

St Augustine's Abbey and the See of Canterbury: The Struggle with Archbishop Mepham

PETER MCDONALD

Exemption from episcopal jurisdiction was the most coveted and controversial privilege to which a major religious house could aspire in the Middle Ages. Exemption had obscure origins in early medieval notions of the proprietary church, royal and lay franchises and jurisdictional peculiars, as well as papal privileges. By the twelfth century it had become a papal preserve as the popes set out to assert their authority over the church and codify canon law. The process was messy and controversial, marked by tumultuous lawsuits between bishops and monasteries across Europe. But the popes usually upheld exemptions, which they saw as a manifestation of their fullness of power (*plenitudo potestatis*) over the church.¹ By the thirteenth century, eight English Benedictine and Augustinian houses – St Albans, St Augustine's Canterbury, Bury St Edmunds, Evesham, Malmesbury and Westminster among the Benedictines and Holy Cross Waltham and Tonbridge among the Augustinians – had established their claims to exemption, often after protracted and bitter conflict with their bishops.² Many of the centralised orders, including the Cistercians, Cluniacs and mendicant friars also enjoyed exemption.

But though the canon law of exemption was largely settled by the thirteenth century, exempt houses frequently found themselves on the defensive in the later Middle Ages. Even in the fourteenth century – the heyday of administrative centralisation at the papal curia – bishops attempted to reopen the question of exemption. The council of Vienne in 1311 saw a charge against exemption led by the prominent canonist Guillaume Durand the younger, bishop of Mende.³ Questioning of exemption was still in the air a century later, when the English exempt religious were bracing themselves for challenges at the councils of Pavia (1423)⁴ and Basle (1440).⁵ Episcopal hostility was vented not only at the rarefied level of conciliar discussion. The history of the fourteenth-century French church, for example, was punctuated with acrid, and often violent, disputes arising from bishops' attempts to encroach on monastic exemption.⁶

England also had a spectacular conflict of this type, the suit between Simon Mepham, archbishop of Canterbury, and St Augustine's abbey, Canterbury.⁷ The conflict erupted in 1329, but came as a sequel to a long series of disputes about the abbey's exemption and its parochial rights. Whatever truth lay behind the forgery-encrusted claims of the oldest Benedictine house in England to exemption 'from its first foundation', the abbey probably did have some genuine pre-conquest papal privileges. In any event, its actual exemption had been assured by a composition with the archbishop after decades of struggle, ratified by the pope in 1182.⁸ But this certainty had come at a price. Before the Conquest, the abbey had enjoyed a peculiar jurisdiction over the churches of the Isle of Thanet equal to that of an ordinary, and had claimed, *de facto*, similar rights in other churches.⁹ These it had to abjure, and agree to the subjection of its churches to the authority of the archbishop. The monks were reduced, in substance, to the position of any other patron or appropriator. They lost their jurisdictional rights and the right to appoint and remove parochial clergy, but obtained certain concessions: the custody of churches in their patronage during vacancies, exemption from archidiaconal procurations in five appropriated churches (Minster in Thanet, Northbourne and Chislet in the Isle of Thanet, and Middleton and Faversham), and the right to send an observer to the archdeacon's court when parishioners of their churches were tried.¹⁰ The monks bridled even at these generous terms.¹¹ The composition broke down after twenty years, when the monks again tried to treat their appropriated churches as exempt. The matter dragged on until 1237, when a new composition rebutted more firmly than ever the monks' claims to ordinary jurisdiction in their churches.¹² The relentless whittling down of patronal rights to a mere right of presentation to the bishop (*ius praesentandi*), a process of which the popes were the main sponsors, had overtaken the monks.¹³

This did not deter the monks from launching an even bolder attack on the archbishops' jurisdiction during the archiepiscopate of the embattled Robert Winchelsea, bogged down for much of his term in bitter disputes with the Crown.¹⁴ The quarrel began during Winchelsea's parochial visitations of 1296, when he began to discipline clergy and to demand proof of the abbey's title to its tithes and pensions. The monks appealed to Rome, and enlisted the support of the king in their cause. But while the appeal was still pending, Pope Boniface VIII issued a remarkable privilege for the abbey on 26 February 1300; even the abbey's chronicler admits it was won essentially by the scale of the gifts given.¹⁵ The privilege abrogated the compositions of 1182 and 1237 and gave full exemption not only to the abbey, but to all its ecclesiastical and secular possessions, including,

explicitly, its churches, chapels and chantries; it also nullified all legal actions so far taken against the abbey. Abbot Findon seized this opportunity by summoning all the clergy of the churches in the abbey's patronage and making them swear canonical obedience to himself instead of the archbishop. He reserved to himself institutions and deprivations of clergy and visitation rights in these churches, and attempted to set up three rural deaneries – Sturry, Minster-in-Thanel and Lenham – to administer the thirty-nine churches. 'If the abbot of St Augustine's had won this conflict, the diocese of Canterbury would have been cut in two.'¹⁶ With so much at stake, the conflict became fiercer than ever. Winchelsea appealed, claiming (rightly, it seems) that the monks had obtained their latest privilege by 'false and crafty suggestion', and adverting to the known forging of privileges of Gregory the Great.¹⁷ Winchelsea's actions against clergy who adhered to the abbey, and the claims and counter-claims about presentation and induction, led to widespread confusion and, in some places, violent pitched battles. After further protracted argument at the Curia,¹⁸ Boniface VIII settled the matter in favour of the archbishop.¹⁹ Alleging that the monks had patently exceeded their privileges, Boniface again reduced their rights to those allowed by the common law of the church: the right of presentation to churches in their patronage and of control of the temporalities in their appropriated churches.

The heads of dispute had thus been laid to rest in no uncertain terms by Boniface VIII. Yet resolving the chaos in the parishes took time, gave much opportunity for recrimination,²⁰ and left a legacy of suspicion and ill-will. Soon after Walter Reynolds' translation to Canterbury in 1313, trouble threatened again when Reynolds, in the course of his parochial visitations, cited the abbot and convent to appear before him to show cause why they should not do obedience to him for their parish churches; Reynolds also claimed the right to have his cross born erect, and to have the divine offices celebrated before him, in exempt territories. After making a protestation that he did not thereby acknowledge the archbishop as his judge or superior, Abbot Ralph Bourne exhibited before him, 'for the quietening of his conscience', sufficient of the abbey's privileges to make him renounce his claims; the procedure employed here followed the terms of Boniface VIII's constitution *Quum personae*, which protected the rights of exempt religious while ensuring that bishops were not defrauded by false claims of exemption.²¹ The storm thus blew over, but it had threatened to be serious. A confidential letter to Reynolds from Prior Eastry of Christ Church Canterbury in 1314 shows the two bracing themselves for a keen legal struggle.²²

The monks' habitual mistrust of the see of Canterbury came into play

as soon as Mepham's appointment was announced in December 1327. The abbot promptly wrote to one of the house's lawyers, explaining that new archbishops had a habit of attacking the monastery's exemption soon after their creation. Since it was believed that the new archbishop would follow the same course, the abbot bound all the house's legal counsel to come to its assistance.²³

The abbey's suspicions proved to be amply justified with Mepham. A doctor of theology, Mepham displayed in his provincial constitutions some of the pastoral concerns of his theologian predecessors Pecham and Winchelsea – concerns which would have made him suspicious of exemption – but lacked their dignity. He was rash, impetuous, combative and litigious, and lacked political or administrative experience. A native of Kent, he had been rector of Tunstall, near Sittingbourne, and of Sutton Courtenay (Oxon), and was a prebendary of Llandaff, canon of Chichester and archdeacon of Shrewsbury, but had not come to national prominence until the monks of Christ Church unexpectedly elected him to the primatial see. He owed his election largely to the desire of Henry of Lancaster and his circle to block the promotion of Henry Burghersh, bishop of Lincoln and a partisan of Isabella and Mortimer. T.F. Tout has aptly characterised him as 'a weak man, of no great ability, and with but a scanty knowledge of ecclesiastical tradition and propriety. . . . (whose) zeal for the rights of the church of Canterbury was tempered neither by tact nor by knowledge.'²⁴ In addition to the contest with St Augustine's which sent him to the grave excommunicate, Mepham was also embroiled in disputes with the formidable John Grandisson, bishop of Exeter, and with Archbishop Melton of York. He alienated many of his suffragans and his cathedral priory; the venerable and shrewd Prior Henry Eastry clearly had little time for him. And his amateurish dabbling in politics, when he attempted to mediate between Lancaster and Mortimer, probably discredited him with both camps.²⁵

Mepham's impetuosity stood in sharp contrast to the caution urged by Eastry, who warned him against taking the case to the papal Curia. The prior urged Mepham to take the way of benignity and equity rather than of rigour, 'bearing in mind that judicial strife and lawsuits in the highest court of the church militant are incomparably more ambiguous, tedious and burdensome than they used to be; for struggles in that court once laid to rest commonly return to life and too often become immortal.'²⁶

The archbishop chose to ignore these wiser counsels and challenge the abbey's privileges. The contest began during Mepham's diocesan visitation in 1329, when he demanded proof of the abbey's title to its appropriated churches and to its pensions and tithes in other churches.

He erred, however, by issuing a full judicial citation to appear in his court of audience. This exceeded the reading before 'prudent and honest men' prescribed in *Quum personae*, in which the ordinary did not exercise strictly judicial powers. The monks also complained of the vagueness of the archbishop's citation to appear 'wherever he may be'; *Quum personae* prescribed that a definite, accessible and safe place should be assigned. The monks insisted throughout the proceedings on their willingness to comply with a proper demand which did not infringe their rights.²⁷ Mephram brushed aside their pleadings and eventually declared them contumacious. The monks appealed to the pope, and battle was joined in earnest.²⁸

Through the formulary compiled by John Mason, a senior monk of St Augustine's, we possess a thorough record of the abbey's manipulation of its connexions at the Curia, in which a fulsome epistolary style was blended with the shrewdest practical appeal to those addressed.²⁹ Two monks of the house, John Mankel, a doctor of theology and one of its most gifted members, and Robert Fakenham, went to the papal court in Avignon as the abbey's special proctors.³⁰ Although the abbot's letter to the pope was relatively restrained,³¹ his courting of friendly cardinals through his proctors was most assiduous. He recruited most notably Cardinals Jacopo Colonna³² and Matteo Orsini. Orsini became the official promotor of the case before the pope, and was responsible for the appointment of another (unknown) cardinal to conduct a preliminary hearing,³³ at which Orsini's arguments were based on the inflated privileges granted by Boniface VIII.³⁴ Orsini's advocacy became even more important to St Augustine's after the tragically premature death of John Mankel.³⁵

To have procured the aid of the doyens of two powerful old curial families, who retained their influence despite the move to Avignon,³⁶ set the monks off to a good start. Their overtures extended further, however. The cardinal appointed to hear the case received a gracious assurance of the abbot's good will.³⁷ Other cardinals were regaled with tales of the archbishop's injustices, especially his punishment of clerks friendly to the abbey and his intrusion of his own men into their benefices; Mephram's actions were shrewdly presented as an attack on the papal power itself. These cardinals (not named in Mason's copies of the letters) were promised considerations, recompense and, in one case, confraternity.³⁸ The abbey also brought into play other friends at the Curia, including Hugh of Angoulême, the former collector of papal tenths in England, with whom St Augustine's had worked as a sub-collector and who became bishop of Carpentras.³⁹ At this early and uncertain stage, the monks also sought royal support. By an ingenious variation of the 'two swords' theory prevalent in the Middle Ages, they

depicted the king as the papally-appointed guardian of the monastery's exemption in the secular sphere,⁴⁰ and requested a writ of prohibition to stop the archbishop's actions.⁴¹

As a result of these preliminary manoeuvres, Itherius de Concoreto, canon of Salisbury and papal collector in England, received a papal mandate to inhibit the archbishop from acting prejudicially to the monastery and its churches. The primate's alleged trespasses were recited at length; numbered among them was his ignoring the appeals already lodged at the Curia.⁴² If the usual practice for appointing papal judges-delegate had been followed, Itherius would have been nominated by St Augustine's.⁴³ It was Itherius' credentials that gave Mepham his pretext for resistance. The archbishop appealed to the *audientia litterarum contradictarum*, the papal tribunal for procedural objections and suits arising from cases before other papal courts, with the object of getting a new judge or at least a judicial commission more favourable to his own case.⁴⁴ The archbishop's party asserted that Itherius was a pensioner, proctor and counsellor of St Augustine's, and therefore biased; of this claim, no evidence for or against can now be found. Furthermore, it was alleged that Itherius had asserted in public that the archbishop lay under threat of capital punishment. Finally, Itherius had summoned Mepham to an unsuitable place, a mere private house with no access except through dirty, low and unseemly places incompatible with the archiepiscopal dignity;⁴⁵ the last charge presumably referred to Itherius' house near St Paul's and the Conduit.⁴⁶

These claims sparked off a new round of disputes at Avignon. The account of the abbey's proctor's pleadings by the St Augustine's chronicler Thorne shows him presenting the archbishop's actions in the worst possible light.⁴⁷ Mepham was alleged to have accused Itherius of treason for having cited Mepham, while he was in parliament, to answer certain charges belonging to the king's throne and not to the ecclesiastical court; Mepham was also said to have asked for a royal prohibition against Itherius' proceedings. Moreover, the archbishop was alleged to have fomented and orchestrated a demand by certain nobles for Itherius' expulsion from the realm. According to the abbey's proctor, Itherius appeared before the parliament and put paid to Mepham's assertions. The nuncio claimed that he had not cited Mepham in contempt of parliament, but when he was in the diocese of Chichester, and that the matters in question did not pertain to the Crown but involved a breach of the metropolitan's oath of obedience to the pope; the king thus had no power or right to prevent the case, since he was not the author of the canon law on which it was based. The abbey's proctor also denied that Itherius' lodgings were squalid or unseemly, and flatly denied the claim that Itherius was the abbey's

pensioner, 'for it may never be said that he who is a servant of the apostolic see was a servant or pensioner of anyone'. The charges against Mepham find some echo in contemporary royal documents. In January 1332, a royal letter to Pope John XXII defended Mepham's good character and strenuously denied the 'mendacious suggestions' that he had tried to procure Itherius' banishment from the realm.⁴⁸ One plank at least of the monks' arguments thus seems dubious.

Yet despite this intervention the king (or at least his council) was basically on the side of St Augustine's. A royal letter to the archbishop on 22 February 1332 had clearly supported the monastery's case.⁴⁹ The king told Mepham that he had heard complaint of the archbishop's infringement of the monastery's privileges, his contempt of its appeal to the apostolic see, his 'new and undue exactions' against the monks and his penal processes against them and their clerks. Yet although the monks had been ready to exhibit their privileges and bulls before the archbishop and men learned in the law, Mepham had instead ordered them to exhibit the documents before his commissaries in legal judgement. The king therefore requested Mepham to consider the good estate of the monastery and the sanctity of the place where so many saints and archbishops were buried, and not to molest the monks, but rather to see that any causes of dispute were settled by the mediation of suitable men. The king added that he could not refrain from assisting the monks in defending their due rights, since he was bound to do so out of his duty as patron and by papal precept. The royal letter reflected strongly, at times almost verbatim, the case that the monks themselves had put to the Crown.⁵⁰ The Crown accepted Itherius' arguments about the competence to try the case, and did not try to prevent its being heard by a papal judge-delegate. The quarrel involved a great royal abbey and eventually saw the primate suspended and excommunicate. Yet the Crown, perhaps disinclined to help the politically isolated Mepham, did not try to encroach on the ecclesiastical jurisdiction, and contented itself with urging a speedy resolution on the pope.⁵¹

Whatever the truth of the various charges, John XXII was not deflected in his purpose. On 27 July 1330 he issued a second mandate to Itherius, more impartial in tone, to continue hearing the case and bring it to a conclusion.⁵² Itherius accordingly began the process of calling the archbishop before him for judgement.⁵³

Legal niceties were soon overshadowed by physical violence. On 21 March 1331 Brother Thomas Natingdon, the abbey's proctor, Sir Aymeric de Rogesio, Itherius' commissary, and Thomas Mancel, a notary, were viciously assaulted by a group of the archbishop's servants when trying to serve a summons on him at his manor of Slindon (Sussex).⁵⁴ The monks attempted to press home all the advantage they

could from this incident; Natingdon indeed taunted his attackers with the words 'even though I die I will prosecute the rights of my church'.⁵⁵ The archbishop claimed that he was ill at the time and unaware of his servants' action; he received royal support for this claim,⁵⁶ and called numerous witnesses to his innocence and good character. The abbot nevertheless brought the incident before the papal consistory. Armand, archbishop of Aix, whom the pope delegated to try the matter, found that the archbishop was implicated in the attack and excommunicated him.⁵⁷

Meanwhile, Itherius began his own proceedings. His first summons brought the retort that the archbishop would not consent to be judged, on the ground that he intended to lodge an appeal. Itherius then issued a further citation, this time appointing executors.⁵⁸ At this stage, Prior Eastray vainly urged conciliation on the archbishop.⁵⁹ But Mephram seems instead to have contemplated a frontal assault on the abbey's exemption. Around Christmas 1330, he had his prior send to him copies of the twelfth-century documents under the seal of Giles, bishop of Evreux, which proved many of St Augustine's privileges to be the work of the notorious monk-forgery Guerno. The prior also adduced evidence that archbishops Lanfranc, Anselm, Ralph, William and Theobald had confirmed and blessed abbots-elect and taken professions of canonical obedience; Mephram hoped thus to undermine the abbey's claim to have been exempt 'from its first foundation'.⁶⁰ By May 1332, Prior Oxenden had published certain (unnamed) documents on the archbishop's behalf, which may have included a formal notice of appeal.⁶¹

Mephram's projected appeal does not seem to have come to fruition. The evidence he raised had been considered at the Curia several times before in cases resolved in the abbey's favour; even the evidence of canonical profession to previous archbishops came from a time when the canon law and diplomatic of exemption were still fluid and evolving, and so would not necessarily invalidate the house's claim to be exempt. In any event, Mephram was probably by this stage quite out of favour with the Curia and could expect little sympathy. As well as the odium incurred in the St Augustine's case, he had earned suspension by refusing to institute Cardinal Annibaldo de Ceccano to the rectory of Maidstone (Kent), to which John XXII had granted the cardinal a papal provision in 1329,⁶² and was embroiled in disputes with Grandisson of Exeter and Melton of York.⁶³

Meanwhile, Itherius was pressed into action by the abbot and monks. The abbey's proctors appeared before him and accused the archbishop of contumacy. At length, the judge-delegate pronounced Mephram contumacious, estopped him from further action, and fixed a day for the delivery of a definitive sentence.⁶⁴ The archbishop still held out,

and judgement was given in his absence in November 1332. Itherius ruled that the abbey's privileges, especially that of Boniface VIII, clearly showed that the monastery was exempt, along with all its churches and 'members'; that the abbot and convent had done what was required in notifying the archbishop of their privileges; and that the archbishop's proceedings were null and void.⁶⁵ The references to the abbey with 'all its churches and members' and to the privilege of Boniface VIII, suggest that the abbey may have stolen a march in obtaining recognition of its privileges at the inflated level of 1300 – an implication already present in the bull by which Itherius was commissioned.⁶⁶

Attention now turned to the costs. Itherius appointed the prior of St Gregory's, Canterbury, to conduct an inquiry which established (according to Thorne) that St Augustine's had spent 1,250 pounds on the legal expenses occasioned by the conflict.⁶⁷ The actual sum of damages awarded by Itherius on 13 November 1332 was, however, 700 pounds (i.e. 1,050 marks).⁶⁸ Thorne has conflated this sum in marks with the 200 marks awarded in damages for a subsidiary action the archbishop had taken against the rector of Plumstead on account of his adherence to the abbot and convent⁶⁹ to reach his erroneous total of 1,250 pounds. Even so, 700 pounds represented a very large sum by contemporary standards – half the annual revenue of the archbishopric.⁷⁰ Mephram refused to pay, and in January 1333 letters went out from Itherius to a large group of executors, ordering them to place the archbishop under sentences of suspension and excommunication if he ignored further monitions.⁷¹ It was as a result of this process that the hapless archbishop died excommunicate in October 1333, having spent the summer isolated and in failing health at his manor of Mayfield.⁷² By refusing to recognise Itherius' jurisdiction, he had virtually let the case go by default and left all the proceedings in the hands of the abbey and its witnesses.⁷³

The monks still could not rest completely assured when Itherius had pronounced sentence. They lost no time in launching a campaign for a confirmation of the sentence from the pope himself. The abbot's letter to John XXII set out fully the history of the case and asked for confirmation for the sake of peace, against the archbishop's possible machinations.⁷⁴ Another letter, after the most fulsome harangue on the papal office, offered the more persuasive flattery of a gift of 500 florins (i.e. 100 marks).⁷⁵ A cardinal friendly to the house was offered 100 florins,⁷⁶ while several others were pressed into action with promises of 'consideration'.⁷⁷ Other friends were called upon: Hugh of Angoulême;⁷⁸ a member of Cardinal Matteo Orsini's household;⁷⁹ and other curial officers.⁸⁰

No confirmation of the sentence survives, and the archbishop's death may well have taken the urgency out of the whole question. Whether Mepham was still hatching a fruitless appeal at the time of his death is equally difficult to ascertain. One glimmer of hope had, indeed, appeared in the archbishop's camp. Prior Oxenden of Christ Church conveyed to the primate a report that John XXII had ordered that St Augustine's should exhibit in consistory its original privileges of exemption.⁸¹ Mepham may have hoped to exploit St Augustine's deserved reputation for forgery, and was also considering suing for damages incurred through the executors' sentences.⁸² Yet, had he lived, he would have been disappointed, for in April 1334 John XXII issued a full confirmation of the abbey's privileges, including explicitly those of Boniface VIII's bull of 1300, and this notwithstanding the compositions of 1182 and 1237.⁸³ The abbey was using the conflict to insinuate itself into an ever more privileged position.

Mepham's humiliation had been largely his own doing. With extraordinary tactical ineptitude, he had provoked the conflict on weak legal grounds, against proper procedure, and against the soundest advice of the shrewd and venerable prior Eastry, and had obstinately held out against the papal judge-delegate and boycotted his proceedings thereafter. This contumacy meant that the abbey's case went unanswered. Yet Mepham's downfall owed much also to the ruthless efficiency with which the monks organised their prosecution of the case. With supreme irony did the monks present themselves as innocent lambs threatened by a lion.⁸⁴

The lesson was not lost on Mepham's successors. Stratford, with broad experience and training in canon law, made several overtures at Avignon soon after his translation from Winchester to Canterbury. He had the matter raised before the Rota and in consistory during John XXII's lifetime, and tried through the Florentine Andreas Sapiti, prominent as a proctor for English interests, to get the case sent to the Rota (the supreme papal tribunal) soon after Benedict XII's election in 1334 – with no apparent success.⁸⁵

Stratford soon made his peace with the abbey. He granted that Boniface VIII's and John XXII's bulls regarding the liberties of the abbey should be observed; in return, the monks agreed to show title to their churches in the proper way, and to allow the archbishop his *jura episcopalia* in spiritualities in the churches. The abbey was also to renounce Itherius' verdict and take steps to have it revoked, and to withdraw all other lawsuits outstanding. Thorne attributes this compromise to the archbishop's being egged on by the enemies of the monastery, and to the monks' fear of his power and influence with the king. Perhaps more accurately, he also tells us that they were tired out and financially straitened by the fight.⁸⁶

Peace prevailed for some time. Archbishop Islip made an agreement in 1351 in much the same terms.⁸⁷ Sudbury's attempt to enter the house in 1378 with his cross erect provoked a suit cut short with his murder in 1381; Thorne, with typical vindictiveness, interpreted this as divine retribution.⁸⁸ There was a further skirmish with Courtenay,⁸⁹ and the dispute was laid to rest in 1397 by an agreement with Archbishop Arundel which recognised the exemption of the monastery itself, but preserved the archbishop's spiritual rights in the parish churches.⁹⁰ The final settlement of 1397 came 'not because of any ruling by the papacy, but simply because the two parties were tired of fighting . . .'.⁹¹

The progress of the suit had illustrated many of the features of curial litigation of which Eastry had complained when it was in prospect.⁹² The litigation took on a life of its own, and became bogged down in a succession of technical side-issues; indeed, it was the archbishop's contumacy, as much as any substantial point of argument, which eventually tilted the balance. Papal judicial mandates were based on the *ex parte* statement of the plaintiff, and so could easily create a presumption in his favour. Reliance on *ex parte* statements seems to have applied to the substance of the privilege also. Once the pope had been persuaded to accept a dubious claim, even if only temporarily, as had Boniface VIII in 1300, the claim was always ripe for revival. The same pattern perhaps could be projected back to the obscure origins of the abbey's exemption.

The whole affair prompts a further reflection about St Augustine's exemption. 'Even though I die, I will defend the rights of my church.' The abbey's fierce tenacity, which could degenerate into sheer petulance and vindictiveness, betrays an astonishing narrowness of outlook, all the more striking when compared to St Albans or Bury St Edmunds at their zenith. An earlier authority has remarked on the house's insularity and concluded that 'for all its great traditions and its exemption, the abbey's memorials are narrow, parochial and dull'.⁹³

There was, indeed, more than that to St Augustine's. John Mankel, its representative at Avignon in the early stages of the dispute, was a doctor of theology. So also was Thomas Poucyn, the abbot-elect who went to the Curia in 1333, as exempt abbots were bound to do, to seek confirmation of his election. Poucyn walked into the controversy sparked by the ageing John XXII's eccentric views on the Beatific Vision.⁹⁴ Poucyn's opinion as a theologian was sought. And though Poucyn and his house had so much riding on their relations with John XXII, Poucyn was prepared to risk his position by opposing the pope's views, even to the point of defending the hapless English Dominican Thomas Waleys, who had been cast into the papal prison for too bluntly opposing the pope. Thorne prides himself on Poucyn's integrity and

notes with pleasure that his stance was vindicated by John XXII's successor Benedict XII.⁹⁵

Still, the abbey's behaviour was not untypical. A medieval religious house would often find itself pleading in courts secular and ecclesiastical over matters important and trivial, ranging from jurisdiction to landholdings. Zeal to extend the rights and possessions of the family or institution to which one belonged was a primary motive for medieval litigation, clerical and lay. Lay parishioners, for example, would resort to violence to assert their parish's pride of place at annual congregations of the parishes of a diocese. The motive of institutional aggrandisement was especially strong for members of ecclesiastical bodies out to defend the honour of their patron saint or founder. The prospect of permanent loss or gain outweighed in medieval minds the cost of present litigation. For the monks, the sense of corporate pride and loyalty was even stronger because of the 'civil death' and 'spiritual martyrdom' undergone by a religious on profession, so that in theory he had no legal identity apart from his abbot.⁹⁶ Even the great St Albans chronicler Matthew Paris, from a house with a much broader outlook, was moved chiefly by a 'zealous defence of the privileges of his house and order'.⁹⁷ Small wonder, then, that St Augustine's should be so single-minded. The prestige and freedom that went with exemption made it a prized possession for any monastery, and the combination of universal and systematic canon law and ancient local custom that underlay exemption was inherently unstable. But despite the ambiguities no pope – or king – would seriously contemplate overturning an exemption. Both had too much prestige riding on it.⁹⁸ Mephram was igniting a fissile mix when he took on St Augustine's. None of his successors was to prove so rash.

Notes

¹ On the evolution, canon law and diplomatic of exemption, see G. Schreiber, *Kurie und Kloster im zwölften Jahrhundert* (2 vols, Stuttgart, 1910), i, pp. 6–109; C. Daux, 'La Protection apostolique au Moyen Age', *Revue des questions historiques*, LXXII, pp. 1–60; P. Fabre, *Etude sur le Liber Censuum de l'Eglise Romaine* (Paris, 1892); J.-F. Lemarignier, *Etude sur les privilèges d'exemption . . . des abbayes normandes depuis les origines jusqu'en 1140* (Paris, 1937), esp. pp. 1–12, 15–42; J. Vendevure, *L'exemption de visite monastique* (Dijon, 1906), pp. 1–143; M. Maccarone, 'Primato romano e monasteri dal principio del secolo XII ad Innocenzo III', *Istituzioni Monastiche e Istituzioni Canonicali in Occidente (1125–1215)* (Milan, 1980), pp. 49–132; K. Pennington, *Pope and Bishops: the Papal Monarchy in the Twelfth and Thirteenth Centuries* (Pennsylvania, 1984), pp. 154–89.

² See esp. M.D. Knowles, 'The Growth of Exemption', *Downside Review*, L (1932), pp. 201–31, 396–436, and on Tonbridge, C.R. Cheney, 'A Papal Privilege for Tonbridge

Priory', *Bulletin of the Institute of Historical Research*, XXXVIII (1965), pp. 192–200, and P. McDonald, 'The Exemption of Tonbridge Priory: Some Fourteenth-century Evidence', *Bulletin of the Institute of Historical Research*, LXII (1989), pp. 80–84.

³ C.J. von Hefele & H. Leclercq, *Histoire des Conciles* (20 vols, Paris, 1902–30), vi, pp. 648, 659ff; E. Muller, *Das Konzil von Vienne* (Münster, 1934), pp. 491–586; for a recent study of Durand, see C. Fasolt, *Council and Hierarchy: The Political Thought of William Durant the Younger* (Cambridge, 1991), esp. pp. 161–5, 171–6, 202–3, 253–4 for his views on exemption.

⁴ *Chapters of the English Black Monks*, ed. W.A. Pantin, III (Camden Society, 1931–7), p. 102.

⁵ *Memorials of St Edmunds Abbey*, ed. T. Arnold, III (Rolls Series, 1896), pp. 252–7.

⁶ Cf. J.-F. Lemarignier, J. Gaudemet & G. Mollat, *Institutions Ecclesiastiques (Histoire des Institutions Françaises au Moyen Age, iii)* (Paris, 1962), pp. 364–5.

⁷ The principal published source for this dispute is the account by the late fourteenth-century monastic chronicler William Thorne, 'Chronica de Rebus Gestis Abbatum Sancti Augustini Cantuariæ', in *Historiae Angliae Scriptores Decem*, ed. R. Twysden (1651), cols 2039–69 (hereinafter cited as 'Thorne'). The work is now more accessible in the translation by A.H. Davis, *William Thorne's Chronicle of St Augustine's Abbey Canterbury* (Oxford, 1934) (hereinafter cited as 'Davis'). See also W.A. Pantin, 'The Letters of John Mason: a Fourteenth-century Formulary from St Augustine's Canterbury', in *Essays in Medieval History Presented to Bertie Wilkinson*, ed. T.A. Sandquist & M.R. Powicke (Toronto, 1969), pp. 192–219, which discusses an important unpublished source, the letter-book of John Mason, a senior monk – probably chamberlain or precentor – of the house.

⁸ The privilege from Pope Agatho (678–81) (P. Jaffe, *Requesta Pontificum Romanorum* (Leipzig, 1885–88), ii, p. 741) seems genuine, though later elaborated and embellished by forgeries of bulls of Boniface IV, John XII, Adeodatus and other popes. See W. Levison, *England and the Continent in the Eighth Century* (Oxford, 1946), pp. 24–26, 178–206, and Knowles, *Downside Rev.*, L, pp. 401–15. For St Augustine's forgeries by the eleventh-century Norman monk Guerno, see *Litterae Cantuarienses*, ed. J.B. Sheppard, I (Rolls Series, 1887), App., nos 20, 124a. See also the penetrating discussion of forgery by M.T. Clanchy, *From Memory to Written Record* (1979), pp. 248–57, and A. Morey & C.N.L. Brooke, *Gilbert Foliot and His Letters* (Cambridge, 1965), pp. 124–46. Morey and Brooke note (p. 132) that 'almost every monastery in England that claimed exemption forged to support its case'.

⁹ Cf. M.D. Knowles, 'Essays in Monastic History, 1066–1216, VI: Parish Organisation', *Downside Review*, LI (1933), pp. 515–7. The abbey's claim to ordinary jurisdiction in all its parish churches was based on a forged bull of John XII; Levison, *England and the Continent*, p. 182.

¹⁰ Thorne, cols 1836–7; Davis, pp. 124–7.

¹¹ Thorne, cols 1834, 1837; Davis, pp. 121–3, 126–7.

¹² E. John, 'The Litigation of an Exempt House: St Augustine's Canterbury, 1182–1237', *Bulletin of the John Rylands Library*, XXXVII (1956–7), pp. 390–415. The exemption of the appropriated church from procurations and from the right of the archbishop or archdeacon to suspend or interdict them was upheld.

¹³ John, *Bull. John Rylands Lib.*, XXXVII, p. 412–5. On the trend in canon law to define and limit patronal rights, see P. Landau, *Jus Patronatus: Studien zur Entwicklung des Patronats im Dekretalenrecht und der Kanonistik des 12. und 13. Jahrhunderts* (Stuttgart, 1978), and for England, J.W. Gray, 'The *Ius Praesentandi* in England from the Constitutions of Clarendon to Bracton', *English Historical Review*, LXII (1952), pp. 481–509.

¹⁴ Thorne, cols 1964–2003; Davis, pp. 324–85; R. Graham, ‘The Conflict between Robert Winchelsey, Archbishop of Canterbury, and the Abbot and Monks of St Augustine’s Canterbury’, *Journal of Ecclesiastical History*, I (1950), pp. 37–50; J.H. Denton, *Robert Winchelsey and the Crown, 1294–1313* (Cambridge, 1980), pp. 180–3; B.L. Woodcock, *Medieval Ecclesiastical Courts in the Diocese of Canterbury* (Oxford, 1952), pp. 23–4.

¹⁵ Thorne, col. 1971; Davis, pp. 334–6: ‘hujusmodi igitur precatur, immo pocius muneribus redemptus et inclinatus privilegium concessit.’

¹⁶ Woodcock, *Ecclesiastical Courts*, p. 23. The abbey claimed jurisdiction in 44 parish churches, including seven of the eighteen in the city of Canterbury; Graham, *J. Eccles. Hist.*, I, pp. 39, 42.

¹⁷ Cf. Graham, *J. Eccles. Hist.* I, pp. 42–3.

¹⁸ Thorne, cols 1986–95; Davis, pp. 357–71.

¹⁹ Thorne, cols 1995–7; Davis, pp. 371–6.

²⁰ Cf. Graham, *J. Eccles. Hist.* I, pp. 48–50.

²¹ Thorne, cols 2013–5; Davis, pp. 400–4; cf. Sext, Lib. V, tit. vii, cap. 7, in *Corpus Iuris Canonici*, ed. E.A. Friedberg (Leipzig, 1879), ii, col. 1087.

²² Cambridge University Library, MS. Ee 5 31, fo 146v.

²³ M(erton) C(ollege) O(xford) MS. 122, fo 117v; B(odleian) L(ibrary) O(xford), Rawlinson MS. c7, fos 36–36v; Pantin, *Essays Presented to Wilkinson*, pp. 198–9.

²⁴ T.F. Tout, ‘Meopham, Simon’, *D.N.B.*, xiii, pp. 260–3. For his career, see also A.B. Emden, *A Biographical Register of the University of Oxford to 1500* (Oxford, 1957–9), ii, 1261. For the pastoral concerns of Pecham and Winchelsea, see D.L. Douie, *Archbishop Pecham* (Oxford, 1952), and Denton, *Winchelsey and the Crown*.

²⁵ See R.M. Haines, ‘Conflict in Government: Archbishops versus Kings, 1279–1348’, in *Aspects of Late Medieval Government and Society: Essays Presented to J.R. Lander*, ed. J.G. Rowe (Toronto, 1986), pp. 229–32. On the strains with Eastry, see M.D. Knowles, *The Religious Orders in England* (Cambridge, 1948–59), i, p. 55.

²⁶ *Litterae Cantuarienses*, ed. J.B. Sheppard, I (Rolls Series, 1887), pp. 333–4.

²⁷ M.C.O. MS. 122, fos 104–104v, 115v–116; B.L.O. MS. Rawlinson c7, fos 1v, 30v–31v; cf. also *C(alendar of) C(lose) R(olls)*, 1330–3 (1898), p. 126. The abbey’s proctor, Thomas Natingdon, was in the archbishop’s presence when the sentence of contumacy was pronounced; Thorne, col. 2040; Davis, pp. 441–2.

²⁸ Thorne, cols 2039–40; Davis, pp. 439–42.

²⁹ M.C.O. MS. 122; B.L.O. MS. Rawlinson c7.

³⁰ M.C.O. MS. 122, fos 104–104v; B.L.O. MS. Rawlinson c7, fo 1v. On the various means of representation at the Curia, see R. von Heckel, ‘Das Aufkommen der ständigen Prokuratoren an der Kurie’, *Miscellanea Francesco Ehrle* (Rome, 1924), ii, pp. 290–321; J.E. Sayers, ‘Proctors Representing British Interests at the Papal Court, 1198–1415’, *Proceedings of the Third International Congress on Medieval Canon Law* (Rome, 1971), pp. 143–63; P.N.R. Zutschi, ‘Proctors Acting for English Petitioners in the Chancery of the Avignon Popes’, *Journal of Ecclesiastical History*, XXXV (1984), pp. 15–29. I have surveyed the practice of English religious houses in appointing proctors in P. McDonald, ‘The Relations between the Papacy and the Religious Orders in England, 1305–1352’ (unpub. D.Phil. thesis, University of Oxford 1984), pp. 25–33.

³¹ M.C.O. MS. 122, fos 104–104v; B.L.O. MS. Rawlinson c7, fo 1v.

³² M.C.O. MS. 122, fo 105; B.L.O. MS. Rawlinson c7, fos 4–4v.

³³ M.C.O. MS. 122, fos 105v, 105v–106; B.L.O. MS. Rawlinson c7, fos 4v–5v, 5v–6. The abbot’s letters refer to the judge as ‘Dominus . . . et P card presb’, possibly Gaucelme de Jean, cardinal of SS Marcellinus and Peter and papal legate to England in 1317; C. Eubel, *Hierarchia Catholica* (Munster, 1913), p. 14; J.R. Wright, *The Church and the English Crown, 1305–1334* (Toronto, 1980), pp. 333–42.

³⁴ M.C.O. MS. 122, fos 105v-6; B.L.O. MS. Rawlinson c7, fos 5v-6.

³⁵ M.C.O. MS. 122, fo 106v; B.L.O. MS. Rawlinson c7, fos 7-7v; cf. Emden, *Biog. Reg. Univ. Oxford*, ii, pp. 1214-5; his death cannot be dated exactly.

³⁶ See B. Guillemain, *La Cour Pontificale d'Avignon* (Paris, 1962), pp. 183-225, for the curial families and their influence.

³⁷ M.C.O. MS. 122, fos 105v-6; B.L.O. MS. Rawlinson c7, fos 5v-6.

³⁸ M.C.O. MS. 122, fos 104, 104v-5, 105, 106; B.L.O. MS. Rawlinson c7, fos 1-1v, 2v-3v, 3v-4, 6-6v. One of the cardinals made an unsuccessful attempt at mediation early in 1330, sending the Dominican friar Edmund Carmarthen, whom John XXII had fruitlessly provided to the see of Ardfert, to plead with Mephram; M.C.O. MS. 122, fos 115v-6; B.L.O. MS. Rawlinson c7, fos 30v-31v; for Edmund see F.M. Powicke & E.B. Fryde, *Handbook of British Chronology* (1961), p. 324.

³⁹ M.C.O. MS. 122, fos 106-106v, 106v-7; B.L.O. MS. Rawlinson c7, fos 6v-7, 7v-8, 8-8v. For an example of the abbey's help to papal collectors, see *The Black Book of St Augustine's Canterbury*, ed. G.J. Turner & H.E. Salter, I (1915), 316ff.

⁴⁰ M.C.O. MS. 122, fos 107, 107v; B.L.O. MS. Rawlinson c7, fos 8v-9, 9-9v; Pantin, *Essays Presented to Wilkinson*, pp. 202-3.

⁴¹ M.C.O. MS. 122, fo 107; B.L.O. MS. Rawlinson c7, fos 8v-9; Pantin, *Essays Presented to Wilkinson*, pp. 192-219: 'Placeat igitur providencie regie dicto patri sue inhibicions mandata dirigere ne in offensam regiam, pendentibus appellacionibus eisdem, quicquam gravaminis innovet vel attemptet, sed ipsarum iudex parcium, discussis hinc inde iuribus, super lite mota decernet et uidicet, quod est iustum.' The writ of prohibition, which inhibited ecclesiastical courts from hearing a case, was a principal means of royal encroachment on ecclesiastical justice in the thirteenth and fourteenth centuries. The abbey's request for a prohibition smacks of hypocrisy, given its appeal to papal law; but it was common for clerics to resort to prohibitions when it suited their immediate interests. See G.B. Flahiff, 'The Use of Prohibitions by Clerics against Ecclesiastical Courts in England', *Medieval Studies*, III (1941), pp. 101-65, and 'The Writ of Prohibition to Court Christian in the Thirteenth Century', *Medieval Studies*, VI (1944), pp. 261-313, VII (1945), pp. 229-90; Wright, *Church and English Crown*, pp. 136-54, 177-95.

⁴² Thorne, cols 2041-2, Davis, pp. 442-5.

⁴³ Cf. J.E. Sayers, *Papal Judges-Delegate in the Province of Canterbury, 1198-1254* (Oxford, 1971), pp. 112-3.

⁴⁴ For the procedures see Sayers, *Judges Delegate*, pp. 110-2, & P. Herde, *Audientia Litterarum Contradictarum* (Tübingen, 1970).

⁴⁵ Thorne, col. 2042; Davis, pp. 443-5; Pantin, *Essays Presented to Wilkinson*, pp. 199-200.

⁴⁶ See *Accounts Rendered by Papal Collectors in England, 1317-1378*, ed. W.E. Lunt (Philadelphia, 1968), p. xxiv.

⁴⁷ Thorne, col. 2043; Davis, pp. 445-6.

⁴⁸ *Foedera*, ed. T. Rymer (London, 1816-69), II, ii, p. 830.

⁴⁹ C.C.R. 1330-3, p. 126.

⁵⁰ M.C.O. MS. 122, fos 107, 107v; B.L.O. MS. Rawlinson c7, fos 8v-9, 9-9v.

⁵¹ e.g. Rymer, *Foedera*, II, ii, p. 822.

⁵² *C(alendar of Entries in the Papal Registers Relating to Britain and Ireland:) P(apal) L(etters) 1305-1342*, ed. W.H. Bliss (1895), p. 318; and cf. Thorne, col. 2043, Davis, pp. 445-6. The fact that Thorne and the entry in the papal registers correspond at this point inclines me to reject the rearrangement in chronology proposed by Lunt in his brief note on the case in *Accounts Rendered*, p. xxvi, n. 211, and followed by R.M. Haines, *Archbishop John Stratford* (Toronto, 1986), p. 64, n. 59. To take the 'ultimo

parlamento' in Rymer, *Foedera*, II, ii, p. 830 as implying Michaelmas 1331 is perhaps translating too literally.

⁵³ Thorne, col. 2044; Davis, pp. 446–7.

⁵⁴ The lurid account of Thorne (Thorne, col. 2044; Davis, pp. 447–8) gives the number of attackers as fifty.

⁵⁵ 'Licet moriar ego prosequar jura ecclesiae nostrae'; Thorne, col. 2046; Davis, p. 451.

⁵⁶ Rymer, *Foedera*, II, ii, pp. 822–3, to the pope and several cardinals.

⁵⁷ Thorne, cols 2045–7; Davis, pp. 448–52. Thorne characteristically dismissed the testimony of Mephram's character witnesses as perjury occasioned by fear.

⁵⁸ Thorne, col. 2047; Davis, p. 452.

⁵⁹ *Supra*, p. 4; Sheppard, *Litterae Cantuarienses*, i, pp. 333–4.

⁶⁰ Sheppard, *Litterae Cantuarienses*, i, pp. 341–2. For the Guerno documents see Sheppard, *Litterae Cantuarienses*, i, Appendix, nos 20, 124a; W. Levison, *England and the Continent in the Eighth Century* (Oxford, 1946), Appendix I. For an example of a twelfth-century profession to an archbishop by an abbot of St Augustine's, see *The Letters of Gilbert Foliot*, ed. Z.N. Brooke, C.N.L. Brooke & A. Morey (Cambridge, 1967), p. 356. It may have been the abbey's reputation for forgery, as well as its belligerence, that provoked Mephram. He treated with much greater respect the exemption of the small and obscure Augustinian priory at Tonbridge; McDonald, *Bull. Inst. Hist. Rsch.*, LXII, pp. 80–4.

⁶¹ Sheppard, *Litterae Cantuarienses*, i, p. 467.

⁶² Wright, *Church and English Crown*, pp. 269, 287.

⁶³ Tout, D.N.B., xiii, pp. 260–3; Haines, *Essays Presented to Lander*, pp. 229–30.

⁶⁴ Thorne, col. 2048; Davis, pp. 452–3.

⁶⁵ Thorne, col. 2048–9; Davis, pp. 454–5.

⁶⁶ Sheppard, *Litterae Cantuarienses*, i, p. 512.

⁶⁷ Thorne, cols 2050–1; Davis, pp. 456–8.

⁶⁸ Sheppard, *Litterae Cantuarienses*, i, pp. 511–6.

⁶⁹ Thorne, cols 2051–3; Davis, pp. 458–60.

⁷⁰ W.E. Lunt, *Financial Relations of the Papacy with England, 1327–1354* (Cambridge, MA, 1962), p. 724.

⁷¹ Sheppard, *Litterae Cantuarienses*, i, 517–9.

⁷² Cf. the vindictive remarks of Thorne, col. 2066; Davis, p. 481.

⁷³ On the rules that governed papal tribunals in cases of contumacy, see Bonaguido of Arezzo, 'Consuetudines Curiae Romanae', ed. L. Wahrmund, *Archiv für Katholischen Kirchenrecht*, LXXIX (1899), p. 11; Sayers, *Papal Judges-Delegate*, p. 77.

⁷⁴ M.C.O. MS. 122, fos 114v–5; B.L.O. MS. Rawlinson c7, fos 28v–9.

⁷⁵ M.C.O. MS. 122, fos 115–115v; B.L.O. MS. Rawlinson c7, fos 29v–30v.

⁷⁶ M.C.O. MS. 122, fos 116v–7; B.L.O. MS. Rawlinson c7, fos 34–34v.

⁷⁷ M.C.O. MS. 122, fos 111v, 115v–6; B.L.O. MS. Rawlinson c7, fos 20v–21v, 30v–31.

⁷⁸ M.C.O. MS. 122, fos 117–117v, 119v–120; B.L.O. MS. Rawlinson c7, fos 35v–36, 41v–42; Pantin, *Essays Presented to Wilkinson*, pp. 200–1.

⁷⁹ M.C.O. MS. 122, fo 116; B.L.O. MS. Rawlinson c7, fos 31v–32v.

⁸⁰ M.C.O. MS. 122, fos 116–116v; B.L.O. MS. Rawlinson c7, fos 32v–33.

⁸¹ Sheppard, *Litterae Cantuarienses*, i, p. 467. The editor dates this to May 1332, but I suspect it may be misplaced.

⁸² Sheppard, *Litterae Cantuarienses*, i, pp. 310–2.

⁸³ C.P.L. 1305–42, p. 401.

⁸⁴ M.C.O. MS. 122, fos 115–115v; B.L.O. MS. Rawlinson c7, fos 29v–30v.

⁸⁵ Biblioteca Apostolica Vaticana, MS. Barberini Lat. 2126, fo 80. On Sapiti, see J.P. Kirsch, 'Andreas Sapiti, englischer Prokurator an der Kurie im 14 Jahrhundert', *Historisches Jahrbuch*, XIV (1893), pp. 582–603.

⁸⁶ Thorne, cols 2068–71; Davis, pp. 484–8; cf. B.L.O. MS. Rawlinson c7, fos 37v–38, 44–44v; Haines, *Archbishop John Stratford*, p. 65.

⁸⁷ Thorne, col. 2118; Davis, p. 558.

⁸⁸ Thorne, cols 2155–7; Davis, pp. 612–5.

⁸⁹ Thorne, cols 2194–5; Davis, pp. 670–1.

⁹⁰ Thorne, cols 2199–2202; Davis, pp. 677–81.

⁹¹ Pantin, *Essays Presented to Wilkinson*, p. 197.

⁹² *Supra*, p. 4.

⁹³ John, *Bull. J. Rylands Lib.*, XXXVII, p. 415.

⁹⁴ See J.E. Weakland, 'Pope John XXII and the Beatific Vision Controversy', *Annuaire Medievale*, IX (1968), pp. 76–84; *Les Sermons de Jean XXII sur la Vision Béatifique*, ed. M. Dykmans (Rome, 1973). On the requirement to confirm elections, see Lunt, *Financial Relations 1327–1534*, pp. 169–74; McDonald, thesis, pp. 158–74; and R. Vaughan, 'The Election of Abbots of St Albans in the Thirteenth and Fourteenth Centuries', *Proceedings of the Cambridge Antiquarian Society*, XLVII (1953), pp. 1–12.

⁹⁵ Thorne, col. 2067; Davis, pp. 482–3. On Waleys, see T. Kapelli, *Le Proces contre Thomas Waleys OP* (Rome, 1936).

⁹⁶ See the perceptive discussion of the motives for monastic litigation in R.W. Southern, *Western Society and the Church in the Middle Ages* (Harmondsworth, 1970), pp. 114–7, and M.D. Knowles, *The Monastic Order in England* (Cambridge, 1963), pp. 273–6. On violent rivalry between parishes, see G.G. Coulton, *Life in the Middle Ages* (Cambridge, 1928–30), iv, p. 127. A centuries-old dispute between the bishops and archdeacons of Ely was settled only in 1404; R.N. Swanson, *Church and Society in Late Medieval England* (Oxford, 1989), pp. 160–4. On the 'civil death' of the monk, see Knowles, *Religious Orders*, i, p. 271 and refs, and H.E. Feine, *Kirchliche Rechtsgeschichte* (Cologne, 1964), i, p. 87.

⁹⁷ R. Vaughan, *Matthew Paris* (Cambridge, 1958), p. 263.

⁹⁸ Though the Crown took a passive role in the conflict between Mephram and St Augustine's, it also could be jealous of the rights of exempt monasteries because of their status as royal abbeys. Thus in the late 1340s the royal courts, more assertive than in the early 1330s, prosecuted Bishop Bateman of Norwich for his challenges to the exempt privileges of the abbey of Bury St Edmunds; but they treated the exemption solely as a royal franchise and ignored the concurrent papal proceedings against Bateman in Avignon. See Arnold, *Memorials of St Edmunds*, III, pp. 56–73, 320–7; *Year Book 20 Edward III*, ed. L.O. Pike (Rolls Series, 1908), pp. 214–33; *Select Cases in the Court of King's Bench*, ed. G.O. Sayles, VI (Selden Society, 1965), pp. 48–9.