

# CHURCH AND SOCIETY IN TWELFTH-CENTURY SUFFOLK: THE CHARTER EVIDENCE<sup>1</sup>

by CHRISTOPHER HARPER-BILL, B.A., PH.D., FR. HIST. S.

EVERY LOCAL HISTORIAN is well aware of the great value of charters, or title deeds; they are an invaluable source of information for genealogy, topography and the descent of estates. Those familiar with late medieval and early modern documents might, however, be excused for thinking them useful but tedious, couched as they are in stereotyped legal formulae. This is certainly not the case with 12th-century charters. It is not merely that in the period up to 1250 the student of diplomatic can trace the gradual evolution of important legal concepts relating to tenure and inheritance. These early charters also abound in colourful and intimate detail, and often reveal the sentiments of donors in a way which, in a later age, is obscured by the strait-jacket of common form. Indeed, it is possible to appreciate more fully the realities of life in the 12th century through charters than through the majority of chronicles.<sup>2</sup>

The sentiment behind so many gifts to religious houses can be illustrated by two examples relating to the Bigod family, Earls of Norfolk, who held extensive Suffolk lands. When Matilda, daughter of Roger Bigod, died, her husband, William d'Albini, weeping and wailing, gave to his newly-founded priory at Wymondham, where she was buried at an impressive ceremony attended by the bishop and the leading ecclesiastics of the county, the manor of Happisburgh, granted for her salvation and that of all his kindred and of the king and queen. He also gave a silver casket of exquisite workmanship, containing fragments of Christ's manger, the True Cross and the sepulchre of the Blessed Virgin Mary.<sup>3</sup> It was joy rather than sorrow, however, that prompted Gunnora Bigod, with the consent of her husband Robert of Essex, to grant to the monks of Thetford the church of Framlingham Earl and three other Suffolk churches on the day when their son Henry was born, for their delight at his safe delivery.<sup>4</sup> In celebration as in mourning, the nobility and knightly class of the 12th century remembered the monastic order, but perhaps inevitably, religious sentiment was strongest as death approached. In a touching letter addressed to his dearest lord, King Henry II, Warin Fitz Gerold, the royal chamberlain, begged him to hearken to what were, he was sure, his last words, but whether he lived or died, he had given himself to St Edmund, and enjoined the king to love and honour the martyr and his church, which was of inestimable value to him in matters spiritual and temporal, and if he ever had any feeling for Warin, he should favour the abbot and convent and protect his grants to them.<sup>5</sup>

Occasionally it is possible to reconstruct a fascinating tale of local drama from a series of charters. Shortly after his succession to the earldom of Hertford in 1173, Richard de Clare had occasion to write to certain of his tenants. A case had come before the king's justices concerning an estate in Pitley, at Great Bardfield, Essex. The Earl forbade his men to swear that the land was held by Stephen de Dammartin in lawful inheritance, for he had learned from some of his older sub-tenants that when Stephen had been Earl Gilbert's steward, he had used his position to dispossess the rightful occupant, William the reeve of Bardfield, and during the seizure of the estate he had ordered one of William's sons to be killed. This is an interesting local manifestation of the breakdown of order in Stephen's reign, of the efforts of Henry II's justices to resolve cases of disputed possession, and of the co-operation of a great magnate in order to ensure a just verdict.<sup>6</sup>

This, however, is not the end of the story. Gilbert de Dammartin, son of the culprit, had (on the advice of Earl Roger) given his land at Pitley, along with other things, to the monks of Stoke by Clare. This he had done for the souls of Earl Gilbert and of his own father, at the time when he was received into the confraternity of the priory, and on condition that the monks should accept him as one of their number whenever he wished, and after his death should celebrate his anniversary for evermore. Thus the misappropriated land was surrendered to the religious in the

hope of salvation. But the monks could not rest assured of their possession, when William of Bardfield's heirs had an obvious claim to the land from which they had been forcibly ejected. So, probably some time after the investigations of the royal justices, and no doubt after protracted negotiation, an impressive ceremony took place in the priory church, in the presence of the Earl. Hugh son of William of Bardfield, the brother of the murdered man, appeared with all his sons and heirs; they stood before the high altar, on which the Host was laid, and stretching forth their right hands to the altar, solemnly renounced all right in the disputed land. Hugh, who must by now have been a fairly old man, was received into confraternity, and the monks promised to maintain him as long as he remained faithful to them; he should have food each day, and 4s. a year for clothing, and on his deathbed should be received as a monk, in return for the grant of half his chattels. Thus he too benefited — an unenforceable claim was renounced in return for security in old age and the greater hope of eternal beatitude.<sup>7</sup>

It is naturally of the greatest families that we can obtain the most complete picture. In the kingdom as in East Anglia, few were more powerful than the Clares, and from the chronicles alone it is obvious that they stood at the forefront of affairs in the Norman and Angevin empires.<sup>8</sup> But a good deal of more intimate information can be gleaned from their charters. Time and time again, in the late 11th and early 12th centuries, it is possible to observe the lords of Clare sitting in quasi-regal state, taking the advice of the barons of their honour, and issuing imperious writs which by 1200 were the sole prerogative of the king. The officers of the lords, their stewards and butlers, were themselves men of substance, with extensive lands, who felt themselves elevated rather than demeaned by their service. At the beginning of the 12th century the Clares even had an officer called *vicecomes* — the term used, soon exclusively, for the royal sheriffs; and the style of their progress around their estates may be imagined by the frequent presence among grantors or witnesses to charters of William the key-bearer and Roger the hornblower.

The second, and greater, of the communities established by the Clares was at the *caput* of their honour in Suffolk. There was already established at Clare a secular collegiate church, with seven prebends, and already before 1090 some of these had been granted to men with French names. In that year Gilbert de Clare gave the foundation and its property to Bec; situated now within the castle walls at Clare, the new monastery is an excellent example of the manner in which spiritual colonisation accompanied military occupation. Gilbert intended his new house to be a mausoleum — the foundation charter explains how it was established especially for the soul of his brother Godfrey, who was buried there; but the monastery was also the spiritual centre for the entire honour. The founder exhorted his men to give whatever they could without disinheriting their heirs, and the charters in the Stoke by Clare cartulary reveal that both in 1090, and throughout the 12th century, most of the tenants of the honour favoured the monks with grants of land, tithes and churches, and expected in return the service of prayer.

In the beginning, the relationship of the patron with the community was intimate. The lord provided for the monks the basic necessities of life, mostly in kind. They received ploughmen and villeins near Clare to work for them, a fisherman and fishing rights, a mill, two hundred cheeses a year, four thousand eels and five thousand herrings. The lord also gave sufficient wood for the maintenance of three ploughs, two wagon-loads of wood daily for the monks' kitchen, and an oak each year at Christmas to warm them.<sup>9</sup> By 1124, the close juxtaposition of a religious community and a military household in the castle had obviously become inconvenient to both parties, and the founder's son moved the monks to a new site at Stoke by Clare, where they naturally became more self-sufficient, receiving most of their new grants in money rents, but maintaining their close ties with their patrons.

Two individual documents may serve to illustrate the relationship of the later earls with the monastery, and the wealth of fascinating information which may be found in 12th-century charters. Sometime between 1152 and 1173, the priory engaged on a programme of building, which was

inevitably expensive. The monks decided to defray the costs by sending a party around the Clare estates with the priory's relics, and Earl Roger co-operated by granting them a safe conduct, ordering his men to treat them with benevolence, and hoping that God would reward any contributors to the work a hundredfold in the next world. Earl Richard decided to embark upon a pilgrimage to Jerusalem, probably when the news of the fall of the Holy City to Saladin reached England, although there is no evidence that he carried out his intention. After he had taken the cross, Prior Richard persuaded the Earl to give the monks one of his woods, and in return the community gave him thirty marks towards his journey, which would be expensive even for so great a man.<sup>10</sup>

It was not only the greatest families of the Anglo-Norman realm in the 12th century who aspired to become monastic founders, and East Anglia by 1200 abounded in numerous small houses — Benedictine cells and communities of the new order of Augustinian canons, who fulfilled for the 'gentry' the same spiritual functions as the great Black monk houses exercised for the nobility. Ralph son of Brian, in daily terror of death, realised that while he still breathed he should make amends for his sins by the increase of his alms; so, on the advice of Bishop Herbert Losinga and Archdeacon Alfred, and of his lord William Peverel le Mechin, he established at Bricett a church dedicated to God, the Blessed Virgin and St Leonard, in which he placed regular canons, who should serve God there in perpetuity. This he did for the redemption and salvation of himself, his wife and children, of his lord King Henry, and of his friends and all God's people. He and his heirs should be buried in the priory, and whenever he was in Suffolk the canons should serve as his chaplains.<sup>11</sup> The foundation charter of the tiny and short-lived house of Wickham Skeith illustrates well the motivation of a less well-endowed founder. Robert de Saukevilla granted the church to St John's Abbey at Colchester when he became a monk there, and the grant was confirmed by his son Jordan. Four monks were to be maintained at Wickham Skeith, and when one of them died, Jordan and his heirs might nominate one of their own kin to take his place. The founder's descendant was also to receive each year, at Michaelmas, a pellice and a pair of boots. Bishop William de Turba of Norwich confirmed these arrangements, judging the foundation to be valuable for the maintenance of the poor and the reception of guests, but within a few years it was decided to end the establishment. The four monks were to be added to the complement at Colchester, and if Jordan or any of his heirs wished to become a monk there, they would be accepted automatically.<sup>12</sup> This was probably a wise move, for there is a good case for arguing that the plethora of tiny houses, in which it was difficult to maintain a satisfactory conventual or liturgical life, was a source of weakness and scandal to the monastic order in later years.

Occasionally an unnoticed charter may provide additional specific information about a small community. For the priory of Dodnash, there is a splendid and beautiful collection of charters, mounted with fine drawings of their seals, in the possession of the Earl of Iveagh at Elveden. The most interesting charter, however, survives as a transcript in the Battle Abbey cartulary.<sup>13</sup> The foundation is usually attributed to Baldwin de Thoeni, but this document demonstrates the initiator of the project to have been Wimer the chaplain, trusted servant of Henry II and sheriff of Norfolk and Suffolk, who purchased land from Baldwin and several others in order to endow the new house. An agreement was then made with Battle, patrons of the parish church of Bergholt, that the rights of the parish church should in no way be diminished by the presence of the canons within its bounds. The charter also gives a firm date for the foundation, hitherto only approximate, for on 25 September 1188 John of Oxford, Bishop of Norwich, dedicated the cemetery 'at the foundation of the place'. Thus Dodnash stands with Leiston and Butley, the creation of the justiciar Ranulf de Glanville, as a ministerial foundation, the necessary atonement by a royal servant for the exactions and injustices in which his position almost inevitably involved him.

Few, of course, could aspire to the foundation even of a small cell. For the majority gifts to an existing community exhausted the material means available for the purchase of salvation. The

families of Money, Shadingfield and Wimplis were of no national significance, although doubtless with some considerable influence in their own locality, but the multitude of small donations which they made to Blythburgh Priory increased substantially the resources of that tiny community, which also received lesser contributions from men described as baker, cook, falconer and smith. It is extremely difficult to gauge the piety of the lower orders of society, for the monastic scribes seldom troubled to embellish their charters with the expressions of sentiment attributed to their betters; but presumably such humble persons abounded amongst those pilgrims to St Edmund's shrine, to whom Cardinal John and Archbishop Anselm granted indulgences, and whom Archbishop Theobald took under his special protection, anathematizing any who offered them violence.<sup>14</sup> Many, too, must have taken advantage of the indulgences offered by William Bishop of Llandaff in the 1230s to pilgrims to Stoke by Clare — fifteen days for those visiting the new chapel of the infirmary on the anniversary of its dedication, and seven days for those who venerated the great new wooden cross in the priory church.<sup>15</sup> These were small enough benefits compared with the spiritual riches offered by the popes, but they were available for little physical effort or financial outlay. The resentment of the men of Hinton at the labour services which they owed to Blythburgh Priory must have abated, and their devotion to the canons increased, when they dined at the priory every Christmas, and one may wonder what were the feelings of the inhabitants of Walberswick when in 1279 their lord remitted a similar Christmas dinner in return for the provision of a permanent chaplain in the hamlet.<sup>16</sup> Perhaps the best indication of the relationship between a religious community and its secular devotees is provided by the customs of the fraternity of St Edmund, confirmed by Abbot Ording of Bury in the mid-12th century. The members became participants in all the spiritual benefits of the church, masses, psalms, prayers and vigils. On a fixed day of the year, each of the brethren gave one penny to St Edmund, and any member who felt the approach of death was to give, according to his means, something of substance, whether it were livestock, ornaments or clothes. For those who had died during the year a peal of bells would be rung, and the appropriate psalms sung, while the confraternity would present a loaf for every monk who had died in the year.<sup>17</sup> The townspeople might resent the abbatial jurisdiction and the conventual rent-collector, yet they were also united closely with the monks in their devotion to the martyr-king.

The religious did not always enjoy quiet possession of the lands and rents which they were granted, and intrusions on their liberties might be perpetrated by all levels of society. Despite the many small benefactions by individual inhabitants, there seems to have been almost constant tension between the community of Dunwich and the nearby monasteries of Blythburgh and Leiston. The most dramatic incident came in the 1190s, when after violent attacks on Leiston property, the town was placed under interdict by the Archbishop of Canterbury. Eventually a panel of arbitrators was appointed. The abbey was to be recompensed for its losses, the malefactors were to do penance, and all the inhabitants of Dunwich were to swear never again to lay violent hands on the church, and to keep the peace.<sup>18</sup>

The religious could be adversely affected by political vicissitudes. The Criketot family were lavish benefactors of Blythburgh priory. In 1173–74 Hubert de Criketot temporarily forfeited his lands when involved in the rebellion of the Young King against his father, Henry II. The custody of Blyford was given to Adam de Sumeri, who appropriated various lands which the Criketots had given to the priory.<sup>19</sup> On several occasions Earl Roger de Clare had to intervene to protect the interests of his monks against his tenants. On the eve of his departure for Wales, he ordered his seneschal to ensure that the monks received their rents, and to act as diligently as if they were the Earl's own revenues. On another occasion the monks complained that some of Earl Roger's tenants had deliberately withheld their rents, and he ordered his bailiffs to enforce payment, by distraint if necessary. He even had to rebuke his own grandmother, widow of the founder, for making unprecedented demands on the priory.<sup>20</sup>

The relationship of the military élite with the monastic order was indeed a strange mixture of predation and piety. Many would seize monastic lands, only like Adam de Sumeri to restore them, 'admonished by the promptings of God'. Survival in the highly competitive world of Anglo-Norman England necessitated an eye to the main chance, and the judicious use of violence. Yet in a world dominated by Old Testament theology and the continual consciousness of judgement by a vengeful God, the eternal pains of hell can never have been far from the minds of the knightly class.<sup>21</sup> The foundation of a religious house, or if this was not feasible, the endowment of an established monastery, was in a sense a spiritual insurance policy, for the prayers of the monks would, it was hoped, be balanced against the sins of the donor on the terrible Last Day. Benefactions were uniformly made for the salvation of the souls of the grantor and his kin. The Stoke by Clare cartulary, moreover, contains numerous charters which stipulate that the grantor should be admitted as a monk if he so desired — the practice of conversion *ad succurrendum*, whereby a man on his deathbed would be clothed as a monk and commemorated as such, in the surety that this would go far to atone for his previous life. It can hardly be denied, however, that although the spiritual motives for gift-making predominated, there were many other advantages to be obtained from the patronage of a religious community. The monastery might be used as a convenient refuge for younger sons, especially useful if they were handicapped, as when Elinald *vicecomes* placed his leprous son Adam in Stoke.<sup>22</sup> Grants might be made in return for corrodies, provision for life for the grantor or his relatives; for example, Robert of Dunwich gave his heathland at Blythburgh to the priory in return for a canon's portion for his mother, with food for her maid. Many grants too, although stated to be in free alms, were in fact made for a cash payment; rent-producing land was sacrificed in return for a lump sum. The Blythburgh cartulary abounds in such grants, the most interesting being when William of Thorington gave eighteen acres, in return for which the canons gave him 20s. and a horse, so that his son might be knighted.<sup>23</sup> At Blythburgh, too, many lands granted were almost immediately leased back by the priory to relatives of the grantor.

One of the best illustrations of the benefits to be derived from a religious house is the relationship between the Blaveni family and the priory of Stoke by Clare. Towards the end of the 11th century, Geoffrey de Blaveni gave land to the monks when he was received into their number. A few years later his son Robert gave seven acres when he placed his mother Emma in the care of the community, to be looked after for the remainder of her life. Subsequently he granted two more acres in return for a pair of boots each year — a frequent stipulation; perhaps monks employed the best shoemakers. Finally, in 1199, in return for confirmation of all the grants ever made by his family, the Prior of Stoke agreed to accept into his service Robert's younger brother William, with the board of one of the prior's squires and half a mark a year, and promised never to remove him unless he was convicted of felony.<sup>24</sup>

Indeed, for the middling sort of layman, service with a monastery could be lucrative. In a legal case of 1255, the traditional allowances of the hereditary porter of the monks of Eye were defined. In return for guarding the priory gate and for going on the Prior's business in England, he should receive the livery of one of the free servants, and when in the priory should eat with the household. He should have 4d. for every villein whom he put in the stocks, and 4d. *per annum* for providing a lock. For every twenty fowl brought into the monastery he should have a chicken at Christmas, and for every hundred oxen coming in, three oxen at Easter. He should be provided with a horse and separate stabling within the priory.<sup>25</sup> Such rewards might make the difference between mere survival in a harsh world and a modest measure of comfort and local esteem.

The monastic houses, of course, could only dispense this patronage because they had received extensive revenues from the laity. A very high proportion of these endowments were not, however, in the form of land or rents, but were grants of churches and tithes. The doctrine of the papal reformers of the late 11th century, that it was sacrilegious for laymen to hold ecclesiastical property, rapidly spread across western Europe, and as the advantages which a lord could extract from

the proprietorship of a church, the advowson, decreased, so they increasingly gave their churches to monasteries, using a debased currency for the purchase of salvation. Robert son of Ernold, for example, wrote to Bishop John of Norwich, explaining that he had enquired diligently into the right of Colchester Abbey to the advowson of Hemingstone, which pertained to his ancestors. Because he wished neither to go against the advice of his friends, nor to be in a state of sin, he recognised the monks' right, and asked the Bishop to institute their presentee without any hindrance from him.<sup>26</sup> In the same way, Norman lords very frequently gave two-thirds of the tithes of their demesne and tenants to the religious, diverting them, with episcopal approval, from the parish church; the Stoke by Clare cartulary contains numerous such grants by the earls and their vassals. Indeed, the very transfer of the proprietorship of parish churches to monastic houses, intended to free the church from lay domination, in the long run had deleterious effects on parish life.

The religious were not, of course, immune from external pressure, and would often enough present a clerk whose services would be useful to them, and whose appointment would ingratiate them with the powerful. In the 1180s the Prior of Eye, at the king's petition, granted the church of Badingham to Osbert de Camera, royal clerk, and in return Henry II took the monks under his special protection. The monks of Eye were persuaded to grant the stewardship of St Leonard's Dunwich to Archdeacon Roger for an annual farm of twelve marks, and Bishop John of Oxford also induced them to present Archdeacon Geoffrey to the parsonage of Laxfield.<sup>27</sup> Secular magnates, too, needed to provide for their servants. Although the advowson of Chippenham had long before been granted to Walden Abbey, Earl William de Mandeville persuaded the Abbot to allow him, for his lifetime and in return for a pension, to present one of his own clerks.<sup>28</sup>

Parochial revenues, moreover, were frequently and steadily eroded after the grant of the advowson to the monks. One example must serve for many. Between 1139 and 1143 Earl Gilbert de Clare gave the church of Bures to Stoke by Clare; that is, the monastery became the patron, with the right of presentation. The church was valued at forty marks. Some forty years later, Bishop John of Oxford authorised the monks to take from the church an annual pension of sixteen marks four shillings, two-fifths of its total value. Subsequently, the same bishop appropriated the parish church to the priory, that is, the convent became the corporate rector, with the provision that they should install a vicar to fulfil the obligations of the cure. Finally, at the very beginning of the 13th century, it was ordained that the vicar was to receive fifteen marks *per annum*, and to hold twenty acres of the church's land, leaving twenty-five marks for the monks. The vicar, moreover, was to discharge all the financial obligations of the church to the bishop and archdeacon out of his portion.<sup>29</sup> In the rural deanery of Sudbury, where Bures is situated, fourteen out of forty-eight parish churches were by 1291 appropriated to monasteries, and of the remaining thirty-four secular rectories, fifteen were burdened with pensions to the religious. Sudbury was exceptional only in the lack of monastic domination; in the deanery of Dunwich, twenty-six churches were appropriated, and there were only eighteen secular rectories.<sup>30</sup>

Yet there is much evidence to suggest that a succession of bishops attempted to ensure that parish churches did receive the best ministry possible in a world dominated by the monasteries. Both before and after the decrees of the Fourth Lateran Council of 1216, they endeavoured to establish in the parishes vicars whose security and income were guaranteed, but who were also placed under strict obligations. Again, one example must suffice. The monks of the small Cluniac house of Prittlewell in Essex petitioned Pandulph, Bishop elect of Norwich, to appropriate to them the church of Stoke by Nayland with its chapel, because of their urgent necessities. He consented, but ordered his official and the local rural dean to investigate the revenues of the church, and out of them to establish a vicarage of twenty marks. The vicar was also to have a messuage next to the cemetery; with two adjoining crofts, where he could construct a manse. He, for his part, was to take an oath to maintain permanent residence and to serve the church faithfully, alienating none of its possessions, and if delinquent he should submit to the bishops's correction, being liable to deprivation if his shortcomings so dictated.<sup>31</sup>

Apart from the dangers of appropriation, the parish churches also faced the potential danger of the establishment of chapels within their bounds. There were several reasons for such foundations. In an age of extensive settlement, they might be established by the common action of the inhabitants of a new or growing centre of population without a parish church. For example, in 1206 the men of Southwold agreed to give the cellarer of Bury St Edmunds three marks *per annum* for the use of a chaplain to celebrate there; all households were to pay a suitable proportion of this sum according to the assessment of eight lawful men chosen by the cellarer. In return for this concession, they promised not to allow any stranger to reside in the town, nor to give any land there to any other religious house or to the Jews.<sup>32</sup> The diocesan was normally careful to safeguard the rights of parish churches. When Bishop William de Turba consecrated the cemetery of Peasenhall, he stipulated that no loss was to be suffered by the mother church of Sibton; no bodies were to be buried there, nor tithes and oblations given, without the consent of the parson.<sup>33</sup>

The turn of the century also saw the beginning of the establishment of chantry chapels, such as that founded in 1205 in honour of St John the Evangelist in the cemetery of Bury St Edmunds, between the great bell tower and the gate of St James, for the souls of Ralph of Necton and of the abbots.<sup>34</sup> A third reason for the foundation of a chapel was the convenience of a lord. One of the best examples of the detailed arrangements necessitated by such a foundation comes from just across the Essex border, but has strong Suffolk connexions. At the beginning of the 13th century Simon son of Richard, a substantial Clare tenant, desired to have a chapel for his household at Hempstead. He first guaranteed that in future, as had long been the case, two-thirds of his tithes there should be taken by the monks of Stoke, and the third part should go to the parish church of Steeple Bumpstead. The rector agreed that Simon might have mass celebrated in his chapel whenever he or his wife were at Hempstead, but at Christmas, the feast of the Purification, Good Friday and Easter, the rector should take half the oblations. If Simon's wife gave birth at Hempstead and wished her purification to be in the chapel, the chaplain should give the candle and her oblation, together with half the remainder of the offerings, to the mother church. The chaplain might not hear any confession without the rector's consent, except that of a person on his deathbed, nor might he on the principal festivals admit to the chapel any parishioners of Steeple Bumpstead.<sup>35</sup> If this agreement is unusually detailed, it merely reflects the numerous sources of controversy which might arise from the establishment of any new chapel.

Ecclesiastics and layman were united in their enthusiasm for the foundation of hospitals and refuges for the aged, sick and poor. Bury had five hospitals attached to the Abbey, founded by various abbots. Of one of these institutions there is a detailed description in a composition between Abbot Samson and Benedict of Blakenham, a substantial tenant, who had disputed his obligation to maintain St Peter's hospital outside the Risby gate as rent for the manor of Lackford. He was to give the almoner £13 19s. 6d. *per annum* for the maintenance of the sick brethren, and also to contribute eighteen trusses of straw. He was to maintain the stone house where they lived, with its chamber and kitchen and with three other houses, a henhouse and a privy for the servants, and he was to enclose the courtyard, and also the apple orchard to the west of the house, so that the brethren suffered no loss.<sup>36</sup> At the turn of the 12th and 13th centuries, as the establishment of new monasteries abated, the foundation of hospitals became increasingly popular with the laity. Amice, daughter of Earl William of Gloucester, seems after her estrangement from her husband, Richard de Clare, to have had the establishment of a new hospital at Sudbury as her main preoccupation.<sup>37</sup> Walter de Riboeuf, probable founder of the leper hospital of St James at Dunwich in the 1190s, granted, in addition to numerous small parcels of land, eight bushels of wheat at Michaelmas, two loaves daily from his oven, beer from his brewhouse and the tithe of his mills.<sup>38</sup> Yet the establishment of a hospital could be another cause of the diminution of parochial revenues. When Abbot Samson founded St Saviour's hospital at Bury, it was endowed with a proportion of the tithes of fifteen parishes, and with two-thirds of the annual value of Long Melford church.<sup>39</sup>

The wholesale transfer of churches and tithes to monastic ownership, and the establishment of pensions and vicarages within parish churches, were also fruitful causes of disagreement, and litigation over ecclesiastical matters increased steadily as the 12th century progressed. The ordinary judge was, of course, the diocesan bishop. In the first three quarters of the century, it appears that his judgements were normally given in full synod held, for the southern part of the diocese, at Ipswich at Michaelmas and Easter. One of the earliest recorded decisions is from 1147, when Bishop William de Turba decreed that while Stoke by Clare priory should hold two-thirds of the tithes of Richard son of Hugh at Cowlinge, and Alan the rector should renounce all right to them, he might nevertheless for his lifetime hold them of the prior for 3s. *per annum*.<sup>40</sup> As the bishop was called upon to adjudicate in more and more cases, and as bishops such as John de Gray and Pandulf were almost constantly involved in the royal service, judgement in synod in the early 13th century gave way to the formalised machinery of the consistory court, in which the bishop's official regularly presided. The decisions of Masters Ranulf de Wareham and Alan de Beccles, acting in this capacity, appear with great regularity in East Anglian cartularies.

Disputes over advowsons, the right of patronage, fell by custom, reinforced by the settlement following Becket's murder, within the province of the royal courts, where ecclesiastical superiors were frequent suitors; the Prior of Stoke by Clare, for example, was a party to ten final concords made before the king's justices in the period from 1197 to 1250, five of them in the years from 1197 to 1205.<sup>41</sup> Some advowson disputes were between two laymen; one interesting case occurred in 1205, when Richard Earl of Clare and his tenant Ralph de la Cressonière contested possession of the advowson of Stansfield; Ralph recognised the right of the earl, who in return remitted to him the service of one knight for his lifetime. This reveals the value which the right of presentation still had for a great man who had clerks for whom he must make provision. More common were disagreements between religious houses and laymen who might regret the grant of the advowson by one of their ancestors to the monks or canons. One example may be taken as typical of the way in which such cases normally ended; in 1205 Walter of Barnham withdrew from his plea against the Abbot of Aumale over the parish church of Alpheton, and in return the Abbot promised that he should be a beneficiary of all the prayers of the monks for evermore.<sup>42</sup>

Increasingly as the years passed, ecclesiastical cases not concerned with advowsons were submitted to the judgement of papal judges-delegate, after an appeal by one of the litigants to Rome. Bishops, religious superiors and archdeacons were commissioned by the *curia* to adjudicate. Eye Priory was involved as a party in such litigation fourteen times between 1198 and 1240. Again, two examples of such cases must suffice. In 1205 the priors of Bury St Edmunds, Thetford and Bricett induced the monks of Eye, rectors of many Dunwich churches, and the Hospitallers to arrive at an amicable composition concerning their respective rights in that town. The main points of the detailed composition were that the Hospitaller chapel should not usurp the rights of the parish churches; any oblations unwittingly diverted would be returned, excommunicates would not be received, a quarter of legacies for burial in the chapel would be given to the church of the deceased, and the Hospitallers would not bless ships until the parochial chaplains had been offered and declined the opportunity. In return the monks and chaplains promised to respect the papal privileges granted to the Hospitallers, and to exhort their parishioners to give them alms.<sup>43</sup> Another frequent cause of friction was the division of tithes between a monastic house and the parson of the parish church. In 1202, for example, the Bishop and Archdeacon of Ely adjudicated between Eye Priory and the parson of Dennington; the final decision was that the monks should receive the tithes of the demesne, whether or not it was granted to a religious house or for knight service, but if the lord or any of his knights leased land to freehold or servile tenants, the parish church should have the tithes of that land.<sup>44</sup>

The period between the Norman Conquest and the mid-13th century, or between the papal reform movement and the gradual implementation of the decrees of the Fourth Lateran Council,



in Suffolk as in the whole of western Europe, was one of expansion and new settlement, and also one of legal definition. The new Norman lords of the land, acquisitive and enterprising as they were, nevertheless desired that the religious houses of the duchy, their new offshoots at Stoke by Clare and Eye, and the Old English houses which they had made their own should benefit from their prosperity, in return for the greater hope of salvation which they offered. New communities sought to establish chapels for their own convenience and spiritual welfare. Already at the time of Domesday, Suffolk was heavily parochialised, with at least 345 parish churches. The temptation to endow new monastic foundations with advowsons and tithes, commodities which in the new climate of opinion were of decreasing profitability to lay lords, inevitably led to the depression of parochial revenues and to great confusion, which episcopal, papal and royal judges strove manfully to resolve.

All these things, and many more besides, are reflected in the abundant charter material which survives for 12th-century Suffolk. The charters of this period are far more than title deeds; they reflect the sentiment of the age, the fear of damnation eased by the confidence in the monastic order as the surest road to Heaven. They indicate also the increasing judicial complexity of the era, and the efforts of judges, often supported by the great magnates, to substitute legal proof for self-help. This paper has concentrated upon ecclesiastical matters, but every cartulary contains just as much on the relationships of laymen with each other; charters can explain the complexities of knight service, or the nature of obligations of serfs to their lords. Charters, of course, are invaluable to genealogists and topographers, but they include so many 'uncovenanted blessings' as well. It is only from a full edition of all the charter material for the county (on which the Suffolk Records Society is now embarked) and ultimately of the innumerable Norfolk charters as well, that it will be possible to obtain some picture of the realities of life in 12th-century East Anglia.

## NOTES

- <sup>1</sup> A shorter version of this paper was delivered to the Annual General Meeting of the Suffolk Records Society in October 1981.
- <sup>2</sup> The Suffolk Records Society has already found editors for the charters of Eye, Sibton, Clare, Mettingham, Dodnash, and Suffolk nunneries, while Professor R. Allen Brown is engaged on the collation of the large corpus of Bury material.
- <sup>3</sup> Dugdale 1817, III, 330 – 31.
- <sup>4</sup> Martin 1779, 126.
- <sup>5</sup> Douglas 1932, no. 189.
- <sup>6</sup> See also Stenton 1932, 81 – 83.
- <sup>7</sup> Harper-Bill and Mortimer 1982, nos 50, 538 – 40.
- <sup>8</sup> See Ward 1981.
- <sup>9</sup> Harper-Bill and Mortimer 1982, no. 37.
- <sup>10</sup> *Ibid.*, nos 35, 40.
- <sup>11</sup> Dugdale 1817, VI, 174.
- <sup>12</sup> Moore 1897, 51, 131.
- <sup>13</sup> Lincoln's Inn, Hale MS. 87, f. 32r.
- <sup>14</sup> Douglas 1932, nos 171, 182.
- <sup>15</sup> Harper-Bill and Mortimer 1982, nos 103 – 04.
- <sup>16</sup> Harper-Bill 1980 (a), nos 285, 482.
- <sup>17</sup> Douglas 1932, no. 137.
- <sup>18</sup> Mortimer 1979, no. 11.
- <sup>19</sup> Harper-Bill 1980 (a), no. 135.
- <sup>20</sup> Harper-Bill and Mortimer 1982, nos 27, 31 – 32.
- <sup>21</sup> See Harper-Bill 1980 (b).
- <sup>22</sup> Harper-Bill and Mortimer 1982, no. 37.
- <sup>23</sup> Harper-Bill 1980 (a), nos 39, 425.
- <sup>24</sup> Harper-Bill and Mortimer 1982, nos 341 – 44.
- <sup>25</sup> Eye Cart., f. 5v.
- <sup>26</sup> Moore 1897, 260.
- <sup>27</sup> Eye Cart., ff. 19v – 20, 70v – 71.
- <sup>28</sup> Walden Cart., f. 18.
- <sup>29</sup> Harper-Bill and Mortimer 1982, nos 21, 78, 105.
- <sup>30</sup> Record Commission 1802, 118 – 19, 122 – 23.
- <sup>31</sup> Bodley, Essex charter 220.
- <sup>32</sup> Davis 1954, no. 130.
- <sup>33</sup> Elvedon Hall, Phillipps Suffolk MSS., Box 345, pt. 1.
- <sup>34</sup> Davis 1954, no. 29.
- <sup>35</sup> Harper-Bill and Mortimer 1982, no. 322.
- <sup>36</sup> Davis 1954, no. 23.
- <sup>37</sup> Harper-Bill and Mortimer 1982, nos 58 – 66.
- <sup>38</sup> Bodley, Suffolk charter 196.
- <sup>39</sup> Davis 1954, no. 26.
- <sup>40</sup> Harper-Bill and Mortimer 1982, no. 97.
- <sup>41</sup> *Ibid.*, nos 10 – 20.
- <sup>42</sup> Dodwell 1956, nos 439, 441.
- <sup>43</sup> Eye Cart., ff. 38 – 39.
- <sup>44</sup> *Ibid.*, f. 35v.

REFERENCES

*Printed works*

- Davis, R. H. C., 1954. *The Kalendar of Abbot Samson of Bury St Edmunds*, Camden Society, 3rd Series, LXXXIV. London.
- Dodwell, B., 1956. *Feet of Fines for the County of Norfolk 1201 - 15, and for the County of Suffolk 1199 - 1214*. Pipe Roll Society, New Series, XXXII. London.
- Douglas, D. C., 1932. *Feudal Documents from the Abbey of Bury St Edmunds*. Oxford.
- Dugdale, W., 1817. *Monasticon Anglicanum*, ed. J. Caley et al., 8 vols in 6, 1817 - 30. London.
- Harper-Bill, C., 1980 (a). *Blythburgh Priory Cartulary* (Suffolk Records Society, *Suffolk Charters* series, II - III, 1980 - 81). Woodbridge.
- Harper-Bill, C., 1980 (b). 'The Piety of the Anglo-Norman Knightly Class', *Proceedings of the Battle Conference II*. Woodbridge.
- Harper-Bill, C., and Mortimer, R., 1982. *Stoke by Clare Cartulary* (Suffolk Records Society, *Suffolk Charters* series, IV - VI, 1982 - 84). Woodbridge.
- Martin, T., 1779. *History of Thetford*. London.
- Moore, S. A., 1897. *Cartularium monasterii sancti Johannis Baptiste de Colecestria*, Roxburghe Club. London.
- Mortimer, R., 1979. *Cartulary of Leiston Abbey and Butley Priory Charters* (Suffolk Records Society, *Suffolk Charters* series, I). Woodbridge.
- Record Commission, 1802. *Taxatio Ecclesiastica Angliae et Walliae auctoritate P. Nicholai IV*. London.
- Stenton, F. M., 1932. *The First Century of English Feudalism, 1066 - 1166*. Oxford.
- Ward, J. C., 1981. 'Fashions in Monastic Endowment: the Foundations of the Clare Family, 1066 - 1314', *J. Ecclesiast. Hist.*, XXXII.

*Unpublished MSS: Abbreviations*

- Bodley Bodleian Library, Oxford.
- Eye Cart. Essex Record Office, Chelmsford, D/DBY Q 19.
- Walden Cart. British Library, Harley MS. 3697.