

Proceedings of the
SUFFOLK INSTITUTE
of
ARCHAEOLOGY AND HISTORY



Volume XXXVII Part 2
1990

Proceedings of the
SUFFOLK INSTITUTE
of
ARCHAEOLOGY AND HISTORY



Volume XXXVII Part 2

1990

THE EARLY HISTORY OF BACTON CHURCH

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

IT IS NOTORIOUSLY difficult to reconstruct the early history of the majority of English parish churches. Until the advent of bishops' registers, which in the diocese of Norwich are extant only from the early 14th century, there are few notices of those churches which were not appropriated to religious houses, whose rights and revenues as corporate rectors are recorded in those cartularies which happen to have survived. The history of the church of Bacton, in the hundred and rural deanery of Hartismere, might be expected to be obscure. It is mentioned in Domesday Book, where it is noted that before the Conquest there were attached to it twenty-four acres and that it brought to its lord three shillings profit (D.B., ii, f. 426b). It is listed in the *Taxatio Ecclesiastica*, the survey authorised in 1291 by Pope Nicholas IV, as a secular rectory worth £20 *per annum*, unencumbered by any pension or portion due from its parson to a monastic house (*Taxatio*, 129b). It is surprising, however, that in the *Valuation of Norwich*, an earlier papal assessment made in 1254, it is one of very few churches noticed therein for which no assessment is given, and this suggests some uncertainty over its revenues (Lunt 1926, 429). An explanation is provided by a long series of documents preserved, albeit in confused order, in the cartulary of Binham priory in Norfolk, which illuminate the history of the church from the late 12th to the late 13th centuries. Their interest is more than purely local, for they illustrate in great detail the prolonged processes of litigation which might result from the grant to a monastery of a portion of the revenue of a parish church whose rector, unlike the majority of vicars of appropriated churches, might be a man of some status and influence, as determined as the monks to preserve inviolate the financial integrity of his benefice.

The manor of Bacton had passed after the Conquest into the hands of Theodoric, brother of that Walter the deacon who was the tenant in 1086. By the early 12th century, however, Theodoric's lands were held by the Bishop of Norwich. Before 1119 William of Bacton had been enfeoffed by Bishop Herbert de Losinga in the substantial tenancy of which Bacton was the *caput*, and some years later, between 1121 and 1135, William adopted as his heir his uncle, Roger de Valognes, on condition that he should not enter into full possession of the honour until he had discharged that debt to the Bishop in consideration of which William had pledged eight of his thirteen knights' fees. Roger de Valognes, however, died before William, and it was Robert de Valognes, Roger's son and William's cousin, who eventually took possession. The agreement between William and Robert, which was ratified both by the Empress Matilda and by her son King Henry II, is particularly interesting in that it specified that Robert was to provide maintenance for William, now obviously an old man, and that if William so wished Robert should ensure that he would be received as a monk at Binham, founded by his grandfather Peter de Valognes as a daughter-house of St Albans (Dodwell 1962, 146-48).

The church of Bacton passed with the honour to Robert de Valognes who did not, however, intend to retain the advowson in his own hands. In conformity with contemporary fashions in piety, he granted the church to his monks of Binham. It is impossible to date his gift precisely. Robert succeeded his older brother, Peter II de Valognes, who died in 1158, as lord of estates which centred on Benington in Hertfordshire, but the Bacton agreement may have been made before Peter's death in order to provide lands for a second son. Robert himself died in 1184 and was succeeded by his daughter Gunnora (Sanders 1960, 12). His donation of Bacton church was not listed in the general confirmation by Bishop William Turbe of the priory's possessions, which may be dated within the limits 1171 x 17 January 1174, but it is included in

a similar confirmation by Bishop John of Oxford, issued in the year of the Incarnation 1183.¹ Although episcopal confirmations might omit some possessions, it is highly likely that Robert's gift of the church to Binham can be dated 1171 x 24 March 1184. What was given was more, as was often the case in such donations, than the advowson. The church was granted to the monks, saving the rights of Geoffrey de Lanvalen', the parson, for his lifetime or until he entered the cloister. Robert wished that all offerings to the altar of Bacton church should be used by the sacristan of Binham for the construction of the priory church, and when building there was completed, the revenues should thenceforth be diverted to provide for the lighting of the monks' church. The east end of Binham priory church is now long demolished, and this charter, printed below, provides at least an approximate date for active work on that reconstruction which culminated a few years before 1244 in the singular and innovative west front (Pevsner 1962, 89–92).

Bacton church next appears in documentary records at the centre of a controversy. On 19 April 1200 Pope Innocent III commissioned three judges-delegate – the Abbot of Waltham Holy Cross, the Dean of St Paul's and the Archdeacon of London – to investigate the complaint of the Prior and convent of Binham that a certain clerk, H., had with the aid of secular force violently intruded himself into the church and retained it, to the prejudice and damage of the monks. If the judges found this to be true, they were to eject him and to restore Bacton church to Binham, enforcing the payment of compensation for revenue lost in the interim.²

There can be little doubt that the force which had been exerted had been employed by Robert FitzWalter, lord of Little Dunmow and second husband of Gunnora de Valognes, whom he had married some time between 1194 and 1199 (Sanders 1960, 129–30). It was probably shortly after Gunnora's second marriage-ceremony that the Bishop of Norwich claimed the advowson of Bacton in the *curia regis* in the Easter term of 1198, (C.R.R., i, 35), but there is no evidence that the action was pursued and the church is not mentioned in the agreement of 1205 between Bishop Gray and the monks of Norwich concerning the patronage of the cathedral priory's churches.³ The alleged intrusion of a clerk into Bacton church was only one minor episode in a long-running conflict between Robert FitzWalter and the abbey of St Albans, which had begun with a dispute over some woodland at Northaw (Hertfordshire) and culminated in 1212 in an altercation over respective rights of appointment of a new Prior of Binham and in FitzWalter's armed siege of the priory, which was itself one reason, if a subsidiary one, for the open confrontation between him and King John (Painter 1949, 259–60).

The dispute about the advowson of Bacton between Robert FitzWalter and the Abbot of St Albans came before the *curia regis* in Easter term 1201 (C.R.R., i, 451), but soon thereafter a compromise was reached, probably outside the court, since it is not recorded in the form of a final concord made before the king's justices. FitzWalter granted to the Prior and convent of Binham an annual income of five marks from Bacton church, and they accepted in return that the exercise of the advowson should pertain to him and his wife and to their heirs after them. It is likely that this agreement, printed below, was part of a general settlement of grievances and coincided with the exchange of 1201 whereby FitzWalter surrendered his claim to Northaw wood for land worth £10 *per annum* granted by the Abbot of St Albans. Certainly arrangements had been finalised by 20 June 1202 when John de Gray, Bishop of Norwich, with the consent of the lay patrons, granted to the monks five marks a year to be received from the hands of the successors of Archdeacon Roger of Sudbury, who was then parson.⁴ Another episcopal *actum* of 6 September 1211 amplified this by defining these five marks as a separate benefice within the church, rather than a pension to be paid from the rector's revenues.⁵ Bishop and monks hoped thereby, no

doubt, to avert the need for constant resort to litigation to enforce payment which was so often the aftermath of the grant to the religious of a pension or portion from a local church. The patron's consent to this agreement was reiterated by Christiana de Mandeville between 1227, when her husband died, and her own death in 1232; this confirmation was issued following in the footsteps of Robert de Valognes her grandfather, Robert FitzWalter her father (who was still alive) and Gunnora her mother, and for the soul of William de Mandeville her husband (Cart., f. 183v.).

More than a decade before Christiana's confirmation, however, the monks' benefice had become a matter of dispute at the highest level, prosecuted by means of successive appeals to the court of Rome. On 5 January 1216 Pope Innocent III issued a mandate to the Priors of Castle Acre and Pentney and the Dean of Lynn to hear and adjudicate upon the complaint of the monks of Binham against W. Archdeacon of Hereford and others who were alleged to have molested them in relation to their annual revenue of five marks from Bacton; there was to be no appeal from their verdict, which they should enforce by ecclesiastical censures.⁶ The Archdeacon was, in fact, William FitzWalter, obviously a close relative and probably the younger brother of Robert, with whom he had been exiled in 1212. William was one of four ecclesiastics who had been excommunicated by papal commissaries on 5 September 1215 as disturbers of the realm, because of their involvement with the king's enemies.⁷

There is no record of any hearing before these judges-delegate, but eighteen months later William FitzWalter was no longer rector of Bacton. It is highly likely that he was deprived, along with other rebels against King John, by the papal legate Guala. On 5 May 1217 the monks obtained from the new pope, Honorius III, a mandate addressed to the Abbots of Colchester and St Osyth and the Archdeacon of Colchester. The Prior and convent had complained that four clerks identified only by their initials, J., J., D. and W., in conjunction with others unnamed, had deprived them of tithes and other revenues. The recipients of the mandate were instructed to adjudicate, but to confirm no pensions which were contrary to the decrees of the Lateran Council, which in essence meant any which had not been confirmed by the diocesan bishop (Cart., f. 185r.). A report was addressed to the judges-delegate by Ranulf of Warham, Bishop-elect of Chichester and still administrator (*custos*) of the bishopric of Norwich, in which he had long served as Bishop Gray's Official. He reported that from inspection of the charters of Robert FitzWalter and the Bishop it was obvious that five marks a year were due to Binham from Bacton church, and he wished to emphasise this lest the judges should be deceived. He added that at the last Michaelmas synod at Norwich – which was probably September 1216, before the monks had appealed to Rome, rather than 1217 – it had been decided that satisfaction should be rendered to the monks for this sum, but because no goods had been found at Bacton, they had not so far received their dues (Cart., f. 187r.).

At Frating (Essex) on 27 April 1218 the two Abbots, in the absence of the third judge who was ill, issued their sentence. They had cited to appear before them the present rector, Master David de Mora – that is, almost certainly, of Moorfields in London. The monks' proctor asserted that he had detained their simple benefice of five marks from the time that he had been inducted into the church, and after the examination of documents and witnesses the judges condemned him to payment in full (Cart., f. 185r.). That an attempt was made to enforce this order is suggested by a further letter of the Abbots to the Deans of Bocking and Witham, in Essex, within whose jurisdiction Master David may have been known to have held other benefices where he might reside. The Deans, when approached by the monks, had questioned by what authority the Abbots had acted, and they now confirmed that they had terminated the case by papal authority (Cart., f. 188r.).

Any efforts to extract payment were, however, unsuccessful. The monks were forced once again to impetrate a papal mandate. This was issued at Viterbo on 14 May 1220 in the form of a commission to Abbot Hugh of Bury St Edmunds and the Dean (*rectius* Prior) of that house. They were instructed to ensure that the definitive sentence of the previous judges should be observed (Cart., f. 186v.). Some time in 1221 Master David issued a written acknowledgement of his agreement with the monks of Binham that both he and the Prior should appear in the great church at Bury on St Hilary's day (13 January). He would do everything possible to ensure the appearance there of Roger of Barningham and would exhibit the composition he had made with this Roger, who was presumably either his chaplain at Bacton, or, more likely, the layman who farmed the revenues of the rectory. If Roger would not satisfy the monks according to the judges' sentence, Master David would himself make satisfaction, and he bound himself to observance of these terms under penalty of ten marks (Cart., f. 186r.).

At Bury Master David swore that he would in future pay the annual sum of five marks to the monks in two instalments at the Easter and Michaelmas synods at Hoxne. In return for this undertaking the Prior remitted to him all but five marks of the arrears, which by now probably amounted to five times that amount. The back-payment not pardoned he would discharge at the rate of one mark a year, and he bound himself to a penalty of five marks if he failed to observe these terms in any particular. The papal commissaries also issued a mandate to the Rural Dean of Hartismere instructing him that, in the event of non-payment, he should after legitimate warning take action to force compliance (Cart., f. 185v.). For their greater security the monks of Binham on 1 October 1225 obtained from Pope Honorius a confirmation of the definitive sentence of the Abbot of Bury and his fellow-judge (Cart., f. 182r.).

In the spring of 1228, however, the monks were once more forced to appeal to Rome, and at Assisi on 5 June Pope Gregory IX appointed the Priors of Rudham, Walsingham and Weybourne to cause the definitive sentence of the Abbots of Colchester and St Osyth against Master David de Mora to be obeyed, employing if necessary ecclesiastical censures. Master David failed to appear before them, but having heard the Prior's testimony and inspected documents, they confirmed the previous sentence in favour of Binham (Cart., f. 185v.). This was not, however, the end of the matter. An undated letter of the three judges to Bishop Thomas Blundeville of Norwich recounts their weariness of the ever-increasing wickedness of the Rector of Bacton, which was compounded by his insolence. They were sure that the bishop shared their sentiments. The Rector had made a frustratory appeal to Rome and had obtained the appointment of other judges who had relaxed the sentence of excommunication which lay upon him. So that they might discharge the Pope's commission, they now requested the Bishop's help, asking him to punish the Rector's evil by renewing the sequestration of the fruits of his church, which had been interrupted because of the letters he had obtained to other judges. The Bishop was also asked to reiterate the sentence of excommunication against him, so as to force him to render to the monks their benefice and to pay the arrears. They reminded the Bishop that the rights of the monks in this matter had been demonstrated to him many times. Probably to this phase of the litigation belongs a letter from the Rural Deans of Blackbourne and Hartismere (although it is possible that this pertains to action against the next parson). They notified Richard of Shipton, Dean of Norwich (who was Bishop's Official from some time after 25 June 1229) that they had both sequestered those of the Rector's goods which they had found in the parsonage at Bacton and had denounced him as excommunicate throughout the parishes of their deaneries, and thus to be strictly avoided by all Christians until he made satisfaction and provided indemnity for future payments to Binham (Cart., f. 187r.). It was

probably Master David's manipulation of the papal legate system, too, which prompted the monks to obtain from Pope Gregory IX two confirmations of the sentence in their favour of the Abbot of Bury and his fellow-judges; these were dated at Rieti on 2 May 1229 and at Assisi twenty-four days later (Cart., f. 182r.).

The institution of a new rector following the death or resignation of Master David did not bring peace. There was litigation between the monks and Richard of Hempnall both in the diocesan courts and before papal judges-delegate. The one document relating to this phase of the conflict which can be securely dated is a notification that on the day after the Michaelmas synod at Ipswich in 1232 both Richard and the monks' proctor appeared before Bishop Thomas Blundeville. Judgement had previously been given by the Bishop's Official concerning this annual payment to Binham. The Bishop, now presiding in person, absolved the Rector from sentence of excommunication and restored to him possession of Bacton church, into which the proctor of the Prior and convent had previously been inducted because of his debt to them (*per modum debiti declarati*). The parson now swore an oath to render to the monks five marks a year payable in two instalments at the Norwich synods, although he reserved to himself the right to possession of the church. The Bishop's Official was instructed to go with the Rural Dean of Stowe to Bacton, and having heard the assessment by the Prior's servants of the net revenues of the church, they were to allocate from the receipts sufficient to cover the arrears of the monks' benefice since Richard's institution, reserving the remainder for the moment to the Bishop's ordination, pending an appeal for legal costs to be made before a competent judge (Cart., ff. 184r.-v.).

It is impossible to know whether litigation before another team of papal judges-delegate preceded or followed the Bishop's decision. At some stage of Richard of Hempnall's incumbency, however, the Priors of Rudham, Weybourne and Fakenham notified three rural deans of Ely diocese, in whose locality they believed him to be, that they had considered the merits of the case and had excommunicated the Rector of Bacton; they ordered the deans to publicise this sentence (Cart., f. 188r.). All that can be said with certainty is that the monks in the 1260s asserted that they had received their benefice during the time that Richard was parson.

Before the last recorded phase of the monks' judicial struggle to retain possession of their benefice at Bacton there had been a change of patronage. When Robert FitzWalter died in 1235 having been pre-deceased by his daughter Christiana, his wife's inheritance was divided between the three daughters of William de Valognes of Panmure in county Forfar (Sanders 1960, 12-13). Bishop Blundeville, however, paid £100 to King Henry III to have the manor of Bacton confirmed as episcopal demesne (Copinger 1909, 221). His claim was not uncontested, and it was not until 1273 that one of the co-heiresses, Christina, and her second husband Alexander de Balliol of Cavers recognised in return for 160 marks that the manor of Bacton together with the advowson of the church was the right of the Bishop and of the church of Norwich (Dodwell 1974, no. 372). The fact that in 1266 the Rector was Hamo of Calthorpe, however, is a strong indication that the patronage had been exercised by Bishop Walter of Suffield *alias* Calthorpe (1245-57), whose kinsman Hamo very probably was.

The monks complained against Hamo to Cardinal Ottobuono Fieschi, papal legate in England from 1265 to 1268, who on 2 February 1266 commissioned the Prior of Swavesby to hear the case as his delegate (Cart., f. 187v.). On 21 April in his own priory the judge postponed the case, despite the appearance of Hamo's proctor, in the hope that peace might in the meantime be made between the parties. Proceedings were adjourned until 2 June at Barnwell priory (Cart., f. 186r.). Hamo apparently did not appear then, for next day the judge ordered the Dean of Hartismere to cite the Rector to appear on 21 June at

Huntingdon priory. So that the Dean might be aware what was at stake, the judge enclosed the bill of the Prior and convent, in which they alleged that they were in possession of five marks as a simple benefice, anciently and canonically imposed on Bacton church, which Hamo had since his institution as Rector unilaterally withdrawn. They sought payment with arrears and costs (Cart., f. 187v.).

Any action taken by the Prior of Swavesby was, however, ineffective, and eight years later the monks placed the blame on his shoulders. In 1274 they complained to Pope Gregory X that when he had been delegated by Cardinal Ottobuono to hear the case he had left the matter in suspense for three years and ultimately had failed to proceed any further, despite their constant entreaties that he should bring the matter to a conclusion. The Pope at Lyons on 21 May 1274 ordered the Prior of Swavesby to proceed with the case according to the legate's original commission and also issued a mandate to the Prior of Dunstable to proceed in his place once three months had elapsed without action (Cart., f. 182r.). The absence of any further documentation in the mid-14th-century cartulary of Binham priory, coupled with the omission of any mention of the monks' benefice in the *Taxatio* of 1291, suggests that their rights were, after a long struggle, ultimately abandoned. The Prior and his advisers may, indeed, have reckoned that their chance of success was minimal now that the church was in the Bishop's patronage and thus likely to be occupied habitually by an episcopal clerk.

A century after the grant to them of the revenues of Bacton church, therefore, the monks of Binham retained nothing. It was the common experience of the religious that heirs might not imitate the magnanimity of their ancestors towards a particular monastery, and this was the more likely to be the case when a son-in-law had effective control of the estates of an heiress. The actions of Robert FitzWalter demonstrate the continuing value to a magnate of the patronage of parish churches, even after the reforms initiated by Rome in the late 11th century had eliminated the prospect of direct financial exploitation. Those clerks presented by FitzWalter to Bacton church felt no obligation towards the monks whom Robert de Valognes had cherished. The Prior and convent were tenacious, in the space of seventy-five years appealing seven times to the papal *curia* and pleading at least three times in the Bishop's court. The battle had, however, in reality been lost in 1202. The case of Bacton demonstrates how wise had been those 12th-century monastic superiors who had so eagerly sought the appropriation of parish churches to which they had been granted the right of presentation, so that as rectors themselves they had only to face the demands of a vicar, likely to be a dependent of little significance, rather than the opposition of a rector who might have the resources and influence to oppose their plans, even in the face of the threat of excommunication.

APPENDIX

The following charters, from the Binham cartulary, B.L. MS Cotton Claudius D xiii, are published by permission of the Trustees of the British Library.

Notification by Robert de Valognes to the bishop of Norwich and all the faithful of his grant to the monks of Binham of the church of Bacton [Probably 1171 x 24 March 1184]

[*F. 184r.-v.*] Robertus de Valoniis episcopo Norwicensi et omnibus fidelibus ad quos presens scriptum pervenerit salutem. Sciatis me concessisse et hac mea carta confirmasse pro salute mea et omnium parentum et amicorum meorum ecclesiam sancte Marie de Baketon' in liberam et perpetuam elemosinam Deo et ecclesie sancte Marie de Binham et monachis ibidem Deo servientibus, salvo iure Gaufridi de Lanvalen' quamdiu in seculari habitu vixerit. Volo igitur ut predicta [*f. 184v.*] ecclesia et omnimode eius obventiones ad constructionem monasterii de Binham ferretario^a eiusdem loci ordinentur. Cum vero ecclesia de Binham constructa fuerit, omnes prelate

ecclesie de Baketon' redditus, salvo episcopali iure, ad usum luminarium in ecclesia de Binham proficiant. Qui autem hanc meam concessionem manutenerint omnipotentis Dei gratiam consequantur. Hii sunt testes: Robertus capellanus de Benitune, Petrus de Ros, Iohannes de Valon', Radulfus de Lartune et Willelmus filius eius, Robertus de Chavene, Gaufridus filius Alani, Ricardus filius Gilberti, Andreas de Cotthune, Henricus de Westeleye, Radulfus de Gaidene, Symon clericus filius Radulfi, Fulco Venacoin', Rogerus filius Aliz, Iohannes filius Isabel', Willelmus Cumyn, Ranulfus Bars.

(*ms: ferretarii)

Notification by Robert FitzWalter that he has granted to the monks of Binham five marks a year from Bacton church, to the patronage of which they shall have no claim [Easter 1201 x 20 June 1202]

[F. 183v.] Robertus filius Walteri omnibus fidelibus ad quos presens scriptum pervenerit salutem. Sciatis me dedisse et hac mea carta confirmasse pro salute mea et omnium parentum meorum quinque marcas argenti annuatim de ecclesia de Baketon' in liberam et perpetuam elemosinam Deo et sancte Marie de Binham et monachis ibidem Deo servientibus, nec predicti monachi amplius inperpetuum de predicta ecclesia habere possunt vel exigere. Et mihi et heredibus meis remanet donatio predictae ecclesie inperpetuum, nec predicti monachi amplius possunt calumpniari in predicta ecclesia preter quinque predictas marcas. Hiis testibus: Osberto filio Humfridi, Gaufrido de Amblis, Willelmo filio Walteri, Henrico le Hunte, Waltero de Creppingege, Iohanne filio Walteri, Fulkone^a Bainhard' et multis aliis.

(*ms: Fuloke)

NOTES

- 1 Harper-Bill 1990, nos. 62, 167; Cart., ff. 45v.-47r.
- 2 Cheney 1967, no. 215; Cart., f. 183r.
- 3 Dodwell 1974, nos. 177-78; Harper-Bill 1990, nos. 390-91.
- 4 Harper-Bill 1990, no. 325; Cart., f. 183r.-v.
- 5 Harper-Bill 1990, no. 326; Cart., f. 184r.
- 6 Cheney 1967, no. 1046; Cart., f. 183r.
- 7 Painter 1949, 345; Holt 1961, 94.

REFERENCES

- Cheney, C.R. and M.G. (eds), 1967. *The Letters of Pope Innocent III (1198-1216) concerning England and Wales*. Oxford.
- Copinger, W.A., 1909. *The Manors of Suffolk*, III. Manchester.
- Dodwell, B., 1962. 'Some Charters relating to the Honour of Bacton', in *A Medieval Miscellany for Doris Mary Stenton* (Pipe Roll Society, N.S., xxxvi). London.
- Dodwell, B. (ed.), 1974. *The Charters of Norwich Cathedral Priory*, I (Pipe Roll Society, N.S., XL). London.
- Harper-Bill, C. (ed.), 1990. *English Episcopal Acta, VI: Norwich 1070-1214* (British Academy). London.
- Holt, J.C., 1961. *The Northerners*. Oxford.
- Lunt, W.E., 1926. *The Valuation of Norwich*. Oxford.
- Painter, S., 1949. *The Reign of King John*. Baltimore.
- Pevsner, N., 1962. *The Buildings of England: North-East Norfolk and Norwich*. Harmondsworth.
- Sanders, I.J., 1960. *English Baronies: a Study of their Origin and Descent*. Oxford.

Abbreviations

- Cart. Cartulary, B.L. MS Cotton Claudius D xiii.
- C.R.R. Curia Regis Rolls, 16 vols, H.M.S.O., 1923 etc.
- D.B. Liber Censualis vocatus Domesday Book, ed. A. Farley, 2 vols (Record Commission, 1783). London.
- Taxatio Taxatio Ecclesiastica Angliae et Walliae Auctoritate P. Nicholai IV (Record Commission, 1802). London.