

135. See of Norwich

Return made to king Henry II listing the knights of the bishop's fee and the service which they owe. Those of the old enfeoffment, before the death of king Henry I, are: Peter the constable, three-and-a-half knights; Geoffrey dapifer, five knights; Roger of Gunton, four knights; Roger the archdeacon, two knights; William of Colkirk, Simon de Novers, William Gros, each one knight; Roger of Wickmere, William of Sedgeford, Robert de Glanville, each half a knight; Osmund the marshal, quarter of a knight; Peter of Milden, four knights; William of Wormegay, ten knights, but he withholds half a knight. Of the new enfeoffment, after the death of king Henry I, in time of war bishop Everard gave to John FitzGilbert the manor of Blickling, of the bishop's demesne, for the service of one knight; this his brother William now holds.

[Lent 1166]

B = PRO E164/12 (Black Book of the Exchequer) fo. 115r-v. s. xiii in. C = ibid. E164/2 (Red Book of the Exchequer) fo. 114v. s. xiii med.

Pd from B in T. Hearne, *Liber Niger Scaccarii* (1774) i 280-1; from C in *Red Bk Exchq* i 391-2.

For discussion of the bp's *carta*, see Dodwell, 'The honour of the bishop of Thetford/Norwich'.

136. Nuneaton Priory

Confirmation for the nuns of the church of St Gregory with the chapel of St Peter, Sudbury, the gift of William earl of Gloucester.

[c. 1159 × 23 October 1166, probably c. 1159]

A¹ = BL ms. Add. ch. 47950. Endorsed: *confirmatio ecclesie de Suberi* (s. xiii); *confirmatio ecclesie et libertatis monialibus de Eaton* (s. xiv); approx. 174 × 92 + 22 mm.; parchment tag, seal missing.

A² = BL ms. Add. ch. 47949 (lacks last four witnesses). Endorsed: *confirmatio ecclesie de Subr'* (s. xiii); *non irrotulatur quia duplicatur* (s. xiv); approx. 157 × 42 mm.; tie tag, seal, white wax.

A³ = BL ms. Add. ch. 47951. Endorsed: *confirmatio episcopi Norwicensis de capella de Sudb'* (s. xiii); approx. 154 × 77 mm.; tongue torn away

Omnibus sancte matris ecclesie fidelibus Willelmus Dei gratia Norwicensis episcopus salutem. Innotescat omnibus quod petitione et presentatione Willelmi comitis Glocestrie concessimus et dedimus monialibus de Etona^a que sunt de ordine Fontis Everardi^b ecclesiam

sancti Gregorii de Subiria^c cum^d capella sancti Petri et^d omnibus aliis^e ad eam pertinentibus^f in liberis terris et decimis et quibuslibet aliis pertinentiis^f et eas inde investivimus. Quare volumus et precipimus ut ipse habeant et teneant eam cum omnibus pertinentiis eius libere et quiete et honorifice, salvo iure et iustitia Norwicensis ecclesie. Hiis testibus; Hylario Cicestrensi et Roberto Lincolnensi episcopis, Laurentio de Westmon', Roberto de sancto Albano, Gregorio de Malmesberia abbatibus, Roberto comite Legr', comite Patricio, Goscelino de Bailol,^g Roberto de Dunstanvil', Hugone de Gundevill', Alano de Novill', Galfrido abbate.

^a Etuna A³ ^b Everaldi A³ ^c Sudbyria A³ ^{d-d} omitted A³ ^e aliis omitted A³
^{f-f} omitted A² ^g A² ends here

Laurence became abbot of Westminster c. 1158 and Gregory abbot of Malmesbury in (?)1159. Robert de Gorron, abbot of St Albans, died c. 23 October 1166. BL ms. Add. ch. 47952 is a confirmation by archbp Theobald as papal legate, hence probably by 1159; it does not mention the bp's confirmation. The witness list of the episcopal confirmation suggests that it was given at a royal court.

Earl William's charter is not apparently extant, but was produced by the prioress, together with the episcopal confirmation, in the *curia regis* in 1206, when the countess of Clare, the earl's daughter, claimed the advowson against the nuns (*CRR* iv 139-40). In further litigation in 1214 the prioress produced the bp's charter but not that of the earl (*CRR* vii 66). The roll to which reference is made in the endorsement of A² is not amongst the numerous Nuneaton charters in the BL, but was probably similar to those containing material relating to Nuneaton's churches in the dioceses of Lincoln and Winchester. The authenticity of Nuneaton's charters relating to the church of Catherington (Hampshire) has been questioned (*HRH* 217 n. 2), but the texts collated above appear unexceptionable.

*137 Osbert the priest

Notification to archbishop Theobald that Osbert was granted the church of Thrextan by bishop Everard after presentation by William earl Warenne, advocate of the church, and subsequently was inducted by William archdeacon of Norwich.

[c. 1154 × 18 April 1161]

Mentioned in a letter of archbp Theobald to the pope.

Pd in *John of Salisbury Letters* i no. 80.

A case had been brought by prior Jordan (I) of Castle Acre, to whom the church of Thrextan had been granted, apparently after Osbert's institution, and who sought to dispossess him. Despite bp William's testimony, bp Hilary of Chichester advised that the prior should proceed further with his case. John of Salisbury probably

reddendo annuatim de eadem capella et omnibus ad eam pertinentibus viginti solidos nomine pensionis prefatis sanctimonialibus ad synodum scilicet Suffolchie proximam post Pascha. Et ut hec nostra concessio perpetuam firmitatem optineat, eam presenti scripto et sigilli nostri appositione confirmamus. T(estibus): magistro Willelmo de Len, magistro Waltero de Calna, Eustachio capellano, Widone clerico, Iohanne de Abbedune.

Since mr William of Lynn occurs in the later years of the episcopate (five of his nine appearances being demonstrably after 1195 × 96) and Eustace the chaplain probably attests only after c. November 1188 (p. lxxxvii), the prioress is almost certainly Alice, who had succeeded Agnes by 1186 and had herself probably been succeeded by the end of the century. Despite the doubts expressed about the priory's charters relating to property in the diocese of Winchester (*HRH* 217 n. 2), there appears no good reason to doubt the authenticity of this or the following actum. The establishment of a perpetual vicarage in a chapel is of interest; elsewhere (nos. 136, 269B) the chapel of St Peter appears as an adjunct of the church of St Gregory. St Peter's did, however, become the object of litigation in 1214. Despite the fact that she had in 1206 quitclaimed to the nuns the advowson of St Gregory's church (PRS n.s. xxxii no. 464; cf. no. 412A below), eight years later she impleaded them concerning St Peter's (*CRR* vii 66); the final concord by which she abandoned this claim to the church (*sic*) of St Peter is not preserved in the PRO, but survives among the Nuneaton charters (BL ms. Add. ch. 47958) and is dated 6 October 1214. For an alleged institution by bp John de Gray to St Peter's church, see Appx. i no. 78.

269B. Nuneaton Priory

Confirmation for the nuns of the church of St Gregory with the chapel of St Peter, Sudbury, as granted to them by bishop William at the presentation and petition of William earl of Gloucester, as is contained in the charter of that bishop (no. 136). [Ipswich, 27 April 1198]

A = BL ms. Add. ch. 47955. Endorsed: confirmatio ecclesie de Subberi (s. xiii); Sudbir'; non irrotulatur sed autem mensio sit (s. xiv); approx. 152 × 75 + 15 mm.; seal on parchment tag, in linen seal bag, green wax, counterseal.

Omnibus Christi fidelibus ad quos presens scriptum pervenerit Iohannes Dei gratia Norwicensis episcopus salutem in Domino. Universis notum esse volumus nos Dei causa et pietatis intuitu confirmasse monialibus de Etona ecclesiam sancti Gregorii de Sudbiria cum capella sancti Petri et omnibus aliis ad eam pertinentibus, quam pie recordationis predecessor noster Willelmus Dei gratia Norwicensis episcopus ipsis ad presentationem et petitionem Willelmi comitis

Gloucestrie concessit et dedit, sicut in ipsius scripto autentico inde confecto continetur. Et, ut hec nostra confirmatio perpetua et illibata consistat, eam presenti scripto et sigilli nostri attestazione communi-
mus. Testibus: Gaufrido archidiacono, magistro Willelmo de Len, magistro Lamberto, magistro Waltero de Calna. Dat' anno ab incarnatione Domini m^oc^oxc^oxviii v kalendas Maii apud Gipeswic'.

The date of this confirmation is significant. Sudbury was part of the *maritagium* of Amice, countess of Clare. She had taken personal possession of the town by Michaelmas 1198, after her separation, on papal authority on grounds of consanguinity, from her husband Richard de Clare, earl of Hertford. (*CRR* i 186). Richard de Clare's charter of confirmation for the community at Nuneaton is BL ms. Add. ch. 47953. For subsequent litigation between the countess and the nuns over the patronage of the church and the chapel, see no. 412A below.

270. Osney Abbey

Notification that Agnes de Montchesney, in the bishop's presence and with the consent of Ralph her son and Alice her daughter, has granted to the canons the advowson of the church of Hockham.

[14 December 1175 × November 1189, possibly 14 December 1175
× 24 March 1182]

B = BL ms. Cotton. Vit. E xv (Osney cartulary) fo. 162v. s. xiii in.

Pd from B in *Oseney Cartulary* vi no. 1114.

Test(es): Tengrimus archidiaconus, magister Nicholaus, Thomas clericus de Middelt', magister Reinerius, magister Robertus, magister Lambertus, magister Simon, Gaufridus capellanus.

Mr Reiner was probably archdn of Sudbury by November 1189. If Thomas of Middleton is the same man as archdn Thomas (see p. xli), this charter can be dated before 24 March 1182. For a previous episcopal confirmation, see no. 138. A second charter of Agnes, given after the death of her second husband Halenad de Bidun, who died in 1185, is printed in *Oseney Cartulary* vi no. 1113. The church was resigned by the canons to the monks of Thetford in 1189 (*ibid.* v no. 602).

271. Ramsey Abbey

Confirmation for the monks of pensions of three marks from the church of Burwell and one mark from the church of [Burnham] Deepdale.

[14 December 1175 × 2 June 1200]

412A. Nuneaton Priory

Institution, at the presentation of the nuns, of Peter de Leon' as persona of the church of St Gregory, Sudbury. The nuns have demonstrated their right to the patronatus against Amice countess of Clare, who had claimed that it pertained to her free maritagium, assigned to her by her father, William earl of Gloucester. The case was heard initially before the bishop, but the countess realised that the verdict would go against her, the justiciar Geoffrey FitzPeter having testified that he was present when the said earl, before the marriage of his daughter, had granted the patronatus to the nuns. She then resorted to a secular court, but eventually, after judgement in the curia regis, she resigned to the nuns all right in the patronatus, as the bishop had been notified by letters from the justiciar in which he was instructed to admit a suitable clerk at the presentation of the prioress and convent. The persona is to render to the nuns, on account of their poverty, an annual benefice of half a mark. Thetford, 19 July 1206

A = BL ms. Add. ch. 47956. Endorsed: confirmatio ecclesie de Subbiri (s. xiii); Sudbir'; non irrotulatur sed autem mensio sit (s. xiv); approx. 200 × 170 + 20 mm.; seal on parchment tag, in linen seal bag, white wax, counterseal.

Omnibus sancte matris ecclesie filiis ad quos presens scriptum pervenerit Iohannes Dei gratia Norwicensis episcopus salutem in Domino. Noverit universitas vestra quod cum super iure patronatus ecclesie sancti Gregorii de Subbir' controversia verteretur coram nobis inter Amiciam comitissam de Clar' ex una parte, que asserebat quod patronatus eiusdem ecclesie ad eam de iure spectabat tanquam pertinens principaliter ad liberum maritagium quod pater eius Willelmus comes Gloucestrie ei iam dudum assignaverat, et priorissam et conventum de Ettun' ex altera, dicentes patronatum eiusdem ecclesie ad se principaliter et pleno iure pertinere ea ratione quod, sicut dicebant, dictus comes in prima ipsius domus sue de Ettun' fundatione patronatum ipsius ecclesie eis concessit et confirmavit antequam dictam comitissam filiam eius maritasset vel ei maritagium aliquid assignasset, et demum in causa illa usque adeo processum fuisset coram nobis quod ipsa comitissa sentiret sententiam ferendam contra eam propter manifestum ius ipsius priorisse et conventus, iusticiario scilicet G. filio Petri per litteras suas patentes protestante ipsum interfuisse ubi dictus comes dictis priorisse et conventui ante maritacionem memorate comitisse filie sue patronatum illius ecclesie concessit et confirmavit, eadem comitissa ad forum confugit seculare,

ubi inter ipsam et predictam priorissam causam^a super iure eiusdem patronatus diutius agitatam^b tandem ipsa priorissa per iudicium curie domini regis optinuit, ita quod eadem comitissa patronatum illum liberum et absolutum a se et heredibus suis in perpetuum eisdem priorisse et conventui tanquam ius suum et domus sue resignavit, sicut ex testimonio litterarum predicti G. filii Petri tunc domini regis iusticiarii hoc significantum nobis innotuit, qui nobis mandavit quod ad presentationem eiusdem priorisse ad eandem ecclesiam clericum idoneum admitteremus. Cum igitur de iure eiusdem priorisse et domus sue in hac parte nobis plenius constaret et nos insuper singulorum securitati et maxime talium qui vel que ex sua simplicitate sibi consulere vel prospicere nesciunt vel non possunt pia dispensatione providere teneamur, ad eiusdem priorisse et conventus presentationem dilectum filium Petrum de Leon' ad iamdictam ecclesiam personam instituimus, concedentes nichilominus divine miserationis intuitu et hac carta nostra confirmantes eisdem priorisse et conventui pro sua necessitate et inopia necnon et religionem, quam in eis honestam et immaculatam attendimus, annum dimidie marce beneficium de eadem ecclesia percipiendum. Et ut hoc in posterum nulli veniat in dubium, presentem cartam nostram sigilli nostri patrocinio roboratam super hoc facto eis in testimonium duximus relinquendam. Hiis t(estibus): magistro Rannulfo de Harpel', magistro Roberto de Tywa, Alano de Gray, Iohanne de Uffingtun', Iohanne de Tywa, Germano clerico, Elya Bernardi et multis aliis. Dat' apud Thetford per manum David de Ruddeby quartodecimo kalendas Augusti pontificatus nostri anno sexto.

^a causa A ^b agitata A

For the background to this dispute, see no. 269B. For the final concord in the *curia regis*, dated 1 July 1206, see PRS n.s. xxxii no. 464. Despite the doubt that has been cast on other Nuneaton charters, relating to Catherington church in Winchester diocese (*HRH* 217 n. 2), and despite the unusual subject matter of this actum, there seems no reason to reject it as spurious on palaeographic or diplomatic grounds.

It is well known that the royal courts had not, in the wake of the Becket conflict, established omnicompetent jurisdiction in matters relating to advowsons (*C & S* i, 2, 856-7; C.R. Cheney, *From Becket to Langton* (Manchester 1956) 108-17; J.W. Gray, 'The *Ius Praesentandi* in England from the Constitutions of Clarendon to Bracton', *EHR* lxxvii (1952) 481-509). It is, nevertheless, interesting that over thirty years after the Compromise of Avranches, an advowson dispute should initially have been brought before a bp active in royal service, presumably (as the actum itself implies) by the lay claimant, and that the Justiciar himself should have implicitly recognised episcopal jurisdiction in this matter. This may be because the case arose out of wider issues relating to matrimonial jurisdiction.

pay five marks to the prior and convent of Norwich [28 July 1197 × February 1198]. Mentioned as no. 72.

JOHN DE GRAY

- 75 Appointment of mr William of Lynn as subdelegate to act in his place in a case delegated by pope Innocent III to the bp and the abbot and prior of Bury St Edmunds [24 September 1200 × 1204]; they were to adjudicate on the complaint of Hubert the clerk against William de Glanville concerning the church of 'Alreton" (? Alderton, Sf.). Glanville alleged that the papal letter was forged, and the case was referred by the judges to archbp Hubert Walter, in accordance with the papal privilege reserving to him such matters. Although the letter to the archbp was sent in the name of all three judges-delegate, it was stated that the bp was not present and the seal of mr William was appended (Canterbury *Sede Vacante* Scrapbook i 133 (d); cf. *Letters of Innocent III* no. 527A).
- 76 Adjudication as papal judge-delegate, in association with archbp Hubert Walter, in a case relating to the subjection of Luffield priory to Eynsham abbey. The case ended in an amicable composition, which the abbot of Eynsham allegedly failed to observe [24 September 1200 × 13 July 1205]. Mentioned in a mandate of pope Innocent III, 6 October 1206 (*Letters of Innocent III* no. 175; *Luffield Charters* i no. 20).
- 77 Authorisation of the ordination of a vicarage in the church of St Peter, Brooke, which shall consist of the altarage, a toft by the church, and two-and-a-half marks to be paid by the chamberlain of Bury St Edmunds in two instalments each year. The vicar shall discharge all obligations of the church and shall provide lights, books and ornaments [24 September 1200 × 1211]. Mentioned in a grant of the vicarage by abbot Samson and the convent to John Gernun. The assignation of revenues was probably effected by mr Ranulf of Warham, the bp's Official, who is the first witness (*Kalendar* no. 135).
- 78 Institution of Stephen of Lexden to the church of St Peter, Sudbury, at the presentation of the prioress and convent of Nuneaton, to whom he shall pay the customary annual pension [24 September 1200 × early 1214]. Mentioned in a case between the nuns and Amice countess of Clare over the advowson in Hilary term 1214 (*CRR* vii 66).
- 79 Authorisation to mr Ranulf of Warham, his Official, to assign revenues to the vicarage of the church of Claxton [24 September 1200 × 18 October 1214] (*Blythburgh Cartulary* i no. 206). Warham first occurs as Official at Easter 1202, but may have been appointed earlier (*Fasti* ii 60).
- 80 Letter to pope Innocent III in support of the petition for the canonisation of Gilbert of Sempringham. The bp speaks of the great flowering of religious life which has sprung from his merits [shortly after 9 January 1201] (*Book of St Gilbert* 218–20, letter 11).
- 81 Letter to pope Innocent III containing questions relating to the status of married clerks [24 September 1200 × May 1203, probably early 1203]. Elicits the decretal *Diversis fallaciis circumventi*, dated 20 June 1203 (*Letters of Innocent III* no. 498).
- 82 Letter to the king's justices. The archdn of Worcester has asked for a postponement until his return to England of his case against Matthew de Gournay concerning sixty acres in Lynn; the bp requests that the judges should grant this postponement [Michaelmas 1203] (*CRR* iii 14).