey de Bohun, Hugh le Despenser and others persuaded a knight, one Robert of Harnhill, to

---

<sup>61</sup> *Cir Cart*, vol. i, no. 61. The hide in Cirencester is of the king's demesne, the other is near Warland. The charter recording the grant in Walker states that the land not in Cirencester is held by four villains; *Cir Cart* says nothing of villains. The differing volumes of *Cir Cart* do not record this as a duplicate grant.

<sup>62</sup> *Cir Cart*, vol. ii, nos 419, 425, 426. Two charters relate to the chapel of Alre in the church of Cheltenham, of the earl's fee.

<sup>63</sup> *MA*, vol. vi, p. 136.

<sup>64</sup> Walker, 'Earldom of Hereford Charters', *passim*.

<sup>65</sup> *Cir Cart*, no. 57, dated 1141.

<sup>66</sup> *Ibid.*, nos 30 and 41 respectively.

<sup>67</sup> *Ibid.*, vol. iii, nos 544, 546, and 550.

seek a settlement with the abbey over common pasture rights in the vill of Harnhill.<sup>68</sup> The earls of Gloucester also played a minor role in the life of Cirencester abbey, testifying to several charters. Two charters of earl William confirm grants in Estenton of the church, land, and a mill in the earl's fee.<sup>69</sup>

Among the Augustinian abbeys and priories in Worcester, it can be seen that the three largest, Cirencester, Lanthony and St. Augustine's Bristol, all enjoyed the patronage and protection of several of the major landholders in Gloucester in the twelfth century. Earl Robert of Gloucester and his sons, Earl Miles and his sons, and Henry II, the empress, and the Bohun family, which was to marry into the earldom of Hereford, all formed a powerful group of nobles that together ensured the strength of the Augustinian canons in the south west midlands of England. This web of patronage was spun most certainly in the context of the struggle between Stephen and Matilda during the Anarchy of Stephen's reign. The political alliances seem to have led, at least tacitly, to mutual patronage and support of the monasteries in question. While the families generally remained magnanimous to only one house of canons throughout their life, they did assist the houses in the patronage of the other important magnates in their world.

### **Success and Failure: the long-term political and economic consequences of royal patronage**

The patronage of the crown and nobility had immediate impact on the monasteries they endowed. Grants made by the crown and upper nobility tended to be, logically, larger than the grants of the lesser nobility and gentry. This led to greater prosperity and perhaps even further benefaction as a monastery became identified with the powerful families of

---

<sup>68</sup> Ibid., no. 406.

<sup>69</sup> Ibid., nos 808-9.

the region. Many times, the grants of the crown had long-lasting consequences as well. With benefaction there were commonly winners and losers; when the crown made grants to one priory it was not uncommon that another monastery or layman lost something in the exchange. In several instances these grants, while a blessing to the monasteries financially, proved to be a thorn in their side politically. What follows is an exploration of three monasteries and an analysis of the consequences of their royal patronage. In all of these cases, the patronage of the crown had long-term consequences for the monasteries, some positive and some negative.

#### *St. Augustine's Bristol and the Berkeley Churches*

As detailed above, the abbey of St. Augustine's Bristol was closely tied to Henry II and by extension the divided period of the reign of King Stephen. The relationships between St. Augustine's and the two sides of the civil war are most pronounced regarding the churches of Berkeley, also known as Berkeley Herness. In the conflict surrounding these churches, the intertwining of the church and the state, and the complex interrelationship of monasteries and nobility is clear to see and exemplifies the magnitude of royal favor for the prosperity of any monastery. The lands and churches of Berkeley were a substantial portion of the endowment of the monastery and vital for the abbey's prosperity. This well-documented episode also displays how important the political ties of the patrons of monasteries were for the prosperity of the convents and the long-lasting implications of the benefaction of those in power.

The early history of the churches of Berkeley is cloudy, but it is known that by 1147, the churches of Berkeley were in the hands of Roger III of Berkeley.<sup>70</sup> Roger III was a lukewarm supporter of Stephen in the civil war, though not enough to have made trouble in the Bristol area.<sup>71</sup> In or about this year (1147), the widowed Adeliza, second wife of Henry I, sought to acquire the churches of Berkeley so that they might be given to Reading Abbey, Henry I's beloved Cluniac foundation. It was around the time of Robert's death and his son William's succession, that through much politicking and the employment of her former chaplains, Serlo and Simon, bishop of Worcester, Adeliza was able to secure the grant of the churches to Reading.<sup>72</sup> Several other charters, from Empress Matilda, William, earl of Chichester, Serlo, Simon, bishop of Worcester, King Stephen, and Henry, duke of Normandy, attest to this fact.<sup>73</sup> But it was not long after this, ca. 1153, that Henry, then duke of Normandy, Aquitaine, and count of Anjou, gave St. Augustine's Bristol, the advowson of the church of Berkeley and the land of Ashleworth, which had been part of the Berkeley manor.<sup>74</sup> It seems that Henry made this decision for very political reasons.

In around 1153, Roger III of Berkeley fell out of favor with Henry, then duke of Normandy. Roger was clearly *persona non grata* in Henry's eyes, as Henry, even while confirming Adeliza's gift to Reading in 1151, knew that Roger was upset by the gift and

---

<sup>70</sup> The story of the Berkeley Churches and St. Augustine's Abbey is told in some detail in Arthur Sabin, 'St. Augustine's Abbey and the Berkeley Churches', *TBGAS*, 89 (1970), 90-98.

<sup>71</sup> *Ibid.*

<sup>72</sup> The charter granting Adeliza's gift to Reading is in B. R. Kemp, ed., *Reading Abbey Cartularies* (London: Office of the Royal Historical Society, 1986); no. 268 is the record of Adeliza's grant.

<sup>73</sup> *Ibid.*, nos 268-275, all dated between 1147-1151. All these charters grant and confirm the gift of Berkeley to Reading Abbey, and reveal a very complex pattern of patronage and royal politicking surrounding this grant.

<sup>74</sup> *Cart St. Aug.*, no. 4. Sabin states that Berkeley and all the manor of Berkeley Hernesse were given to Robert Fitzharding by Henry in 1153 for either 100s or one knight's fee. Sabin cites I. H. Jeayes, ed., *Descriptive Catalogue of the Charters and Muniments of Berkeley Castle* (Bristol, 1892), no. 2.



issued formal statements and provisos against Roger should he try to harass Reading over his grant.<sup>75</sup> Robert Fitzharding, a man very loyal to the then duke during the struggle between Stephen and Matilda, was rewarded, while Roger, a crown loyalist, was distrained. When Henry had the chance, he and Robert Fitzharding gave the churches to St. Augustine's Bristol and a conflict seemed likely to ensue. The abbot of Reading, Reginald, had been appointed and rapidly advanced by King Stephen, and had in fact been a former keeper of the king's seal.<sup>76</sup> In order to be certain that his grant to St. Augustine's would stand, Henry II and the abbot made an agreement for the abbey of St. Augustine's to hold the churches in exchange for 15 librates of land from the duke's *demesne*.<sup>77</sup> Apparently the agreement was ignored and shortly after he had become king, Henry deposed Reginald as abbot of Reading and sent him to the small priory of Walden.<sup>78</sup>

Several charters in the cartulary of St. Augustine's Bristol record Robert Fitzharding's grant to the abbey of all the churches of Berkeley Hernesse, allowing his son Henry to hold them in accordance with the agreement of Abbot Richard.<sup>79</sup> The abbot of Reading, though he was a confidant of Henry II, could not let such a loss go uncontested, and began an appeal to have the churches returned to Reading. This led to a protracted conflict between the abbots of Reading, St. Augustine's, and St. Peter's, Gloucester,<sup>80</sup> in which Reading claimed to possess the churches of Berkeley Hernesse.

---

<sup>75</sup> *Reading Abbey Cartularies*, nos 273-5. The notes of the charters stipulate that both Henry and his mother had given the churches to the abbey.

<sup>76</sup> Sabin, 'St. Augustine's', p. 94 and note on Reginald in *Reading Abbey Cartularies*, p. 26.

<sup>77</sup> See Sabin, 'St. Augustine's', p. 94 and *Reading Abbey Cartularies*, no. 276, which list the agreement of the king and abbot as 25 liberates of land.

<sup>78</sup> See *Reading Abbey Cartularies*, p. 26.

<sup>79</sup> *Cart St. Aug.*, nos 66-68.

<sup>80</sup> Gloucester had a scant claim in the prebends of the Church of Cam. See *Reading Abbey Cartularies*, nos 277, 283-292 for details of their claim in the church.

The dispute continued for about 20 years, until in 1175, the parties having appealed to Pope Alexander III, who appointed Robert Foliot, bishop of Hereford, and Abbot Simon of St. Albans, as papal judges delegate, the case was ultimately decided in favor of St. Augustine's, ordering that the canons were to hold the churches of Berkeley and pay a pension of 20 marks per annum to Reading.<sup>81</sup>

The conflict lingered however, and was not finally ended, until, in a charter believed to be from some time between 1213 and 1226, the abbot of Reading conceded the right of St. Augustine's to hold the churches of Berkeley, specified as Berkeley, Almondsbury, Ashleworth and Wotton-under-edge. The abbot of Reading agreed to the 20*m* annual payment from St. Augustine's. For one of the churches in the group, Beverston, from which St. Augustine's received 5*m* per year, the abbot of Reading was to receive 2*m* per year, and if any more could be acquired, it was to be divided in half between the abbeys.<sup>82</sup>

In this episode the significance of alliance with the crown and the nobility is evident. Had Roger of Berkeley not fallen out of favor with King Henry, and had a less royalist abbot been in place at Reading, it is possible that the churches of Berkeley would have remained in the hands of Reading, or at the very least, such a struggle could have been avoided. There is little else to inform the historian regarding the motives of Henry than the known political alliances of the parties in question. Less than a year before his succession to the English throne, Henry of Anjou had intervened to deprive Reading

---

<sup>81</sup> *Reading Abbey Cartularies*, nos 277-281; *Cart. St. Aug.*, Add. Doc. no. 14; and *PUE*, vol. iii no. 120; all record this decision in writs from the pope, confirmations of the abbots of the respective houses and other magnates in the church in England. As a side note, it is ironic to note that Bristol eventually fell in arrears to the tune of £42 to Reading, for which Reading had to appeal again to episcopal authorities in order to collect even their pension! *Reading Abbey Cartularies*, nos 293-4.

<sup>82</sup> *Ibid.*, no. 291.

Abbey and its royalist abbot of a lucrative endowment and engineered its transfer to an abbey in the patronage of one of his most faithful supporters. The beneficiaries, in this instance, were the abbot and canons of St. Augustine's, who acquired and maintained a major group of churches and a valuable estate.

Though this episode clearly reveals the importance of the ties between monasteries, the crown and the nobility, and their long-term consequences, another episode reveals how significant some of the grants of the crown were for a monastery in even sharper relief, and how conflicts spanning centuries could be wrought by a single controversial gift.

#### *The Borough of Cirencester and Continued Royal Patronage*

Henry I's patronage of Cirencester was never equaled by another king of England. Other kings did patronize the monastery, however, and one particular grant opened the door for unrivalled prosperity among Augustinian houses. As noted previously, Cirencester received the patronage of Henry II after he had acceded to the throne. Several charters reveal the numerous grants made between 1155 and the end of his reign. Most of the grants are for protection and freedom from toll and distraint.<sup>83</sup> An example of this type of protection can be found in charter 72 of the cartulary, wherein Henry granted to the abbot and convent of Cirencester '*teneant omnes terras et tenuras suas bene et in pace (et libere et quiete) et honorifice sicut carta H(enrici) regis avi mei testatur et ego carta mea confirmavi. Nec inde ponantur in placitum nisi coram me*'.<sup>84</sup> The protection against being sued except in the presence of the king, their patron, and other freedoms granted to the

---

<sup>83</sup> *Cir Cart*, vol. i, nos 62-65; 68-74.

<sup>84</sup> *Ibid.*, vol. i, no. 72.

abbey, surely aided in the completion of the abbey church. Also to aid in the building of the abbey church Henry granted the vill of Cirencester, which brought in approximately £29 annually for the convent.<sup>85</sup> The gift was made at the pleasure of the king and was still in place at Henry II's death.

When Richard I succeeded Henry on the throne, the abbey clearly wanted to maintain the same right. Richard, most notable in history for his crusading bent, not only confirmed the gift of Henry II, but he made it permanent and expanded it significantly. In 1189, not only the revenues of Henry II, but also the district known as the 'seven hundreds of Cirencester' and the nearby vill of Minety were granted to the abbey.<sup>86</sup> This gift cost the abbot and convent £100 and carried with it a stipulation of an annual fee of £30, payable to the crown.<sup>87</sup> It seems that this was almost at once contentious to the townsmen of Cirencester, since Richard I had to take the abbey under his protection as early as 1194. A charter in the cartulary records the writ to Hubert, archbishop of Canterbury and all his justices, commanding that no one should vex the canons concerning any of their lands. '*Non permittatis eos a vicecomite vel a quolibet alio de rebus vel possessionibus suis vexari.*' The only specific possession mentioned in the charter is the vill of Cirencester, '*et nominatim villam C*'.<sup>88</sup> Clearly the gift was a source of conflict soon after it was given, and it would continue to be so for some time. This gift would prove to be not only a contentious one but also a lucrative one for the house, and it cost the abbey considerably more than the £100 initially charged. In 1198, Richard

---

<sup>85</sup> Ibid., vol. i, no. 66.

<sup>86</sup> Ibid., vol. i, nos 31-35. This grant was made known officially to the men of Cirencester by charter in 1189 as well. That charter carried with it the command for them to be intendant upon the abbot and canons. *Cir Cart*, vol. i, no. 77.

<sup>87</sup> Ibid., no. 79. In 1301, Edward assigned this annual pension to his queen, Margaret. Ibid., no. 34.

<sup>88</sup> Ibid., vol. i, no. 78.

changed his royal seal, invalidating all charters previously issued, and the abbey had to pay another £100 to get the agreement renewed.<sup>89</sup> But Richard died within a year, and the abbey had again to pay £100, this time to John, for the third renewal of the same gift.<sup>90</sup> King John, who had declared the abbey under his protection as count of Mortain in 1189 and again as king in 1199,<sup>91</sup> appears to have tried to seize land from the abbey only one year later. In or about 1200, he attempted to take the land in Cirencester and Minety that had belonged to one William of Cirencester and give it into the care of William Noel.<sup>92</sup> It appears then that the canons took action to get it back and finally succeeded in doing so, as a writ of the sheriff of Gloucestershire and a charter from King John himself concluded the matter, restoring the land to the canons in 1203.<sup>93</sup>

The land in Cirencester and Minety, though lucrative and important for the monastery, led to considerable strife and quarreling between the men of Cirencester and the abbey, not only because it gave the abbey significant rights in the town, but also because shortly after acquiring the land of the seven hundreds and Minety they acquired the rights of tallage.<sup>94</sup> The right of the abbey to collect the taxes from the men of Cirencester any time the king tallaged his people was one that resulted in the canons being brought to court on many occasions, and disputes over the royal tallage are recorded at length in the cartulary on numerous occasions.<sup>95</sup> The dispute seemed finally to be put to rest in 1321 by a charter issued by Edward II, in which the king conceded to

---

<sup>89</sup> See Evans, 'First Hundred Years', p. 107.

<sup>90</sup> Ibid.

<sup>91</sup> *Cir Cart*, no. 82, John as count of Mortain, and no. 85.

<sup>92</sup> Ibid., no. 37.

<sup>93</sup> Ibid., nos 40-41. The abbey also at this time acquired freedom from the sheriff in the abbey's hundreds, except for pleas of the crown, again at the cost of £100. See Evans, 'First Hundred Years'.

<sup>94</sup> Ibid., nos 17, 39. See also Evans, 'First Hundred Years', pp. 109-110, for a discussion of the fights over tallage of the abbey's lands. The abbey had paid the tallies on the land for several years under King John, but eventually rebelled against it and won independence from it.

<sup>95</sup> *Cir Cart*, nos 118-120.

the abbey the rights to tallage the citizens.<sup>96</sup> However, Edward III also fought for the right of tallage as well, and in another lengthy charter the abbey again retained its rights of tallage over the men of the borough.<sup>97</sup>

Conflicts over Cirencester's control of the town came to a head in 1342 when many men of Cirencester complained that the abbey continued to usurp the rights of the king and cause them much grief. A commission of *oyer et terminer* was issued in January of 1343 for several men in Gloucester to inspect just how bad the situation was. It was alleged that the 'abbot and his accomplices imprisoned some of them by pretext of their suit until they made very grievous fines with the abbot for their ransoms, and procured and daily procure them to be indicted of felonies and trespasses, and in other ways the abbot strives maliciously to vex them so that they and others who would sue for the king's right dare not for fear of him'.<sup>98</sup> Forty-two of the men were summoned to appear before the king at Westminster to answer for the charges against the abbey.<sup>99</sup> In 1343, for a fine of £300, the abbey was granted the right to hold the seven hundreds of Cirencester, the vill of Minety, with all the privileges they had held since the time of Richard I.<sup>100</sup>

The men of Cirencester did not give up however, and the abbey had to seek confirmation of the grant of Richard I, among others, frequently in the later Middle Ages. During the reign of Richard II, the abbey received an *inspeximus* and confirmation of charters dated 33 Henry I (1133 - their foundation charter) and 12 November, 1 Richard I

---

<sup>96</sup> *Ibid.*, no. 120.

<sup>97</sup> *Ibid.*, no. 134.

<sup>98</sup> *CPR*, Edw III, 1340-43, p. 593.

<sup>99</sup> *Cir Cart*, no. 125.

<sup>100</sup> *Cir Cart*, no. 123. Ross discusses at length whether this was in fact merely bribery on the part of the abbey or if they did in fact have a legitimate claim against the townsmen. He seems to conclude that the townsmen had very little to stand upon when claiming an ancient borough of Cirencester had existed. See *Cir Cart*, vol. i, p. xxxvi.

(1189), the charter granting the vill of Minety and the seven hundreds of Cirencester.<sup>101</sup> In 1423 the canons again sought confirmation of the rights they held to the borough of Cirencester, receiving an '*inspeximus* and confirmation, by advice and assent of the lords spiritual and temporal in the Parliament lately held at Westminster, to the abbot and convent of Cirencester of a charter, dated 21 May, 1 Henry V (1413) inspecting and confirming...'<sup>102</sup> several older charters. Among them are letters patent of Henry IV, which confirm a charter of Edward III (noted above) and a charter of Richard II confirming another charter of Edward III exemplifying the charter of Richard I, which was the original grant of the seven hundreds of Cirencester. The same patent roll then goes on to cite the actual charter of Richard I to the canons. Clearly, the canons were doing all they could to prove the chain of possession, which included virtually every king from Richard I to Henry VI.

As Evans notes, the reign of Henry IV marked something of turning point in the abbey's favor with the crown over and against the townsmen of Cirencester. The men of Cirencester proved useful to the king in 1400, when they assisted him in eliminating a threatened rebellion of the earls of Kent and Salisbury. In 1403 the king granted the town a guild merchant, which led the men of the town to withhold substantial services traditionally paid to the abbey, costing the abbey almost £6000 over the course of Henry IV's reign.<sup>103</sup> This caused the abbey to appeal to Henry V in 1413, asserting that 'the bondmen and tenants in bondage of the abbot of Cirencester... ha(d) leagued together to refuse their due customs and services'.<sup>104</sup> Five years later the abbey seemed to have

---

<sup>101</sup> *CPR*, Ric II, 1377-81, p. 318.

<sup>102</sup> *CPR*, Hen VI, 1422-29, p. 165.

<sup>103</sup> A. K. B. Evans, 'Cirencester Abbey: from Heyday to Dissolution', *TBGAS*, 111 (1993), 115-142 (133).

<sup>104</sup> *CPR*, Hen V, 1413-1419, p. 38.

succeeded in their undertaking, as Henry V revoked the guild merchant, and in a long charter expounded the entire history of the grant of the vill of Cirencester, with the seven hundreds and the vill of Minety.<sup>105</sup> It seems that the canons were successful in maintaining their rights over the borough of Cirencester, as they continued to pay the £30 per annum to the king throughout the medieval period.

As these episodes demonstrate the patronage of and close connections with the crown and the powerful English barons substantially aided the Augustinian canons in their sustenance and prosperity. All of the larger Augustinian houses in Worcester diocese were connected with a member of the landed aristocracy. Often times the grants made by the crown to a monastery led not only to prosperity but also to conflict with the laymen of the town or other religious. Major grants of both lands and churches frequently led to ongoing conflicts, sometimes necessitating generations to resolve. In these cases, the canons seemed to have an advantage over the lay families, as the institutional history and memory of a monastery seemed to prolong and enhance their ability to authenticate the rights to their possessions, whereas the passing of generations in lay families frequently led to changes in patterns of benefaction and differing degrees of concern for their family's monastic estate, and, even more damaging, to the end of a family line, which frequently led to the parceling of an estate and the changing of hands of patrimony and occasionally escheat into the king's hands. It would seem that the importance of the ties

---

<sup>105</sup> *Cir Cart*, vol. ii, no. 738. It is unclear whether the townsmen won the right to the gild merchant again in the Middle Ages or whether the canons maintained all their rights in the vill until the Dissolution. No clear records reveal its fate. The Ministers' Accounts record the income of the abbey from Cirencester as '*Reddit vol dni regis*' at £87 3s 6d. This is the single most valuable asset of the monastery. The total income derived from Cirencester and Minety together equal nearly £300. It seems like the abbey never lost too many rights in the town, or at least they never surrendered too many lands to the men of Cirencester.



of a monastery to the more powerful families in England cannot be overstated. It would be a mistake, however, to suppose that every monastery connected to the crown or a powerful baronial family thrived in the Middle Ages. One startling counter-example stands out in the diocese of Worcester.

*Royal Patronage Gone Amiss: the case of Dodford Priory*

In a study of relations between the Augustinian canons and the crown, tiny Dodford Priory presents several compelling issues worthy of consideration. Though very little is known about the priory, it seems that Henry II was its founder,<sup>106</sup> and its meager existence was marked by a noticeable lack of all the things that seem to characterize medieval monasticism. Its virtually non-existent patrons and its humble size would seem to rule out any sort of robust monastic life or regional connections outside the monastery. Its estates, if it could be said to possess any at all, were so modest that by the mid-fifteenth century they were deemed inadequate to support even the barest complement of canons. And yet, Dodford was, if the available evidence can be trusted, a royal foundation. In the end, as will be discussed below, the ruling powers in England – the crown, the diocesan bishop, a local dean and a nearby thriving monastery – all colluded to the demise of the monastery. Its full story is illustrative of many of the topics at issue in this thesis, and deserves to be told. Perhaps it is most fitting here as it presents an

---

<sup>106</sup> The strongest basis for a claim to royal patronage comes from a charter in *MA*, vol vi, p. 944. The charter of Edward IV which merges the priory with Halesowen states that Dodford is ‘fundationis inclitorum progmitorum nostrorum, nostrique patronatus pleno jure extens.’ Given that the only king who has any known connection with Dodford is Henry II, and given the time when most of the Augustinian houses were founded, in the mid-twelfth century, it stands to reason that Henry II could be ascribed the founder of the monastery.

anomalous picture of a royally founded monastery, one that floundered rather than flourished.

The earliest known evidence for Dodford Priory comes from a charter, preserved in Dugdale's *Monasticon*, dating from 16 Henry III (1232). The charter is an inspeximus of a charter dated 5 June, 16 Henry II (1169), in which 'Henr. Dei gratia Rex Angliae, & Dux Normanie & Aquit. Comes Andegaviae...' on the advice and request of (*consilio et petitione*) Archbishop Baldwin and Osbert, the prior of Dodford, that all the possessions and gifts that have been made or shall be made to the house be confirmed '*pro salute animae meae & Alienorae reginae meae, & puerorum, haeredum nostrorum*'.<sup>107</sup> In the charter the king confirms all the possessions of the house, though these are unnamed. If the charter can be dated at c.1185, it marks the only evidence available for the house in the twelfth century, as Dodford received no other mention in any charter or episcopal acta. The next extant reference to the house, during the tenure of Godfrey Giffard, is in the form of an episcopal visitation in the first year of his office, 1268.<sup>108</sup> No mention is given of any injunctions or citations. In the long tenure of Godfrey Giffard, only three additional references to the house are evident. Giffard records a bequest in the will of William of Bello Canto of one mark, in 1268.<sup>109</sup> In 1269 the prior and convent were licensed to farm the church of Chaddesley for Clement, the rector, in order for Clement to

---

<sup>107</sup> *MA*, vol. vi, p. 944. The name of Baldwin as archbishop of Canterbury sets the limiting dates of this charter as 1185 x 89. The named prior is Osbert. *HRH* vol. i has no entry for Dodford at all, and Osbert is nowhere listed in *HRH* vol. ii.

<sup>108</sup> Smith and London name a Simon as the prior in 1226. I have discovered no other evidence of his existence. *HRH* vol. ii, p. 374.

<sup>109</sup> *Reg Giffard*, p.8. William Bello Canto gave much to the friars in his will; why he chose Dodford for this meager gift is unknown.

go overseas to study.<sup>110</sup> And in 1290-1 Guy de Herneseton was appointed prior and given possession of the spiritualities and temporalities of the house.<sup>111</sup>

Needless to say, for Herneseton, this was not a major windfall. The *Taxatio* of 1291 records that the priory held temporalities totaling only £4 17s from four carucates of land, one mill and rents of assize from Dodford in Wyck.<sup>112</sup> No spiritualities are discernable for the house in the *Taxatio*. There are however glimmers of the spiritualities of Dodford in the Worcester bishops' registers. Dodford apparently presented to two chantries, one in 1305, the other in 1327.<sup>113</sup> These obviously brought in little revenue however, since in between these appointments, Dodford appealed for exemption from taxation on grounds that the canons had insufficient funds to pay the 44s 6d levy.<sup>114</sup> The next appearance of the priory in the bishops' registers is in the register of Adam Orleton. During Adam's tenure, Guy de Herferton (likely the same as Herneseton above), prior of Dodford from 1291 to 1332, was appointed prior of Warwick, St. Sepulchre, 'by the express wish of the sub-prior and each one of the canons',<sup>115</sup> where he oversaw the priory until 1338.<sup>116</sup> Only four canons of Dodford appear to have received ordination in Worcester in the fourteenth century.<sup>117</sup>

---

<sup>110</sup> *Ibid.*, p.28.

<sup>111</sup> *Reg Giffard*, p. 385. *HRH* vol ii, p. 374, citing *Reg Giffard*, p. 385, has the confirmation at 19 June 1291. However, the entry in Giffard's register reads 'Confirmation... of... Guy de Herniston as prior of Doddeford, and the temporalities and spiritualities of the said house were committed to him. The 13<sup>th</sup> of the Kalends of July'. The date heading at the top of the page in the printed register reads 1290, however, an entry on the same page, four entries above, is dated in 1291. Ordinations on the next page of the published register are dated 1290. Without recourse to the manuscript, it must remain inconclusive.

<sup>112</sup> *Taxatio*, p. 231.

<sup>113</sup> The presentation in 1305 can be found in *Reg Geynesborough*, p. 145; for the 1327 presentation, see *Reg Cobham*, p. 248.

<sup>114</sup> *Reg Reynolds*, p. 168.

<sup>115</sup> *Reg Orleton*, p. 394.

<sup>116</sup> *HRH*, ii, p. 374.

<sup>117</sup> *Reg Reynolds*, p. 112; *Reg Bransford*, p. 193, and *Reg SV*, p. 201, 333.

It is difficult to know just how many canons ever lived in the house at any one time, since no precise record of such exists. However, on one occasion, two canons came to the prior of Worcester (during a vacancy of the see) and sought appointment for a new prior, since William Aston, the former prior had died, and there was 'no way or form of election in the... priory'.<sup>118</sup> This entry indicates that there had been at least three canons in the priory before the prior's death. One of the two that went to the cathedral, Thomas Doul, was named the new prior. However, it is likely that there were others in the house at the 1362 appointment. In 1359 one John Malleye, a canon of the house had left with permission to see the pope. He was apostate and wanted to be reconciled. The abbot of Evesham, among others, was named to carry out the ordinances of the apostates.<sup>119</sup> This is presumably the same John Malley who was given letters patent from Edward III freeing him from outlawry regarding the death of one John de Burford in 1361.<sup>120</sup> The next known event in the house occurred with the election of William Pole, at the request of the house, in 1375. Where he had come from before this is not known.<sup>121</sup>

The small priory was connected in some way to the Lyttleton family, viscounts of Cobham of Frankley, the builders of the Palladin estate of Hagley Hall. In a charter held in the Birmingham City Archives, the prior, John Middleton, appointed one Richard Katamayns as an attorney for Thomas Lyttleton, esq., his wife, and another family. The task appointed to Richard was to deliver seisin William Halwell, who was described as a villein on the priory's estates (*nativius ac villanus*).<sup>122</sup> Whether this was a common role

---

<sup>118</sup> *Reg SV*, p. 209.

<sup>119</sup> *CPL*, vol. iv, p. 607. Logan, F. Donald, *Runaway Religious in Medieval England c. 1240-1540* (Cambridge: Cambridge University Press, 1996), p. 222.

<sup>120</sup> *CPR*, Edw III, 1358-61, p. 514.

<sup>121</sup> *Reg Wakefield*, p. 23.

<sup>122</sup> Birmingham City Archives, MS 3279/351325.

assigned to the priory or not cannot be known. But at least there was enough of a relationship between the Lyttletons and the convent to appoint the prior to such a task.

Another charter in the same collection records the grant by Simon lord (dominus) of Frankley to the canons of Dodford of 12*d* of rent in the vill of Frankley, which he was to receive from Richard of Birmingham, '*per manu Ric de Bymghm*'. The grant was made, '*in puram et perpetuam elemosinam deo et scte marie... pro anima mea et animabus antecessorum meorum et pro anima uxoris mea Rose*'.<sup>123</sup> This small grant, whose witnesses include William de Birmingham, Richard (Reabstin?) and William de Birmingham de Bellum(?) is the only solid evidence of benefaction of this house.

The sparsely episodic life of the canons of Dodford reveals little, though it is clear that other houses at least knew of them. St. Sepulchre had apparently wanted the bishop to appoint Guy as their prior. One intriguing aspect of the life of Dodford is the glaring lack of patronage this house received, especially given that it was apparently founded by Henry II. A royal foundation normally had enough benefactors to create and sustain a fairly decent living, but it is apparent that Dodford had few initial grants, and as far as can be discerned, almost no benefaction beyond its foundation. This episode challenges one common conception about religious houses. Frequently, when a house was founded by the kings or upper nobility, the monastery prospered. The largest foundations of the Augustinian order in the diocese of Worcester, Cirencester, Lanthony, Bristol St. Augustine's, were all closely bound to King Henry I or II or their close companions. The same can be said of Kenilworth and Studley, both either founded or patronized by the king and the earls of Warwick or Gloucester. Dodford, however, a royal foundation or at

---

<sup>123</sup> Birmingham City Archives, MS 3729/347148.

least one that early on had Henry II's name attached to it, wallowed in obscurity and poverty throughout its existence.<sup>124</sup>

What is perhaps the most interesting part of this monastery's life, however, is its end. The convent of Dodford, was, in c.1465, appropriated to Halesowen, a house of Premonstratensian canons located perhaps five miles north of Dodford. In what seems to be an innocuous merger, for the betterment of both houses, Dodford was granted to Halesowen, which was to place one of its own canons as prior of the house from 1465 onwards. A charter dated 4 Edward IV (1465) states that 'for a long time' only one canon had been in residence at Dodford.<sup>125</sup> To remedy this, the king consolidated, united, annexed, appropriated, and transferred the houses so that both might be strong.<sup>126</sup> The charter also stated that the income of Halesowen was not sufficient to sustain the house and its ministry in the present nor would it be in the future unless its income were augmented.<sup>127</sup> While this sounds simple and commonplace enough, as this is standard language of appropriation, the case may not have been as straightforward as it appears on the surface.

---

<sup>124</sup> Even within the chapters of the order it was virtually unknown, or at least very unfamiliar. In both 1509 and 1511, the house was fined 10s for nonattendance at the provincial chapter. The priory ceased to be an independent Augustinian monastery in 1465. Salter claims that this demonstrates how we cannot trust the lists of monasteries in attendance at the Augustinian chapter meetings. It is possible however that the house was still expected to attend, even though it was appropriated to Halesowen. A fair question would be the status of a monastery that had been appropriated into a different order. Just exactly how was Dodford viewed after Halesowen took over? Did the canons of Dodford accept the Premonstratensian habit, or did they maintain their 'black canon' status? While it was a dependent priory, and Halesowen had at least the right to appoint one of its own canons to the priorate, Dodford still existed as a priory and not merely a parish church or vicarage. Salter, *Chapters of Augustinian Canons* (Oxford: Clarendon Press, 1922), p. 129 and n.1, 187, and 273.

<sup>125</sup> *MA*, vol. vi, p. 308.

<sup>126</sup> *Ibid.*

<sup>127</sup> *Ibid.*

Martin Heale has shown that the practice of subsuming a small, struggling monastery into another larger one was not uncommon in the fifteenth century.<sup>128</sup> Heale has identified 41 monasteries, either independent or alien priories converted to cells of English houses, or independent or dependent monasteries, that were merged, suppressed or dissolved between 1400 and 1534. Between 1449 and 1500 nine independent priories were converted into cells; six of those were Augustinian.<sup>129</sup> It is Heale's contention that the impetus for this rash of conversions was the instigation of the diocesan, who would seek out a larger house to aid a smaller, failing monastery in crisis.<sup>130</sup> In this way he successfully challenges the thesis of David Robinson that many smaller monasteries were appropriated to larger ones in the fifteenth century because the larger houses were preying upon their smaller, poorer monastic counterparts.<sup>131</sup> Heale argues that if this were the case, then a greater number of large, wealthy monasteries would have consumed smaller priories. He also argues that the frequent provision of continued monastic life in the absorbed convents did not benefit the large abbeys, for they would have had to maintain the community there.<sup>132</sup>

In the case of Dodford, Bishop John Carpenter (1444-1476) was the one who required the canons of Halesowen to place one of their own as prior of the Dodford

---

<sup>128</sup> M. R. V. Heale, 'Dependent Priories and the closure of monasteries in late Medieval England, 1400-1535', *EHR* 119 (2004), 1-26. 'During the middle years of the fifteenth century, the subjection of a struggling priory to another monastery was a relatively popular response to monastic penury, indicating a reluctance to permit the termination of even the poorest of monasteries' (4). See also, Martin Heale, *The Dependent Priories of Medieval English Monasteries* (Woodbridge, Suffolk, UK: Boydell Press, 2004).

<sup>129</sup> *Ibid.*

<sup>130</sup> *Ibid.*, p. 7.

<sup>131</sup> *Ibid.*, pp. 6-7.

<sup>132</sup> Of course, the idea that there was a large, costly community to maintain goes against the foundation of his thesis, that the smaller priories were all but gone and bankrupt. In the case of Dodford, for example, there was, according to charter evidence only one canon in residence 'for a long time.'

cell.<sup>133</sup> The bishop did not state openly what was perhaps one reason to make such an appropriation of Dodford; if the house had been dissolved and its assets transferred to Halesowen, the bishop would have lost his procurations and visitation rights, as the Premonstratensians were not under the jurisdiction of the diocesan, but rather the house of Prémontré in France, until 1512, when Halesowen was subjected to the abbot of Welbeck. This certainly calls into question the altruistic or purely religious motives of Bishop Carpenter. In the agreement over the appropriation, the bishop negotiated an annual pension of 6s 8d.<sup>134</sup> Heale claims that 'in almost every case the failing monastery was united to the nearest house of its order'.<sup>135</sup> Dodford is an exception to this. While the Premonstratensians were regular canons, they were a distinct order from the Augustinians. And, there seems to be some evidence that Halesowen was indeed trying to acquire Dodford for a very definite financial purpose, not simply for the survival of struggling brothers.

The *VCH* paints a rather rosy picture of the appropriation of Dodford to Halesowen, stating that 'under the protection of Halesowen the revenues of Dodford increased' to c. £24, up from the meager £4 recorded in the *Taxatio*.<sup>136</sup> One piece of evidence that does survive for Dodford is a rental roll for Halesowen detailing its income from Dodford after the time of the appropriation of Dodford to the Premonstratensian house. The roll is dated 1484 and it details what the abbey earned from the site of Dodford Priory. The opening line claims the document to be a rental of the priory during the renovation at the time of Thomas Brydge: '*rentale ibidum (of Dodford) ferm et*

---

<sup>133</sup> *Ibid.*, p. 7.

<sup>134</sup> *VCH Worc*, p. 164.

<sup>135</sup> Heale, 'Dependent Priors', p. 4

<sup>136</sup> *VCH Worc*, p. 164. *Taxatio*, p. 231; *Valor*, vol. iii, p. 206.



*renovatum tempore Thomas Brydge domini abbie de Hales in festo St. Michael Archangeli anno domine millesimo cccc octagesimo quarto*'.<sup>137</sup> The roll includes land and waters (*aquis*) for the sustenance of the priory for which the rent was 26s 8d, a certain parcel of land called 'la Heye' that yielded 20s of rent,<sup>138</sup> and certain other small holdings: a croft of land called Balyans croft from Richard Thomys, an acre of land called Batlefeld, and from one William Crab, a pasture called Crowfield. All together, the total income of the roll amounted to 65s 10d. This is most interesting given that next to the name 'Doddford' at the top of the roll, in smaller, distinct script, the manuscript reads '*valet in omnibus xx £*'. If this is so, then Halesowen only collected a small part of the income of the priory.

As noted earlier, Halesowen was undoubtedly aware of Dodford since both shared the same benefactors in the Lytteltons. But a curious entry in Papal Registers of 1471-84 records that the dean of Lichfield, Thomas Heyword, gave Halesowen 400*m* to acquire enough land so that they could endow a chantry for him in their chapel. Heyword put manifold stipulations on the chaplain to be maintained in the chantry, including that he could not hold another benefice, except for specified positions in the church of St. Chad.<sup>139</sup> This chantry cost the canons of Halesowen £6 per year, a fine still being paid, and complained about, in 1489, and even by the dean of Lichfield after the Dissolution.<sup>140</sup> In addition, they paid £10 for a patent letter from Edward IV confirming the grant,<sup>141</sup> and

<sup>137</sup> Birmingham City Archives MS 3279/351325.

<sup>138</sup> A note in the margin reads 'reybard tenet'. This is perhaps a reference to a canon at Halesowen who held this income. *ibid*.

<sup>139</sup> *CPL*, vol. xiii, pp. 264-6. The entry actually occupies fully five and one half pages in the printed calendar, noting in detail the reasons why the chaplain could be removed, when and if he could be absent, the collation of the benefice, etc. It seems that Dean Heyword wanted to get everything quite straightened out in advance of the founding of his chantry.

<sup>140</sup> See *VCH Worc*, p. 164, and n. 14

<sup>141</sup> *CPR*, Edw IV, 1461-67, p. 321.

a total pension of 12s per year to leading ecclesiastics in Worcester diocese for the appropriation.<sup>142</sup> Additionally, as the *VCH* points out, there is no clear evidence that Halesowen was actually in financial trouble at all. In fact, their story seems to be one of relative prosperity when compared with so many other houses in the fourteenth and fifteenth centuries.<sup>143</sup>

So it seems that while Dodford may have indeed been on the verge of collapse, and it may have been merely for the preservation of the monastery that the two were combined, there were certainly competing interests in the combining of the priories, and the driving motivation seems to be a financial one on the part of several parties in the appropriation of Dodford to Halesowen. Halesowen needed to obtain land for its own financial security and most definitely stood to gain financially from possessing Dodford; they were able to increase the real revenue of the priory's lands.<sup>144</sup> But Halesowen may have been under pressure to profit from their lands in order to make good on previous and future commitments. It could also have been monastic opportunism for Halesowen to appropriate a struggling priory they knew they could turn around. At any rate, the process went off apparently with little interference, and Dodford ended up a cell to Halesowen, a house of a different order, in the waning fifteenth century.

What can be learned from Dodford explains well some of the realities of monastic existence. Henry II, a strong supporter of the Augustinian order, apparently, founded the house though quite clearly he endowed it sparingly. It never drew any substantial patronage and never became a priory of any significance. It is generally true that the royally founded monasteries of Augustinian canons drew patronage from the king's men

---

<sup>142</sup> Ibid.

<sup>143</sup> See Ibid., pp. 164-5 for a discussion of Halesowen's financial picture.

<sup>144</sup> Ibid.

and other nobles, but such is not the case with Dodford. Perhaps due to its isolation, perhaps for other unknown factors, the priory remained obscure for most of its existence, until only one canon remained. It is hard to imagine what type of regular life was maintained with so few canons in residence, but regardless of its size or prosperity Dodford was able to remain an independent monastery for nearly 300 years, presumably in peace. This confirms Heale's conclusion that even small monastic sites were valued in the eyes of many in the fifteenth century, for though many vanished from the pages of recorded history before their larger brothers, the smaller monasteries lasted a remarkably long time, even if in ignominy. Dodford however is more the exception than the rule, as it was particularly small and poor even by Augustinian standards.

The actions of the crown and nobility benefited the canons in many ways in the later Middle Ages. They did not only serve as founders, patrons, and benefactors; on several occasions the canons secured privileges from the kings of England that led to their material benefit. It is these interactions that must now be considered.

### **Privileges and Expectations: the interaction of the royalty and nobility with the Augustinian Canons of the Diocese of Worcester**

The crown was not the most powerful ruling force in the lives of the monks and canons in medieval England. Certainly, they often had their hands in the pockets of the monasteries, extracting whatever monies they could when they could. Though frequently supportive of the monastic ideals, sometimes for pious ends, sometimes for temporal profits, the kings had the power to make the life of any person or institution easier or more complex. It was

thus necessary to follow the statutes of the realm or risk losing the privileges that the religious had when it came to their many temporal properties. Additionally, it was frequently necessary to seek permission from the king to undertake many activities – freedom was indeed a commodity in limited supply in the medieval era. The following section will explore the many freedoms, privileges and rights the canons sought and received from the crown during the later medieval period.

### ***Rights and Privileges: the benefits the canons enjoyed from the king***

#### *Rights to Temporalities*

When considering the income of any monastic institution, one must speak in two broad categories: spiritualities and temporalities. Income classified as spiritual was generated from the specifically religious activities of the houses, whether oblations made at the conventual church or from the possession of parish churches and their tithes. In short, spiritualities were any income generated from the ecclesiastical actions of the monasteries, to which laymen generally could lay no claim. Temporal income was derived from the lands, rents, mills and other non-ecclesiastical possessions belonging to a monastery. For most all monastic houses, temporalities were the predominant income sources.<sup>145</sup> These were the grand estates, the granges, the farms, the demesne lands, the urban rents, etc., that generated both tremendous income for the regulars and vituperative attacks on monasticism in general in the later middle ages. They also spawned litigation like *De Viris Religiosis* and ultimately led, at least in part, to Henry VIII's seizure of the vast estates of all monastic institutions in the early sixteenth century. The temporalities of the religious houses were never far from the king's mind or, for that matter, his hand, for

---

<sup>145</sup> See below, appendix 5-1 (386) and 5-2 (388), for specifics relating to the Augustinian canons.

in England, the king reserved the right to the temporal income of monastic institutions in his patronage during the voidance of an abbey or priory. This right was nothing short of a windfall for the kings of England, who were diligent to maintaining their oversight in claiming such income.

No attempt will here be made to retell the full history of the development of the right of the kings to claim the temporalities in the time of a voidance, but some note of its origin and practice is required. David Knowles surveys the question briefly in *The Monastic Order in England*, concluding that the wardship of vacant abbeys and priories was first claimed by William II and persisted after him.<sup>146</sup> Henry I initially, he says, ‘renounced the claim to such revenues, but some years later it was his customary practice to annex them, and often to keep the abbacy vacant for a number of years’.<sup>147</sup> This claim of the king to what were essentially feudal dues levied against the monastery led to a fundamental shift in monastic finance, the separation of the abbot’s incomes from that of the income of the monastery as a whole. This change, Knowles notes, was not concluded corporately, but individual monasteries began to make such divisions in incomes from the early twelfth century onward.<sup>148</sup> Thus the king could not, or at least did not, seize the entire monastic temporal income of the property during a vacancy, but annexed only the income peculiar to the abbots.<sup>149</sup> ‘These properties [those belonging to the abbots] and

---

<sup>146</sup> *MO*, p. 612.

<sup>147</sup> *Ibid.*, p. 613.

<sup>148</sup> *Ibid.*, pp. 614-616.

<sup>149</sup> This led in turn to the further developments in obedientiariness and divisions of monastic income, as well as an elaborate abbatial household in many circumstances. Knowles notes that the division of the abbot’s income from the monastery’s income likely preceded the separation of the obedientiariness’ incomes and began around the dawn of the twelfth century, after the reign of William Rufus. *MO*, p. 436. ‘This state of things, which has been called the “obedientary system”, attained its maximum of development and diffusion between 1150-1200’. *RO*, vol. i, p. 55.

these alone, fell under the control of the royal officials during a vacancy.<sup>150</sup> There was a tendency toward centralization of the monastic economy in the later thirteenth and fourteenth centuries, however, and to the end of the medieval period, a diversity of approaches to monastic finance persisted.<sup>151</sup>

Knowles's study is helpful in gauging the broad monastic picture for the period, but he, as is well-known, focused his attention almost exclusively on the large Benedictine monasteries.<sup>152</sup> The Augustinian canons can be generally said to fit a similar picture in some respects. Some of their houses were large abbeys, comparable in some respects with the grand Benedictine houses; Cirencester would be the most approximate parallel in the houses in question, with many obedientiaries and officers holding separate incomes and keeping individual accounts. Lanthony, St. Augustine's Bristol, and Kenilworth may also be roughly parallel. But many of the houses in question were not nearly as large, more comparable with the dependent Benedictine priories than the larger abbeys, though with autonomy, even if governed by one styled prior rather than abbot. These convents bear little resemblance to the houses studied by Knowles. The other key distinction between the monastic economies of the Benedictine and Augustinian houses was that, as Knowles notes, the enforcement of the common purse with annual audit and two keepers was mandated for the Augustinian order in the general chapter of 1220.<sup>153</sup> The result of the smaller sizes of the houses of Augustinian canons and the legislation

---

<sup>150</sup> *MO*, p. 436.

<sup>151</sup> Knowles notes the importance of the reforming popes, particularly Innocent III, in legislating for the common purse and annual audits of all monastic accounts. See Knowles, *RO*, vol. i, pp. 59-63, and *RO*, vol. ii, pp. 309-330.

<sup>152</sup> His justification for such exclusivity is stated in *RO*, vol. ii, p. 309, among other locations.

<sup>153</sup> Knowles *RO*, vol. i, p. 58, citing Salter, *Chapters*, pp. 22-3.

passed by the order, as well as the general lack of exemption,<sup>154</sup> put several of the houses of regular canons in a situation different from that of the black monks.

In general, the elections of the houses were done with great swiftness.<sup>155</sup> The death of an abbot or prior was followed, usually within days, by the canons seeking the right to elect his successor. This was done to regain their possessions as quickly as possible. These requests and presentations are all recorded in the Calendar of Patent Rolls. A few examples of their execution will suffice. The abbey of Cirencester elected Roger de Rodmerton to be abbot in 1250. The Patent Rolls of Henry III include the following details. Roger le Rus was on 5 December 1250 appointed to the keeping of Cirencester during the pleasure of the king.<sup>156</sup> It was Roger who was granted the right to administer the temporalities on the death of the former abbot.<sup>157</sup> Two days later, two canons, John de Tringleg and William de Oxendon, were granted license to elect the new abbot, after sending to the king with letters to that end.<sup>158</sup> Another entry appears on the same page, granting on 12 December 1250 'royal assent to the election of Roger de Rodmerton, a canon of Cirencester, to be abbot of that house, and mandate to W. bishop of Worcester, to do his part herein'.<sup>159</sup> The bishop did his part, for six days later, 18 December 1250, a mandate to the tenants of Cirencester to be intendant upon him, along with royal assent to his election was recorded. Additionally a mandate was issued to

---

<sup>154</sup> Knowles does not seem to indicate that exemption of the houses of black monks had too much impact on this particular issue.

<sup>155</sup> See the chapter on Ecclesiastical Powers and the Canons, below, pp. 214-226, for a discussion of the bishop's role in conventual elections.

<sup>156</sup> *CPR*, Henry III, 1247-58, p. 82.

<sup>157</sup> Both the *VCH* and *MA* list the abbots of Cirencester as follows: Hugh of Bampton, 1230, Roger de Rodmerton, 1238, Henry de Mundon 1266. These simply cannot be correct if the Patent Rolls are accurate, for Roger was elected in the winter of 1250. *HRH*, vol. ii, p. 367 lists the dates for the end of Hugh of Bampton's abbacy at 1250(?), citing the uncertainty over the exact date and the conflict with *MA*. Whether there was another election between 1238 and 1250 that went unrecorded is uncertain.

<sup>158</sup> *CPR*, Henry III, 1247-58, p. 82.

<sup>159</sup> *Ibid.*

Richard le Rus, the keeper of the abbey, to give him seisin of the said abbey and all its lands and possessions.<sup>160</sup> This is a fairly standard account, as recorded in the Patent Rolls, of an election of an abbot or a prior. A similar election took place at Kenilworth Priory: the royal assent was granted on 18 February 1279, the writ *de intendendo*, or command of the tenants to be intendant upon him, and the restoration of temporalities from the escheator, being issued on 3 March 1279.<sup>161</sup> It would appear that the general time of the voidance was no more than a few days to a month in most circumstances.

Nonetheless, the costs must have been excessive to the abbeys and priories. Having the majority of their income administered from without, even for a brief period, must have been quite difficult. As Knowles indicates, 'Although the separation of the revenues of abbot and convent protected the latter from losing their own estates to the escheator, the king claimed custody of the barony during a vacancy, thus depriving the house as a whole of a considerable part of its income.'<sup>162</sup> There was simply no way around the king's reach into the pockets of the monastic economy, and though it seems that the vacancies were generally short, there were several instances where the kings would delay appointment of a new abbot for extended periods to their own benefit. Knowles relays two well-known accounts of extended vacancies at Abingdon and Peterborough wherein Henry I held as much as 75% of the house's income to his own use.<sup>163</sup> In these cases, there was little the abbeys could do except appeal to the good graces of the king.

---

<sup>160</sup> Ibid.

<sup>161</sup> *CPR*, Edw I, 1279-1281, pp. 302-303.

<sup>162</sup> *RO*, vol. i, p. 278.

<sup>163</sup> *MO*, p. 613.



Though no such long vacancies are immediately apparent in the houses in this study, three of the four largest monasteries in question, Cirencester, Lanthony and Kenilworth, sought an end to the insecurity that ensued on the death of an abbot or prior by striking an agreement with the crown. For a set fee, to be paid to the crown during a vacancy, the temporalities were not to be taken from the house's control. Cirencester sought and received this privilege on 10 December 1306. The Patent Rolls record the agreement that 'in times of voidance the prior and convent have the custody of the abbey, saving to the king knight's fees held of the abbey and advowsons of churches that fall in during the voidance'.<sup>164</sup> The entry goes on to stipulate the other terms of the agreement, namely that the convent owed £100 for every voidance lasting three months or less, 'and if longer, further sums at the rate of £100 for every three months'.<sup>165</sup> No outsider was allowed to take any more than a simple seisin of the property of the abbey, carry anything away from the abbey, or place anyone to stay at the abbey. This agreement, struck with Edward I, was not unique to Cirencester, but clearly reveals that the uncertainty surrounding a vacancy and the potentially enormous financial costs of a long vacancy when the abbey's possessions were taken into the king's custody or granted to one of the king's men, was worth avoiding, even at the high price of £100 per vacancy.

Cirencester was not alone in striking such an agreement with Edward I. Knowles indicates that several large Benedictine houses acted similarly. Bury, in 1304, reached an accord with the crown 'by which the convent compounded with the exchequer for an annual charge of 1200 marks'.<sup>166</sup> St. Albans agreed to 1000 marks per year in 1301.

---

<sup>164</sup> *CPR*, Edw I, 1301-1307, p. 486. The agreement is recorded in full in the cartulary of the house. Little can be added to the agreement as it is found in the Patent Rolls. *Cir Cart*, vol. i, no. 93, pp. 69-71.

<sup>165</sup> *Ibid.*

<sup>166</sup> *RO*, vol. i, p. 278.

Evesham struck a deal for 600 marks per year in 1309, later revising it to 240 marks for the first four months, then 200 marks per four month period thereafter.<sup>167</sup> The practice seems to have been the favored method of dealing with the certain uncertainty, the death of the abbot and the election of his successor.

Cirencester defended this right quite frequently and vociferously, seeking the assistance of Edward II and Edward III five times in defense of their privilege. One entry in the close rolls is particularly illustrative. A letter dated 8 June 1363, directed to the escheator in Gloucestershire, ordered a simple seisin to be taken inside the gates of the abbey and not to intermeddle by reason of the vacancy with any of the abbey's belongings. It cites the grant of Edward I, stating in very plain language the abbey's rights: 'at every vacancy the prior and convent and their successors should have the keeping of the abbey and of all temporalities thereof with all property and goods thereto belonging as fully as any abbot in times past, so that they might freely administer and dispose of the same as to them should seem best'.<sup>168</sup> It goes on to stipulate the charges, £100 for every vacancy of three months or less, and pro-rated at the rate of £100 per three months afterward. A few years later, during the reign of Henry V, the abbey sought confirmation of this charter. A patent letter dated 1 March 1416 details the confirmation of a charter dated 10 December 35 Edward I (1306), the charter of Edward I granting the rights to hold temporalities during a voidance.<sup>169</sup>

---

<sup>167</sup> Ibid, pp. 278-9.

<sup>168</sup> CCR, Edward III, 1360-60, pp. 462-3. It is interesting to note that the Patent Rolls however continue to issue statements of the restoration of temporalities to the abbey at the making of a new abbot. It would seem that the crown was clear to say that the temporalities were still taken into the king's hand, but they were allowed to be administered by the abbey for the set fee. One wonders if there had ever been a serious dispute what the force of the Edward's charter would have been, and to what lengths the abbey might have gone in bringing the full force of the church against the crown in such a situation.

<sup>169</sup> CPR, Hen V, p. 404. See also, *Cir Cart*, vol. i, no. 93 for a copy of the original charter.

This agreement proved most beneficial to the monastery during the reign of Richard II, when a long vacancy ensued at the election of John Lechampton. The Patent Rolls record that the king granted, 'in consideration of his long suit for livery of the abbey at the present voidance and of the delay not being his fault, that it (the abbey) shall not be charged with the payment of more than £100, being the rate for three months according to letters patent of Edward I... which are recited; and discharge for all further sums incurred during the voidance'.<sup>170</sup> Edward IV, too, remitted the payment on one occasion. In 1464 the king granted a 'pardon to the abbot and convent of Cireste [sic] of the £100 which they are bound to pay to the king for their temporalities at the next voidance of the abbey and all that pertains to the king by reason of the said voidance'.<sup>171</sup> These seem to be fairly isolated cases of the crown extending some grace when it came to financial matters, choosing to forego all that it might otherwise have been able to extract from the convent – a rarity indeed.

Cirencester was not the only Augustinian convent to seek this privilege. Kenilworth too struck a like agreement. On 4 March 1386 Kenilworth was granted by Richard II an agreement much like Cirencester's. The sub-prior and convent were granted, on the death of the prior Walter Cherlton, that as per a charter dated 10 March 4 Edward III (1331), the prior and convent should have the temporalities of the monastery at the rate of £117 2s 8d per year at every voidance.<sup>172</sup> This was supposedly an *inseximus* charter of the earlier charter of Edward III, but a note entered in the calendar states that no such charter was on the roll on that date. Most interesting of all about this

---

<sup>170</sup> *CPR*, Ric II, 1391-96, p. 418.

<sup>171</sup> *CPR*, Edw IV, 1461-7, p. 325. It may be that this was a payment to the king for several pardons recently issued by the king to people who failed to show to answer debts owed to the abbey, totaling £320. See *ibid*, pp. 3, 6, 253.

<sup>172</sup> *CPR*, Ric II, 1381-85, p. 544.

entry was the stated reason for such an agreement in this case. The letter states that the agreement was made 'in consideration of the great losses sustained by the said prior and convent on account of the frequent visits of the king and his father'.<sup>173</sup> Thus, the grant to Kenilworth seems to have been made as a favor, making such an agreement seem to be in the real best interests of the monastery in question. It appears that this was one more way that the crown could honor its faithful supporters.

Lanthon Priory, too, was allowed the right to keep its own temporalities in vacancy, but not on the same terms as the others, and not for the same reasons. A close roll of Edward II records that Lanthon at some point received a grant from Humphrey de Bohun, 'sometime earl of Hereford and Essex and constable of England, granted by charter for him and his heirs to the subprior of that house for the time being that, on the cession, decease or deposition of the prior, the subprior with one man of the earl's, by the earl or his heirs to him joined, should have the keeping of the priory and all thereto pertaining until the prior elect should be confirmed'.<sup>174</sup> The letter goes on to list the other stipulations, namely that the earl's man would reside in the priory with two horses and two grooms if he so desired, but could not intermeddle with any of the goods of the priory, but have only 'reasonable estovers, as in victuals'. The subprior and convent also were granted the right to choose a new prior without license of the earl or his heirs, but that after chosen he would be presented to the earl or his heirs. The king, however, on this occasion got to place his own man in the priory, one John de Clifford, owing to the nonage (he was only twenty years old at the time) of Humphrey de Bohun, cousin and

---

<sup>173</sup> Ibid.

<sup>174</sup> *CCR*, Edw III, 1360-64, pp. 373-4.

heir of Humphrey, late earl of Hereford.<sup>175</sup> No charge for the request or payment to the crown was ever mentioned in the grant.<sup>176</sup> This seemingly lucrative right of Lanthony Priory reveals just how important the patronage of a priory could be. In this instance, the Bohuns, a very powerful baronial family in the west of England, were able to grant to the priory possession of their lands in a voidance, something that few, if any, other monasteries were allowed to hold.

In general terms, the canons in Worcester had, like most other monasteries in medieval England, to endure the crown's possession of their temporalities during a vacancy. Some of them, however, Cirencester, Lanthony and Kenilworth, all were able to secure a more settled and managed agreement, namely a set fee, or in Lanthony's case, the residence of a representative of their patron, during a vacancy. All three, however, demonstrate different ways of acquiring the agreement. Cirencester seems to have simply negotiated the agreement at a time when several other large houses were doing the same. Kenilworth received their right as a privilege for hardships imposed by the hospitality they had shown the king and his predecessors. Lanthony seems to have secured their right by their connections, by a powerful patron who was able to secure for them the right to control their own possessions at a time when most other priories could not. All of these illustrate the varying ways in which the monasteries could interact with the crown to their own benefit.

---

<sup>175</sup> *CP*, vol. vi, p. 473.

<sup>176</sup> Striking in the Patent Rolls for Lanthony is the complete lack of records of right to elect or any mention of the restoration of temporalities. Throughout the entire medieval time, not a single mention of an election confirmation or request to appoint a new prior exists. However, there is a lengthy description of the election of Prior Hayward in 1457, including several letters from the king to the bishop confirming and approving of the election. So, even though they were granted free election by the patron, it would seem that they followed the same steps as all other monastic houses in the actual electing.

This privilege not only underscores the importance placed upon connections with those in power in medieval England, but it also demonstrates a noticeable difference between the large and small monasteries. All of the monasteries who possessed the right to hold their temporal income during a vacancy were also the largest and wealthiest houses who had the strongest ties to those in power in the realm. None of the smaller houses received this privilege, and it is quite certain that the smaller houses would have suffered more severely with any loss of income. Many of those very small houses could not have sustained a loss of their temporalities, which for most would have been over half of the total income of the house.<sup>177</sup>

#### *Miscellaneous Grants and Privileges from the Crown*

The Augustinian canons, like other religious institutions in medieval England, frequently received diverse grants, rights and privileges from the kings of England, some of which seem quite trivial to the modern eye. Nonetheless, these various freedoms or privileges added up to make the priories and abbeys prosperous and successful. Some of these were made for pious reasons, no doubt, as the kings provided for monasteries either of their own foundation or founded by their ancestors, for the good of their own souls, securing the prayers of the saints, the incense rising up to the ever-watchful God. Other times the crown utilized their monastic countrymen for administrative reasons, strengthening the realm or undertaking administrative acts for more self-serving ends. Still other times, the crown granted to monasteries privileges and rights to demonstrate goodwill or loyalty to

---

<sup>177</sup> It is possible that the smaller houses would have not been dividing their income among obedientiaries, which would then imply that the king would have had right to take all the temporal income into his hands. It is clear that the king restored the temporalities to the priories after a new prior was appointed, but if this was all of the temporalities of the house, or only the prior or abbot's or prior's portion, is uncertain.

their allies and defenders within the realm. This section is an attempt to identify and catalogue various ways in which the crown interacted with the regular canons in diverse ways for the good of one or both parties, in hopes to further clarify the nature of the relationship between the king and the church in its monastic expression.

### *Foreign Possessions*

Some monasteries had uncommon situations regarding their possessions in that they held properties or churches overseas, and during many periods in English history, the properties could only be exploited in full by royal favor. One such situation involved the priory of Lanthony next to Gloucester and its bountiful Irish possessions. Lanthony held far and away the most extensive lands in Ireland of any monastery situated in England.<sup>178</sup> Its Irish possessions have been estimated to be almost equivalent to the total combined value of the other assets of both Lanthony houses (*prima* and *secunda*). An entry in *The Letters and Papers of Henry VIII*, dated December 1537, records the ‘former’ lands of the priory to be valued at £597 4s 10d for a year and a half.<sup>179</sup> The oversight of those possessions was, of course, a significant issue for the priory. Accordingly, many of the records of the Patent Rolls include grants for privileges to the priory to oversee their Irish holdings.

Most common among these was the identification of and protection for the attorneys for the priory in Ireland. In almost every volume of Patent Rolls, the priory nominated and received confirmation for their attorneys, normally two at a time. They were generally sent to Ireland to conduct the business of the priory for two year periods,

---

<sup>178</sup> See Geddes, ‘Lanthony...’ pp. 247-269, for a thorough discussion of Lanthony’s Irish possessions.

<sup>179</sup> *L&P Hen VIII*, vol. XII, no. 1310 (21), p. 461.

though occasionally the licenses were for longer periods.<sup>180</sup> Occasionally, one or both of the men named were canons of the priory, but often they were not. The most familiar name of the list of those nominated as attorneys was William de Cherton, who was nominated as attorney in Ireland in 1360, 1362 and 1363. Later, William went on to become the prior of monastery from 1377 to 1401,<sup>181</sup> demonstrating that a canon named to be an attorney in Ireland was not necessarily adjudged to be performing a minor task for the priory. There is no clear link or connection discernable between the priory and the men that were sent as attorneys, though they must obviously have been known to the convent or their patron.<sup>182</sup> Occasionally the king took the house under his protection in Ireland, presumably impinging on anyone trying to stop the canons from collecting their due revenues. A patent letter of Edward III dated 6 June 1350 is such an example. Another time the king came to the defense of the priory touching Lanthony's Irish possessions. In 1244 the bishop of Armagh cited the prior of Lanthony in a non-ecclesiastical court outside the realm of England, which was opposed to the statutes of the realm. Henry III appealed to the pope on behalf of the prior.<sup>183</sup> These are simple but uncommon ways that the crown assisted Lanthony in the protection of its Irish property.

The crown was also measured in its defense of the priory's rights. Several citations from the reign of Richard II onward indicate the continued insistence on the canons' observance of several statutes regarding foreign income and support for England

---

<sup>180</sup> See *CPR*, Edw I, 1272-81, p. 427, for an example of these letters.

<sup>181</sup> 'Houses of Augustinian canons: The priory of Lanthony by Gloucester', *A History of the County of Gloucester: Volume 2* (1907), pp. 87-91. URL: <http://www.british-history.ac.uk/report.asp?compid=40276>. Date accessed: 03 September 2007.

<sup>182</sup> A prosopographical study of the attorneys for the house may prove fruitful in identifying a connection between some local families and the priory, though such an inquiry is beyond the scope of this present study. See Geddes, 'Lanthony' pp. 427-428 for a list of the priory's attorneys.

<sup>183</sup> *CPR*, Henry III, 1232-47, p. 443. There is no verdict represented in the Patent Rolls, though presumably the crown won the suit.



against its enemies. Richard II granted the following to the canons of Lanthony on 22 June 1384. 'Grant in favor of the prior and convent... who have lands in Ireland, where one or two of their canons continually reside, that the prior may remain in England, notwithstanding the late ordinance in Parliament, and that his proctors may freely sell his tithes, portions, fruits, and other goods, on condition that they sustain the burdens and pay the subsidies necessary for the war there... and that they export the same to England.'<sup>184</sup> The canons were granted freedom from the recent law so that they could maintain their possessions, though not without warning to obey all statutes. Richard II granted another similar request in 1391, when he allowed them to ship any income from their Irish properties to England for the use of the house.<sup>185</sup>

Similar rights were granted to the abbey of St. Augustine's Bristol, which likewise had possessions in Ireland and drew profits from them, though far smaller in scope. The Patent Rolls are littered with their appointment of attorneys, much like the entries for Lanthony, and they too were granted the right to reap the profits of their lands in Ireland, as long as they contributed to the war effort, the recent act in Parliament notwithstanding.<sup>186</sup>

### *Commissioners of the Peace*

Several of the heads of the houses of canons were named to the commissions of the peace in the late fifteenth and early sixteenth centuries. The commissions were put into place first during the reign of Edward III in order to help curb the lawlessness of the age,

---

<sup>184</sup> *CPR*, Ric II, 1381-85, p. 433.

<sup>185</sup> *CPR*, Ric II, 1388-92, p. 369. The same privileges with the same stipulations were granted numerous times throughout the later medieval period to Lanthony.

<sup>186</sup> *CPR*, Ric II, 1389-92, p. 203.

originally perhaps to consider charges of violent crimes perpetrated against travelers. Ultimately they became one of the many layers of secular justice in England.<sup>187</sup> The abbots of Cirencester were regular commissioners of the peace from the time of Edward IV to Henry VIII. Abbot John Sobbery was present at the commissions on 11 and 20 December 1470.<sup>188</sup> His successor, Richard Clyve, was a part of the commissions of the peace in Gloucester in 1484 and 1485.<sup>189</sup> Richard and his successors, Thomas Aston and John Hakebourne were also frequent participants in the commissions during the reign of Henry VII.<sup>190</sup>

Other heads of Augustinian houses were named under Henry VIII. The abbot of Kenilworth was named to the commission for the county of Warwick on several occasions during the reign of Henry VIII. Kenilworth, which for most of its existence was a priory, was elevated to the status of abbey in 1458. The last two abbots, William Walle and Simon Jekys, were both named to the commission of the peace, William in 1524, 1529, 1532 and 1534; Simon in 1537.<sup>191</sup> Likewise the last two abbots of Cirencester were named to the commission of the peace in Gloucestershire during the reign of Henry VIII as well. John Hakebourne and John Blake were both named to the commission of the peace multiple times between 1510 and 1531.<sup>192</sup> Both men received substantial pensions

---

<sup>187</sup> For the origins and nature of the commissions of the peace, see Bertha Haven Putnam, 'The Transformation of the Keepers of Peace into the Justices of the Peace 1327-1380', *TRHS*, 4<sup>th</sup> series, 12 (1929) 19-48. See also Elisabeth G. Kimball, 'Commissions of the peace for Urban Jurisdictions in England, 1327-1485', *Proceedings of the American Philosophical Society*, vol. 121, 6 (1977), 448-474.

<sup>188</sup> *CPR*, Edw IV and Hen VI, 1467-77, p. 615.

<sup>189</sup> *CPR*, Edw IV, Edw V, Ric III, 1476-1485, p. 561.

<sup>190</sup> Either Richard Clyve or Thomas Aston were present at all commissions named in *CPR*, Hen VII, 1485-94, p. 486, and Aston and John Hakebourne were at all listed in *CPR*, Hen VII, 1494-1509, p. 640.

<sup>191</sup> 'Houses of Austin canons: Abbey of Kenilworth', *A History of the County of Warwick: Volume 2* (1908), pp. 86-9. URL: <http://www.british-history.ac.uk/report.asp?compid=36499&strquery=commission%20of%20the%20peace>. Date accessed: 03 September 2007.

<sup>192</sup> *L&P Henry VIII*, vol. i, nos 930, 1049, 1469, 1695, 3641, 3712, 3804, 4024, 4118, 4764, 5616; vol. 4, 5083; vol. v, 1694, g.119 (70).

when their houses were dissolved, £100 and £200 respectively for the abbots of Kenilworth and Cirencester,<sup>193</sup> though that this reflected their position on the commissions is unlikely.

### *Miscellaneous Land Rights*

Several times throughout the medieval period the king granted specific rights for the canons to utilize or exploit their lands in a materially profitable way. Though these often seem mundane, they were clearly sought out by the canons, and the implication of the records was that the king could certainly have declined the rights of the convents if he so desired. Though these interactions were often nominal, they do reveal the extent to which the monasteries were bound to the crown for what seem like everyday affairs.

The canons in Cirencester were granted numerous rights to exploit their lands. Twice the convent was granted free warren of their lands, in 1252 for their own demesne lands, provided it was not in the king's forest,<sup>194</sup> and in 1356 on their lands in Bradwell.<sup>195</sup> The abbot and convent of St. Augustine's Bristol was also granted free warren of their demesne lands in Gloucester and Dorset in 1285.<sup>196</sup> Under Edward I the canons of Cirencester were allowed to enclose a path 56 'pershes' long and six feet wide, provided that they made another.<sup>197</sup> Edward III also granted them the right to impark 24 acres of land in Hakebourne Wood, in Berkshire, for their own uses.<sup>198</sup>

---

<sup>193</sup> *VCH Warw*, p. xxx; *VCH Glouc*, p. 84.

<sup>194</sup> *Cal Charter Rolls*, vol. i, p. 404.

<sup>195</sup> *Cal Charter Rolls*, vol. v, no. 148.

<sup>196</sup> *Cal Charter Rolls*, vol. ii, no. 282.

<sup>197</sup> *CPR*, Edw I, 1301-07, p. 526.

<sup>198</sup> *CPR*, Edw III, 1327-30, p. 491.

Several houses of canons were granted rights in the king's forests on more than one occasion. One grant by Edward III to the canons of Cirencester was a pardon for any past trespasses, and permission to the canons to utilize their wood in the forest of Braden for repair of their houses in Cirencester and Minety. They were not allowed to sell any of the wood, and they were to reserve the venison for the king, but the reasonable use of wood was granted to them.<sup>199</sup> The abbey received a similar right under Henry V, as they were granted the right to cut down, sell and make profits on the trees in the forest of Selwood, and they were granted the right to enclose the same with a low hedge.<sup>200</sup> Other rights to the forest were granted to the canons of Studley, by Henry III in 1242. They were granted the right to freedom to the wood they own in the forest of Fakenham without any molestation by any bailiffs or foresters, except John son of Geoffrey. *'Rex concessit priori et canonicis de St(udley) quod bosci sui quos habent in foresta de Fekenham quieti sint imperpetuum de regardo et visu forestariorum et viridariorum et omnium ballivorum et ministrorum suorum.'*<sup>201</sup> How much this right may have been worth is hard to know, but it clearly was a valuable right for the priory to be able to exploit their lands without fear of repercussions from the secular arm. Henry III also granted forest rights to the prior of Lanthony, to keep 15 mares (*jumenta*) and the issues of them, in the forest of Dean so long as they be removed only with the special order of the king.<sup>202</sup> Two hundred and fifty years later, in 1486, they were likewise granted, from

---

<sup>199</sup> *CPR*, Edw III, 1343-45, p. 122

<sup>200</sup> *CPR*, Hen V, 1413-16, p. 196, 205.

<sup>201</sup> *CCR*, Hen III, 1237-42, pp. 383-4.

<sup>202</sup> *CCR*, Hen III, 1225-32, p. 497; 1232-47, p. 37.

Henry VII, the right to cut down as much wood as six horses could carry from the forest of Dean.<sup>203</sup>

Sometime before 1266 the canons of St. Oswald's Gloucester received a grant of lands to found a chantry for which they continued to seek privileges from the crown late into the fourteenth century. As an entry in the Patent Rolls states, one of Henry III's predecessors had granted the canons 48 acres of land at Innesworth in frank almoin for the maintenance of a chaplain in the chapel of Kynghsham for the souls of the king and his predecessors. Henry III granted them quittance from all tallage forever 'exacted of them for the king's use by summons of the Exchequer or other means' on such lands.<sup>204</sup> In 1336 the priory made a petition to the king to pull down the chapel, which was in grave disrepair, and rebuild another one at their own expense.<sup>205</sup> The king at this time enlisted the prior of Lanthony to serve as the inspector of the chapel for St. Oswald's.<sup>206</sup> It seems that the canons failed to do this, however, as in 1366 Gilbert Giffard and his wife Elizabeth made a petition to Edward III claiming that the canons had allowed the chapel to become dilapidated and unsafe, the canons 'having long withdrawn the said chantry'.<sup>207</sup> The king issued an inquisition and indeed found that the chapel was in ruins. The canons struck an agreement with the king that since the said chapel was indeed ruinous and unsafe, and 'because of its great length and breadth', the canons could not repair it without great expense, so the king allowed them either to build a smaller one out of the old or tear down the old one and build a smaller one in its place, then refund the

---

<sup>203</sup> *CPR*, Hen VII, 1485-94, p. 97.

<sup>204</sup> *CPR*, Hen III, 1258-66, p. 622. The date of the original grant is not known, but the record states that it had been given to the canons

<sup>205</sup> *CPR*, Edw III, 1334-38, p. 286.

<sup>206</sup> *CPR*, Edw III, 1334-38, p. 286.

<sup>207</sup> *CPR*, Edw III, 1364-67, p. 285.

chantry.<sup>208</sup> This seems to have been an equitable agreement, but a diligent study of the Patent Rolls reveals that the priory may have had the last laugh. In 1394 the canons received the right to have the chaplain who was to say mass at the chapel of Kyngsham say the mass at the altar of the Holy Trinity in the priory church. The canons were released from the responsibility to the chapel and were allowed to keep the lands granted for the chantry, 48 acres of land at Innesworth.<sup>209</sup> It is certainly possible that they had rebuilt the chapel and that it had fallen into disrepair again between the issuance of these two letters, but no evidence exists for it. This may be an excellent example of the canons understanding their position as an undying institution and waiting out the complaining lay families to their own benefit.

Another grant of land rights with an explicitly religious component was granted to the canons of Lanthony. In 1391 they received a ratification of the construction of a dwelling for a recluse on land adjacent to a chapel dedicated to St. Keneburga. The plot on which they built the habitation was said to belong to the priory ‘from time out of mind’.<sup>210</sup>

#### *Redress through the Secular Arm: Oyer et Terminer*

Though the canons were frequently involved in the ecclesiastical courts, they also sought, on several occasions, the secular power of the realm for justice. Frequently the canons appealed to the king to issue an edict of *oyer et terminer*, literally to ‘hear and determine’, when they had been assaulted or otherwise mistreated by those near their houses. Numerous such requests exist in the Patent Rolls of the kings, but only a few notable

---

<sup>208</sup> CPR, Edw III, 1364-67, p. 305.

<sup>209</sup> CPR, Ric II, 1391-96, p. 505.

<sup>210</sup> CPR, Ric II, 1388-92, p. 285.

examples will suffice to illustrate the ways in which the canons sought to exploit the secular arm to their benefit.

In 1353 the canons of Lanthony sought and received an *oyer et terminer* against several men, Simon, abbot of Malmesbury, among them, alleging that they had stolen the prior's goods from Heghampstede, on the manor of Podsmeade, specifically what was called 'wayf', worth £1000.<sup>211</sup> The resolution of the inquisition is not told in any available source. The prior of Studley also sought a similar inquest after he was allegedly imprisoned and held until he would pay a £20 fine for his deliverance. The most interesting feature of this request is that the names of the men accused share names with some of the benefactors of the priory, the Middlemores, in the same time period. Four years earlier, in 1349, a grant was made to pray for the souls of the Middlemores, two of whom are named in this *oyer et terminer*.<sup>212</sup> The Middlemore family made another grant to the abbey as well in 1406.<sup>213</sup>

The abbot of St. Augustine's Bristol seems to have been a frequently attacked position in later medieval England. On two notable occasions the abbot was accosted by men of the town and physically assaulted. In 1285 the abbot was seized in Cardiff by Gilbert de Clare, earl of Gloucester and Hereford, Bogo de Clare, his brother, and Robert le Neel, and imprisoned. The reason seems to be a dispute over a church. The register of Godfrey Giffard reveals that Bogo de Clare had seized a church worth £100 per year from the abbey in 1284.<sup>214</sup> This loss contributed to the heavy debts of the abbey

---

<sup>211</sup> *CPR*, Edw III, 1350-54, p. 456. This term is not explained, and no context can be utilized to determine what 'wayf' might be.

<sup>212</sup> *CPR*, Edw III, 1350-54, p. 459. Apparently the prior received little justice; the same plea is entered again in 1355. *CPR*, Edw III, 1354-58, p. 65.

<sup>213</sup> *CPR*, Hen IV, 1405-09, p. 194.

<sup>214</sup> *Reg Giffard*, p. 233.

discovered by Giffard at the visitation he undertook in the same year. It seems plausible that the abbot went to Cardiff to confront the Clares regarding the church, but upon arriving he found not a reasonable audience but a hostile interlocutor. Both the Patent Rolls of Edward I and the register of Godfrey Giffard contain commissions to several men to go to Cardiff and secure the release of the abbot. The king's letter gives authority to the sheriffs to seek an inquisition in the whole county of Cardiff to discover the cause for the imprisonment and, 'if there has been any error therein to bind them over to take their trial to the King's bench on the octave of Hilary' in 1285.<sup>215</sup> Though the king could not protect the abbot from the imprisonment, he most certainly did act on his behalf to secure his release.

Similarly in Bristol in 1399, according to the Patent Rolls of Richard II, the abbot was assaulted, this time by John Canyng, the mayor of Bristol, and several 'commons' of the city. According to the commission, the abbot alleged that the men of the town had 'riotously assembled and broken his mills at Trenelmull, co. Somerset', and that they 'took away timber and placed planks across the watercourse', claiming to have the right of way and the right to ferry on the waterway.<sup>216</sup> They supposedly 'seized, imprisoned and threatened the canons and servants of the abbot in life and limb, and daily continue other oppressions'.<sup>217</sup> The king commissioned several men to inquire into the rights of the abbey touching the matter and investigate the depth of the trespasses.

It also ought to be noted that the canons were not free from transgression in the secular arena as well. The prior and several of the canons of Warwick, St. Sepulchre, were accused of assaulting and imprisoning one Hugh de Alespath, one of the Friars

---

<sup>215</sup> *CPR*, Edw I, 1281-1292, p. 212.

<sup>216</sup> *CPR*, Ric II, 1396-99, p. 585.

<sup>217</sup> *Ibid.*



Preacher. The inquest was a call to investigate and release him if such charges were true.<sup>218</sup>

These few examples demonstrate not only the nature of the relationships between the canons and their communities, which on occasion turned violent, but also demonstrate the rights of the canons to institute a plea to the crown in times of crisis. Frequently, the crown did intervene and restore the rights of the priories and abbeys, though rarely are there extant records of both inquests and outcomes. However, it is clear that rarely was an abbot or prior actually killed or harmed to the point of needing to resign his post when threatened by someone outside the monastery.<sup>219</sup> The canons, like all others, had recourse to the crown when it needed such assistance, and they sought it with regularity.

#### *Miscellaneous Privileges*

Further indications of the connections between the canons and the crown can be seen in the many miscellaneous privileges that the kings granted to the canons. Lanthony was entrusted with the care of one of the king's priories in 1421. Carmarthen was described by Henry V in 1421 as 'oppressed by annuities, pensions and corrodies and debt and its goods and jewels are consumed and wasted away'.<sup>220</sup> Lanthony was granted the right and responsibility to oversee the finances of the priory. The canons were to apply all but the essentials needed for the sustenance of the prior and canons towards the priory's debts. This is a rather stark contrast when almost a century earlier Lanthony Priory had itself

---

<sup>218</sup> *CPR*, Edw II, 1307-1313, p. 164, 166.

<sup>219</sup> In fact, the only record of a canon being seriously injured happened at the hands of the canons themselves! The prior of Lanthony Prima, Nicholas de Trimbeve, was assaulted by three other canons of the house, thrown to the ground and had both of his eyes gouged out while saying the mass for the dead. The abbot of Cirencester was called upon to accept his resignation and excommunicate the other canons. *CPL*, 1362-1404, p. 223.

<sup>220</sup> *CPR*, Hen V, 1416-22, p. 338.

received the protection of the crown due to its own impoverished state. The king had appointed two canons to aid the prior in rectifying its situation, granting that no one, save for the king's servants in Ireland, could lodge in places pertaining to the priory.<sup>221</sup> Such a freedom from the burden of hospitality was surely a welcome blessing to Lanthony, and it apparently helped solve the problem, as the priory was able to be responsible for the turnaround of Carmarthen 80 years later.

Cirencester Abbey received the right to hold fairs in the manor of Cirencester under King John and King Henry III. John granted the abbot and convent the right to hold an eight-day fair leading up to the feast of All Saints,<sup>222</sup> and in 1253, they received the right to hold a fair on the vigil, feast and morrow of the feast of St. Thomas the Martyr as well as the five days following.<sup>223</sup> The canons of St. Augustine's Bristol similarly received a right to hold a yearly fair at their large manor in Almondsbury on Whitsun Monday and for the five days following, and they received a right to a weekly market there as well.<sup>224</sup> Cirencester received rights in the manor of Cirencester to 'use and enjoy the liberty... (to) have all goods and chattels of felons and fugitives which shall or may arise in whatsoever places within the manor'.<sup>225</sup> They were granted the right to take possession of said items and the freedom from any forfeitures which were then or would be in the future demanded of them by the treasurer.

Sometimes the crown granted the monasteries rights *not* to perform certain tasks. St. Augustine's Bristol was granted the right not to attend parliament in 1341, receiving an exemption from Edward III. No reason for the exemption is stated, but presumably it

---

<sup>221</sup> *CPR*, Edw III, 1340-43, p. 534.

<sup>222</sup> *Cir Cart*, no. 43.

<sup>223</sup> *Cir Cart*, no. 44. This is also listed in the *Cal Charter Rolls*, vol. i, p. 435.

<sup>224</sup> *Cal Charter Rolls*, vol. ii, no. 285.

<sup>225</sup> *CCR*, Ric II, 1389-92, p. 253-4.

came at the request of the abbot or the canons.<sup>226</sup> The abbot of Cirencester, William de Hereward, was excused for life, owing to his old age and infirmity, from attending Parliament, councils, or other assemblies called by the king.<sup>227</sup> As discussed below, the prior of Lanthony, the abbot of Cirencester, and the prior of St. Oswald's all received rights not to serve as collectors of the various taxations ordered by the kings.<sup>228</sup> Such rights relieved the heads of the houses of obligations outside the convents and no doubt brought welcome relief to the priories when they did.

The above analysis demonstrates several items of note. First, the common perception of monastic life as more or less cut off from the world and existing on its own is misleading. The canons had to seek out and occasionally pay for rights to exploit their own property. Far from being completely outside the feudal system, the monastic lands were often firmly entrenched in the king's business. Even those dead to the world could not separate themselves from the long reach of the crown. Second, it is clear that the monasteries wanted to be a part of the outside world, taking part in commissions of the peace, utilizing the secular arm to enforce their rights when necessary and enjoying the fruits of commerce as the state allowed. All of these interactions benefited the monastic institutions but were clearly part of lay society that the canons encroached upon. As many ways as the crown granted rights to the monasteries to allow them to prosper, the kings of

---

<sup>226</sup> *CPR*, Edw III, 1340-43 p. 183.

<sup>227</sup> *CPR*, Edw III, 1348-50, p. 476.

<sup>228</sup> For Lanthony: *CPR*, Edw III, 1340-43, p. 195; for Cirencester, *CPR*, Hen VI, 1436-41, p. 294; for St. Oswald's, *CCR*, Ric II, 1381-85, p. 367. The prior of Lanthony was excused for infirmity, the abbot of Cirencester for no stated reason, and the prior of St. Oswald's was exempted because the house was a royal free chapel, and the king wanted him to be exempt. See below, pp. 258-262, for a discussion of the canons as collectors or taxes, levies and tithes.

England also utilized the monastic orders to administer the complex economic relationships of medieval civilization as well.

### *Expectations: the canons and service to the king*

The Augustinian canons, like all religious, not only enjoyed the privileges granted to them by the secular powers but also were required to render service to the crown and nobility when they were called upon. Occasionally, the canons were able to avoid such conscription by exploiting their connections between their patrons or powerful benefactors; more often than not the canons had to perform the services requested of them. Three main areas in which the canons were compelled to render service were in the granting of corrodies at the crown's behest, in serving as collectors for the king's levies, and in the regulation of tournaments.

### *Canons and Corrodies*

The Augustinian canons in the diocese of Worcester, as most monasteries in England, housed several corrodians in their monasteries for much of their existence. The corrody was something akin to what we might call in our day a retirement strategy; a preparation for a secure pension or annuity, often at the end of one's life. It was believed to present one with 'a degree of security for the future that the world outside the cloister could not give, and this was particularly valued by the weak and the vulnerable'.<sup>229</sup> Though not always granted to the elderly,<sup>230</sup> corrodies were frequently given to those who were nearing the end of their lives and wanted to live in the security of a monastery, frequently

---

<sup>229</sup> Barbara Harvey, *Living and Dying in England 1100-1540* (Oxford: Clarendon, 1993), p. 180.

<sup>230</sup> *Ibid.* 207.

one in which they were patrons or benefactors. Though diverse in their specific conditions, a corrody normally carried with it provision for the essentials of life: shelter (often within the precincts of the monastery), food and drink, clothing or money to purchase clothing, fuel and various other provisions such as candles, gloves, and linens. Often, and particularly as the Middle Ages approached their denouement, corrodies carried with them an annual cash stipend as well.<sup>231</sup>

Corrodies were often acquired in exchange for property or cash paid in advance. A corrody granted in exchange for real property was generally of much greater value and security for the monastery than one sold for cash. The property that passed into the hands of the monastery became a source of ongoing revenue and was intended to offset the cost of the corrodian's stipend. Many of the grants of corrodies for lands were given in exchange for properties that the monasteries in question had held previously but had alienated or were being held of the monastery in perpetuity. That is, often the monasteries were seeking to reclaim what they had perhaps in poor judgment alienated in earlier times.<sup>232</sup> Rather than simply buying properties outright, they granted an annual corrody in exchange for regaining them. There is evidence for several of these types of grants in the cartulary of Cirencester Abbey. Two charters from the early fourteenth century are revealing. In 1305 Robert Crudwell returned to the abbey tenements in Cirencester and Chesterton held by him of the convent in return for confraternity and a corrody.<sup>233</sup> Likewise in 1310 John, the son and heir of Thomas of Baunton, returned all that he held

---

<sup>231</sup> For the varieties of agreements frequently made, see Harvey, *Living and Dying*, pp. 181-191, Howard Morris Stuckert, *Corrodies in the English Monasteries* (Philadelphia, 1923), pp. 17-30.

<sup>232</sup> Harvey sees that this practice may have fueled the Mortmain legislation, believing that the practice of selling corrodies may have instigated the predatory practices of some monasteries. See Harvey, *Living and Dying*, p. 197.

<sup>233</sup> *Cir Cart*, vol. iii, no. 291.

in perpetuity to the canons in exchange for a corrody, the details of which are spelled out in the charter. '*Johannes... reddedit in manus domini abbatis supradicti de se et heredibus suis imperpetuum omnia tenementa sua cum redditibus et terris que habuit vel aliquo modo habere potuit in villa Cir' et in campis de Cirenc' et de Chesterton.*'<sup>234</sup> The monastery was apparently happy to extend confraternity and a comfortable retirement to its tenants in exchange for lands acquired.

Another example can be found in the cartulary of St. Augustine's Bristol, where a corrody was granted to John, the brother of Elias of Bristol, in exchange for lands in Arlingham, which he held of Robert de Berkeley. Interestingly, the corrody was stipulated for John and a servant. John was to receive 40s per year and '*omnibus diebus vite mee ubicumque fuero victualia sicut uni de canonicis suis et uni servientium meorum sicut uni de liberis servientibus suis*'.<sup>235</sup> Whether this land was once in the patronage of the monastery is unknown. Another corrody was granted to one Mary Curtelone and her eldest son William. This grant is of note because it appears to be the last in a series of small grants of urban properties in Bristol that the Curtelones made to the abbey in the early thirteenth century. It would appear that under the terms of the corrody Mary's husband provided for his wife when the family's modest holdings were perhaps not enough to ensure her future, or there was a possibility that they might pass into the hands of another family if not granted to the abbey. Whatever the case, the abbey granted a

---

<sup>234</sup> Ibid., no. 292. These two acquisitions are listed among the many, many properties acquired in violation of the Statute of Mortmain that brought a £200 fine from Edward II in 1313. See *Cir Cart*, vol. i, no. 96. Precisely how often this was done is difficult to know, but it may substantiate the claims of Harvey, see above note 235.

<sup>235</sup> *Cart. St. Aug.*, no. 284. Charters 283 and 284 are for the same grant. The second, clarifying the first, is the one cited.

corrody, spelled out again in detail – victuals, firewood and money for a robe among other items – in exchange for property.<sup>236</sup>

Corrodies sold for cash were often much more problematic and frequently brought episcopal censure. The primary reason monasteries made such grants was a need for ready cash. Frequently in debt due either to mismanagement or waste, the convents often needed money, and the sale of a corrody was one way to secure what might have been a fairly large amount of cash. Corrody transactions were almost always made with payment in full up front. The difficulty in such sales was the ability to make an accurate appraisal of how long the corrodian would live so as to charge them for it appropriately. Barbara Harvey has estimated that a ‘standard’ corrody would likely have cost the abbey in the neighborhood of £5-£11 per year.<sup>237</sup> If a monastery charged £100 for the corrody and the corrodian lived for twenty years, the cost to the monastery would have been substantial. As with any speculative business venture, it is possible that a profit could also have likely been turned. Nonetheless, if the money taken in from the sale of the corrody was not invested, the monastery’s speculation quickly became a losing endeavor, as the ongoing cost of the provision swiftly overtook the cash paid in. It is not uncommon to find amid the episcopal visitation records for virtually every diocese in the country a prohibition from selling corrodies, certainly not without the consent of the entire convent, often not without the consent of the bishop himself.<sup>238</sup> The canons of Worcester received such a warning and prohibition on more than one occasion.

---

<sup>236</sup> Ibid., no. 523.

<sup>237</sup> Harvey, *Living and Dying*, p. 204. Likewise she mentions A. H. Thompson’s work showing that the financial relationships with monasteries and many of their corrodians was far more complex than we might realize, and that the ‘correct’ figuring of the cost of a corrody may infrequently have been done.

<sup>238</sup> Stuckert, *Corrodies*, p. 38. Stuckert offers evidence from Bury St. Edmund’s, Ramsey, Pershore, and Winchcombe where the corrodies could only be granted with the consent of the entire convent, and from Lincoln where episcopal permission was required.

The canons of Lanthony Priory, at the 1276 visitation of Godfrey Giffard, were cited for many violations of proper conduct in the household. Among those, Giffard noted that ‘because the house is too much charged with liveries and corrodies it is forbidden from henceforth that liveries and corrodies be sold without the bishop’s special license’.<sup>239</sup> St. Augustine’s Bristol, received the same injunction as well from Giffard in 1278: ‘corrodies from henceforth shall not be sold unless by consent of the bishop’.<sup>240</sup> Apparently, the sale of corrodies had hindered both of these monasteries and the bishops were choosing to step in and regulate the practice.

Not all corrodies were sold however. Though a corrody was often procured from the lesser nobility, those who did not have secure enough estates to guarantee their own well-being late in life, they were also a way in which the crown was able to exploit the monasteries to their own ends. Frequently, and especially for monasteries in their patronage, the monarchs of England would send one of their family members, or more likely those from their retinue who had served them faithfully, to a monastery with a request for a corrody for that person’s lifetime. These corrody requests are numerous in the close rolls, and shed insight into one way that the kings of England sought to utilize their monasteries for their own benefit.

For several Augustinian monasteries in Worcester, a king’s corrodian was a nearly ubiquitous feature of their monastic life. The abbey of St. Augustine’s Bristol, though lacking a cartulary that details the later Middle Ages, presents a clear picture of the situation. The Close Rolls contain the number of appointments to corrodies that the kings foisted upon the abbey from the reign of Edward I to Edward IV. It seems likely

---

<sup>239</sup> *Reg Giffard*, p. 88.

<sup>240</sup> *Ibid.*, p. 102.



that the canons had from the king three corrodians at all times. In 1298 Peter de Hillesey was granted a corrody at the abbey.<sup>241</sup> Two years later Edward I requested a corrody for John de Yatindon in the same house.<sup>242</sup> In 1303 Simon de Robes was granted a corrody as well.<sup>243</sup> While it is not known exactly how long these men lived or the exact extent of the corrody, it is clear that some of them lived in the abbey for quite some time.<sup>244</sup> In 1327 William Alford, usher to the king, was sent to the house to receive the same corrody that Simon de Robes, deceased, had possessed.<sup>245</sup> If it can be assumed that Simon had lived in the house during the time of his corrody, the canons had supported him for 24 years, and nothing was granted to the abbey for such maintenance. This pattern of filling corrodies vacated by death persisted throughout the Middle Ages. In 1329 John Trek was granted a corrody in the place of one Thomas de la Mare, who was said to have a maintenance in the house, though no record of that is known.<sup>246</sup> John Trek was replaced five years later, in 1334, by Matilda de Plompton, nurse to Edward, earl of Chester, the king's son.<sup>247</sup> William Alford, mentioned above, held his corrody for 24 years until in 1351 one William de Rical, yeoman of the king's saucery, was granted his living upon his demise.<sup>248</sup> The pattern continued throughout the fourteenth and fifteenth centuries, with men and women of the king's service and their wives placed in the abbey at the king's request and at the canons' expense.

---

<sup>241</sup> *CCR*, Edw I, 1296-1302, p. 207.

<sup>242</sup> *Ibid.*, p. 402.

<sup>243</sup> *CCR*, Edw I, 1302-07, p. 77.

<sup>244</sup> It is here assumed that the king would have replaced a corrodian relatively soon after the death of the one who had held it previously.

<sup>245</sup> *CCR*, Edw III, 1327-30, p. 236.

<sup>246</sup> *CCR*, Edw III, 1327-30, p. 534. This could be the addition of a new corrody as it simply states the corrody ought to be equal to that of Thomas de la Mare's. It seems unlikely, though certainly possible, that the king would know the details of a corrody not in his grant.

<sup>247</sup> *CCR*, Edw III, 1333-37, p. 350.

<sup>248</sup> *CCR*, Edw III, 1349-54, p. 363.

Even mismanagement of the abbey did not hinder the king from placing his own corrodians at the convent, even when he had promised to stop. In 1371 an inquisition was taken at St. Augustine's Bristol, into the deeds of Henry, the abbot of the monastery. The situation was grave indeed. His misdemeanors were many and included the following: 'all alms appointed and usual from the foundation of the abbey are withdrawn... as also the prebends of founders, patrons, and canons, which ought to be distributed... to the poor... the infirmary is ruinous and the bedclothes for the sick have been taken away... he extorted £90 from the canons with royal power under pain of imprisonment, banishment, or change of monastery, so that some of them are still in debt and some are bound to celebrate for diverse souls'.<sup>249</sup> The king then wrote to the bishop to go and make amends at the abbey, stating, 'Henry now abbot... has brought it low as well by the sale and conferment of corrodies, by hurtful demises to farm of the possessions thereof bringing little or not profit... and it is to be feared that the canons there dwelling are like to be dispersed for lack of sustenance if a speedy remedy be not applied.'<sup>250</sup> Interestingly, the inquisition mentioned almost everything but the sale of corrodies as a cause of their ruinous state. Nevertheless, the king, who was acknowledged as patron of the monastery due to the nonage of Thomas de Berkeley, did take action. The letter read thus: 'of his compassion for the estate thereof (of the monastery) the king would make provision for taking away the corrodies and charges aforesaid, for relief and succor of the house and increase of the manors, lands etc. thereto belonging'.<sup>251</sup> This was the chosen method of the king for restoring the abbey to its earlier health, that it 'may increase and flourish'.

---

<sup>249</sup> *CIM*, vol. iii, 1348-77, no. 808.

<sup>250</sup> *CCR*, Edw III, 1369-74, p. 259.

<sup>251</sup> *Ibid.*

However, there is no evidence that the king did in fact remove the corrodies, at least certainly not the ones that he had placed in the abbey. As noted previously, the king had sent one Richard de Armes to the house in place of William Alfred in 1365. This injunction, to remove the corrodies of the house was granted in 1371, and in 1375, the king presented Richard Barbour of Bristol to the corrody formerly held of Richard de Armes.<sup>252</sup> If he did remove a corrody, and there is no evidence that he in fact did, he certainly did not give one of his provisions away. Richard II did not follow this injunction either, for between 1381 and 1383, he placed several people as corrodians in the abbey.<sup>253</sup> There is also no clear evidence that the king's intervention helped in this instance, as a significant quarrel erupted shortly after this that had to be settled by the prior of Worcester Cathedral, at a visitation *sede vacante*.<sup>254</sup>

A similar pattern of royal placement can be seen at Cirencester Abbey, though the record is not as complete. Guy de Bedford received a corrody from the king's hand in 1300.<sup>255</sup> Another full corrody grant was not recorded at Cirencester until 1319, but there were smaller grants that appear to have imposed a similar if slightly lighter burden upon the monastery's hospitality. In March 1303 the king sent one Wobodus to the house and requested the abbot and convent to care for him, two of his horses, and two grooms until the following Michelmas, about six months.<sup>256</sup> Similar to this lesser imposition, which fell short of a corrody, are several letters that required the abbot and convent to provide a

---

<sup>252</sup> CCR, Edw III, 1374-77, pp. 218-219. St. Augustine's was not the only house to receive such a grant, only apparently to not have it enacted upon in good faith. See Stuckert, *Corrodies*, pp. 35ff. for examples of this.

<sup>253</sup> CCR, Ric II, vol. ii. 1381-85, p. 77, 101, 231, 248.

<sup>254</sup> *Reg SV*, pp. 318-320. This settlement does not mention corrodies in specific, but it does mention significant economic dealings of the abbot and the living conditions of the monastery itself. Close rolls of Richard II from about 15 years after Edward's injunctions reveal that several members of the convent were at significant odds with the abbot as well. See CCR, Ric II. vol. iii, 1385-89, p. 36, 37, 50, 51.

<sup>255</sup> CCR, Edw I, 1296-1302, p. 402.

<sup>256</sup> CCR, Edw I, 1302-1307, p. 75.

yearly stipend for one of the king's clerks until they could provide him with a suitable benefice. William de Kirkeby had letters to that effect in 1320.<sup>257</sup> John de Westmancote, William de Okeburne, Stephen de Bitterlay, John Couper, John Seward, John Cooke, John Middleham and Willian Kelet were also recipients of such royal favor.<sup>258</sup> Cirencester was not alone in receipt of such a request. St. Augustine's Bristol also received a similar mandate, and Kenilworth received five such men. Lest these be seen to be empty grants by a king to try and placate his clerks, on numerous occasions he requested the prior of Kenilworth write to him to reveal how he and the convent would provide for his named clerk.<sup>259</sup> All of these requests seem to be owed to the king at the creation of a new abbot or prior, as was stated in most of the records. Indeed, Edward III reminded the abbey that the king had the right to promote one of his own clerks 'whenever a new abbot is created'.<sup>260</sup>

Corrodies came with some frequency to the houses in the diocese, large and small. St. Oswald's Gloucester was required by the king to provide a corrody in 1316,<sup>261</sup> and even Dodford, the smallest house in the diocese, had a request to give Henry Buffard, formerly of Evesham, a corrody in 1318.<sup>262</sup> It seems that the reign of Edward II and the early years of Edward III saw the most corrody requests, though their successors did not soften the burden significantly. One charter in the Cirencester cartulary, which is found in brief in the Patent Rolls of Edward III, states that the king would refrain from placing

---

<sup>257</sup> *CCR*, EdwII, 1318-1323, p. 343.

<sup>258</sup> These entries can be found in the following Close Rolls, respectively: Edw III, 1335, p. 518; Edw III, 1352, p. 507; Edw III, 1359, p. 543; Edw III, 1361, p. 284; Ric II, 1394, p. 295; Hen VI, 1430, p. 49; Hen VI, 1440, p. 389; Edw IV, 1464, p. 248.

<sup>259</sup> See *CCR*, Henry IV, vol. ii, p. 144 for an example of this.

<sup>260</sup> *CPR*, Edw III, 1327-30, p. 540. This appears to be a misnomer of the king, as Kenilworth was a priory at this time.

<sup>261</sup> *CCR* Edw II, 1313-18, p. 432.

<sup>262</sup> *CCR*, Edw II, 1318-23, p. 116.

undue burdens on the house by placing more than two corrodies there, saving the right to promote one of his own clerks at the creation of every new abbot.<sup>263</sup> The corrody requests of the kings were a constant in the lives of canons in Worcester and indeed most monastic houses, it would seem. They were granted usually for service to the king and usually consisted of food, lodging, and clothes, though sometimes they were cash stipends. Evidence for this comes from Cirencester Abbey. In 1432 John Somerseth received a generous grant from the king for his service, part of which was a corrody of 5*m* per year from the abbey.<sup>264</sup> That this was the stipend is revealed in the cartulary of the house, where a charter confirms that John Hunt received his five-mark stipend in 1450,<sup>265</sup> John Hunt having been granted the corrody that formerly belonged to John Somerseth in 1441.<sup>266</sup>

Corrodies were also frequently granted to monks and canons at the end of their own lives in their own monasteries when they were no longer able to perform their requisite duties.<sup>267</sup> These corrodies effectively provided for the retirement, within a priory, for the head of the house who could, presumably, be a pain in the neck for a successor. Such examples cannot be clearly discerned from the records of the Worcester diocese, but may very well have been granted. Other examples of corrodians dwelling in monasteries were those residing at the houses at the insistence of the patron, or because of close connections to the monastery's patrons or former officers.<sup>268</sup> One such example exists in the records of Lanthony Priory. Henry Deane was prior of Lanthony from 1467

---

<sup>263</sup> See above discussion and *CPR*, Edw III, 1327-30 p. 540. See also *Cir Cart*, vol. i, no. 105.

<sup>264</sup> *CCR*, Henry VI, 1429-36, p. 241.

<sup>265</sup> *Cir Cart*, vol. ii, no. 735.

<sup>266</sup> *CCR*, Henry VI, vol. iii, 1435-41, p. 461.

<sup>267</sup> See Harvey, *Living and Dying*, p. 184 for a discussion and examples of this.

<sup>268</sup> Stöber, *Late Medieval Monasteries*, pp. 98-99.

to 1501 and went on from there to the archbishopric of Canterbury. As an act of gratitude, or perhaps in an act of manipulation on the part of the former prior, a corrody was granted 'to Thomas Hawkyns of Littledean and his wife Joan, sister of Archbishop Henry [Deane], for Joan's lifetime, comprising every week seven manchet loaves, four cheaper brown loaves and seven gallons of better ale and every day a dish of meat or fish such as is served to one brother of the convent'.<sup>269</sup> It is likely that this corrody was unsatisfactory, however, as a second entry is recorded in Prior Forest's (Henry Deane's successor) register. In the amended corrody agreement Joan received the same loaves and ale, but 'every day a dish of meat or fish such as is served to three brothers of the convent'.<sup>270</sup> Perhaps Joan was a buxom woman? It is difficult to know. It may be that the food was to be for Joan and her husband and that the one dish specified was not enough. It may be that Joan wanted her unused portions to be granted in alms in her place, as extra portions were supposed to be distributed as pittances to those outside the monastery. Whatever the reason, the substantial difference in the charter is the requirement for her husband, Thomas, who, after Joan's death was to receive 'an annual render of 40s, victuals and a chamber in the priory like a gentleman servant; in default of which they may claim 40s by distraint upon the prior's properties in Glos'.<sup>271</sup> Here the corrody was amended to the benefit of the corrodians, likely, one may suppose, on the perceived insufficiency of the first grant.

---

<sup>269</sup> *Reg Lanthony*, no. 116.

<sup>270</sup> *Ibid.*, no. 122. John Rhodes notes that the charter is an amendment of the earlier corrody and that it was backdated. The first charter was dated 28 March 17 Hen VII (1502), the second 20 March 17 Hen VII.

<sup>271</sup> *Ibid.*

Corrodies, like other services rendered to the kings and nobility of England, were likely burdensome to the monasteries, though as demonstrated many convents were more than happy to traffic in livings themselves, either for ready cash or for landed endowments, oftentimes those very lands that had been alienated by the house in years past. It is clear from the evidence that the monasteries were in a tight spot when it came to royal placements. In the event that the monastery was of royal foundation or patronage, the monastery likely had very little, if any recourse. Those monasteries that did resist the placements of the king, and there were some that did,<sup>272</sup> must have done so at their own peril. Was it ever wise to oppose the king? One monastery at least granted a corrody from Henry IV, 'because they dared not resist his will'.<sup>273</sup> Surely the recourse of the king would likely have been covert, but who could say with surety when one might need the succor of the king on another issue? The refusal of a corrody to one of the king's confidants would likely not go unnoticed. Providing the comforts of retirement was one service the king clearly expected of the monasteries, both those in his patronage and those in his realm.

#### *Canons as Collectors and Strongmen*

Corrodies were not the only services the king expected of the monasteries. As discussed elsewhere, the canons were frequently called upon by the episcopal, papal and royal authorities to collect the taxes levied against the church for defense of the realm and for the crusades, actual and intended, undertaken by the sovereign of England.<sup>274</sup> These included the taxation of wool, collection of the triennial tenths, and tithes for the papal

---

<sup>272</sup> See Harvey, *Living and Dying*, p. 189, esp. n.34, on this point.

<sup>273</sup> Stuckert, *Corrodies*, p. 36.

<sup>274</sup> See the detailed discussion of the canons serving as collectors below, pp. 256-261.

nuncios and the holy land. Nearly all of the houses in the diocese were called upon to collect, though most commonly it was the larger houses that were conscripted into such service. The only reasons that they were exempted were infirmity or old age. Tax collectors of course are notoriously unpopular, and whether the business of collecting was for the sword of the state or the sword of the church, neither of them likely helped the image of the monasteries in the later medieval period.

Other than collecting taxes, what better way to make one's self unpopular than by prohibiting sport! Such was the burden that canons had to bear on occasion in medieval society, as the request to enforce the prohibition of tournaments was given with some frequency to the abbots and priors of monastic houses. This would seem on the surface an act wherein the kings were supporting the official stated position of the church on tourneying. The Council of Clermont in 1130 declared that tourneying was strictly forbidden as it caused men to cause mortal sins and the unnecessary loss of life.<sup>275</sup> Such was hardly the case. The kings and other nobles of England were as enamored with tourneying and wargames as those on the continent, and though at times outlawed, the crown was certainly not putting an end to the chivalric practice. What was actually happening was another form of collection on behalf of the kings that the monasteries were in a rather unique position to enforce.

Richard I issued a writ in 1194 that regulated tournaments in England, restricting them to five specific sites and setting out specific guidelines for fees associated with the tournament games.<sup>276</sup> 'No-one was to be permitted to tourney until he had sworn an oath

---

<sup>275</sup> Juliet R. V. Barker, *The Tournament in England, 1100-1400* (Suffolk, England: Boydell, 1986), pp. 70-71.

<sup>276</sup> *Ibid.*, pp. 10-11.



to pay his fees in full, on pain of personal arrest.<sup>277</sup> With time, location, and fee regulations in place and duly enforced,<sup>278</sup> the king had a way to control, at least in theory, what was surely the most popular sport in the medieval times. To tourney at an unlicensed location could bring arrest, imprisonment, and seizure of lands, though these penalties were surmountable with the procurement of a king's pardon.<sup>279</sup> At certain times however the kings would prohibit a tournament even in one of the prescribed locations. These were banned for a variety of reasons: prohibiting personal feuds or private wars; on the eve of actual wars when a hastilude (a round of tourney games) could cause the loss of a much-needed soldier; political instabilities in terms of the king's support, particularly during the reign of Henry III and Edward II; even simply to protect the importance of another tournament happening elsewhere, not unlike television battles over the rights to coverage of major sporting events today.<sup>280</sup> Sometimes the prohibitions were genuine, issued in the form of a major decree, even made at parliament, and meant to be enforced to the letter, that is, a true ban on the tournament where no one was to take part. More often, however, they were issued just before the tournament was to take place, when the men and their retinues were surely going to arrive and 'play' regardless of the king's actions. It was at these that the priors and abbots of monasteries were frequently conscripted into service.

When the king wanted to issue what one scholar has dubbed a 'purely formal'<sup>281</sup> prohibition to a tournament, namely, one that was issued hastily on the eve of the

---

<sup>277</sup> Ibid.

<sup>278</sup> See *ibid.*, pp. 11, 64-5.

<sup>279</sup> See *ibid.*, p. 64 for an example.

<sup>280</sup> *Ibid.*, pp. 60-65.

<sup>281</sup> This label was given in Noel Denholme-Young, 'The Tournament in the Thirteenth Century', in *Studies Presented to F. Powicke*, ed. R. W. Hunt, W. A. Pantin and R. W. Southern (Oxford, Clarendon Press, 1969), pp. 204-268. Cited in Barker, *Tournament*, p. 62.

tournament, they would frequently send a sergeant or representative bearing the king's letters patent along with the abbot or prior of the local monastery to the site of the tournament. The job of the bearers of the king's letters was to make certain that all who participated knew that the tournament was unlicensed, and that participation, without purchasing a license to participate legally, would incur strict penalties. This then was the motivation behind most of the prohibitions of tournaments, not a genuine desire to stop tourneying (far from it) but a desire to ensure the profitability of the games themselves.<sup>282</sup> The reason for sending a religious was that he was, as a representative of the church, sacrosanct, and could not be assaulted, as was wont to happen to laymen, without serious penalty.<sup>283</sup> Members of religious orders also were literate and could make a formal list of who was present with some credibility.

Many letters patent include prohibitions to a tournament and a call for a local abbot or prior to attend personally and publish the prohibition. It so happens that one of the places that Richard I had 'hallowed' as ground suitable for an official tournament was between Warwick and Kenilworth, and, not surprisingly, the prior of Kenilworth was on a few occasions called upon to publish the king's letters and enforce the 'formal' prohibition of the tournament. In 1252, during the reign of Henry III, both the prior of Kenilworth and the prior of St. Sepulchre Warwick, were called upon to prohibit the tournament soon to be held in Warwick.<sup>284</sup> During the reign of Edward I as well, the prior was so called upon.<sup>285</sup> That other tournaments were also held, or that the strictures for

---

<sup>282</sup> Barker, *Tournament*, p. 63.

<sup>283</sup> Of course, it was not beyond question that a layman might actually lay hands upon a member of the clergy or pillage a religious house, but it could bring with it substantial penalties, ones that most laymen were not likely to gladly accept simply for the right to tourney.

<sup>284</sup> *CPR*, Hen III, 1247-1258, p. 157.

<sup>285</sup> *CPR*, Edw I, 1272-1281, p. 42.

legal tournaments were relaxed, is evidenced by one letter patent that states that John Maudit was pardoned for killing Roger de Chedele at a tournament in Cirencester.<sup>286</sup>

How a tournament could have gone on in Cirencester, clearly outside any of the authorized tournament zones, without the knowledge of the abbot and convent is unimaginable, yet no record of any tournament taking place there can be located.

Apparently, the canons were in no ways concerned about the tournaments taking place there. Indeed, if the situation was as Juliet Barker described it, tournaments could have been a source of revenue and relative bounty for the monasteries where tourneys were held.<sup>287</sup> What may look on the surface as the abbots and priors enforcing the code of the church's condemnation of tournaments that stood from the twelfth through the early fourteenth century,<sup>288</sup> turns out rather to be a service to the king, protecting one more source of income for the crown.

These acts of service, the provision of corrodies, the collecting of taxes and levies, and the prohibition of tournaments all reflect ways in which the crown sought to exploit the religious, here the Augustinian canons in the diocese of Worcester, for their own benefit. No doubt this was seen by the king to be the right duty expected of all faithful in the realm. The king, who provided so much for his people, could easily require even the religious to serve him in small ways in recompense. Not surprisingly, most of the ways in which the canons were called upon to serve the king led to one specific place – the king's

---

<sup>286</sup> CPR, Edw II, 1317-21, p. 154.

<sup>287</sup> See. Barker, *Tournament*, p. 12, 75 for examples.

<sup>288</sup> The circumstances under which John XXII issued *Quia in futurorum* are striking, to say the least, and reveal just how much pragmatism entered into church dogma, even in the fourteenth century. See *ibid.*, p. 81.

pocket. Almost without exception when the canons were conscripted into providing a service for the crown, financial implications were near the front of the king's mind.

The provision of corrodies for those who had provided faithful service to the king was clearly seen by the crown as part and parcel of the right service owed him by the religious. Aside from their prayers, what else could they provide, after all? Surely not military service of any significant order? The monasteries could provide shelter and relative health to those who having served the king faithfully or to those related to him who were nearing the end of their life, and for the medieval Christian, to end one's life in a monastery, even merely as a corrodian, would likely have been perceived as imparting some spiritual benefit. Were not the monks and canons those closest to perfection on earth? Surely being surrounded by such a community serving God was beneficial to one's soul. The spiritual blessings that may have been perceived along with the temporal protection afforded within the monastery's walls were clearly highly desired, and one significant way that the king enlisted the monasteries of England to his service.

Religious houses were also likely perceived as safe places to store the taxes and levies imposed by the crown, for few were willing to risk the consequences of a physical assault on the religious. Additionally, the canons were likely seen as bound to collect and render in full with a level of integrity that exceeded the laymen of the day; who could one trust not to embezzle monies if not those who were the poor of Christ, those sworn to poverty? Though corruption and swindling was not wholly foreign to the religious houses in the Middle Ages, and their reputation was not without blemish in the later medieval period, the religious provided the king with labor for work that may have been otherwise difficult to locate.

## *Conclusion*

All of these examples reveal the multifaceted ways in which the crown, the nobility, and the canons interacted. The connections extended to almost every level of their existence. For the regular life to commence, the canons and other religious were dependent upon the wealthy to provide them with their much-needed endowment and support. In the case of the Augustinian canons in the diocese of Worcester, the crown and the regional barons were the lifeblood of their communities. Without their initial gifts and support throughout their existence, the houses of canons would have been meager. The spiritual benefits reaped by the laymen were perceived as necessary, if inadequate, recompense for the lands and churches so granted. While it may have always been the firm Christian belief that nothing is worth the forfeiture of one's own soul (Luke 9:25), clearly more was expected from the religious than just prayers. The ties to regional barons and the crown gave the monasteries adequate provision to live life under the rule, but the many possessions of the monasteries necessarily bound them to those outside the walls. Often these relationships were peaceful and fruitful for the canons and served as a connection to the world outside. Frequently, however, the ties to those outside drew the canons into conflicts and necessitated the petition to the powers of the realm for redress of grievances. It can be seen in the diocese of Worcester that the canons were not afraid to employ the aid of the crown and the power of the secular arm when necessary to settle their disputes. The canons were at home in both the spiritual confines of the cloister and the secular halls of justice.

Additionally, the canons frequently required, sought and received the protection and privilege of the crown to exploit their own lands. Whether this took the form of the king granting the canons the right to exploit fully their own lands and forests, or in the case of a few, the right to draw income from their foreign possessions, the crown of England and the canons were intimately connected and reliant upon each other for reciprocal service, spiritual and temporal. Truly the canons were living with feet planted in two overlapping and interrelated kingdoms, the eternal Kingdom of Heaven and the transitory kingdom of England.

## Chapter 3

### The Statute of Mortmain and its Impact on Augustinian Income

#### *The Statute of Mortmain*

At first glance, the Statute of Mortmain appears to be a watershed date for monastic history in medieval England. Prior to the issuance of the statute by Edward I in 1279, a monastery was allowed to hold any lands it could legally acquire in England into its own uses without license of the king. Whether by purchase or gift, religious persons and institutions were, under the standing laws of England, allowed to own and exploit any lands in their possession within the realm, usually free of taxation, escheats, and the other services owed under the English feudal system. The Mortmain statute, in no uncertain terms, changed the situation for monasteries by forbidding any religious person or organization the right to acquire lands. The wording of the statute itself is quite dramatic.

We, therefore, to the profit of our realm... have provided, established, and ordained, that no person, religious or other, whatsoever presume to buy or sell any lands or tenements, or under colour of gift or lease, or of any other term or title whatever to receive them from any one, or in any other craft or by wile to appropriate them to himself, whereby such lands and tenements may come into mortmain under pain of forfeiture of the same.<sup>1</sup>

---

<sup>1</sup> Medieval Sourcebook, Statute of Mortmain, 1279. Copied from the online Medieval Sourcebook 13 March 2006, <http://www.fordham.edu/Halsall/source/ed1-mortmain.html>.

In the words of Sandra Raban, a leading Mortmain scholar, it was ‘an uncompromising statute... which, if strictly enforced, would have marked the end of the church’s territorial ambitions’.<sup>2</sup>

From her words, one can hear the important caveat that qualifies any dogmatic statements about Mortmain: ‘if strictly enforced’. On the surface, Mortmain appears to the historian to be a severe limitation placed upon the religious institutions, which unlike the secular clergy could not, in principle, own any possessions other than lands or tithes. Monasteries were fully dependent upon revenues derived from lands or properties owned, or tithes from those lands and their churches. The restriction upon land acquisition was potentially quite crippling for most religious houses. But, as Raban points out, it is difficult to discern whether or not the statute actually changed in a significant way the actual acquisition of lands by religious houses, for, ‘in practice an arrangement which permitted alienations to the church under royal license in spite of the statute soon emerged’.<sup>3</sup> In the Statute of Mortmain, Edward I passed a law that looked to be an attempt to squelch the church’s growing property assets.<sup>4</sup> Raban clearly describes how the Mortmain Statute did not emerge out of thin air; several attempts had been made from the time of Henry III onward to protect the rights of not only the crown but also the mesne lords.<sup>5</sup> Within a year of its writing, however, a system arose whereby the church would be able to acquire more land, though the religious would have to pay an extra fee and go through one more level of bureaucracy in order to do so.

---

<sup>2</sup> Sandra Raban, ‘Mortmain in Medieval England’, *Past and Present*, 62 (1974), 3-26.

<sup>3</sup> Raban, ‘Mortmain’. p. 3.

<sup>4</sup> Mortmain was not the only land tax law that Edward I passed. The acts known as *De Donis Conditionalibus* and *Quia Emptores*, issued in 1285 and 1290 respectively, required inquiry into and restricted the heritability of all lands, and ended the practice of subinfeudation.

<sup>5</sup> Sandra Raban, *Mortmain Legislation in the English Church* (Cambridge: Cambridge University Press, 1982), pp. 12-28.



A difficult question to answer, as Raban assents, is how much the law really changed circumstances in the property market of thirteenth-century England. From her study, a clear paucity of Mortmain licenses given out in the first two decades after the passing of the statute can be observed. In her estimation there is good evidence to suggest that the immediate effect of the statute was to curb ecclesiastical gains.<sup>6</sup> But the difficulty of certainty in such a study is manifest in its burden of proof. In order to judge whether the land situation changed significantly, one must know what was happening for a reasonable period of time on either side of the issuance of the statute. Raban is convinced that her study reveals what would emerge if a comprehensive study were undertaken, that there would be little doubt that the church was aggressively engaged in the land market on the eve of the mortmain legislation.<sup>7</sup> If such is the case, and few studies have been done to challenge her argument, then it must be agreed that Mortmain did have an immediate impact upon church land acquisition, at least for the last two decades of the thirteenth century.

The historical records available clearly reveal that by the first decade of the fourteenth century many monasteries were receiving and buying licenses in mortmain from the crown, continuing to enrich their estates. This seems to indicate that the purpose of the law was not so much the outright refusal of more property to the church, but insurance that the monies due from the lands, mostly through escheat and wardship, were still being paid to the crown. Raban notes: 'certainly the crown came in time to show a closer interest in the financial possibilities of mortmain controls, but... there seems slight grounds for regarding the 1279 statute as a deliberate attempt by Edward I to augment his

---

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., p. 187.

income'.<sup>8</sup> The long term result of the statute may have been the revenue possibilities inherent in the statute's outworking,<sup>9</sup> but the original intent, as expressed by Raban, was 'more an expression of the deep concern felt by contemporary society about the land held in mortmain than a serious attempt to prevent any further accessions of any sort in the future'.<sup>10</sup>

The motivating force behind Mortmain, then, seems to have been to put a check upon the unbridled acquisition of land by the church (the total land holdings in parts of England were estimated by some to be as high as 33%),<sup>11</sup> and a protection of the feudal dues owed on the land, not so much to stop utterly the acquisition of land by the church. As Raban's work reveals, by 1305, a license to acquire property in mortmain was neither difficult nor uncommon to acquire.<sup>12</sup>

The necessity for a license in the event of permanent acquisition was an administrative inconvenience, but there is little reason to believe that such licenses were stinted after the first two decades, nor that they necessarily curtailed freedom of action. In practical terms therefore, the church had considerable room for manoeuvre.<sup>13</sup>

The government had made it more costly and more difficult for the religious to acquire property, but the Statute of Mortmain certainly did not stop the monastic houses from acquiring property, as this study will reveal.

Though the Statute of Mortmain may be considered a turning point in the study of monastic history, it may be too much to state that it greatly curbed monastic patronage. The actual effects of the statute for houses of canons regular will later be investigated, but

---

<sup>8</sup> Ibid., p. 25.

<sup>9</sup> Ibid., p. 26, citing S. A. Standen, 'Administration of the Statute of Mortmain', (Unpublished PhD thesis, Washington University, 1973), who claimed that the licensing system was an integral part of the crown policy from the beginning.

<sup>10</sup> Ibid., p. 27.

<sup>11</sup> Raban *Mortmain Legislation*, p. 6

<sup>12</sup> Raban, 'Mortmain', p. 6.

<sup>13</sup> Raban, 'Mortmain', p.18.

without even beginning to compile figures and statistics, it can at the very least be seen that by the time of Edward I and his descendants, the attitude toward the church in general and monastic institutions in particular, had undergone a marked change. Gone were the glory days of the twelfth century, when monastic foundations, particularly of the new orders – Cistercians and Augustinians – flourished. The hundreds of foundations between the years 1100 and 1215 were, after 1279, not only all but impossible but also improbable, owing to the changing attitude of the English people and the increased cost of founding a monastery in the later medieval period.<sup>14</sup> The regular life was falling out of favor, and large monastic foundations were, in the hundred years prior to Mortmain, rare in any case.<sup>15</sup> According to Knowles and Hadcock's compilations, the number of new houses of monks, of all varieties, between 1216 and 1350 was less than 10. In that same period, the total number of houses of canons increased by approximately 43-50, and the number of houses of nuns increased by perhaps 15. Put in even larger terms, it is estimated that in 1216 there were somewhere between 602 and 728 religious houses in existence. In 1350, excluding friaries, there were between about 790 and 800.<sup>16</sup> Given these numbers, it is clear that the wellspring or motivation for founding new religious houses was drying up.<sup>17</sup>

This does not mean that all grants of lands, or even churches, had ceased.

Patronage of monasteries was still taking place, but its scope had waned substantially

---

<sup>14</sup> Michael Hicks has argued that the real cost of monastic foundation would have been substantially higher in the later Middle Ages, and that the economic burden of a new foundation, along with the increased bureaucratic strain due to Mortmain, made the possibility of a new monastic foundation in the later Middle Ages highly unlikely. See Michael Hicks, 'The Rising Price of Piety in the Later Middle Ages', in *Monasteries and Society in the Later Middle Ages*, ed. by Janet Burton and Karen Stober, (Woodbridge: Boydell Press, 2008), pp. 95-109.

<sup>15</sup> See Raban, *Mortmain Legislation*, pp. 131- 133.

<sup>16</sup> *MRH*, pp. 359-365.

<sup>17</sup> Or at the very least shifting. *MRH* records that there were approximately 300 or so hospitals founded in the same time period, 1216-1350. *MRH*, p. 365.

even before the Statute of Mortmain was issued. The added fees required under the new statute, commonly equaling three years of annual income for any given parcel of land,<sup>18</sup> would have added one new roadblock to the ever-fewer land endowments being granted. As Raban notes, 'At most it (Mortmain) could accelerate the decline in gifts which was already taking place for other reasons.'<sup>19</sup> As Raban also notes and as will be explored in detail later for the Augustinians, the trend away from large grants of land toward non-land grants was becoming common as the patronage of religious institutions became a phenomenon occurring among all classes of people. Raban argues as follows: 'As donors descended the social scale, their capacity to give land diminished too. Modest gifts of cash and movable goods were more easily within their reach and permitted the sharing of their resources among several recipients.'<sup>20</sup> This leaves the reality of land acquisitions on the eve of and after the issuance of the Statute of Mortmain constrained largely to purchase.

The majority of land acquisitions from the late-thirteenth century onward were indeed purchases by monastic foundations rather than grants by laymen. Though her study is careful to demonstrate that the ecclesiastical powers of the thirteenth century were not 'buying more than their fair share' of lands, Raban argues that there were reasons to see the church's acquisitions as threatening.<sup>21</sup> Though the church had competent rivals in the land market, there was at least apparent cause for concern over the erosion of knightly tenure in the mid thirteenth century. One imminent catalyst for Mortmain might have been the 'threatening' large-scale purchases by monasteries in the

---

<sup>18</sup> Raban, 'Mortmain', pp. 22-23.

<sup>19</sup> Raban, *Mortmain Legislation*, p. 132.

<sup>20</sup> *Ibid.*, p. 140.

<sup>21</sup> *Ibid.*, p. 151.

1270s.<sup>22</sup> Her overall assessment of the motivation for Mortmain seems to be that since there were few large gifts of land being granted to the church on the eve of Mortmain, 'it is likely that the statute came hot on the heels of a land market in which the church had come to take an active interest and which was perhaps abnormally brisk. Its effects therefore should be seen primarily in relation to this phenomenon'.<sup>23</sup> If such was the case, that the majority of property acquisitions by monastic foundations were coming as the result of purchase rather than grant, it should be expected that the added expense of the Mortmain legislation would be most acutely felt by the larger houses of regulars that were able to purchase lands rather than the smaller houses, which had neither the money to purchase lands nor the cash to pay the added cost of the mortmain licenses.

Working within the context as set forth above, the extant data for the houses of Augustinian canons in Worcester diocese will provide opportunity to consider directly the following two issues: 1) the administration of the Statute of Mortmain, and 2) the effects of Mortmain on the religious houses in question. The first subject, the administration of the statute, is readily documented in the Calendar of Patent Rolls and the cartularies of the monasteries, where such survive. After considering its administration, the real effects of Mortmain will be considered. The real question of the effects of Mortmain turns on whether or not the passage of the statute actually curtailed benefaction and acquisition or not. Though it is clear that the canons actually acquired both spiritual and temporal property after Mortmain, whether or not such acquisition represents an actual change in the canons' actions will be considered.

---

<sup>22</sup> Ibid., p. 143.

<sup>23</sup> Ibid., p. 152.

### *Administration of the Statute of Mortmain*

The ways in which the crown implemented the Statute of Mortmain, the real differences posed in the process of acquiring new sources of income for religious houses, is the first question to be tackled in this section. It is clear from any cursory glance at the Patent Rolls that the crown most assuredly intended to apply *De Viris Religiosis* universally. After 1279<sup>24</sup> the Patent Rolls are littered with records of licenses being issued to all sorts of religious institutions. The records seem to be remarkably thorough as licenses were acquired by houses of all type and stature and in all areas of the realm. However, along with many other issues in monastic studies, concrete evidence for the acquisition of churches, land, and chattels after the 1279 Statute of Mortmain is slanted heavily toward the larger foundations. In this instance, blame cannot be laid upon scarcity of resources for such a data imbalance, for though the extant charters and cartularies of monastic houses slant heavily toward the larger monasteries, those houses that had the resources and ability to preserve their muniments and important records well, the king's Patent Rolls presumably would not have shown favoritism to large monasteries or more costly licenses. Any Mortmain license, large or small, would conceivably have been recorded in the same register and treated with the same degree of dignity and preservation.

Yet, like the manuscript evidence available, among the smaller houses of Augustinian canons in the diocese of Worcester, Dodford, Horsley, St. Sepulchre, Studley, and St. Oswald's Gloucester, only two of the houses, the two largest, Studley and St. Oswald's, have any record of acquiring any land after the Statute of Mortmain. Dodford and Horsley priories have no record of acquisition of either lands or churches

---

<sup>24</sup> In real terms, the number of licenses issued did not reach its apex until approximately 1335, and there were relatively few licenses issued until about 1300, though there is evidence that licenses were being issued within a few short years of the issuance of the 1279 statute. Raban, *Mortmain Legislation*, p. 155.

after Mortmain in either the Patent Rolls or close rolls. This is not surprising given their extremely small size and lack of obvious patronage and sources of cash with which to purchase lands. The Patent Rolls regarding St. Sepulchre have no recorded issuance of a mortmain license but do include the exchange of London property with the bishop of Exeter for the church of Snitterfield in 1324.<sup>25</sup> The patent letter detailed the alienation but recorded neither the issuance of a license nor a fine for a license. Since there was apparently no license issued in this instance, a fair question to ask is whether or not a license was required in property exchanges.

The records for the canons in Worcester diocese record only two instances of exchange of property after the Statute of Mortmain. In these instances, both houses exchanged lands for a church. In the case of the church in Snitterfield, St. Sepulchre apparently paid no fee; none was recorded. However, the priory of Lanthony did have to acquire a license, for a fee, in the other instance of property exchanged for a church. On 27 July 1351 Lanthony paid a £10 fee for a Mortmain license when they exchanged with Thomas, son of Maurice de Berkeley, the manor of Covele for the advowson and the appropriation of the church of Aure, said to be held in chief by Thomas.<sup>26</sup> What was essentially the same situation revealed different practices in both instances. The canons of St. Sepulchre acquired the advowson and right to appropriate the church of Snitterfield in exchange for London property and yet no fine was recorded. Neither was one recorded at the actual appropriation of said church, which transpired in late 1324 or 1325.<sup>27</sup> It is possible that no fine had to be paid since both the lands and the church were in the hands of religious persons or organizations, the church coming from the bishop of Exeter, the

---

<sup>25</sup> *CPR*, Edw II, 1321-24, p. 390.

<sup>26</sup> *CPR*, Edw III, 1350-54, p. 122.

<sup>27</sup> See below, pp. 302-316, for a full treatment of the case of Snitterfield.

lands from the priory of St. Sepulchre, and therefore already outside of the boundaries of secular service and fees.<sup>28</sup> The exchange of lands for a church in Lanthony's case was between a layman and a religious organization. Lanthony alienated the manor of Covele to Thomas and received the advowson and church of Aure. Though the Berkeleys could not legally have profited from the tithes of the church, the fine for the license was nonetheless imposed upon the priory. Here land actually entered the lay market and a church left it, yet the fee for the license for alienation was £10. Perhaps this reflects the differing status of the two monasteries, St. Sepulchre being a small nearly impoverished monastery, Lanthony being a larger wealthier priory. Whatever the case may be, it is clear that by the mid fourteenth century, when the issuance of Mortmain licenses had reached its apex, there was no apparent consistency of administration.

These two transactions represent the only incidences for the houses of regular canons in Worcester diocese where lands were exchanged for churches. There are, however, many instances of Mortmain licenses being issued when a church was appropriated to a monastery in mortmain. In the securing of Mortmain licenses for acquiring spiritualities, most often the appropriation of parish churches, certain patterns of administration emerge, as do telling details about the canons and their intentions for expanding their endowments.

#### *Licenses for the Appropriation of Parish Churches*

There are recorded in the Patent Rolls many licenses purchased and granted for the appropriation of a church to a house of Augustinian canons in the diocese of Worcester.

---

<sup>28</sup> It appears there was no inquiry regarding Mortmain violation because the church had gone from the hands of Walter de Cantilupe to the hands of Walter Stapledon, both of whom were clergy. See *Reg Stapledon*, pp. 5-7.



Of the many post-Mortmain entries in the patent letters of the crown, there are approximately 16 that specify the appropriation of a church to a monastery.<sup>29</sup> Nine of the licenses issued were for churches whose advowson the monastery already held<sup>30</sup> or for vicarages for which the monastery served as parson.<sup>31</sup> Of these, a few specified that a fine or a fee was to be paid. The value of the fine or the fee varied on each occasion and showed little consistency or predictability.

One license, to St. Oswald's Gloucester, for the appropriation of the church of Minsterworth, cost 10 marks.<sup>32</sup> St. Augustine's Bristol, received three licenses for appropriations of churches, two of which, Wotton and Fifehead Magdalene (Fifhide)<sup>33</sup> were in their advowson. The license to appropriate Wotton, in their advowson, cost them 50 marks.<sup>34</sup> License for Fifehead Magdalen, granted on 16 July 1334,<sup>35</sup> had no fee assigned to it. In this instance, as with Minsterworth appropriated to St. Oswald's previously noted, the abbey was negligent in actually enacting the appropriation. For a second license for the appropriation of Fifehead, the canons paid 10s, a price which hardly seems appropriate when compared with the other licenses issued. The second grant for Fifehead also stipulated that the abbey was granted appropriation 'provided that a proper sum of money from the fruits of the church is yearly distributed to the poor

---

<sup>29</sup> This is an approximate number. On a few occasions a monastery was granted license to appropriate a church more than once, either because of confusion in the appropriation or because of failure on the part of the monastery to take the church into their own uses. Depending on how one chooses to count, whether on specific licenses issued or for specific properties concerned, the number may fluctuate slightly.

<sup>30</sup> A very typical entry in the Patent Roll for such a transaction reads like this one to St. Augustine's Bristol, 'License to appropriate the church of Wotton, in their advowson', *CPR*, Edw II, 1307-1313, p. 381.

<sup>31</sup> Lanthony priory was granted the right to appropriate the vicarages of St. Owen, Painswick and Prestbury, 'of which churches they are parsons and to appropriate them in mortmain'. *CPR*, Ric II, 1396-99, p. 342.

<sup>32</sup> *CPR*, Henry IV, 1405-09, p. 380. In this instance, *three* such entries exist, 1399, 1408 and one in 1418. The latter two state that the grant had been issued but not executed and that the license cost 10 marks. This is likely an additional ten marks on each occurrence, but explicit statement to that end is not in the entry.

<sup>33</sup> *EPN*, pp. 229-30. Cf. *MA*, vol. vi, p. 366.

<sup>34</sup> *CPR*, Edw II, 1307-13, p. 381.

<sup>35</sup> *CPR*, Edw III, 1330-34, p. 565.

parishioners, and the vicar is sufficiently endowed as the diocesan shall order in accordance with the statute'.<sup>36</sup> The abbey of Cirencester, too, was negligent on at least one occasion and did not follow through with a license to appropriate a parish church granted to them. License to appropriate a moiety of the church of Hakebourne, in Salisbury diocese, was granted to the canons of Cirencester in 1322, by Edward II.<sup>37</sup> However, in an entry dated 26 January 1360, the abbey was granted full appropriation of the church, a fuller right than they had held earlier. The abbey had 'from time out of mind' drawn 20 marks per year, but had failed to enact the moiety granted them by Edward II. Edward III then overrode the grant and allowed them full appropriation, for a fine of £20.<sup>38</sup>

Other records also display inconsistency in the administration of a fine for appropriation of parish churches in mortmain. The canons of the abbey of St. Augustine, Bristol, were granted a license for both the advowson and the appropriation of the church of Wynterbourne, a gift of Thomas de Bradeston. No fine or fee was stipulated for the transaction.<sup>39</sup> However, both Kenilworth and Cirencester were charged £20 for licenses to appropriate churches of their own advowson.<sup>40</sup> Cirencester, a habitual violator of the Mortmain statute, was once fined the same amount, £20, for appropriating the church of Ampney St. Mary (Aumeney) without license of the king.<sup>41</sup> This violation of the statute, among others to be addressed later, seems to reveal at least in part the clear intention of Mortmain.

---

<sup>36</sup> *CPR*, Ric II, 1396-99, p. 66.

<sup>37</sup> *CPR*, Edw II, 1321-24, p. 123.

<sup>38</sup> *CPR*, Edw III, 1358-61, p. 341. For a full discussion of this event, see below, pp. 335-340.

<sup>39</sup> *CPR*, Edw III, 1343-45, p. 373.

<sup>40</sup> Kenilworth appropriated the church of Budeford: see *CPR*, Edw II, 1313-17, p. 302. Cirencester appropriated the church of Benefield: *CPR*, Edw III, 1345-48, p. 452.

<sup>41</sup> *CPR*, Edw II, 1313-17, p. 103. See below, pp. 330-335.

According to a strict interpretation of the statute, the abbey ought to have forfeited the appropriated church for failing to acquire the mandated license. However, rather than undertaking what would likely have been a long and messy process to seize the church from the abbey, the crown simply fined the abbey and allowed the appropriation to stand. Further evidence exists revealing that the intention of the statute, at least as practiced in the fourteenth century, was not to prevent religious from acquiring property, spiritual or temporal, outright. Though on occasion the king did seek to seize property acquired in violation of Mortmain, the normal practice, even for very large offenses, was to issue a fine rather than to attempt to enforce the letter of the law. In at least one instance, a license to appropriate spiritual possessions was granted as kind of ‘royal thank you card’. The priory of Lanthony had lent the crown 100 marks, likely for the war effort, and for that it was granted license ‘to unite and annex to their priory the vicarages of St. Owen... Painswick... and Prestbury... totaling 22 marks, of which churches they are parsons and to appropriate them in Mortmain’.<sup>42</sup> Though there are many ways a debt of gratitude might have been repaid, the crown chose to issue a license for vicarages worth a fair annual sum to be granted in view of the priory’s willingness to assist the crown in their time of need. Clearly, the crown was not completely set against the religious in their acquisition of spiritual properties.

Most of the churches for which licenses to acquire in Mortmain appear in the Patent Rolls were already in the advowson of the appropriating monastery.<sup>43</sup> This was not always the case, however, as on occasion the Patent Rolls record that a monastery was

---

<sup>42</sup> *CPR*, Ric II, 1396-99, p. 342. It is clear that these churches were valued quite low indeed. See *CPL*, 1362-1404, p. 520. In it is the same right to appropriate the same vicarages. The vicarages’ declared value is 80*m*. Clearly, one of the two sources is in error.

<sup>43</sup> A handful of licenses to appropriate churches are granted without stating in whose advowson the church was at the time of granting.

being granted both the church and the advowson. As noted previously, in 1345 St. Augustine's Bristol was given license in Mortmain (without charge) to acquire the advowson and to appropriate the church of Wynterbourne, from Thomas de Bradeston.<sup>44</sup> Another time Henry, earl of Lancaster, requested that Cirencester appropriate the church of Benefield in Berkshire, which was of their own advowson. For this request, £20 was paid into the hanaper.<sup>45</sup> One other grant of note was made by Edward IV, to Richard Wode the prior of Studley. In this instance, the king granted to the prior and convent the king's free chapel of St. Mary Magdalene, with all appurtenances, to pray for the king and his consort, Queen Elizabeth, as well as Edward, prince of Wales, the souls of the king and his progenitors, including his father, Richard's, soul, and those who would come after him. What is most striking about such a grant was that it was made in frank almain, and no Mortmain license was mentioned. Perhaps, and this is without parallel in the diocese in question, if the grant was made by the king himself, no Mortmain license was required.<sup>46</sup>

One other entry in the Patent Rolls, dated 8 March 1340, that is worthy of comment is an *inspeximus* of two charters, both originally executed just weeks earlier in 1340 (14 Edward III), between several important Warwickshire powers, the priories of Kenilworth and Maxstoke, and two earls, William de Clinton, earl of Huntingdon, and Thomas de Beauchamp, earl of Warwick. The *inspeximus* validates the charter recounting the alienation of the advowson of the church of Tanworth (Toneworth)<sup>47</sup> from Kenilworth Priory to William de Clinton and his heirs in exchange for 'an ancient

---

<sup>44</sup> *CPR*, Edw III, 1343-45, p. 373.

<sup>45</sup> *CPR*, Edw III, 1345-48, p. 452. Though it was likely the abbey, the Patent Roll is silent on who bore the burden of the payment into the king's hanaper.

<sup>46</sup> *CPR*, Edw IV and Hen VI, 1467-77, p. 471.

<sup>47</sup> *EPN*, p. 600. Today its full name is Tanworth-in-Arden.

pension of 2 marks and a stone of wax'. The second charter inspected was to Thomas de Beauchamp, who was involved because he had held the right to present a nominee to the prior and convent of Kenilworth during every voidance of the church of Tanworth, and that was necessarily lost by the said alienation. Additionally, in the same patent letter, license was granted for William de Clinton to alienate the advowson of the church and for appropriation of the same to Maxstoke Priory.<sup>48</sup> This single grant illustrates well the many parties that might have been involved in a single appropriation of a parish church. Without this *inspeximus*, it is likely that the only transaction discernable would be the license to appropriate from William de Clinton to Maxstoke, for which no fine or fee was required. But this fortuitous record reveals what is rare indeed – a priory such as Kenilworth alienating a spiritual possession.<sup>49</sup>

One scholar has commented that during the reign of Edward III, the period in which most of the above-noted appropriations took place, laymen, though they could not hold the tithes from the churches or lands of the church, often did dispose of them to their own financial advantage.<sup>50</sup> In the above-noted cases, it is difficult to discern what benefit, other than the prayers of the canons, may have been gained for the lay patrons of the monasteries in granting these appropriations. For the monasteries, as Wood-Legh notes, it would be of great value to add any spiritualities to their income, since in a voidance, such income could not be taken into the king's hand. Augustinian canons no doubt knew this very well. As demonstrated elsewhere,<sup>51</sup> a significant portion of their incomes were in

---

<sup>48</sup> *CPR*, Edw III, 1338-40, p. 436.

<sup>49</sup> Interestingly, the church of 'Tonworth' appears in the Ministers' Accounts for Kenilworth, as a pension of the rectory valued at £1 10s 8d, but does not appear in the same record for Maxstoke. *MA*, vol. vi., p. 225.

<sup>50</sup> Kathleen L. Wood-Legh, 'The Appropriation of Parish Churches during the Reign of Edward III', *Cambridge Historical Journal*, 3 (1929), 15-22.

<sup>51</sup> See below, pp. 292ff. and appendices 5-1 (p. 386) and 5-2 (p. 388).

every case in the diocese in question drawn from spiritualities. In Wood-Legh's view, the benefit of parish churches for laymen lay in the right of advowson. Possessing the right to appoint clerks gave local lords the right to appoint relations or clerks in their service, and in so doing avoid paying a vicar.<sup>52</sup> Yet the right of advowson was in every case surrendered in the appropriation.<sup>53</sup>

It appears that, at least with regard to parish churches, the Statute of Mortmain was at best loosely applied. There is no clear evidence that a violation of the statute by illegal appropriation would result in the stated penalty of forfeiture. Rather, the common penalty for breaching the statute was a fine. Fines for licenses were commonly, though inconsistently, levied against monasteries for acquiring churches. Both the imposition of fines and the amount paid for licenses show diversity and no consistent logic. Whether the monasteries knew the amount of the fines to be levied or were caught by surprise by the seemingly arbitrary decisions of the crown will likely never be known. It is merely speculation, but it would not be surprising if the crown's decisions whether or not to issue a fine and its amount were in fact not as capricious as they appear but were rather motivated by political or familial ties. In the absence of clear evidence of such collusion, one is merely left with the observation of inconsistency in the application of the statute when applied to spiritualities.

Likewise, it does not seem that the statute significantly slowed the houses of canons from acquiring *spiritualia*. All of the larger monasteries had multiple acquisitions after the passage of the statute, and three of the smaller houses acquired spiritual possessions after 1279 as well. It would seem that though the statute added a layer of

---

<sup>52</sup> Wood-Legh, 'Appropriations', p. 19.

<sup>53</sup> See the above-noted case, p. 155, where this forfeiture was explicitly discussed by the earls of Warwick.

bureaucracy and a higher cost, it did not place an embargo around the monasteries in Worcester diocese, as most all of them continued actively to pursue and add to their spiritualities after the enactment of Mortmain.

### *Licenses to Acquire Temporal Property*

Though the appropriation of parish churches is quite common in the Patent Rolls for monasteries after Mortmain, the far more common entry in the kings' ledgers are for the acquisition of various temporal properties, monies or goods. Except for the smallest priories in the diocese, Horsley, Dodford, and St. Sepulchre, all the priories under consideration have post-Mortmain land acquisitions. When surveying these acquisitions, two distinct types of licenses emerge: single licenses for individual acquisitions and general licenses allowing acquisition of any number of properties up to a set value per year. The difference between the two types of licenses is quite marked, and it is clear that the second would likely have been the more desirable, particularly for the smaller monasteries that were undoubtedly more cash-strapped.

#### *Single Licenses*

The single earliest record of a post-Mortmain acquisition in the Patent Rolls for the houses of canons in Worcester diocese concerns Kenilworth Priory. In 1285, only six years after the issuance of the statute, they acquired a messuage in Huchendon (Hughenden Valley).<sup>54</sup> No fine is recorded.<sup>55</sup> Aside from Kenilworth, only St. Oswald's Gloucester, and Lanthony Priory received licenses for grants in mortmain before the

---

<sup>54</sup> *EPN*, p. 321.

<sup>55</sup> *CPR*, Edw I, 1281-92, p. 160.

beginning of the fourteenth century. St. Oswald's received a single license to enclose with a wall part of its own property known as 'poke lane'.<sup>56</sup> Additionally, the priory was granted license to acquire, from several different individuals, four messuages and seventy acres of land in and around Gloucester, in 1292.<sup>57</sup> Around 1290 Lanthony Priory was given ½ acre of land in Heresfield 'for the augmentation of their court'.<sup>58</sup> No fines or fees were recorded for any of the acquisitions recorded in the thirteenth century.

In the fourteenth century many more acquisitions were recorded, but prior to 1310, a paucity of transactions appears to have taken place. The most active Augustinian house in the land market at this juncture was Cirencester, for which there were five different licenses issued between 1302 and 1304. All but one of them carried a fine, but no amounts were recorded.<sup>59</sup> The data is consistent with Raban's findings, that in the first two decades after Mortmain, few licenses were issued; apparently Mortmain stayed the hand of the church at least for a while.<sup>60</sup> Individual licenses in Mortmain remained few in number in the early fourteenth century.<sup>61</sup> Lanthony Priory had two acquisitions early in the fourteenth century. Hugh de Staunford and Master John Sumery granted lands in Berton Regis<sup>62</sup> and Brockworth (Brokesworth),<sup>63</sup> respectively.<sup>64</sup> A fine of unspecified amount was paid for the license. A 100s fine was paid for a license for a more substantial grant a year later. Master William de Wasseburne granted 50 acres of land in Le

---

<sup>56</sup> *Ibid.*, p. 356.

<sup>57</sup> *Ibid.*, p. 471. This kind of a license, for multiple grants at the same time, is unusual. There is no clear reason why this grant was allowed to St. Oswald's.

<sup>58</sup> *Ibid.*, p. 372.

<sup>59</sup> *CPR*, Edw I, 1301-1307, pp. 46, 121, 2218, 260, 311, and *CPR*, Edw II, 1307-13, p. 320. For more details of some of these grants, see *Cir Cart*, vol. i, nos 110-112.

<sup>60</sup> See Raban, 'Mortmain' pp. 6, 19-20.

<sup>61</sup> Though, as will be noted, general licenses began appearing with some frequency in about 1305.

<sup>62</sup> Perhaps this was Barton Sacy, but the location is uncertain. See *EPN*, pp. 39-40.

<sup>63</sup> *EPN*, p. 91.

<sup>64</sup> *CPR*, Edw II, 1307-13, p. 233.



Logher;<sup>65</sup> Robert Oakley granted 15 acres in the same locale, and Reinald Irpe granted an acre of land and 5s of rent there as well.<sup>66</sup>

No more single licenses for acquisitions after the statute are recorded until 1330. Here, an interesting phenomenon appears in the historical record. Of the six houses that have records for post-Mortmain acquisitions, two convents, St. Augustine's Bristol, and Lanthony, seem to have favored using the individual license over a general license, while the others, Cirencester, Kenilworth, St. Oswald's, and Studley, all seem to have preferred to use general licenses to acquire properties.<sup>67</sup> Whether or not early precedent determined the practices of each house is hard to know, but clearly different monasteries chose to operate in different ways when it came to securing licenses after the statute.

The abbey of St. Augustine's Bristol was the most consistent when it came to getting licenses after the Statute of Mortmain; the canons never obtained a general license to acquire lands or gifts. Instead, they pursued single licenses for each gift that they received. As noted earlier, they acquired three licenses for parish churches in Mortmain. According to the Patent Rolls, they acquired five licenses for property acquisitions. Only one license carried a fine with it. In 1330 St. Augustine's Bristol paid 40s for a license to acquire 200 acres of land from Edmund de Lyouns of Asshton. The property was only valued at 2s yearly. This low price was due to the fact that the property was held in common and the abbey's animals grazed there at all times of year, and it was held in chief by the service of a sixth part of a knight's fee.<sup>68</sup> On another occasion, one of the abbey's leading patrons, Thomas de Berkeley, granted the priory a messuage and 40s rent

---

<sup>65</sup> This may be identified with 'the leigh', or simply 'the wood'. See *EPN*, p. 368.

<sup>66</sup> *Ibid.*, p. 345.

<sup>67</sup> To be fair, Studley has only two entries for licenses after Mortmain for land acquisition, one for the acquisition of a general license and one in fulfillment of the same.

<sup>68</sup> *CPR*, Edw III, 1330-34, p. 18.

in Bristol for a chaplain to say divine service for him daily in the church of the abbey.<sup>69</sup> Curiously, Thomas was allowed to change this grant eleven years later, exchanging two messuages and 20s rent for the one messuage and 40s rent he had previously granted.<sup>70</sup> He augmented this gift with an additional 40s of rent in Portbury for the benefit of his wife.<sup>71</sup> Two other single licenses for the abbey appear in the Patent Rolls. John de Acton granted one messuage and 50 acres of land in the suburb of Bristol,<sup>72</sup> and John Wyke and John Ball, local secular clergymen, granted several acres of meadow, pasture and wood for the saying of a special collect for their souls during the mass of the Blessed Virgin in the Lady Chapel at the abbey.<sup>73</sup> St. Augustine's also has one of the very few recorded grants for a license to alienate lands in Mortmain. The abbey gave four messuages to the Carmelite Friars of Bristol, 'to enlarge their manse', in 1358.<sup>74</sup>

These examples from St. Augustine's Bristol, along with the earliest licenses procured by the houses of canons, represent clearly some of the difficulties Raban notes in her study, namely that there is inconsistency with the recording and charging of fees for Mortmain licenses. Raban states that 'by the end of the Middle Ages there are hints that practice concerning fines had hardened... into an established scale of charges based on the value of the property to be alienated'.<sup>75</sup> She also adds that by the sixteenth century, a standard charge, if one could be said to exist, would be equal to about three times the

---

<sup>69</sup> *CPR*, Edw III, 1334-38, p. 456.

<sup>70</sup> *CPR*, Edw III, 1348-50, p. 49.

<sup>71</sup> *CPR*, Edw III, 1334-38, p. 523.

<sup>72</sup> *CPR*, Edw III, 1358-61, p. 127.

<sup>73</sup> *CPR*, Ric II, 1396-99, p. 81.

<sup>74</sup> *CPR*, Edw III, 1358-61, p. 122.

<sup>75</sup> Raban, 'Mortmain', p. 22.

annual income derivable from the property.<sup>76</sup> Though few fines (or at least their amounts) are recorded for the earliest licenses granted in the diocese or for the licenses obtained by the abbey of St. Augustine's, for the later single licenses permitted to monasteries in Worcester diocese there seems to be no clear logic for the amount of fines levied. The records of Lanthony Priory, the other monastery that used single licenses almost exclusively, illustrate this point well.

Of the approximately fourteen licenses Lanthony Priory acquired for acquisitions after Mortmain, all but three were for a single license. As noted above, the priory paid fines for licenses to acquire in 1310 and 1311. Once the amount was unspecified, once it was 100s.<sup>77</sup> For seven of the remaining eight licenses, four do not have a fee recorded, three do.<sup>78</sup> The four that have no fee recorded vary in size and worth. One grant from Henry de Brocworth for £4 yearly of land and rent, three messuages, two carucates, six acres of meadow and 18s of rent in Brockworth, 'worth beyond their services 61s 6d', seems to be a sizeable gift.<sup>79</sup> One other entry worth noting was a license the priory acquired for 24 acres of land and an acre of pasture, again in Brockworth, this time from the abbey of St. Peter's, Gloucester. For this license the priory did not pay a fee to the crown but did enter into an agreement to pay the abbot and convent 20s per year in fee farm.<sup>80</sup>

Of the licenses Lanthony acquired in mortmain that did require fees, the priory obtained the following. In the reign of Richard II they acquired a single toft in

---

<sup>76</sup> Ibid. Raban cites K. B. McFarlane, *The Nobility of Later Medieval Britain* (Oxford, The Clarendon Press, 1973), who indicates that standard purchase price for land was equal to twenty times its annual value, thus making a license to acquire in mortmain roughly 15% of the purchase price of the land.

<sup>77</sup> See above, p. 159.

<sup>78</sup> The remaining grant is a group of three grants from the king in frank almain, where no license was apparently required. See *CPR*, Hen VII, 1485-94, p. 46, 97, 177.

<sup>79</sup> *CPR*, Edw III, 1348-50, p. 554.

<sup>80</sup> *CPR*, Edw III, 1374-77, p. 362.

Gloucester, for which they paid a half mark.<sup>81</sup> One year later they acquired two tofts, 1 ½ virgates of land and 2 ½ acres of meadow in Eyselworth and Hertford. For license to acquire these they paid four marks.<sup>82</sup> A few examples from another priory, Kenilworth, finalize the picture of individual licenses and their diversity well. The prior and convent of Kenilworth clearly favored using the general license but nonetheless obtained three single licenses in the fourteenth century. In 1333 the priory acquired a license for a moiety of the manor of Churchover (Chirchwavre) and the advowson of the church of the manor. No fine or fee was recorded for the license.<sup>83</sup> Three years later, the convent received 2 messuages and a virgate from Thomas Beauchamp, earl of Warwick, and two virgates of land and 20s rent in Saltford Priors and Wotton from Roger de Boyvill and John Lock, clerks.<sup>84</sup> Again, no fine or fee was recorded. However, in 1392, the convent paid a £10 fine for a license to acquire one messuage, one carucate, 10 acres of meadow, 20 acres of pasture and 10 acres of wood in Huchendon, ‘for augmentation of their maintenance’, from one Gilbert Archer of Tanworth.<sup>85</sup>

Not knowing the value of the properties at the time of the grant makes it difficult to ascertain the proportion of property value the canons paid for each license. Clearly these are significant but not outlandish fines, but establishing any sense of clarity on a ‘standard’ charge for acquiring the license in mortmain is all but impossible from the data on the Augustinian houses in Worcester. As demonstrated, the licenses seem as likely to be charged a fee as not, and there seems to be no clear pattern of fees for specific types of properties or value of properties, though it does seem that larger grants were charged

---

<sup>81</sup> *CPR*, Ric II, 1391-96, p. 416.

<sup>82</sup> *Ibid.*, p. 640.

<sup>83</sup> *CPR*, Edw III, 1330-34, p. 396.

<sup>84</sup> *CPR*, Edw III, 1334-48, p. 269.

<sup>85</sup> *CPR*, Ric II, 1391-96, p. 146.

larger fines. If there is to be found a clear fee scheme for Mortmain licenses, perhaps it will be discovered in the general licenses granted to the canons.

### *General Licenses*

By far more common than single licenses was the issuance of a general license to acquire lands, rents or other goods that would normally be subject to feudal dues. General licenses seem first to have originated in about 1312, under Edward II, owing to his financial difficulties.<sup>86</sup> General licenses were, as designated, licenses that allowed the monasteries freedom to acquire lands up to a set annual value. Normally these came without cost to the monastery. It is clear that for several houses of canons in Worcester diocese, this became the favorite means of acquiring lands and other grants. With the exception of St. Augustine's Bristol, every house that acquired anything post-Mortmain acquired at least one general license and used it.

The first house to acquire such a license, and the one that used it by far the most, was Kenilworth, which received a license to acquire lands worth up to £15 yearly, in about 1317, which they went about using almost immediately.<sup>87</sup> They also acquired general licenses, one for up to 20*m* per year in 1329,<sup>88</sup> and one from Henry VIII, for up to £40 per year, for the support of a mass every Friday except Good Friday.<sup>89</sup> Cirencester, too, acquired license for up to 10*m* annually between 1324 and 1327,<sup>90</sup> and one for 20*m*

---

<sup>86</sup> Raban, 'Mortmain', p. 15. However, see her comment on p. 19 that seems to indicate they were first granted in 1309. This is also a curious claim since most of the general licenses – at least those issued to the Augustinian canons in Worcester – were issued without fine or fee.

<sup>87</sup> *CPR*, Edw II, 1317-21, p. 31. They also received a second general license to acquire up to 20*m* annually in 1329. See *CPR*, Edw III, 1327-1330, p. 465.

<sup>88</sup> *CPR*, Edw III, 1327-30, p. 465.

<sup>89</sup> *L&P Henry VIII*, vol. i, 1509-14, p. 1970.

<sup>90</sup> *CPR* Edw II, 1324-27, p. 276.

per annum in 1336.<sup>91</sup> Lanthony, Studley, and St. Oswald's each acquired £10 per annum general licenses in 1328, 1335 and 1336 respectively.<sup>92</sup> Each of the priories then went on to acquire properties, sometimes many, in fulfillment of these licenses.

If the cost and consistency of the issuance of fees for single licenses is unclear, it is in the fulfilling of the general licenses that the enactment of the Statute of Mortmain gets particularly curious. If the statute were intended, as it seems in its wording, to make it more difficult for the church to acquire lands, thus causing them to pass out of the feudal system, why would the crown then allow monasteries to acquire lands at all? General licenses were almost never paid for but were granted without fine.<sup>93</sup> After a general license had been issued to a house, monasteries merely had to acquire a license for each acquisition. The cost of the purchased or granted lands was then applied toward their total annual allotment, in full or partial fulfillment of their general license. Far from being a hindrance to monasteries gaining landholdings, it became an almost free, albeit regulated and limited, pass for the religious houses to do so. Whatever the purpose in the mind of Edward I and his descendants in the passing and administration of the land statutes of the fourteenth and fifteenth centuries, the common practice of the monasteries became the acquiring of general licenses and filling them as frequently as they could. It is in the question of the real cost for a monastery to acquire property that the practical outworking of the 1279 statute gets quite muddy. There seems to be little logic to the charges levied against the monastic license.

---

<sup>91</sup> *CPR*, Edw III, 1334-38, p. 272.

<sup>92</sup> For Lanthony, see *CPR*, Edw III, 1327-30, p. 266; Studley *CPR*, Edw III, 1334-38, p. 180; St. Oswald's actually acquired two such licenses, one under Edward III (*ibid*, p. 256), the other under Richard II (see *CPR*, Ric II, 1391-96, p. 504).

<sup>93</sup> See Raban, 'Mortmain', p. 19, where she notes that only 33 out of 781 general licenses granted between 1309 and 1377 were acquired with a fine.

Studley Priory acquired from William La Zouche a messuage, 4 acres of land and 51s of annual rent in Studley and Merton, worth 3s beyond the services due from them. For this they were charged 60s toward their £10 yearly license.<sup>94</sup> This seems to be only about a charge of one year's income for the property. If that is indeed so, then they got this at a tremendous bargain. The priory of Lanthony paid £20 into the hanaper and was charged their full satisfaction of their £10 annual license to receive the manor of Elmore (Elemor),<sup>95</sup> which had only a £12 clear yearly value.<sup>96</sup> That translates to almost three years' income for the manor.<sup>97</sup> For one license, Kenilworth was assessed 30s toward their total annual allotment for a 20s grant.<sup>98</sup> However, on two occasions, recorded on 12 February 1346 and 29 January 1348, respectively, the canons acquired five messuages and 112 acres of land in Radford (Radeford),<sup>99</sup> for which they were assessed 40s against their annual total of 15*m*, and one messuage and one virgate of land in Pakynton Prior's<sup>100</sup> – a clear yearly value of 10s – in full value of their 15*m* allowed to them.<sup>101</sup> This discrepancy is virtually inexplicable without more details about either the land or the situation, but it does illustrate what must have been a source of uncertainty for the religious after Mortmain. It is possible that the priories knew what the fees for mortmain licenses were going to be, or that the crown had established some criteria for a monastery based upon its size or ability to pay, but without any tangible evidence to support such a supposition, it seems logical to conclude that the fees for mortmain licenses must have

---

<sup>94</sup> *CPR*, Edw III, 1345-48, p. 76.

<sup>95</sup> *EPN*, p. 214.

<sup>96</sup> *CPR*, Edw III, 1358-61, p. 24.

<sup>97</sup> Raban notes that by the sixteenth century, three years' annual income was a fairly fixed price for any acquisition. See Raban, 'Mortmain' p. 22.

<sup>98</sup> *CPR*, Edw III, 1338-40, p. 155.

<sup>99</sup> *EPN*, p. 489(3).

<sup>100</sup> This may be Packington. See *EPN*, p. 459.

<sup>101</sup> *CPR*, Edw III, 1345-48, p. 47 and 1348-50, p. 4.

been a source of at least mild anxiety for the houses. Other examples of grants are readily available, as there were a total of 18 licenses granted to the Augustinians in the diocese of Worcester that were applied toward a general license already in hand. Few of them, however, would add substantially new insights beyond the examples already presented.

It seems that the acquisition of the general license was the prevailing way to acquire property after the statute passed in 1279. It was surely a cheaper way to go about acquiring property, since there were generally no fees charged for it. Afterward, when individual licenses were granted for each acquisition toward their total, the value of the property along with other factors, perhaps the capriciousness of the Exchequer, were used to determine the amount the acquisition would cost against the general license. Only if the value was above the total yearly allowed for the monastery was there an additional charge. There are only two occasions where the canons had to pay in addition to being charged their yearly allowance. The priory of Kenilworth paid £25 into the hanaper, and was counted completely fulfilled on their 20*m* annual allowance for a large grant in Coventry: 3 messuages, urban rents and the reversion of two other messuages upon death of the current holders.<sup>102</sup> The only other occurrence involved Lanthony Priory, as explained above.<sup>103</sup>

The Statute of Mortmain seems on the surface to be about land, but it is apparent from its application in the real land market of medieval England, that by the fourteenth century the issue at stake was money. The explicit statement of the law said nothing about the fine and fee system that eventually came into being, and the stated penalty for violation of the statute was forfeiture of the property illegally acquired. This appears to

---

<sup>102</sup> *CPR*, Edw III, 1367-70, p. 445.

<sup>103</sup> See above, p. 165.



be a strong stand against the church gobbling up entire sections of England, whether through grants in free alms or in purchase or even extortion, if such an act could have been done. But it is clear from the records that when a violation of the statute occurred, it was not common for the crown to try to seize the land into its own hands, but rather, in almost every case a fine was paid after the fact and the land remained in the hand of the lawbreaker. There are several instances of illegal acquisition of lands post-Mortmain in the Patent Rolls, and details about the inquiry into such lands in the close rolls.

#### *Illegal Acquisitions Post-Mortmain*

As with legal acquisitions after the statute, the evidence for unlawful post-Mortmain acquisitions is strongly slanted toward the larger houses in the diocese. Only three large houses, Lanthony, Kenilworth, and Cirencester, reveal any indication of attempts to contravene the law. In some of the instances it is clear that the king had taken or intended to take action against religious houses that had acquired illegally. In 1412, for example, the escheators of Gloucestershire had taken from the priory of Lanthony 66 acres of land in various places and four messuages, all held in chief. After inspection, the seizure was found to be unwarranted, and the order was given to remove the king's hand from them.<sup>104</sup> Another entry in the close rolls is incomplete but regards an inquiry into the lands of their priory and the legality of their acquisition; the outcome of this inquiry remains a mystery.<sup>105</sup> Kenilworth was not so lucky. In 1428, an entry in the Patent Rolls indicates that the king had seized the manor of Wolston, which Kenilworth had bought from two men without license. The king was collecting £12 per year for it, and if the two

---

<sup>104</sup> CCR, Henry IV, 1400-12, IV, p. 273.

<sup>105</sup> Ibid., p. 333.

men wanted to purchase it back from the king, they would have to pay at least that amount for it.<sup>106</sup> Kenilworth was not offered the right to re-acquire in the letter.

That was not the only inquiry made into Kenilworth's dealings. The *Calendar of Inquisitions Miscellaneous* records three inquiries into their land-grabbing, and each inquiry has a different outcome. The first inquisition found that Kenilworth had acquired a license (apparently legally) to appropriate a messuage and carucate of land in Hughenden Valley (Huchendon) from Adam Filebi, and demised a parcel of land to one Geoffrey le Yonge for 3s of annual rent.<sup>107</sup> The second inquiry ended in a pardon for the priory for giving away 40s worth of rent and acquiring 10 acres of land and a messuage and 30 acres of wood from Stoneleigh Abbey, which they had acquired before the statute.<sup>108</sup> This is a particularly odd inquiry since the priory had already been pardoned for the lands acquired from Stoneleigh. In 1355 the priory paid 6s 8d in the hanaper for a pardon from the king for their predecessors having entered into possession of the lands without license.<sup>109</sup> A third inquiry indicates that the priory had acquired significant lands and properties in Mortmain without license.<sup>110</sup> Though no outcome is stated in this entry, it is of interest in that it reveals the scope of the Mortmain law. The prior was answerable for many things, among which were the following: 'divers lands and tenements' in Hassho worth 40s annually, a manor and four carucates worth 19m yearly, a plot they had occupied for 24 years, a horse and collar worth 13s 5d that belonged to a felon who had fled, and diverse goods worth 40d that formerly belonged to another man, who had also

---

<sup>106</sup> *CPR*, Henry VI, 1422-29, p. 480.

<sup>107</sup> *CIM*, vol. ii, no. 1627. It seems likely that this is the messuage mentioned in *CPR*, Edw I, 1281-92, p. 160.

<sup>108</sup> *CIM*, vol. iii, 1348-77, no. 642.

<sup>109</sup> *CPR*, Edw III, 1354-58, p. 184.

<sup>110</sup> *CIM*, vol. iii, 1348-77, no. 649.

fled because of a homicide.<sup>111</sup> This entry clearly shows that Mortmain affected not only lands and churches but also moveable goods and smaller items of value.

Far and away the most egregious violator of the statute among the houses in question was Cirencester Abbey. Cirencester's mention in the Patent Rolls is, from the beginning, difficult to interpret. The first recorded entries simply state that lands were alienated in Mortmain and that a fine was paid. None of them ever states that a license was acquired, but rather that a fine was paid for lands alienated.<sup>112</sup> However, in the reign of Edward II, Cirencester was hit with what can only be called massive fines for lands the abbey had acquired. In 1313 an entry in the Patent Rolls and the cartulary of the house lists 58 people from whom the abbey had acquired lands without license. For these trespasses, they were fined £200.<sup>113</sup> Similar entries follow. Once they were fined £20 for appropriating the church of Ampney (Aumeny) without license.<sup>114</sup> Twice they were fined 100s for lands they had acquired in Minety.<sup>115</sup> And twice they were fined 40s, once for enclosing a park with a fence, and once for acquiring lands without license.<sup>116</sup> In the assessment of A. K. B. Evans, 'The abbey was taking over the town of Cirencester.'<sup>117</sup> When all was said and done, they had paid £234 in fines for over 130 acquisitions in violation of the Statute of Mortmain.<sup>118</sup>

---

<sup>111</sup> Ibid. There are other interesting items mentioned, but it is not entirely clear that any of them are the prior's responsibility or if this was an enquiry into others as well.

<sup>112</sup> See discussion of these above, and *CPR*, Edw I, 1301-07, p. 46, 121, 218, 260 and 311. Thankfully, the Cartulary reveals that licenses were indeed granted by king for these. See *Cir Cart*, vol. i, nos 110-112.

<sup>113</sup> *CPR*, Edw, II 1313-17, p. 7. *Cir Cart*, vol. i, no. 96.

<sup>114</sup> *CPR*, Edw II, 1313-17, p. 103. *Cir Cart*, vol. i, no. 95.

<sup>115</sup> *CPR*, Edw II, 1313-17, p. 127, 364. *Cir Cart*, vol. i, no. 100.

<sup>116</sup> *CPR*, Edw II, 1313-17, p. 362; and 1321-24, p. 29, respectively. *Cir Cart*, vol.1, no. 98.

<sup>117</sup> Evans, 'Heydey'. The conflict with the town at about this time over the abbey's right to tallage was also flaring. The relationship between the town and the convent only got worse throughout the fourteenth and fifteenth century, as the abbey fought with the town over the so-called ancient vill of Cirencester.

<sup>118</sup> See *ibid.*, where Evans mentions 114 properties in Cirencester and 17 in Minety. He does claim that they had acquired licenses for the properties recorded in the reign of Edward I, see n. 60 above.

From these actions, the abbey came under close scrutiny and many times were investigated as to the propriety of its land acquisitions. The close rolls report that on two occasions the abbey was distrained of their possessions, being suspected of illegally acquiring them.<sup>119</sup> Both times the abbey was absolved of wrongdoing. In these instances, the close rolls reveal the importance of the statute and its enforcement for the crown. The escheators were most definitely expected to do their job thoroughly. One Simon Basset, escheator, took no action when he had discovered that several of the abbots of Cirencester had illegally acquired lands in Mortmain. He was summoned before the king to answer for not taking his duty to heart.<sup>120</sup> A second entry, one year later, reports that Adam de Calyvill, sub-escheator, too, was in trouble for failing to appear to report the misdeeds of Cirencester.<sup>121</sup> Five times the abbey of Cirencester appears in the *Calendar of Inquisitions Miscellaneous* for suspected violations of the Mortmain statute. Three records in the miscellaneous inquisitions find that Cirencester had not acted illegally in its acquisition of property and exertion of rights;<sup>122</sup> two of them report that they had in fact acquired lands and chattels in violation of the statute.<sup>123</sup>

Perhaps the most astounding thing about all of these cases is that none of Cirencester's properties or illegally acquired lands were ever forfeited into the king's hand. The stated penalty for acquisition of lands without license from the king, according to the Statute of Mortmain, was forfeiture. Repeatedly, the canons of Cirencester acted in disregard of Mortmain, and their consequence was in every case a monetary fine, not forfeiture of their possessions. This again calls into question the motivation for the

---

<sup>119</sup> *CCR*, Edw II, 1318-23, p. 247, and Edw III, 1327-30, p. 504.

<sup>120</sup> *CCR*, Edw III, 1341-43, p. 700.

<sup>121</sup> *CCR*, Edw III, 1343-46, p. 90.

<sup>122</sup> *CIM*, vol. ii, p. 263, 1068, 1997.

<sup>123</sup> *CIM*, vol. iii, p. 662, 951.

statute, its enforcement, and its true significance. Beyond that, however, is the question of administration. Inconsistency appears to be the rule. While Kenilworth forfeited properties they had acquired illegally, and Lanthony had properties seized only to have the seizure be ruled unjust, Cirencester, the most frequent and severe violator of the statute, seems to have evaded the penalty for violation with very little trouble. The canons did pay enormous fees, but they clearly had the cash, or the means to acquire the cash to pay the fees. Their actions seem to show that the abbey had little fear about what the consequences for violation of Mortmain actually were. Why the treatment of the various monasteries differs is impossible to say, but it seems apparent enough that the statute's administration was, if ineffable to the modern historian, not an undue obstruction in the way of the religious attempting to augment their income.

Though it seems that comparatively few inquiries into the legality of post-Mortmain acquisitions were undertaken and few penalties were apparently imposed, it seems nonetheless that some monasteries sought to find ways around the acquisition of a mortmain license where possible. In some cases at least the houses were successful, as evidence exists for some acquisitions for which no patent letters are recorded.

#### *Acquisitions for Which No Entry in the Patent Rolls is Recorded*

The priory of Lanthony received at least one grant for which there is no record in the Patent Rolls. An entry in the register of Prior Hayward, dated 9 January 34 Henry VI (1456), recites a grant made by one John Joce to five men and their heirs, of lands, tenements, rents, reversions and services in Coleford, Westbury-on-Severn, Blaisdon,

Minsterworth and the Forest of Dean.<sup>124</sup> The first man named in the grant was Thomas Heyward. Though it is not indicated as such in the entry of the register, the prior of Lanthony, John Hayward, had a brother named Thomas. The next entry in the prior's register records that James Joce endowed a chantry in the priory, by way of a condition to the preceding feoffment, in which the feoffees were to create a legal title to the property for the prior and convent. For such grant the prior and convent promised to provide a canon to say mass daily for the Joce family, the sacrist to provide bread, wine, wax, and vestments at the altar for the masses, an annual obit for John Joce and for the almoner to give 6s 8d to the poor on the anniversary of his death and pray for his soul at other times as well. Any other profits from the grant were allowed to be kept for the priory's own uses.<sup>125</sup> Immediately following this entry is another, a quitclaim by John Joce's brother, Richard, of the same lands.<sup>126</sup>

This looks to be a clear attempt by the canons of Lanthony to acquire property without acquiring a license in Mortmain. The prior's brother was the first name listed in a feoffment that required the foundation of a chantry in Lanthony Priory. John Rhodes's brief biography of Prior John Hayward reveals that the family had strong ties to the priory. John's father, also named John, was, among other things, the auditor of accounts for the abbot of Gloucester and steward of St. Oswald's priory.<sup>127</sup> Thomas Hayward succeeded his father in both occupations, and Prior John's sister, Catherine, married one Thomas Porter. Together, they parented Roger Porter, a legal advisor of Lanthony Priory,

---

<sup>124</sup> *Reg Lanthony*, no. 91.

<sup>125</sup> *Ibid.*, no. 92.

<sup>126</sup> *Ibid.*, no. 93. Interestingly here Thomas Heyward's name is left off the recorded quitclaim.

<sup>127</sup> *Reg Lanthony*, p. xv.

and grandparented Arthur Porter, who purchased the priory at the Dissolution.<sup>128</sup> Clearly, Prior John Hayward and his family had longstanding ties with the church in Worcester and the priory in particular

It is no surprise then that the priory was able to make such a chantry foundation after Mortmain with a blind eye from the crown. The original grant, made in name to Thomas Heyward and others, was witnessed by Thomas Baynam, esq., who held several positions in the government, including escheator of Gloucester in 1451.<sup>129</sup> Whether the stipulation of the chantry foundation was known to all who witnessed the charter is hard to know. The charter with the witnesses names attached says nothing about the founding of the chantry.<sup>130</sup> What is perhaps even more interesting about the absence of a patent roll entry is that the convent had acquired a general license in 1453, approximately three years before the above-mentioned grant, to acquire up to £20 annually lands not held in chief to say divine service for several members of the royal family.<sup>131</sup> No license in fulfillment of this general license exists in the Patent Rolls. One can only speculate as to why the canons did not seek a license to acquire this land in fulfillment of the said license. It may have been that the priory thought it was simply too much of an inconvenience to go through the process of acquiring a license when they could circumvent the bureaucracy with what seems to be an intentionally deceptive grant. Whatever their motivations, the canons received the lands for the chantry and the profits of them, without ever acquiring the requisite license in mortmain. And in this instance,

---

<sup>128</sup> *Ibid.*, pp. xv-xvi.

<sup>129</sup> *Ibid.*, no. 91. For the career of Thomas Baynam see *ibid.*, p. 47, n.1.

<sup>130</sup> *Reg Lanthony* does not include the text of the charter, but entry no. 91 makes no reference to the foundation of a chantry. In entry no. 92, recorded as folios 66 and 66v, the chantry establishment is mentioned but names no witnesses.

<sup>131</sup> *CPR*, Henry VI, 1452-61, p. 153.

they got away with it. As Raban indicates, they were not the only priory who tried (and were successful) to elude the long arm of the crown when it came to Mortmain licensing.<sup>132</sup>

*Conclusions: Administration of the Statute of Mortmain*

As discussed above, Raban seems to think that the Statute of Mortmain was likely passed due to the perception that the church was acquiring too much land in the mid thirteenth century, or at least that certain members of the church (i.e. large monasteries) were acquiring too many large sections of land. In her estimation, it was not an attempt on the part of Edward I to augment his income. The evidence from the houses of Augustinian canons in the diocese of Worcester certainly appears to support her second conclusion. Edward I was not the one to implement fee penalties for illegal acquisition of lands, at least none that can be discerned. While he did on occasion require licenses to be purchased at the time of land annexation, though even this is inconsistent, there are no records of fines being issued after the fact. Perhaps knowledge of transgression of the statute was slow in coming; the majority of the transgressions for which Edward II fined Cirencester occurred during the reign of his father.<sup>133</sup> But it is scarcely possible to believe that Cirencester's dozens of illegal acquisitions occurred unnoticed or in ignorance of the statute. Either Edward I did not send any escheators or bailiffs to inquire about the situation, perhaps turning a blind eye to the practices of the abbey, or the statute's stated penalty, forfeiture of lands illegally acquired, was never intended to be applied. It is hard

---

<sup>132</sup> See Raban's discussion of the exploits of Thorney, Ely and Louth Park, in Raban, 'Mortmain', pp. 10-14.

<sup>133</sup> In *Cir Cart* vol. i, nos 95-7, the illegal gains of the monastery are recorded to have occurred in the reign of Edward I.



to conceive of anyone transgressing the statute any more blatantly or frequently than Cirencester in the decades after its issuance. Yet, no property seizures were ever recorded, and inquiries were not even ordered until at least 1317.<sup>134</sup> It seems from this evidence that Edward I was not the one who had income augmentation in mind when it came to the statute. It was Edward II who apparently saw an opportunity to capitalize on a law that his father enacted.

It is also imperative to note the timeframe of the acquisitions. Appendix 3-1 details the number of licenses granted to houses of Augustinian canons in the diocese of Worcester during the reigns of English monarchs from Edward I to Henry VIII (1279-1547). Of all the licenses issued in the diocese, only ten were issued after 1400.<sup>135</sup> Only one, to Kenilworth, noted above, came in the sixteenth century. Though it must be conceded that his reign was longer than any other king in consideration, Edward III issued by far the largest number of Mortmain licenses, and there is a noticeable slackening of the pace of licenses issued after his reign ended. Within his reign, there is no clear statistical evidence that a greater number of licenses were issued either before or after the Black Death, and there is no clear pattern of increase in fines or fees required for licenses. Though they are slightly more frequent during his reign, the issuance of general licenses, too, was not an invention of Edward III but seem to have been begun by his father.

What then can be made of the administration of the statute and its real purpose? It seems that no clear answer is yearning to be found – at least not within the houses under

---

<sup>134</sup> *CIM*, vol. ii, no. 263. A total of ten inquisitions are recorded in the Close Rolls and Inquisitions Miscellaneous between 1319 and 1375.

<sup>135</sup> The Patent Rolls do record two grants for the priory of St. Oswald's that I did not include in this number since both are for the appropriation of the church of Minsterworth. These two are second and third licenses for such a grant, for which license was originally acquired in 1399.

consideration. At best, the Augustinian canons only add to the data at hand, in general harmony with Raban's thesis. The crown and lay nobility must have had some good reasons in mind to issue a decree such as Mortmain, even if they are not immediately apparent. Whether fears for the safety of the realm were the motivation behind the decree or concerns regarding the scarcity of land were rising, from the evidence concerning its administration, the Statute of Mortmain appears to be neither a moratorium on nor even a significant hindrance to the monasteries acquiring lands and churches to add to their estates. It would seem that most monasteries were able to add to their incomes more or less at will, as all but the very smallest houses in the diocese participated after 1279 in augmenting their income.

If the inconsistent administration of the statute did not have a measurable effect on the acquisition practices of the canons, then in order to determine if the statute actually changed monastic life significantly, it must be ascertained what the real impact of the statute on monasteries was. It is to the effects of Mortmain on patronage and the canons' real income that this thesis now turns.

### *Effects of the Statute of Mortmain on Augustinian Canons in Worcester*

One way to determine the effects of Mortmain on benefaction is to ascertain if the types of acquisitions before and after the statute varied greatly. As previously noted, Raban argues, and the evidence she marshaled seems to support, that most acquisitions of property on the eve of 1279 were purchases by monasteries rather than grants.<sup>136</sup>

Churches could not be purchased, as this was more or less simony, though they could be

---

<sup>136</sup> Raban, *Mortmain Legislation*, pp. 152ff.

traded for lands or other churches. Grants of diverse types, beyond churches and lands, seem to have become fashionable after Mortmain. Notable among these are chantry foundations, but grants of moveable goods and even cash also became more common after 1279. The questions concerning the effects of the statute here considered center on the nature of the grants to the monasteries and the overall impact of Mortmain on the financial status of the Augustinian houses. The problem under consideration is: did the Statute of Mortmain have a significant impact on the overall prosperity and ongoing patronage of Augustinian canons in the diocese of Worcester?

### *Spiritual Benefits of Grants*

One of the clear reasons for grants made to religious houses was the spiritual benefits believed to be garnered by the prayers of the religious. As with foundation and land-grant charters, many of the patent letters reveal the expectations that accompanied grants to monasteries. Many times it was stated that a specific gift to a monastery carried with it the request that prayers or masses for the soul of the giver and/or his or her family be made daily in the monastery or one of its chapels or chantries. Such examples are numerous for the canons in Worcester after the statute.

In May 1337 the canons of St. Augustine's Bristol, received a grant from Thomas de Berkeley consisting of a messuage and 40s of rent in Bristol for divine service to be celebrated daily in the church of the abbey of St. Augustine. Thomas also granted the same amount from lands in Overe and Portbury (for obits).<sup>137</sup> He made a second grant in November of the same year (1337) of 40s of rent in Portbury for Margaret, 'sometime his

---

<sup>137</sup> CPR, Edw III, 1334-38, p. 456.

wife'.<sup>138</sup> Interestingly, he changed his grant to the monastery 11 years later, opting in 1348 to grant two messuages and 20s of rent instead of the one messuage and 40s of rent originally granted.<sup>139</sup> Fifty years later, in 1397, two members of the secular clergy made grants to the canons of St. Augustine's Bristol, seeking spiritual benefits. John Wyke and John Ball, parson of St. Stephen's Bristol, and vicar of St. Augustine's Bristol, respectively, granted lands to the abbey for the saying of a daily mass for their souls during the mass to the Blessed Virgin in her chapel in the abbey.<sup>140</sup>

Two of the smaller houses in the diocese were also granted lands with spiritual expectations specifically connected to them. One license was granted to St. Oswald's Gloucester, in 1392, for six messuages and 3s of rent in Gloucester. This grant was to go not to the canons per se, but to the support of the chaplains of the Carnar's chantry in the chapel of St. Michael, annexed to St. Oswald's.<sup>141</sup> In 1474 the priory of Studley received a grant from King Edward IV with explicit spiritual exercises attached to it. A grant of the king's free chapel of St. Mary Magdalen at Spon by Coventry, with all appurtenances, was granted in frank almoin, to Richard Wode, prior of Studley, with specific request that prayers be offered for 'the king and Elizabeth, the queen of England, Edward, the prince of Wales... and the soul of the king's father, Richard'. For this the canons paid £12 in the hanaper.<sup>142</sup> Whether this amounts to the purchase of a church or not is difficult to know, but in this transaction, the priory essentially paid money to the king to acquire one of the king's free chapels.<sup>143</sup> One last example from Studley Priory survives in the Patent Rolls.

---

<sup>138</sup> *Ibid.*, p. 523.

<sup>139</sup> *CPR*, Edw III, 1348-50, p. 49.

<sup>140</sup> *CPR*, Ric II, 1396-99, p. 81.

<sup>141</sup> *CPR*, Ric II, 1391-96, p. 173.

<sup>142</sup> *CPR*, Edw IV, Edw V, Henry VI, 1467-77, p. 471.

<sup>143</sup> This is not listed among the possessions of the monastery at the dissolution nor in the *Valor*.

In 1406 Studley received a grant from Thomas de Middlemore, a generous patron of the small monastery, of 80+ acres of land for a chaplain to say mass for him daily in the church of St. Mary, Studley.<sup>144</sup>

Lanthony Priory as well had grants made to them with spiritual duties clearly attached. In 1369, the parson of Holy Trinity Gloucester, and the vicar of Prestbury granted two messuages and three shops in Gloucester to the prior and convent of Lanthony, along with a torch burning before the high altar daily during mass.<sup>145</sup> 11 years earlier, in 1358, the canons of Lanthony had received a grant from other members of the secular clergy, of the manor of Elemor. The grant was made in full satisfaction of their £10 general license and carried with it the expectation that the canons would appoint three of their own to celebrate a daily mass for them and all their families, while they were alive and after their death, in the priory church.<sup>146</sup>

One interesting license was acquired by the canons of Lanthony Priory in 1453. The canons paid £20 in the hanaper for a license to acquire lands worth up to £20 annually for the express purpose of designating two canons of the house to say divine service for the king and his kinsmen, Humphrey, duke of Buckingham, Thomas, bishop of Ely, Henry, viscount Bourghier, William Lord Fitz Waryn, and John, Lord of Berner, along with their wives and other relations, one of whom was Anne, late countess of Stafford, who had intended to endow the house in which she and her husband were buried, and they desired to fulfil her intention.<sup>147</sup> The ties that Lanthony had with important families in England clearly enriched the priory later in its history. Similarly,

---

<sup>144</sup> *CPR*, Henry IV, 1405-09, p. 194.

<sup>145</sup> *CPR*, Edw III, 1367-70, p. 238.

<sup>146</sup> *CPR*, Edw III, 1358-61, p. 24.

<sup>147</sup> *CPR*, Henry VI, 1452-61, p. 153.

Henry VIII granted the canons of Kenilworth license to acquire land up to £40 annual value for a mass to be said every Friday except Good Friday at the late date of 1511.<sup>148</sup>

These last two grants stand out not only because of the eminence of the patrons but also because of the nature of the grants themselves. These are essentially general licenses, but they are very unusual in that they clearly stipulate spiritual expectations along with the grants. The grantor grants, not only so that the canons may be enriched, but also so that they themselves can receive prayers or masses said for them on a regular basis. This makes these unique among the general licenses issued to the canons in Worcester.

Normally, a general license was granted to acquire any properties the monasteries desired without any further comment. In these instances, either the canons couched their desire to obtain a general license in spiritual terms or the sovereigns of England felt it was an opportunity to gain some spiritual benefits by requiring, as part of the issuing of licenses, that the canons perform services on their behalf. Whatever the actual situation behind the grants, these licenses are the only general licenses to acquire lands with clearly stated spiritual expectations attached.

These grants reveal the continuing desire of the patrons of monastic institutions to garner the prayers of the religious on their behalf. While it is in some senses understood that a grant to a religious institution would carry with it spiritual benefits, most clearly in the form of prayers offered for the grantor and his kin, the trend of stipulating specific spiritual practices was common in the later medieval period. This does not reflect a specific change in practice of benefactors; many patrons were making similar requests prior to the fourteenth century. A grant of a mill to the canons of Cirencester in 1240, for example, stipulated that the canons ought to pray for the soul of the grantor and his

---

<sup>148</sup> *L&P Hen VIII*, vol. i, 1509-1514, p. 1970.

family during mass and also give bread to the poor on his anniversary.<sup>149</sup> These types of specific requests for spiritual services in grants are apparent both before and after 1279 in reasonable numbers.

### *Licenses for Non-Land Grants*

Though grants of land, rents, or churches accompanied by or explicitly for spiritual services were common both before and after the issuance of the Statute, Raban asserts that one of the main ways in which Mortmain had an effect on the monasteries and their patrons might have been to change the type of grants made to monastic institutions. At one point she states, 'One result of the statute may have been to divert pious expression into cash or luxury gifts.'<sup>150</sup> She contends that though this practice did occur prior to the Statute of 1279, it became more frequent afterward. Were this true, it may well serve as positive evidence to support the common conception that monastic patronage in the later Middle Ages became more accessible and common to all classes of society. However the evidence from the Augustinian canons in the diocese of Worcester challenges her argument. While there are a handful of grants to Augustinian houses after Mortmain for cash or other chattels, the evidence for this change in patronage is less than substantial. Out of the hundred or so licenses issued to the Augustinian monasteries in Worcester, only a few were comprised of grants of cash or other moveable goods.

One grant to Studley Priory represents the kind of change in monastic benefaction posited by Raban. In 1349 one of the more generous later patrons, the Middlemores, granted 60s to be given to a chaplain to say masses for the souls of the Middlemores in the parish church of Studley at the altar of St. Mary. The license for this 60s grant cost

---

<sup>149</sup> *Cir Cart*, vol. i, no. 269.

<sup>150</sup> Raban, 'Mortmain' p. 26.

the monastery 60s in the hanaper.<sup>151</sup> The parish church of Studley was, according to the *Taxatio*, appropriated to the priory.<sup>152</sup> So, this was a clear cash benefaction rather than a landed one of the traditional kind.

Lanthony also received some grants for assets other than lands or churches. One was a grant from the king's mother, Cecily, duchess of York. She granted to the canons as much firewood as three horses could carry daily from the wood of Bukwold, which was held as parcel of the manor of Brimpsfield (Brymsfeld)<sup>153</sup> in Gloucester. This grant was given with the stipulation that the canons say a prayer for the king and his good estate during his lifetime and an obit said for him after his death.<sup>154</sup> The register of Prior Henry Deane records this same grant twice; once at the instance of Cecily, duchess of York, King Edward IV's mother, the other at the instance of the king himself. Along with the services for the king, an obit for the duchess was stipulated as well.<sup>155</sup> The canons were granted a similar gift in the time of Henry VII, as much wood as six horses could carry daily from the forest of Dean.<sup>156</sup> A grant of a water mill was also made to the priory – of the value of 26s 8d yearly – with sufficient timber from the forest of Wychwood (Wichwede)<sup>157</sup> in Oxford for the repair of the mill.<sup>158</sup>

These stand alone as non-land grants to the canons after the Statute and so do not make a substantial case for a serious change in the nature of grants to monastic

---

<sup>151</sup> *CPR*, Edw III, 1348-50, p. 343. As has been noted, Thomas de Middlemore did grant a substantial piece of land to the house, approximately 60 years after this cash gift was made.

<sup>152</sup> *Taxatio*, online database, <http://www.hrionline.ac.uk/db/taxatio/printbc.jsp?benkey=WO.WO.WR.11>, accessed 14 April 2008. It is interesting here to see that the grantors did not request the canons to say the masses in the priory but rather in the parish church of Studley. This seems to indicate very little ministry taking place outside of the daily office being said in the priory. See the discussion on the church of Aston Cantlowe, below, pp. 315-332.

<sup>153</sup> *EPN*, p. 87.

<sup>154</sup> *CPR*, Edw IV, Edw V, Ric III, 1476-85, p. 44.

<sup>155</sup> *Reg Lanthony*, p. 51, nos 104-105.

<sup>156</sup> *CPR*, Hen VII, 1485-94, p. 97.

<sup>157</sup> *EPN*, p. 706.

<sup>158</sup> *Ibid.* p, 177.



institutions. As previously noted, the overwhelming majority of licenses and grants were for lands or churches, not for cash or other items. In the case of the canons in Worcester, it would seem that after Mortmain most patrons continued to endow the houses with lands and churches, similar to the types of grants made before the statute; no noticeable shift in grant types is discernable.

If it is the case that the grants made to the Augustinian canons before and after Mortmain were similar with regard to their spiritual expectations and types of grants, then the last and perhaps most significant question to be answered regarding the effect of Mortmain on the Augustinian canons in the diocese of Worcester is whether or not the law actually slowed the volume of grants and/or purchases of the monasteries. The best way such a macro-analysis can be done is through comparing valuations that were made before and after the statute's issuance to see if a discernable pattern is detectable. After comparing the houses in general terms to detect a clear trend, specific houses will be surveyed to see if clear evidence can be marshaled to explain the trends so noted.

#### *Acquisitions of the Canons Before and After Mortmain*

Records survive from the beginning of the thirteenth century to shed light on how the monasteries in England were assessed for taxation purposes. As A. K. B. Evans noted in his study of Cirencester Abbey, 'Henry II allowed his clergy to be repeatedly taxed by the pope both for Rome's benefit and his own... Direct papal taxation was partly in the form of requests for subsidies, nominally voluntary... but largely by mandatory taxes.'<sup>159</sup> The taxing of the clergy included the religious houses, and in order to tax monasteries appropriately, assessments of their total assets and incomes had to be made. Evans notes

---

<sup>159</sup> Evans, 'Heyday', p. 124.

that until 1251, only ecclesiastical sources of income were taxed, but that after that date, temporalities as well, properties that were not part of a benefice, were also taxed.<sup>160</sup> A few major valuations were taken in the later thirteenth century. The Valuation of Norwich in 1254 and the *Taxatio* of Pope Nicholas IV in 1291 are the most well-known, but other regional assessments were made as well in 1268-9 and 1276.<sup>161</sup> After this time no major assessment of the religious houses was made until the time of Henry VIII, when the infamous *Valor Ecclesiasticus* of 1535 was made, the fateful document that set the stage for the time-frame of the Dissolution of the monasteries. A few years later the Ministers' Accounts were drawn up as a way to know certainly what lands the religious houses possessed or had possessed prior to their seizure. The thirteenth century valuations, however, have significant flaws, and none of them are a trustworthy source of a *verus valor* for the monasteries.<sup>162</sup> Though they are not sound guides for income of monasteries in the thirteenth century, they do represent reliable evidence regarding what the monasteries or other clergy owned in the medieval period. Using the data available from these earlier valuations, the possessions of the canons at about the time of the Mortmain statute, and by extension what they acquired after the Statute, can be discerned, at least with some degree of certainty.<sup>163</sup> In this way, the effects, if any, the statute may have had in terms of acquisition of new property, both spiritual and temporal, for the houses of canons may be seen.

---

<sup>160</sup> Evans, 'Heyday', p. 124.

<sup>161</sup> *ibid.* Other records of valuations also exist, though these records are incidental, such as statements that exist in the calendar of papal registers. See Robinson, *Geography*, appendix 17, pp. 393-4.

<sup>162</sup> See Rose Graham, 'The Taxation of Pope Nicholas IV', *EHR*, 23 (1908), 434-454, and *English Ecclesiastical Studies* (London: SPCK, 1929).

<sup>163</sup> The *Taxatio* falls into the gap between the passage of the statute and the first known licenses issued, which makes it essentially cotemporaneous with Mortmain.

As detailed above, most all monasteries acquired lands and churches after Mortmain. The statute did not put an end to the monastic foundations playing the land market and seeking and appropriating parish churches. The data from the *Taxatio, Valor, Ministers' Accounts* and other miscellaneous assessments, compared with what can be found in the Patent Rolls and other data sources, conveys an idea of what new assets the canons acquired after the 1279 statute. Fortuitously, several houses have reasonably complete and sometimes even detailed data for their possessions. Most beneficial are the larger houses in the diocese, namely St. Augustine's Bristol, the cartulary for which, having been compiled ca. 1278, ends quite near the statute,<sup>164</sup> and Cirencester, an abbey with a quite comprehensive cartulary up until the early fourteenth century. Additionally, Anne Geddes has done a detailed study of Lanthony Priory covering up until the early fifteenth century. Many smaller houses, too, have adequate data to get at least an idea of what was possessed before and what was acquired after the 1279 statute. By way of example, the first priory under consideration will be St. Oswald's Gloucester, the small Augustinian priory most active in the land market after the passage of Mortmain.

#### *St. Oswald's Gloucester*

The priory of St. Oswald's Gloucester, though lacking a cartulary, has detailed enough evidence extant for its house to present a picture of a smaller monastery's dealings after Mortmain. The priory shows very modest income at the time of the *Taxatio*; Robinson lists the total value in 1291 at just over £25.<sup>165</sup> Details of the monastery's spiritualities and temporalities can be found in Appendix 3-3. The specific lands listed in the 1291

---

<sup>164</sup> *Cart St. Aug.*, pp. xxxiii-xxxiv.

<sup>165</sup> Though my own surveys frequently varied slightly from Robinson's, in this instance, his figure is also what I could discern from the *Taxatio*.

assessment were lands at Colewell and Northton,<sup>166</sup> Parthon (Perton), Compton and Havenpenn, and Ellesworth and Aston. All of these, or some variant of these place names, with the exception of Colewell (though this might be Tulwell), appear in the *Valor*. Two records present some difficulty, however: the lands listed as Elleswoth and Aston. If these are to be identified as Eyleworth and Coldaston,<sup>167</sup> which they most likely are, then the canons earned income from these in both 1291 and 1535.

After Mortmain, St. Oswald's received license to appropriate only one church, that of Minsterworth. According to the *Valor*, the canons did appropriate the church, but as will be discussed later, they displayed what was a surprising pattern for houses in Worcester: they were very slow in executing the license to appropriate. In fact they received, upon fine, three separate licenses to appropriate the church.<sup>168</sup> The canons, however, did acquire ten single licenses to acquire property and two general licenses to acquire lands and tenements. Of these ten grants, the surname that most frequently appears as benefactor of the priory is that of Aston. Robert de Aston made three grants to the priory: two messuages in the suburb of Gloucester in 1338,<sup>169</sup> six messuages and 11s 7 1/2d in rent and the 'rent of a rose' in the suburb of Gloucester in 1342,<sup>170</sup> and in 1349, along with Geoffrey de Eggesworth, nine messuages and two shops along with 12 acres of land and 1/2 acre of meadow in Churchdown, Perton, Brickhampton, and Gloucester, and two more messuages in the suburbs of Gloucester.<sup>171</sup> Robert de Aston's brother,

---

<sup>166</sup> Likely Norton, a significant manor for the priory.

<sup>167</sup> *EPN*, p. 25. A modern equivalent for Ellesworth or Eyleworth is not to be found in *EPN*.

<sup>168</sup> *CPR*, Ric II, 1396-99, p. 477; Hen IV, 1405-08, p. 380; Hen V, 1416-22, p. 169. The last license stipulated that they had to enact the license within one year.

<sup>169</sup> *CPR*, Edw III, 1338-40, p. 157.

<sup>170</sup> *CPR*, Edw III, 1340-43, p. 409.

<sup>171</sup> *CPR*, Edw III, 1348-50, p. 280. Of the places named, *MA* show temporalities only for Gloucester and Perton; Chursden (likely Churchdown) is listed as a rectory and 'Birchampton' is not listed at all. This is likely Brickhampton, though another entry in the Patent Rolls indicates that William de Aston gave 'a toft

William, also made grants to the priory in 1355.<sup>172</sup> The Astons were the single largest benefactors of the priory in the fourteenth century, and their grants, along with the grants of others, seem to explain, at least in part, the most notable increase in the priory's income, namely the £30+ income from the vill of Gloucester.<sup>173</sup> Indeed, most of the grants given to the priory after the statute were for lands in the vill of Gloucester, mostly for messuages and tenements in the suburbs of the town. Striking too are the linkages in names for patrons, Eggesworth and Aston, with grants made to the priory in Eyleworth and Coldaston, though precise identification cannot be made. This does reveal one of the challenges raised by the sources available for study, namely that the precise location of each of the grants cannot always be clearly identified. This might explain some of the reported income in the *Valor* and Ministers' Accounts that cannot be fully explained by the grants as they are recorded in the Patent Rolls.

The *Valor* includes rents in the town of Gloucester as well as a few other areas where small lands and rents were owned. These were apparently acquired after Mortmain, though no clear record of their acquisition is to be found in the Patent Rolls. One clear discrepancy between the *Valor* and the Ministers' Accounts is for the possessions in the vill of Gloucester. The Ministers' Accounts record an income for the site of the monastery and tenements, along with rents of assize, totaling £33 9s. The *Valor* lists the rents in Gloucester at £4. A manuscript copy of the Ministers' Account in

---

and 5 acres of land in Parton and Bryghthampton', *CPR*, Edw III, 1354-58, p. 278. The location of Brighthampton seems unlikely as it is in Oxfordshire. All of these were located in Upper Dudstone and King's Barton Hundred. See A. H. Smith, *The Place Names of Gloucestershire*, part II (Cambridge: Cambridge University Press, 1964) pp. 119-122.

<sup>172</sup> William confirmed the grant of Robert in 1349. The Patent Roll records the Robert died before the license was enacted – likely it was the Black Death, but that cannot be substantiated. He also made another grant of land in Gloucester and in Perton and Brighthampton. See *CPR*, Edw III, 1354-58, p. 250, 278.

<sup>173</sup> This is the total listed in the Ministers' Accounts for lands in Gloucester. The *Valor* records only the clear yearly value of £4.

the Gloucestershire Record Office, however, seems to clarify the problem. The Ministers' Account total of ca. £33, was clearly a gross sum. A detailed list of properties in and around Gloucester brought the total to the aforementioned amount, but expenses and amounts paid out by the monastery totaled over £26. It is also stated that the prior collected over £7 per year for the maintenance of the household from 'the tenants and farmers' of the lands.<sup>174</sup> So, whatever the precise gross total of the canons' income in the vill of Gloucester was, the *Valor's* record of £4 seems close to correct as a net income from the lands of the priory and in the vill of Gloucester. This should serve as a strong reminder that though specific holdings were recorded in the *Valor* as a low sum, it does not necessarily follow that the gross income was very low. It could have been for many other properties in the possession of St. Oswald's or other monasteries, that the gross income was fairly significant but the outlay just as high, or almost so.

The question at hand, however, how the Statute affected the monasteries, seems to go unanswered with regard to specific grants for St. Oswald's. Absent more evidence, precisely when the priory received its properties and churches simply cannot be known. One pattern of benefaction that reveals the status of the benefactors of the canons of St. Oswald's is the local nature of all their grants. After the statute, the canons generally received their new lands in places where they already had some land holdings, or they received urban or suburban properties located near the priory itself. Rather than receiving gifts from major nobles who may have owned diverse lands around England, or even their archiepiscopal patron, the canons received grants from landed gentry who may have

---

<sup>174</sup> Gloucestershire Record Office, D396/E170.

already had ties to their monastery.<sup>175</sup> It does not seem that the canons ever acquired new properties at any significant distance from where they already had lands. This should not come as a surprise however, since the house was, from its inception, rather poorly endowed and provided for.<sup>176</sup> Such was not the case with St. Augustine's Bristol however. The surviving cartulary provides clear evidence as to when the canons acquired specific properties and churches and thus provides a better understanding of the effects of Mortmain on the canons.

### *St. Augustine's Bristol*

The abbey of St. Augustine's Bristol was one of the larger houses of Augustinian canons in Worcester diocese and indeed all of England. In 1534, 19 canons acknowledged the royal supremacy,<sup>177</sup> and at the Dissolution, their income was ca. £679.<sup>178</sup> St. Augustine's presents a very critical case study for measuring the effect of the Statute of Mortmain on religious houses for a couple of reasons. First, the canons generally enjoyed strong patronage throughout their existence from the Lords Berkeley, who maintained patronage of the monastery throughout the medieval period, and from the monarchs of England.<sup>179</sup> From the time of its founding by Robert Fitzharding and the successive attention granted

---

<sup>175</sup> In this instance, this fact is not particularly enlightening, as St. Oswald's never received significant patronage from any major medieval noble. The archbishop of York, the patron of the priory, and the king, who protected the priory as his royal free chapel, never seem to have done too much other than make certain that the canons survived. Very little evidence of patronage from these influential people exists in the lifespan of the priory.

<sup>176</sup> See *EEA*, York, 1070-1154, no. 117. In 1152, the archbishop of York acknowledged the slender provisions of the canons and promised them further endowment.

<sup>177</sup> *L&P Hen VIII*, vol. vii, p. 1216, 1211.

<sup>178</sup> This is the value given in Robinson, *Geography*, appendix 14. He arrived at this number by taking an average of two records, one from before and one from after the Dissolution, as Bristol was somehow omitted from the *Valor*. For a brief study of Bristol's unlikely omission, see Lindley, 'Short Study', p. 98.

<sup>179</sup> Stöber, *Late Medieval Monasteries*, pp. 156-162. The king acted as patron when Thomas de Berkeley was in his minority. See *CCR*, Ric II, vol. iii, 1385-89, p. 36.

it by Henry II, who was claimed by some to be the founder of the priory,<sup>180</sup> to its later prosperity, the abbey was generally not short of outside benevolence. Perhaps even more important for this study is that its well-preserved and published cartulary covers from its foundation up to the eve of the issuance of the statute, likely being compiled and finished just before 1278.<sup>181</sup> This provides an opportunity to study its possessions before and after the statute and compare its rate of acquisition and general patronage in both cases.

In the case of St. Augustine's Bristol, records of post-Mortmain acquisitions are few. In the Patent Rolls, only 12 Mortmain licenses exist, dated between 1311 and 1397. Of these 12, ten are for acquisitions and two are for license to alienate some of their own possessions. Focusing on the licenses to acquire, four are for appropriations of parish churches,<sup>182</sup> one is a chantry foundation, and three deal with lands granted for daily prayers for Thomas de Berkeley and his wife.<sup>183</sup> The remaining two are grants of lands in areas where the abbey already held lands.<sup>184</sup> If the Patent Rolls are to be taken as a near exhaustive source for acquisitions after Mortmain, the canons added only modestly to their possessions in the later medieval period.

As recorded in the *Taxatio*, the canons of St. Augustine had possessions valued at only slightly more than £119. Spiritualities recorded in the 1291 valuation were limited to

---

<sup>180</sup> For a discussion of this see especially Sabin, 'Foundation', pp. 35-42.

<sup>181</sup> *Cart St. Aug.*, pp. xxxiii-xxxiv.

<sup>182</sup> Two licenses issued in 1334 and 1397, are for the appropriation of the same church, Fifhide, of Fifhide Magdalene. The Ministers' Accounts report only a pension from a vicarage of Fifhide, so perhaps the house never fully appropriated the church.

<sup>183</sup> Like with the church of Fifhide, only two discreet grants are included in the three licenses. One is a modification or exchange of an earlier grant.

<sup>184</sup> One grant was for waste lands which the abbey already held in common on their manor of Leigh, where their animals fed regularly. These are likely the lands referenced or very near to the lands referenced in *Cart St. Aug.*, no. 288.



pensions from Great Gransden (Grantesdon),<sup>185</sup> portions of All Saints Bristol and Tockington, and the chapel of Filton.<sup>186</sup> This is clearly inaccurate. Even a quick perusal of the cartulary reveals that many churches were granted to the abbey at or very near its foundation. The churches of Clevedon and Finmere were granted to the monastery by William of Clevedon and Willian the son of Gregory de Turri, respectively.<sup>187</sup> More notable was the grant of the churches of Berkeley Hernesse from Robert Fitzharding, confirmed by Henry II, and fought over for many decades until resolution was finally achieved in the late twelfth century.<sup>188</sup> One particularly helpful charter is a confirmation from John, count of Mortain, before his accession to the throne, ca. 1190. In it he confirmed all the grants to the abbey made previously, and among the gifts were listed the churches of St. Leonard, St. Nicholas and All Saints, all in Bristol. The churches of Clevedon, Portbury, Poulet, Tickenham, Gransden, Halberton, Romie, Plata Holma and Finemere were also listed.<sup>189</sup> These represent most of the churches listed in the Ministers' Accounts, yet almost none are noted in the *Taxatio*. This clearly shows that the *Taxatio* is woefully incomplete for the abbey of St. Augustine. But does the fact that the abbey added few spiritualities after the time of the *Taxatio* indicate that the Statute of Mortmain curtailed benefaction to the abbey?

The Mortmain licenses acquired by St. Augustine's reveal that three churches, Wotton, Fifehead Magdalene (Fifhide) and Winterbourne (Wynterbourne)<sup>190</sup> were the only substantial spiritualities acquired by the canons after Mortmain. The Ministers'

---

<sup>185</sup> *EPN*, p. 259 and *Taxatio*, online database,

<http://www.hrionline.ac.uk/db/taxatio/printbc.jsp?benkey=LI.HU.NE.08>, accessed 14 April 2008.

<sup>186</sup> This is the compilation in Robinson, *Geography*, appendix 22.

<sup>187</sup> *Cart St. Aug.*, no. 6.

<sup>188</sup> *Cart St. Aug.*, nos 4 and 11. See above pp. 77-81.

<sup>189</sup> *Car. St. Aug.*, no. 23.

<sup>190</sup> *EPN*, pp. 687-8.

Accounts bear this fact out as well, though with some difficulty. Nowhere is Wotton listed among the possessions of the abbey in the accounts. But, the register of Walter Reynolds, bishop of Worcester from 1308-1313, reveals that church was indeed appropriated in 1312. The entry states the monastery would get ‘3s per year in the name of induction and possession, and will possess it without further induction, appointing a suitable vicar’, upon the death or cessation of Adam de Orleton, rector of Wotton.<sup>191</sup> No pension or tithes from the church are apparent by the sixteenth century. Likewise, the church of Winterbourne is nowhere to be found in the Ministers’ Accounts. The Patent Rolls list the license to appropriate issued by Edward III in 1345, but the register of Wolstan de Bransford, which carries through to 1349, records nothing of an appropriation, nor does any presentation to the church appear.<sup>192</sup> Of the three churches for which license to appropriate in Mortmain exist, only Fifehead Magdalene is represented in the Ministers’ Accounts, and it is listed as only a £3 pension.

Though the licenses in Mortmain issued and the Ministers’ Accounts do not align on the appropriated churches of St. Augustine’s, it would at first sight appear to offer substantial negative evidence revealing the effect of Mortmain. Saving only Fifehead Magdalene, which was appropriated after the compilation of the cartulary of the abbey, likely 1278, all other spiritualities listed in the Ministers’ Accounts can be accounted for in the cartulary. The abbey held every church and pension recorded in the 1539 valuation, or at least advowson of them, before 1278 when the cartulary was finalized. This potentially reveals quite a lot about the effect of the statute. Though patronage of monastic institutions in general was believed to be fading and major grants of

---

<sup>191</sup> *Reg Reynolds*, p. 21, 59.

<sup>192</sup> For Patent Roll, see *CPR*, Edw III, 1343-45, p. 373. See also *Reg Bransford*, where no appropriation can be located.

spiritualities or temporalities were unlikely, the fact that no clear spiritual possessions were added after 1279 seems significant. It would be strong evidence for a substantial negative effect of the statute except that when one takes a close inspection of the grants of spiritualities to the abbey, one finds that the date of substantial acquisitions of spiritual possessions could be pushed back even further, well before the passage of Mortmain. In fact, all of the major spiritualities in the abbey's possession at the Dissolution were in the abbey's possession by 1184.<sup>193</sup> So, the effect on the acquisition of spiritualities on St. Augustine's appears to be, at most, nominal – the canons of St. Augustine's Bristol were not acquiring significant spiritualities before or after the passage of the statute.

#### *Lanthony by Gloucester*

A third house that serves to illustrate well the effects of Mortmain is the priory of Lanthony by Gloucester. The priory of Lanthony, one of the wealthiest houses in the order at the Dissolution, has been studied by several scholars, no doubt because of the numerous sources available pertaining to it.<sup>194</sup> Lanthony has a compelling history, and it played a leading role in the town of Gloucester throughout its existence. For the purposes of the question at hand, the effects of the Statute of Mortmain, Lanthony further complements the questions posed by other houses in the diocese of Worcester.

---

<sup>193</sup> To list the cartulary evidence that would account for the dates of every grant of the 11 rectories listed among the abbey's possessions in the Ministers' Accounts would be far too cumbersome and unnecessary for this study. The charter of John referenced above, written at the end of the twelfth century is strong enough evidence for such a claim, but a detailed study of the cartulary does reveal that most of the major spiritual benefactions were granted by or in rather direct connection with Robert Fitzharding, and all were in the abbey's hands by the end of the twelfth century.

<sup>194</sup> The largest study of which I am aware was a PhD thesis by Anne Geddes for The Johns Hopkins University in 1997. Her study, which has an entire chapter on the monastic economy of Lanthony, is a very helpful survey of the issues surrounding the canons' possessions and patrons. One drawback to her work for the purposes of this study is that it ends formally at 1401 and thus lacks a thorough survey of fifteenth-century developments. See Geddes, 'Lanthony'.

Like the houses discussed above, the major valuations for Lanthony show a marked increase in its income from the time of the *Taxatio* in 1291 to the *Valor* in 1535. These are, however, not the only benchmarks available for the Lanthony Priory. In 1205, as the two Lanthony houses were being divided, a comprehensive list of properties was drawn up.<sup>195</sup> At that time, Anne Geddes has estimated the priory had an income of approximately £200.<sup>196</sup> Much of this income was derived from spiritualities; the priory had 24 parish churches and chapels and only nine manors.<sup>197</sup> The next major valuation was the *Taxatio*, in which the priory is listed at only £105 5s. The problems with this valuation are numerous, as Geddes explains.<sup>198</sup> After figuring in the total amount of known appropriated parish churches, even those not listed in the records of the *Taxatio* as belonging to the priory, this number can safely be adjusted to £199.<sup>199</sup> This amount does not, however, include the Irish possessions of the priory, which Geddes believes would change the figure to approximately £365.<sup>200</sup> After an exhaustive comparison of a description of the house's temporal possessions taken in 1268 with those in the *Taxatio*, Geddes concludes: 'Undoubtedly the decreased rental figures in the *Taxatio* were primarily the result of undervaluation by the assessors.'<sup>201</sup> She concludes the same for the spiritual possessions, citing Robinson in claiming that the spiritualities were either omitted or undervalued in the *Taxatio*.<sup>202</sup> In fact, Geddes ultimately concludes that 'as far

---

<sup>195</sup> See Geddes, 'Lanthony', p. 126 and 126 n. 6.

<sup>196</sup> *Ibid.*, p. 131.

<sup>197</sup> *Ibid.*

<sup>198</sup> *Ibid.*, pp. 132-4.

<sup>199</sup> *Ibid.*, p. 141. Geddes is quick to point out that the exact status of each church known to be in possession of the monastery is not possible to determine. That is, it is not clear whether or not the canons served as rector for each church and thus received all of the income of the church.

<sup>200</sup> *Ibid.*, p. 146.

<sup>201</sup> *Ibid.*, p. 152.

<sup>202</sup> *Ibid.*, p. 154.

as the raw figures in the *Taxatio* are concerned, the survey is virtually useless'.<sup>203</sup> The other major source for Lanthony's income is the *Valor Ecclesiasticus* of 1535. For Lanthony, the *Valor* records a net income of £648. As Geddes shows, this number is actually incorrect, and it should be £737.<sup>204</sup> When considering the *Valor* for Lanthony, it must be borne in mind that the two Lanthonys had been combined in 1481, and the net income of the properties and churches owned by Lanthony Secunda before 1481, which is what ought to be compared with earlier valuations, was £612.<sup>205</sup>

As with Bristol, one must consider the hard evidence for increase after Mortmain for Lanthony if the effects of Mortmain on the house, if any, are to be understood. The priory of Lanthony has 22 separate entries for acquisitions in Mortmain in the Patent Rolls between the years of 1290 and 1487. Of those 22, 19 were for single acquisitions of lands or churches; three were general licenses to appropriate properties up to a clear yearly value, only one of which is clearly recorded as being fulfilled.<sup>206</sup> For nine of these entries, clear yearly values are stated, or their value as recorded in the *Valor* can be known. The nine grants for which the value is known total £135 17s.<sup>207</sup> Approximately £113 of these acquisitions were for spiritualities.<sup>208</sup> The other ten grants made in Mortmain would have added to this total, and the general licenses, if they had been filled would have totaled as much as £30 per year in income. It is entirely feasible then that the priory could have added over £200 per year in income after Mortmain, and a fair amount of income even in the fifteenth century.

---

<sup>203</sup> *Ibid.*, p. 155.

<sup>204</sup> Geddes recalculated the numbers, and following E. S. Lindley's work, discovered the higher value to be the correct one. See Geddes, 'Lanthony', p. 158.

<sup>205</sup> Geddes, 'Lanthony', p. 159.

<sup>206</sup> *CPR*, Edw III, 1358-61, p. 24.

<sup>207</sup> All figures are here drawn from *CPR*.

<sup>208</sup> The churches of Barton Lacy (Sacy), (£16); Kyngton (£14); Tytherington (£15); Aure (£15); according to *CPL*, 1362-1404, p. 520, the vicarages of St. Owen, Painswick, and Prestbury, were worth 80*m*.

In the case of Lanthony by Gloucester, as with the other monasteries in question, most of the new properties the convent acquired after the Statute were in close proximity to properties already held. Geddes makes this point in her study: 'It was the result of a deliberate policy pursued by the canons of purchasing properties in locations where they already held land.'<sup>209</sup> Though they continued to acquire lands, they did not add substantial new locations but sought to increase the presence they already had in their landed estates. It would seem that this would make the canons in general more regionally involved and important than some of their larger Benedictine counterparts who held lands in various parts of England, likely often without any significant visible presence on those lands.<sup>210</sup>

It seems then, that for the canons of Lanthony, the Statute of Mortmain had little or no significant impact. Unlike the canons of St. Augustine's Bristol, who acquired almost nothing after the statute, the canons of Lanthony seem to have, relatively unhindered, acquired lands, tenements, rents, and churches after the passage of the Statute to their own financial increase. For them, the statute seems to have been little more than another level of bureaucracy in the medieval monastic economy.

### *Cirencester Abbey*

Cirencester Abbey has perhaps the fullest data set to consider as far as their acquisitions after the Statute of Mortmain are concerned. Several valuations for the house exist in the

---

<sup>209</sup> Geddes, 'Lanthony', p. 164. On the same page, n. 97, she states that 'a number of historians have discussed the piecemeal purchases of property by Augustinians to augment their meager estates'.

<sup>210</sup> One must look only at the substantial holdings of Westminster Abbey in Worcester diocese for such an example. Their temporal holdings in Worcester as recorded in the *Taxatio* put them fifth, behind only the bishop of Worcester, the priory of Worcester, St. Peter's Gloucester, and Evesham. It is highly unlikely that the monks of Westminster frequently made the trek to Gloucester to monitor their estates.

Middle Ages, though as with the houses already discussed, these provide little solid ground on which to stand when measuring the actual income of the canons. Cirencester's cartulary contains a detailed record of the valuation made in 1254. At that time, the house paid tax for just over £391; £303 of this annual income was from spiritualities.<sup>211</sup> Giffard's register, however, records a self-assessment for 1282 at £500.<sup>212</sup> It seems clear that one (or both) of these assessments is inaccurate. To compound things even further, the *Taxatio* of 1291 presents the abbey's income at only £242 6s 8d. Though these three records are the only official data presenting Cirencester's income before the sixteenth century, a few other instances where the abbey's income is stated or implied do exist. A statement of the income of the abbey survives from 1379, when the abbey received an indult from Pope Urban VI to wear the mitre. At that time, it declared its income to be 1000m (£666+).<sup>213</sup> Sixteenth-century assessments reveal the abbey's possessions on three separate occasions. In 1522 Cardinal Wolsey imposed a 'forced loan' for the king of one quarter of the monasteries' annual income, and Cirencester paid, along with Walsingham, £333+. This implies that Cirencester's income was over £1333.<sup>214</sup> In the *Valor*, the total income for Cirencester is just over £1051.<sup>215</sup> In the Ministers' Accounts, Cirencester's total income is about £1131; Evans agrees that this is closer to the accurate income at the Dissolution.<sup>216</sup>

These numbers present several challenges, of course. If one reads them literally, then it appears that there was a consistent increase in income in the later middle ages, a

---

<sup>211</sup> *Cir Cart*, vol. ii, nos 459-60.

<sup>212</sup> *Reg Giffard*, p. 143.

<sup>213</sup> *Cir Cart*, vol. iii, no. 120.

<sup>214</sup> Evans, 'Heyday', p. 134.

<sup>215</sup> *Valor Ecclesiasticus*, vol. ii, pp. 463-471.

<sup>216</sup> Evans, 'Heyday', p. 134.

conclusion which others have challenged based upon more detailed information available at other monasteries and in other sources.<sup>217</sup> But, in attempting to determine the effects of Mortmain on the abbey, both the cartulary's record of the 1254 valuation and the *Taxatio* are significant when considering the spiritual possessions of the abbey before and after the 1279 Statute. The foundation charter of Henry I provides a good list of the churches granted to the canons. As recorded in the cartulary of the abbey, Henry I granted to the abbey all nineteen churches that had belonged to Regenbald, the former dean of Cirencester, as well as additional spiritual and temporal properties.<sup>218</sup> It is clear that they added few churches to their endowment throughout their roughly 400 years in existence.<sup>219</sup> The cartulary records fourteen churches in the abbey's possession along with portions from six others and pensions from another nine at the time of the 1254 valuation, totaling £303 7s 1d.<sup>220</sup> The *Taxatio* lists only four churches, seven portions and seven pensions in the abbey's possession.<sup>221</sup> However, there is significant overlap; of the entries in the *Taxatio*, only five portions and one pension are not included in the 1254 valuation. Taken together, these churches and tithes form a fairly complete list of the abbey's known spiritualities; all the churches in the foundation charter save one are

---

<sup>217</sup> See John Hatcher, *Plague, Population and the English Economy, 1348-1530* (London: Macmillan, 1977), pp. 31-44, where he explains that while the later fourteenth century was a time of relative prosperity, the fifteenth was a time of great economic hardship and contraction. For specific evidence at Durham, see R. B. Dobson, *Durham Priory* (Cambridge: University Press, 1973), pp. 250-296. He puts it quite baldly on p. 274, where he states, 'There is no doubt whatsoever that the manorial and agricultural revenues of the monks of Durham were much less substantial in the early fifteenth century than they had been in the late thirteenth century.'

<sup>218</sup> As noted earlier, *VCH* puts the number of churches at 16, Ross, *Cir Cart*, puts it at 19.

<sup>219</sup> *Cir Cart*, vol. i, p. xxvi.

<sup>220</sup> *Cir Cart*, vol. ii, no. 459; see also Robinson, *Geography*, appendix 16, p. 371.

<sup>221</sup> *Ibid.*



accounted for in the 1254 valuation, and all of the discernable spiritualities in the Ministers' Accounts are also recorded in the 1254 valuation.<sup>222</sup>

The *Valor* for Cirencester is difficult, since it is broken down not by individual property, but by abbot and obedientiary. It is also not immediately clear what ought to be considered a spirituality and a temporality. However, after careful study, and using the following criteria, a fairly clear picture of the abbey's spiritual income can be discerned from the *Valor*. By totaling all numbers that represented rectories, pensions, portions and entries listed as tithes in a location where the monastery was known to possess a church, the total gross spiritual income listed in the *Valor* for Cirencester totals £443 1s 2d. However, when one reduces the spiritual income by the sum of the expenses paid on those same entries, including pensions and vicarages, a net spiritual income for the house is £303 7s 2d. This number is within one penny of the number recorded in cartulary for the 1254 valuation. Though it seems almost too coincidental, it is reasonable to conclude that Cirencester Abbey saw little real increase in spiritual income after the Statute of Mortmain. Little evidence for new acquisition exists; only two churches were appropriated after Mortmain, and one of those, Ampney St. Mary, was a re-appropriation. If the abbey saw an increase in spiritualities, it did not come from new patronage, and it does not seem to be that the values of their spiritual possession changed dramatically.

This seems to reflect a reality similar to that of St. Augustine's Bristol. Though Cirencester counted a fairly large percentage of their income from spiritualities, they seem to have acquired these in the twelfth century and added little in the later medieval

---

<sup>222</sup> The church of Pevesey in Wiltshire does not appear in either valuation, though it is clearly listed in the foundation charter and in a confirmation charter of Innocent II in 1136. See *PUE*, vol. iii, no. 30, p. 151. The church of Ampney, St. Mary is the other exception. However, the church of Ampney was originally granted to the monastery when it was founded, but lost owing to improper appointment, then ultimately regained. See *Cir Cart*, vol. iii, nos 410-2. See below, pp. 330-335.

period. Thus, the Statute of Mortmain does not seem to have altered the spiritual acquisitions of the abbey in any demonstrable manner; they were not acquiring spiritual possessions on the eve of the Statute and they were not acquiring them afterward either.

When the temporalities of the abbey are considered, a different pattern emerges. A clear value of the temporalities of the abbey before the Statute is more difficult to come by. However, an agreement with the king early in the fourteenth century may reveal the real value of the temporal property better than any assessment. In 1306 the abbot, Henry of Hampnett, negotiated with the king the right to maintain the temporal income during a vacancy. The abbey agreed to pay £100 every three months, or £400 per year, during a voidance, but was otherwise free to maintain all of their temporal income.<sup>223</sup> This meant the abbey had to pay a minimum fine of £100 on every voidance, but as the canons were very diligent to appoint a new abbot as quickly as possible, they never paid more than this amount.<sup>224</sup> This would seem to imply that the temporalities of the abbey were probably at least close to £400, since it seems unlikely that the crown would potentially settle for a smaller amount than was actually owed if the abbey were vacant for a long period of time, and it may very well have cost the abbey more than they normally would have paid during each vacancy for the privilege.

If the *Valor* is to be trusted, and the net spiritual income of the abbey was about £300 in 1539, then the temporalities of the abbey must have been about £751. This would represent a marked increase in income, and it would imply that the canons added

---

<sup>223</sup> *CPR*, Edw I, 1301-1307, p. 486.

<sup>224</sup> Actually, according to Evans's work, the monastery was never vacant for more than about 30 days before a royal assent for appointment was granted, and the temporalities were never out of the abbey's hand for more than three months. See Evans, 'Heyday', pp.136-138. However, Evans also notes, 'Since the canons were prepared to pay at the rate of £400 a year, it seems likely both that the last vacancy, of 1281, and that the abbey's surplus income was well above that level.' Evans, 'Heyday', p. 128.

significant temporal holdings after the Statute. If one looks carefully at the sum of the acquisitions after Mortmain, it is possible that the canons did acquire several hundred pounds worth of income after 1279. If the stated fines paid by the canons for Mortmain violations (assuming that the fines were equal to approximately one year's worth of income) and the amounts applied toward the fulfillment of their general licenses are totaled, the Patent Rolls reveal that the canons would have added nearly £250 worth of lands to their estates. Adding to that the lands for which no fine amount is recorded, perhaps another £20 is allowable. This would account for nearly £300 of temporal income acquired after the Statute.

Interestingly, the additions that Cirencester made were almost all small pieces of land and messuages, many of which were in the town of Cirencester. The Ministers' Accounts record that rents of assize and rents of customary tenants and of their demesne totaled nearly £118 of annual income. This clearly makes the property owned in the town of Cirencester the most valuable of all the abbey's estates. This high value of property in the town also aligns with the Patent Rolls, where the largest fines paid for Mortmain violations were for properties acquired in the town of Cirencester.<sup>225</sup> This would seem to ally with the strategy of the canons in Lanthony and St. Oswald's Gloucester. It appears that the canons turned to their local, urban property-holders for benefaction or the purchase of lands to add to their estates in the fourteenth and fifteenth centuries. Rather than withdrawing from the land market or adding new possessions in distant counties, the canons continued to add to their holdings in the vicinity of the monastery itself and where they already held other properties.

---

<sup>225</sup> *Cir Cart*, vol. i, no. 96; *CPR*, Edw II, 1313-17, p. 7.

Regardless of how one interprets the valuations for Cirencester, it is clear that Mortmain did little to slow the abbey's expansion as far as temporal properties were concerned. The monastery clearly embarked upon a buying spree in the town of Cirencester in the later thirteenth and early fourteenth century. Though it is difficult to discern whether this led to sustained increased income as the later middle ages progressed, the monastery certainly managed to increase its holdings in the town over the last 200 years of its existence. This is the very time when, by all logic, if the Statute of Mortmain had any impact and with monastic patronage diminishing, the abbey should have had a very difficult time adding to its estates.

### ***Conclusion: Effects of Mortmain***

So what were the real effects of the statute of Mortmain on the Augustinian canons in the diocese of Worcester? According to the 'official' assessments, the monasteries' incomes were significantly higher at the Dissolution than at the time of the *Taxatio* in 1291. But was that only the report? Was reality different? Were the incomes of the canons really substantially higher than reported? There is good reason to believe that the thirteenth century assessments are so undervalued that they do not reflect reality, thus making the monastic increase in income deceptive to the modern scholar. David Robinson concluded as much for the diocese in question when he stated that 'appropriated churches were least often recorded in the *Taxatio* in the diocese of Worcester, where none were specified'.<sup>226</sup> Surely it is irresponsible to place the income of the canons at the *Valor* levels in the late thirteenth century. The actual income of the priories must be held cautiously unless more detailed evidence comes to light.

---

<sup>226</sup> Robinson, *Geography*, p. 199.

However, with the exception of St. Augustine's Bristol, the large priories in the diocese and the one smaller priory of note all present a consistent pattern of acquisition: a substantial number of grants to the priories, or at the very least, fines for illegal acquisition. Their licenses in Mortmain do demonstrate ongoing patronage, appropriation of churches, and grants of temporal income. Whatever Edward's intention in the passage of Mortmain was, the religious corporations of Worcester diocese seem to have been little impacted by the Statute. In brief, the effect of Mortmain on houses who gained little after the statute appears to be nominal because they were receiving little on the verge of Mortmain as it was. St. Augustine's Bristol is a good example of such a house. Other monasteries continued to add sizeable estates after Mortmain through legal acquisition, like Lanthony, which seemed to enjoy the favor of those in power throughout the later Middle Ages. Still others acquired illegally, apparently without concern for the stated consequences of Statute, like Cirencester. Failing to pay for the license up front most often, they paid later, asking forgiveness rather than permission, if one will allow such a colloquialism.<sup>227</sup> Whatever the case might have been in actuality, the Statute of Mortmain seemed to have little real effect in slowing the growth of monastic houses in the later Middle Ages. Perhaps the situation had become slightly more inconvenient, but it certainly did not seem to curtail the growth of the priories and abbeys of Worcester.

---

<sup>227</sup> David Walker's generosity in stating that the canons of Cirencester were slow to understand how the system worked seems seriously overstated. One does not simply persist in violating a law of the crown that every other monastery is following to the tune of £200+ in fines in ignorance. See *Cart St. Aug.*, p. xxxiii n.1.