

St Aldhelm, William of Malmesbury, and the liberty of Malmesbury Abbey

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Medieval historians of saints and religious houses usually wrote to further the cause of the saint or abbey. That this is true even of a historian of such stature as William of Malmesbury is shown by his involvement in the struggle of his abbey to safeguard its liberty against the claim on its ownership made by Roger, Bishop of Salisbury between 1125 and 1139. The bishop's claim was based on the argument that Malmesbury Abbey had been a possession of the bishopric but had become alienated. Since this claim was based on the Abbey's history, William, as monk and historian of Malmesbury Abbey, was therefore directly involved with the dispute. His task in rebutting the bishop's claim was complicated by the fact that, in all probability, it was based on the period when St Aldhelm, the founder and saint of the Abbey, was simultaneously abbot of Malmesbury and bishop of Sherborne, the predecessor of the See of Salisbury. The abbey's claim to its liberty relied on an ambiguous Anglo-Saxon document which purported to be a translation of a privilege apparently given to Aldhelm by Pope Sergius in c.687-701. How William interpreted Malmesbury Abbey's history in the *Gesta Pontificum* to support its case for liberty, retranslated the privilege to the same effect, and how this translation was used in 1142 to secure a papal confirmation of the abbey's liberty, is the subject of this article.

Malmesbury Abbey was one of six English Black Benedictine Abbeys that obtained exemption in the twelfth century. In Malmesbury's case, this developed from the liberty it acquired in 1142, and has been examined in detail elsewhere.¹ Malmesbury Abbey sought the liberty in 1142 because of the subjugation it had suffered in its spiritualities and temporalities to Bishop Roger of Salisbury from 1118 x 25 to his death in December 1139. Following Roger's

dismissal of Abbot Eadwulf in 1118/19 and Eadwulf's subsequent death,² Bishop Roger went on to subordinate Malmesbury Abbey to the bishopric by 1125,³ along with the monasteries of Abbotsbury and Horton, William of Malmesbury commented on this with disgust in the *Historia Novella* in c.1143: exchanging square for round,

'ita Rogerius abbatias in episcopatum, res episcopatus in abbatiam alterare conatus est. Malmesberiense et Abbadesberiense, antiquissima cenobia, quantum in ipso fuit, episcopatu delegavit: Scireburnensem prioratum qui proprius est episcopi Salesberiensis, in abbatiam mutavit, abbatia de Hortuna proinde destructa et adiecta'.⁴

Although William stated that this action was 'contra fas',⁵ probably an implicit reference to the privilege of Pope Sergius, Roger's possession of Malmesbury Abbey had been confirmed by apostolic and royal authority. On 1 January 1126 Pope Honorius II confirmed to Roger and the church of Salisbury the possession of the abbeys of Malmesbury, Abbotsbury and Horton with all their appurtenances,⁶ and on 8 September 1131 at the council of Northampton Henry I confirmed the church of Malmesbury with all its appendices to the church of Salisbury, Bishop Roger and all his successors 'ut dominium suum et sedem propriam'.⁷ What this phrase implies is not certain. The papal confirmation made it clear that the abbey was to become a monastic priory in the hands, lordship and protection of the bishop of Salisbury, thus losing both its abbot and its independence. This is confirmed by the accounts of the abbey's restoration in 1140 in the *Gesta Stephani* and Florence of Worcester, and by a writ of 1178 instructing the abbot's tenants to perform their service to him as they or their ancestors had done to Bishop Roger or any abbot in the time of Henry I.⁸ In the secular context the abbey became part of the fee held in chief by the bishop of Salisbury.

But its ecclesiastical status under Roger is not so certain. Brett saw it as a demesne abbey in which the bishop took the place of the abbot, in which case it would have been similar to Glastonbury under Bishop Henry of Blois.⁹ However, Roger claimed that Malmesbury Abbey had been in times past the episcopal see of Wiltshire ('episcopalem sedem Wiltescire'): and the royal confirmation referred to it as his 'sedem propriam'.¹⁰ It seems possible that Roger intended to convert Malmesbury Abbey into a cathedral priory, and that this

was the purpose of the royal confirmation made at least six years after he had acquired the abbey. That the royal confirmation only mentioned Malmesbury also suggests that its purpose was not just to confirm the possession, for Abbotsbury was in the same tenurial situation. It is, however, unlikely that Roger intended to create a separate diocese of Wiltshire, or move his see there given his new construction at Old Sarum, despite his erection of a castle at Malmesbury.¹¹ Rather it seems to have been intended as a second cathedral, as was later to be established in the dioceses of Bath and Wells, and Coventry and Lichfield, providing the bishop with ecclesiastical and secular strongholds in the north and south of his diocese.

Roger justified his appropriation of Malmesbury Abbey on the grounds that in the past it had been for many years the episcopal see of Wiltshire, the same means as the bishops of Thetford had used to try to claim Bury St Edmunds as their see.¹² That he claimed only to be restoring to Salisbury its alienated possessions is supported by the arguments in the bull of Honorius II, the preamble of which implies that the abbey had broken away from Salisbury against the proper order of things, and that the confirmation was to conserve without diminution the honour of Salisbury church.¹³

However, in William of Malmesbury's history of Malmesbury Abbey in Book Five of his *Gesta Pontificum* there is no support for these claims. The only explicit mention of a threat by any bishop was the unsuccessful attempt by Herman of Ramsbury to translate his see to Malmesbury in c.1052/3.¹⁴ But Book Five is not a complete and objective history of the abbey. It is chiefly a biography of St Aldhelm, written by a monk of his foundation to enhance his reputation for sanctity. The abbey features in it as the supreme example of Aldhelm's sanctity and achievement, of how by his miraculous powers he protected his own. Anything detrimental to this argument was therefore omitted or glossed over. Furthermore William was the most vociferous opponent of Roger's actions and desired to remove him from the abbey. Thus in the winter of 1126-7, a year after Honorius II's bull, William wrote to King David of Scotland and the Empress Matilda to offer them copies of his *Gesta Regum* and to seek their aid in Malmesbury's 'plight without a pastor'.¹⁵ In the *Gesta Regum* itself he complained of the trouble afflicting his house, and in the *Historia Novella* his thankfulness at the restoration of the abbey is clear.¹⁶ Since he completed the *Gesta Pontificum* under

Roger's rule and the imminent threat of its confirmation, he would not have wished to provide any evidence of potential use to Roger in his claim to the monastery. The hagiographical nature of the work, the time at which it was written, and William's opposition to Roger's actions thus explain why it omitted any reference to the abbey at any time being the property of the bishops of Salisbury.¹⁷

The most obvious example of this is William's omission of any reference to Abbot Eadwulf or Roger of Salisbury. Instead of a history of the abbey in his own time, an account of Aldhelm's recent miracles takes Book Five from c.1106 to 1125.¹⁸ This may be partly explained by the difficulties that William encountered in writing contemporary history,¹⁹ although he was not troubled by these in the *Historia Novella* after the abbey was restored.

Another example is his treatment of Bishop Herman of Ramsbury. As we have seen, his failure to establish a cathedral at Malmesbury in 1052/3 is mentioned,²⁰ but other evidence suggests that this unsuccessful invasion had more substance than William was prepared to admit.²¹ The *Eulogium Historiarum*, possibly from inscriptional evidence, records that Herman built a belfry (*campanalium*) at Malmesbury at his own expense in 1056.²² If this is correct, it suggests that Herman's occupation lasted after his exile, and was considered by Herman as permanent. Furthermore, William's dating of Brihtic's abbacy and the preceding vacancy during which Herman made his attempt contributes to this possibility. How long the abbey was vacant before Herman attempted to move his see is not clear. William introduced his account, after a description of some miracles, by a vague 'Interea',²³ and stated that the previous abbot, Brihtwold, had died 'proxime' before this.²⁴ A vacancy of a few months is at least a possibility. After Herman's failure it seems that the abbey remained under a prior for several years, for William states that Brihtic's abbacy lasted for seven years before his deposition by King William I in 1066/7.²⁵ This implies a vacancy, lasting from an unspecified time before Herman attempted to translate his see until 1059, shortly after Herman returned from exile and reunited the sees of Ramsbury and Sherborne, thus ending their financial problems. Given Herman's probable construction of a belfry and the coincidence of his return and the restoration of the abbey, it seems possible that Herman and his successor occupied the abbey for the whole of this period, either as custodians or on the basis of a claim as diocesan to possess the abbey. If so, the defeat of an attempt to translate the see would not

have meant the cessation of the bishops' occupation of the monastery, the two being separate matters.

But this was not the time referred to in the royal confirmation of 1131. William, in the *Gesta Regum*, blamed the abbey's troubles on Bishop Ealstan of Sherborne, who had appropriated the abbey to his see between 816 x 24 and 867.²⁶ Although William stated that the abbey had surmounted such violence since Ealstan's death (probably a reference to Herman) he provided no evidence of when the liberty had been restored to Malmesbury Abbey by the monks.²⁷

There is in fact no evidence of monastic life at Malmesbury after 796 until Edgar's refoundation in 969 x 74.²⁸ The charters for this period could equally be to a *familia* of secular clerks as to a religious community, and it was upon these that William had to rely. William's statement that Edwi expelled the monks and introduced clerks is doubtful and is contradicted by the *Eulogium*.²⁹ Further doubt is cast on this by Asser's *Vita Regis Alfredi*, which refers to the lack of a regular monastic life in his own day (893) caused chiefly by the abundance of riches.³⁰ It is possible that Ealstan, in appropriating the abbey for its wealth, caused monastic life there to die out and be replaced with secular clerks. If so, the abbey may have been a community of secular clerks for over a century, subordinate to the see of Sherborne. There is no evidence as to whether it was the episcopal see of Wiltshire in this period, although such a thing existed between 909 and 946, the site of which is uncertain.³¹ However, Malmesbury's status during Ealstan's episcopate provided a sufficient precedent for Roger to claim the abbey as an alienated possession of the bishopric of Salisbury, the successor of Ramsbury-Sherborne. No mention of Ealstan occurs in Book Five of the *Gesta Pontificum*, possibly because the occupation was too damaging to William's case, both on Aldhelm's ability to protect his own and against Roger.

By what right, if any, Ealstan justified his appropriation of the abbey is unknown, but it may have been based on Aldhelm himself, who in the last years of his life was both abbot of Malmesbury and bishop of Sherborne.³² Roger therefore had good precedents for claiming that Malmesbury Abbey pertained to the bishopric of Salisbury: Aldhelm, Ealstan, and possibly also Herman, whose design to create an episcopal see there he accomplished eighty years later.

The death of Roger in 1139 when in disgrace, combined with the

energetic leadership of the monk John, ensured that Malmesbury Abbey recovered its liberty.³³ But this liberty had to be defended against future claims from a bishop of Salisbury. It was for this reason that Malmesbury Abbey pursued its claim to a privileged status with regard to the diocesan bishop, later to develop into exemption.

The basis of this claim was the privilege allegedly granted by Pope Sergius to Aldhelm. It survives in an Anglo-Saxon copy of the eleventh century in B.L. Cotton Otho Ci,³⁴ in a Latin version in William of Malmesbury's *Gesta Pontificum* and in the cartularies of the Abbot of Malmesbury,³⁵ and is summarised by Faricius (then a monk of Malmesbury) in his *Vita Aldhelmi*, written before 1100.³⁶ In what follows, for reasons that will become apparent, the Latin text referred to is that in the *Gesta Pontificum*, which has only minor variations from the cartulary copies.

The authenticity of the Latin privilege was questioned by Fabre in 1892, but no detailed study was made until Heather Edwards' in 1986.³⁷ It was previously assumed that the Anglo-Saxon text was a translation of the Latin, made for the purpose of a royal confirmation by Kings Ine and Aethelred on Aldhelm's return from Rome in 701; and that William, although knowing of the Anglo-Saxon version, merely copied the privilege into the *Gesta Pontificum* from an earlier Latin text.³⁸ Edwards, however, showed that the Latin text in the *Gesta Pontificum* was a translation of the Anglo-Saxon, and suggested that it was probably made by or for Faricius. What will be argued here is that William, and not Faricius or an assistant of his, was the translator of the privilege; that before William's there was no Latin text available; and that the differences between Faricius and William reveal a difference in emphasis in the interpretation of the privilege before and after Roger's threat to the abbey's liberty.

An important indication of this is that Faricius did not have the same Latin text as is preserved in the *Gesta Pontificum*. This is revealed by a comparison of the two. They have a close similarity on the free election of an abbot; and the clause in Faricius specifying that the abbey was to be free from the 'cathedris, ordine, jussis et synodis' of the bishops could simply be due to Faricius summarising in his own words his interpretation of the Latin clauses. But in the remaining two clauses he differs considerably from the Latin text. His statement that the privilege granted secular immunities could only be explained by a sloppy reading of the Latin, which makes it clear that

these immunities are conferred by the monastic rule. On the ordination of priests, however, even such a cause as this is unlikely. The Latin text in the *Gesta Pontificum* is unambiguous that the neighbouring bishop is to perform the service, whereas Faricius states that the monks might have any catholic bishop whencesoever they wish. Furthermore there is a strange omission. The most important clause in the Latin privilege is that the abbey was under the rule of the apostolic see and subject to the jurisdiction of no other. No mention of this occurs in Faricius. To him the clause on free election is the most significant.

It is probable therefore that Faricius did not use a Latin text which William might have used for the *Gesta Pontificum*, so the question arises as to whether Faricius might have used the Anglo-Saxon text. At first this might seem unlikely, for William stated that Faricius did not know the language.³⁹ But such statements do not necessarily mean total illiteracy, and a comparison between the Anglo-Saxon text and Faricius reveals a similarity such as might be expected from someone attempting to understand a language in which he was not proficient.⁴⁰ A literal translation of the active clauses of the Anglo-Saxon privilege may be found in Appendix 1.

Once again the closest similarity between the Anglo-Saxon and Faricius is on the election of an abbot. But this is not too surprising since it might be expected that Faricius would have taken care in translating what to him was the most important clause. On the immunities the abbey enjoyed from episcopal actions, Faricius' statement is more understandable if he was attempting to interpret the extremely ambiguous Anglo-Saxon rather than redefining the Latin privilege. His statement that the privilege made Aldhelm's abbeys free from all secular service is an understandable error if taken from the Anglo-Saxon, given his lack of proficiency in the language. But the strongest evidence comes from the clause on ordinations. The Anglo-Saxon is totally ambiguous on which bishop is to provide the service, but mentions among other things that he is to be 'buton aelcum tweon halgie' (beyond all doubt holy). Faricius might well have chosen to interpret this to mean any bishop so long as he was catholic, especially given the Anglo-Saxon privilege providing protection against an unspecified bishop, and the statement that he was to be invited, which Faricius might have understood to mean that the abbey could choose any bishop. The 'omission' is also explained. The Anglo-Saxon is not as specific as the Latin on the role of the

apostolic see, conferring only its protection and rule without the statement that the abbey was to be subject to the jurisdiction of no other. This clause would not have seemed very significant to Faricius therefore, especially given that at the time he wrote, the papacy had not spread its influence to the extent that it was to do in the following decades.

Differences that are unlikely had Faricius used the same Latin privilege as William are easily explained if he used the Anglo-Saxon privilege, given his linguistic abilities. There are two other possibilities, however: first, that he used a Latin text not used by William and now lost, or, secondly, that he had both the Latin text as found in the *Gesta Pontificum* and the Anglo-Saxon, but chose to use the latter. The former is unlikely. Had he had such a text, William would probably have known about it and used it, given that it conferred greater immunities than his; and there would probably be some record of it in the abbey's cartularies. It is anyhow unlikely that two Latin texts of the same document existed with such variations. That Faricius would have chosen to use an Anglo-Saxon document in preference to a Latin one is inconceivable given his difficulty with the one language and fluency in the other.

That he used the Anglo-Saxon text is also strongly supported by his reference to its being witnessed by the kings Ine and Ethelred. The original privilege would not have had such a subscription, but the Anglo-Saxon text in the Cotton manuscript does. It is therefore highly probable that this was the source that Faricius used for his summary of the privilege.

If so, the question arises as to where William obtained the text of his privilege. Faricius would not have used an Anglo-Saxon text had a Latin one been available, so William must either have found one that Faricius was not aware of, which is unlikely, or also translated from the Anglo-Saxon. Again the subscription by Ine and Ethelred suggests the latter. Although William's text in the *Gesta Pontificum* does not mention them, on the next folio they appear confirming the privilege on Aldhelm's return, in a passage which the editor points out is a close translation of the Anglo-Saxon.⁴¹ Furthermore, the privilege William referred to in connection with the re-acquisition of the liberty in 1140 was also witnessed by these kings, which suggests that it was from the same source.⁴²

To show that William did translate the Anglo-Saxon to produce his Latin text requires a comparison between the two. Before this is

undertaken, exactly what might be expected from a 'translation' of his needs to be understood. His own statement 'Quod (privilegium) hic ex integro apponam, ut omnem ambiguitatis evadat scrupulum',⁴³ given his known editorial techniques, indicates two things: that he had an ambiguous original which he had altered to avoid the ambiguities, and that the privilege was to be given in its entirety, which could mean some 'restoration' if necessary.⁴⁴ This is exactly what is found by a comparison between the two, and can account for all the differences between them. (For a translation of the active clauses of the Anglo-Saxon privilege and the Latin version of the same text with the alterations marked, see Appendices 1 and 2.

The customary ending to a privilege of Sergius' time, 'bene valete',⁴⁵ is not in the Anglo-Saxon version, but is present in the *Gesta Pontificum* and all subsequent copies.⁴⁶ It seems, therefore, that William added this to restore the privilege to its entirety and that it was subsequently copied as an integral part of the text. The style and grammar of the privilege are also altered in the Latin version in places, probably again for the purpose of restoring what William considered to be the original privilege. Some sections in the preamble have been moved around, for example the reference to St Peter binding and loosing occurs after the named monasteries in the Anglo-Saxon, but before in the Latin. Such non-material alterations were also made to the grammar, the clumsy double negative of the Anglo-Saxon being replaced by a Latin positive. Some Anglo-Saxon phrases are altered to a more canonical form, the word 'séal' (shield) becoming 'indulgentiae'; and the phrase 'þin godnyss. & þin aewfaestnyss' (thine goodness and thine piousness) becoming 'tua religio'.

Other alterations of much greater significance were made to the active clauses of the privilege. The vague jurisdiction and protection conferred by Rome in the Anglo-Saxon is transformed into direct jurisdiction by the addition of the phrase 'Nullius alterius juris ditioni sint subjecta'. Although of great use against Roger, William could have argued that its purpose was to remove an ambiguity.

This is especially so in the case of the Anglo-Saxon privilege's prohibition on ecclesiastics desiring (anything?) of the abbey, or establishing a cathedral in the church, or a bishop singing masses there without the invitation of the community. The Latin changed this so that ecclesiastics were prohibited from defending jurisdiction in the abbey or from extorting or demanding any sustenance or due

from the community, or from establishing a cathedral in the abbey or from singing masses there, without the invitation of the community; thus defining the scope of what was prohibited, and extending the prohibition on masses to all ecclesiastics and not just a bishop. This is a logical change for William to make if only the apostolic see was to have jurisdiction over the abbey, was useful against Roger, and avoided an ambiguity which would have existed as a consequence of the earlier alterations.

A considerable alteration has also occurred in the clause on the ordination of priests and deacons, but again can be explained by William removing ambiguities. The Anglo-Saxon implies that a bishop (which is not specified) may enter the abbey to perform these services if invited. The Latin changes this to start a new sentence and read that they are to be ordained by the neighbouring bishop. Where is not stated.⁴⁷ Both agree that he is to follow the holy rule and consecrate without payment. Both also agree that the abbot is to be elected by the community and be installed by the neighbouring (i.e. diocesan) bishop.

These alterations, significant as they may be in changing the meaning of the privilege, can all be explained in terms of removing ambiguities, and do not argue against William having translated the privilege from the Anglo-Saxon. How little was changed in the Latin translation is apparent when the alterations made to the Anglo-Saxon clauses are indicated in the Latin text (Appendix 2). Mostly the Latin has been translated directly from the Anglo-Saxon, even following its tortuous phrasing in places. This is especially so in the clause on episcopal jurisdiction, where the Anglo-Saxon 'Nor (is) never no one, of bishops or of priests, or a clerk of any ecclesiastical order...' is rendered in the Latin 'Nec quisquam episcoporum aut sacerdotum, aut cuiuslibet ecclesiastici ordinis clericus aliquo tempore...', an exact translation except for the removal of the double negative. The preamble, the introductory sections of the active clauses, the clause on apostolic jurisdiction, the election of an abbot, the conferment of the 'oration' by a neighbouring bishop, the anathema and the blessing are identical. Included in this is the agreement between the Anglo-Saxon and Latin that the rule of monastic life, not the privilege, conferred freedom from secular service.

The strongest argument in support of Faricius, and not William, being the translator is that the Latin text translates the Anglo-Saxon reference to Meldun as being the name of a person, whereas in the

Anglo-Saxon it is only the name of a place. Edwards suggested that this indicated the translation was carried out by someone 'not fluent in Old English', that is Faricius.⁴⁸ Although this is possible, William need not be discounted as its translator for this reason alone. Assuming that he did produce his own translation of the privilege and therefore examined the Anglo-Saxon version, and even given that he was concerned to correct Faricius' errors in his *Life of Aldhelm*, he had probably come to accept the story of Meldun current in the abbey at least since the time of Faricius and Abbot Warin⁴⁹ and may not have wanted to offend his community's sentiments on his existence. This, along with obscure phraseology of the Anglo-Saxon and the tradition of Faricius' interpretation, may have influenced him to translate it in the way that he did, without much agonised thought over the true meaning of the Anglo-Saxon. Since William 'never copied without correcting and retouching',⁵⁰ the case of Meldun may well have been one of those where he considered such a 'correction' to be required. He could have supported his decision by reference to Leutharius' charter to Malmesbury Abbey, which in its outline of Aldhelm's life seems to suppose a religious foundation of some sort at Malmesbury before Aldhelm.⁵¹ To doubt the existence of Meldun would have caused William to question the authenticity of the foundation charter of his own house. Furthermore, if it is supposed on the grounds of this error that Faricius *himself* carried out the translation, we must also accept that he created the clause in the Latin privilege that the abbey was to be 'subject to the jurisdiction of no other (than the apostolic see)'. This was the very clause that Faricius did *not* use in his summary of the privilege. Had he thought it significant enough to create such a clause, he would surely have used it.

The foregoing strongly suggests that the privilege in the *Gesta Pontificum* is William's own translation of the Anglo-Saxon text preserved in the Cotton manuscript. The only other possibility, that a translation was made between the time of Faricius and William, and that William altered this in the way described above to remove the ambiguities, is very unlikely. That William translated is also very probable from the result. It is a highly polished translation, correct in its phraseology for the Roman Curia of Sergius' time, and clearly made by someone who was familiar with early Latin papal privileges. It seems too good a product for Faricius or one of his assistants before 1100; but is consistent with the quality of William's work. It

is very likely that he would have seen the privilege of Pope Agatho at St Augustine's Canterbury, which is similar to the Malmesbury translation in some ways, and which may have been used as an aid in the translation.⁵²

William would have had a two-fold purpose in translating the privilege in the way described above. Being important evidence for an aspect of Aldhelm's life, he would have wanted to include the privilege in his work. An Anglo-Saxon version in a Latin work designed for a Latin-reading and French-speaking audience would have been of little use, and so if he was going to include it he had to translate. But he also wanted it as part of his propaganda war against Roger of Salisbury. His audience would have known of Malmesbury Abbey's situation in 1125, and could therefore be expected to recognise the veiled threat to Roger contained in William's introduction to the privilege, that those who broke its terms faced its anathema. The alterations were mainly there to remove the ambiguities and strengthen the privilege against Roger.

What remains to be discussed is exactly how the abbey used its 'newly acquired' privilege in order to recover and secure its liberty.

There is no evidence that Malmesbury Abbey used its Anglo-Saxon privilege in any of its previous disputes with the bishops of Salisbury. It is possible that it was forged in the 1050s for use against Herman, since the surviving text dates from this period, but that it had an authentic basis is probable.⁵³ Even if the abbey had used the privilege, it would only have been to protect the monastic life and status of the abbey at that time, not to extend its rights or to gain jurisdiction from Rome alone. Even when commenting on the Latin text, D. Knowles remarked that the 'whole tone of the bull is to guarantee a quiet, retired religious life, not to assert rights against the bishop'.⁵⁴ Without William's 'corrections' this is even more so. Faricius considered the important passage to be on the free election of an abbot, and bemoaned the loss by the monks of liberty, which according to him had happened not only at Malmesbury but at many other places in England.⁵⁵ He was probably thinking of the imposition of abbots by the Norman kings and ecclesiastics without due election.

William, in making the alterations in his translation, may have considered extending the abbey's rights, for by this time Westminster, Bury St Edmunds and St Albans had all obtained papal privileges conferring some form of special relationship with Rome, and

Westminster was declared free from the domination of the diocesan bishop.⁵⁶ But there is no evidence that William conceived of Malmesbury's liberty as meaning freedom from normal diocesan jurisdiction despite his claims that the abbey was to be subject only to the jurisdiction of Rome. This is indicated by the clause he himself created, placing the duty of providing ordinations on the 'neighbouring' bishop, a phrase that could only have meant the diocesan. The 'liberty' that Roger was breaking was, to William, the liberty of free election and management of temporal affairs, the same liberty that Ealstan had stolen.⁵⁷ That priests were to be ordained and the abbot blessed by the diocesan was not important. William's addition that the abbey was to be subject to no jurisdiction except Rome's, and his definition of what the ecclesiastical orders could claim were sufficient to prevent an abuse of episcopal power and to challenge the privilege of Honorius II and charter of Henry I. It was in this sense that William remarked on the use of the Latin privilege in 1140 when John was elected '*secundum tenorem privilegii quod beatus Aldelmus a Sergio papa ... impetraverat*'.⁵⁸ It seems probable that William would have considered the abbey's liberty to have been fully restored in 1140, without any further development being necessary other than to ensure no repetition of Roger's actions by his successors.

How much influence this privilege had in practice in securing Malmesbury Abbey's restoration in 1140 is unknown. It may have been the spur behind the monk John's initiative on the part of the abbey,⁵⁹ and if so it would help to explain why William was a serious contender for the abbacy.⁶⁰ Roger's death in disgrace and Henry of Blois' approval for the restoration (and therefore disapproval of Roger's reforms) were probably more important than the privilege. This is indicated by the simultaneous restoration of Abbotsbury by Stephen at the Council of Reading in 1140,⁶¹ which probably did not have any such privilege, and could, if on that ground alone, have remained the property of the bishops of Salisbury.

King Stephen did not grant the restoration freely, however, for William comments that the legate Henry of Blois disapproved of John because of a gift of money that he made to the king. The implication is of simony, but William states that the small gift was made '*causa libertatis ecclesie, non electionis persone*'.⁶² In the light of the royal charter of Henry I granting Roger the lordship of Malmesbury Abbey⁶³ such a payment was probably an entry fine for the lands,

essential for the liberty of the church, rather than a bribe.

The next stage of the restoration was John's journey to Rome.⁶⁴ The purpose of this may have been to seek confirmation of his own election, the diocesan bishopric being vacant.⁶⁵ Another reason may have been to obtain a confirmation of the privilege of Pope Sergius. In doing this Malmesbury Abbey would have been following the precedents of Evesham, Westminster and St Augustines', all of which obtained confirmations of early privileges in 1138 to 1139.⁶⁶ But Malmesbury Abbey had another motive for obtaining such a confirmation. The privilege of Honorius II to Roger had not been revoked, and Malmesbury Abbey's only counter, the privilege of Pope Sergius, was known by the abbey to be a recent 'corrected' translation. Only by obtaining a confirmation could the abbey hope to retain its reacquired liberty against the diocesan threat.

It is not clear that this was a motive for John's journey, although this may have been one aspect of the task of great magnitude he had begun (but not completed) on his death in 1140.⁶⁷ That he died during the continued vacancy at Salisbury was to be beneficial to the abbey in the future, for it meant that Peter his successor was confirmed by the legate Henry of Blois.⁶⁸ This meant that no profession of obedience to a diocesan was demanded before the privileges had developed further, and so did not set a potentially devastating precedent.

At any rate, Peter made the acquisition of a confirmation of the privilege of Sergius a major priority, and with the aid of the king and legate obtained a confirmation on 23 May 1142 from Pope Innocent II.⁶⁹ The abbey's restoration was therefore complete, and its liberty fully restored and secured.

The privilege obtained in 1142,⁷⁰ as with the privileges granted to other houses cited above, was considered to be merely a confirmation of a liberty conceded by a previous pope, in Malmesbury's case that of Sergius. That this was the privilege as translated by William is indicated by the concession that the *episcopalia*, including the ordination of clerks and monks to holy orders, was to be obtained from the diocesan bishop. The Anglo-Saxon text as interpreted by Faricius⁷¹ could have been used to obtain these from any catholic bishop, as Bury St Edmunds had obtained in 1123.⁷² William's translation placed these under the diocesan, and was followed by Innocent.

In an important sense it was a confirmation, for Innocent's privilege did not confer what was later to become known as

'exemption', that is freedom from the spiritual jurisdiction of the diocesan bishop and profession of obedience to him in normal circumstances. What the liberty of 1142 consisted of is best seen by an examination of each clause of the privilege in the context of 1142, rather than in the light of later interpretations and papal judgments.

The first clause states that the abbey is to remain 'sub ... tutela et proprietate' of St Peter and the Roman Church. W.E. Lunt cites the case of Vezelay in 836 as the best example of such a relationship. According to him, *proprietas* can be summed up as 'nominal ownership' of the abbey by the Roman see, and conferred freedom from the diocesan bishop's temporal authority but not spiritual jurisdiction. In return for this and protection under the threat of anathema for the abbey's lands, the abbey paid an annual census to acknowledge the *proprietas*.⁷³ In 1142 Malmesbury Abbey was the second English house of those that were later to become exempt *nullo mediante* to be under the *proprietas* of the apostolic see, the other being Westminster. Of the rest, all but St Augustine's were under its protection.⁷⁴ St Augustine's is an interesting case, because the privilege of Pope Agatho to that house used as the basis of its papal confirmation of 1139 was similar to William's privilege of Sergius in that it placed the abbey beneath the jurisdiction of the Roman church and no other. In the confirmation this was interpreted as placing St Augustine's under the 'jurisdiction' of St Peter.⁷⁵

Why Malmesbury Abbey did not receive the same clause in its privilege of 1142 is probably connected with the peculiar needs of Malmesbury's 'liberty', for the liberty it needed was the freedom from control by the bishops of Salisbury. They claimed to own the abbey and could produce royal and papal privileges in support. Protection by the papacy might not have been sufficient to guard against this; and jurisdiction such as St Augustine's obtained would certainly not have been, for a pope could have used his jurisdiction to force the abbey to revert to subordination to the bishop. Only by obtaining the transfer of ownership from the abbey to the apostolic see could the bishop's claims be thwarted. In future the bishop could only claim ownership by diminishing the property of St Peter and the apostolic see, so his claims would have been against Rome, not Malmesbury Abbey alone. It also countered the privilege of Honorius II, by implying that the papacy had taken the abbey back into its own possession, allegedly based on the earlier grant of Sergius.

The privilege of 1142 thus went further than William's version of

Sergius' privilege in order to secure liberty from episcopal control. It also did so in another way which may have influenced the apostolic see's decision to confer the proprietary status. This was the payment of the census of an annual ounce of gold for the liberty, probably in recognition of nominal ownership, although St Albans paid it for fifteen years before becoming a proprietary house.⁷⁶ The extension of the privilege of Sergius from jurisdiction to the proprietary relationship was thus in the interests of both Malmesbury Abbey and the papacy, but the payment of the census for liberty was not interpreted as conferring exemption until the time of Popes Alexander III and Innocent III, and even then on its own it was not sufficient for this, as is shown by the case of the non-exempt but census-paying Tavistock.⁷⁷

The proprietary right and the census payment were therefore essential to Malmesbury in obtaining the liberty from episcopal ownership and control, but did not at this time confer exemption from his spiritual jurisdiction. Nor did any other clause in the privilege of 1142.

The second clause, confirming the abbey's possessions, follows logically from a nominal ownership but was conferred on other houses, whether proprietary of the Roman See or not,⁷⁸ so is not an indication of an exempt status. The ability of the abbey to ask for the *episcopalia* was a privilege; but the statement that they were to come from the diocesan so long as he was catholic, in communion with the Holy See, and gave them freely and without wickedness did not confer exemption from his spiritual jurisdiction. Only if the bishop broke any of these conditions could the abbey go elsewhere, as it did in 1161. Even then the abbot made a profession of obedience to the archbishop, which suggests that he would normally have made one to the diocesan.⁷⁹

The clause that on the death of an abbot no one could be imposed as successor but the community was to elect another likewise did not imply an exempt status, for Dorchester received such a privilege in 1146 but was not exempt.⁸⁰ What it did was to ensure that no future bishop of Salisbury could impose his own candidate or himself on the abbey as Roger had done.

The prohibition on a bishop entering the church to establish his cathedral or celebrate public masses without invitation did not protect against episcopal jurisdiction in the days when episcopal visitation was non-existent. Following Sergius, it provided protection against

any future attempts to establish a bishopric at Malmesbury Abbey, and prohibited public masses which were a sign of the subordination of the church in which they were celebrated to the celebrant⁸¹ and thus ensured its essential liberty. Similar prohibitions had been made for other protected abbeys.⁸²

The clause prohibiting anyone including a bishop from disturbing the abbey is unusual only in that it explicitly included the bishop. This may be connected with the proprietary status if Lunt is right that it excluded temporal episcopal authority.⁸³ Clearly it was of use to Malmesbury Abbey, given the action of Roger in taking possession of the abbey. Otherwise, when no bishop is mentioned, the clause was common,⁸⁴ but even with the bishop being mentioned it did not amount to exemption from his spiritual jurisdiction. The final two clauses merely protected the liberty from contradiction and imposed the anathema.

By means of this privilege, therefore, Malmesbury Abbey acquired a liberty that, by means of a nominal ownership of the abbey by the Roman Church, amounted to protection against the temporal authority and uncanonical actions of the diocesan bishop. Unlike some other abbeys in 1142 that were later to become exempt, it remained under the diocesan's spiritual jurisdiction,⁸⁵ in part because of William's translation of Sergius' privilege. Although by 1177 the development of canon law and renewed pressures from the bishops of Salisbury resulted in the abbey becoming exempt *nullo mediante*,⁸⁶ Innocent II's privilege seemed sufficient to secure its liberty in 1142. This liberty had been acquired to counter the claims of the bishops of Salisbury to own the abbey, claims that may have dated back to Aldhelm's time; and had been made possible by William of Malmesbury's interpretation of his abbey's history and his translation of the privilege Sergius had (allegedly) granted to Aldhelm.

Appendices: The Privilege of Pope Sergius

1. A translation of the active clauses of the Anglo-Saxon text of the Privilege of Pope Sergius (*G.P.*, p.370-73)

Note: the numbers in the square brackets correspond to the numbers in the margin of the Latin text of these clauses in Appendix 2 (below).

() Supplied

... Text damaged at this point.

[1] We deem and confirm with the present apostolic privilege that the aforesaid venerable monasteries are to be fortified, because the benefit of our pontifical shield is for the honour of such good things. [2] Thus these are to remain, as we once spoke about, under the legal rule and protection of him whom we serve, our elder and blessed Peter apostle, and whose holy church there we rule, just as thy goodness and thy pioussness asked of us, as a shield for ever with God's help and with St Peter's, now and for eternity. [3] Nor (is) never no one, of Bishops or of priests, or a clerk of any ecclesiastical order, to desire (anything) [4] nor especially not to establish no Bishop-Seat in their Church or indeed to let a Bishop sing mass there unless he comes thither invited of the abbot and the congregation, [5] if they have need to ordain any mass priest or deacon for the use of the masses, and (he is to be) without doubt holy and (ordain) without any payment under God's law as if all things pertain to the holy rule. [6] If it happens as is common to all Man that the abbot departs of this life, and it then comes that they are to choose another, (they are) not to choose a man without the common counsel of their holy congregation of the servants of God, that when they choose him he may be thus steadfast, so that no detriment or ... comes on the discipline of their monastic way of life, or the things (of the abbey) perish for the lack of an abbot. [7] The bishop who may be nearest by our apostolic authority and pontifical ... may then bestow the honour on the abbot.

2. William of Malmesbury's translation of the Anglo-Saxon version on the Privilege of Pope Sergius with the variations indicated. (*G.P.*, p.367-70).

Variations:

(Latin) Word(s) found in the Latin text but not in the English.

(English) Word(s) found in the English text but not in the Latin.

Italic Phrase used in the Latin which has a significantly different meaning to the English.

Note: The numbers in the brackets correspond to the numbers in the margin of the Anglo-Saxon text of these clauses in Appendix 1 (above).

[1] Quia (igitur) talibus debetur pontificalis *indulgentiae* beneficium, praesentibus apostolicis privilegiis predicta venerabilia monasteria decernimus munienda, [2] quatinus sub jurisdictione et tuitione eiusdem cui et nos deservimus, auctoris nostri beati Petri apostoli, et Eius quam dispensamus ecclesiae, et nunc sint et imperpetuum permaneant, sicut tua *religio* petit. (Nulliusque alterius jurisdictione sint subjecta) [3] nec quisquam episcoporum aut sacerdotum, aut cuiuslibet ecclesiastici ordinis clericus, quoque tempore (sibi in ea quaecunque jurisdictionem defendere, aut susceptionem vel quaelibet munuscula a religiosa congregatione) *extorquere vel exposcere* (praesumat), [4] neque (especially) in eorum oratorio episcopalem cathedram constituere, aut missarum sollemnia ibidem gerere (i.e. the bishop) praeter si a religioso abbate et congregatione ascitus advenerit (.). [5] Presbiterum vero, si necesse habuerint, pro missarum sollemniis (sibi) ordinari, aut diaconum, (by the bishop mentioned in 4) a *reverentissimo* (episcopo qui e vicino est consecrandum expostulent) illo (dumtaxat) quae ad sacram regulam pertinent sub divino iudicio perquirente, et absque muneris datione (ordinante). [6] Si autem et religiosum abbatem obire contigerit (as is common to all Man) et ad electionem alterius fuerit ventum, illum, quem religiosa congregatio servorum Dei communi consilio delegerit, promovendum e vestigio, ut non detrimentum (or...) monachicae conversationis disciplina incurrat, vel res monasterii abbatis privatione depereant. [7] Presul (quoque) qui (similiter) in vicino fuerit, ex apostolici (pontificis) auctoritate (and pontifical...) oratione ei abbatibus attribuat.

NOTES

¹ N.P. Berry, *The Estates and Privileges of Malmesbury Abbey in the Thirteenth Century*, unpublished PhD thesis, University of Reading, 1989, I p.318-85 (hereafter, Berry, *The Estates*.)

² Berry, *The Estates*, II p.465.

³ Berry, *The Estates*, II p.465-66.

⁴ William of Malmesbury, *Historia Novella*, ed. K.R. Potter, (London 1955), p.38-39 (hereafter *H.N.*).

⁵ *H.N.*, p.40.

⁶ *Papsturkunden un England*, ed. W. Holtzmann, (Berlin 1930, 1935-6, Göttingen 1956), II p.141-42 (hereafter *P.U.E.*).

⁷ *Charters and Documents illustrating the History of the Cathedral and City of Sarum*, eds. R.W. Jones and W.D. Macray (Rolls Series 97,

London 1891), p.6-7 (hereafter *Sar.Ch.*). That these documents are not mentioned by the bishops of Salisbury in any of their claims to the abbey before c.1219 does not necessarily indicate that they are later forgeries. None of the sources are such as might be expected to refer to them, and it is clear that such claims were behind the bishops' complaints. There is no suggestion that Malmesbury Abbey ever challenged their authenticity.

⁸ *Registrum Malmesburiense*, eds. J.S. Brewer and C.T. Martin, (Rolls Series 72, 1879-80), I p.334-35 (hereafter *R.M.*). (For the date of the writ, see Berry, *The Estates*, II p.475-76; *Gesta Stephani*, ed. K.R. Potter, 2nd ed. (Oxford 1976), p.98; Florence of Worcester, *Chronicon ex Chronicis*, ed. B. Thorpe (London 1848), II p.122.

⁹ M. Brett, *The English Church under Henry I*, (Oxford 1975), p.49-50, 136; Knowles, *The Monastic Order in England*, 2nd ed. (Cambridge 1963), p.291-92, 327.

¹⁰ *Sar.Ch.*, p.6.

¹¹ For the castle, see Berry, *The Estates*, I p.49-50 and II p.497-99.

¹² M.D. Lobel, *The Borough of Bury St Edmonds; A Study in the Government of a Monastic Town*, (Oxford 1935), p.2.

¹³ *Sar.Ch.*, p.6; *P.U.E.*, II p.141-42.

¹⁴ William of Malmesbury, *De Gestis Pontificum Anglorum*, ed. N.E.S.A. Hamilton, (Rolls Series 52, London 1870), p.420 (hereafter *G.P.*). For the date see Berry, *The Estates*, II p.464-65.

¹⁵ 'Zwei unbekannte Briefe zu den Gesta Regum Anglorum des Wilhelm von Malmesbury', ed. E. Konngen, *Deutsches Archiv für Erforschung des Mittelalters*, 31 (1975), p.211-14.

¹⁶ William of Malmesbury, *De Gestis Regum Anglorum*, ed. W. Stubbs, (Rolls Series 90, London 1889), I p.109 (hereafter *G.R.*); *H.N.*, p.40.

¹⁷ The *Gesta Pontificum* was completed in 1125, and Roger's rule of Malmesbury was confirmed by the pope on 1 January 1126. Even if Roger did not actually take possession of the abbey until the papal privilege, that this was his aim would have been known to William of Malmesbury, and his comments in the *Gesta Pontificum* indicate that the abbey's liberty was either lost or under threat. *G.P.*, p.367; *P.U.E.* III, p.141-42.

¹⁸ *G.P.*, p.433-43.

¹⁹ *G.R.* II, p.357-58.

²⁰ *G.P.*, p.420.

²¹ *G.P.*, p.183.

²² *Eulogium Historiarum*, ed. F.S. Haydon, (Rolls Series 9, London 1858), I, p.262.

²³ *G.P.*, p.420.

²⁴ *G.P.*, p.182.

²⁵ *G.P.*, p.420: 'Brihticus, ex praeposito factus abbas, septem annis gloriosissime cenobio praefuit'; see below, Appendix 1.

²⁶ *G.R.* I, p.109; *G.P.*, p.176. The dates are those of Bishop Ealstan: *Handbook of British Chronology*, 3rd ed. (London 1986), p.222.

²⁷ *G.P.*, *ibid.*

²⁸ *G.P.*, p.389 (796). *G.P.*, p.404-5; MS Bod. empt. 5, ff 44v-6 (*R.M.* I, p.316-18) (refoundation).

²⁹ A. Watkin, 'The Abbey of Malmesbury', *VCH Wiltshire* III p.213 and n.74.

³⁰ Asser, *Life of King Alfred*, ed. J. Stevenson, (new impression, Oxford 1959), p.80-81. For other evidence of the absence of monasticism at this time, see Knowles, *Monastic Orders*, Appendix 1.

³¹ Darlington, 'Anglo-Saxon Wiltshire', *VCH Wiltshire* II, p.26-27. Its probable location is given as either Wilton or Ramsbury, although there is no evidence for this.

³² Bede, *Ecclesiastical History of the English People*, ed. B. Colgrave and R.A.B. Mynors, (Oxford 1969), p.515 (Book V 18); *G.P.*, p.378.

³³ Berry, *The Estates* I, p.332-33.

³⁴ B.L. Cotton Otho Ci ff.68-9. Printed in full *G.P.*, p.370-73; H. Edwards, 'Two Documents from Aldhelm's Malmesbury', *B.I.H.R.* 59 (1985), p.16-18.

³⁵ *G.P.*, p.367-70; MS Bod Wood empts ff.57-60; *R.M.* I, p.343-5; MS BL. Lansdowne 417 ff.35-6v.

³⁶ Faricius, *Vita Aldhelmi*, ed. J.A. Giles, reprinted *Patrologiae Latinae* 89 (1850), col.69-70. Faricius left Malmesbury for Abingdon in this year (Watkins, 'The Abbey of Malmesbury', p.216). For the stemma of the texts of the privilege, see Barry, *The Estates* II, p.546.

³⁷ P. Fabre, *Etude sur le Liber Censum de L'Eglise Romaine*, (Paris 1892), p.87 n.1; Edwards, 'Two Documents from Aldhelm's Malmesbury', p.9-13.

³⁸ E.g. N. Hamilton in *G.P.*, p.370 n.1, p.374 n.1.

³⁹ *G.P.*, p.331.

⁴⁰ On this see Edwards, 'Two Documents from Aldhelm's Malmesbury', p.10 esp. n.75.

⁴¹ *G.P.*, p.374 and n.1.

⁴² *H.N.*, p.40.

⁴³ *G.P.*, p.367.

⁴⁴ R. Thomson described the method of a scribe he considered to be William as one of 'continuous ratiocination, the efforts of a considering

intelligence accustomed to the exercise of historical judgement... This compiler emended the texts ... removing what to him were barbarities of diction, and making intelligible the textual corruptions, always working sensibly although quite unauthoritatively. This was the consistent and well documented practice of William... He never copied without correcting the retouching'. R.M. Thomson, *William of Malmesbury*, (Woodbridge 1987), p.135-36.

⁴⁵ R.L. Poole, *The Papal Chancery*, (Cambridge 1915), p.47.

⁴⁶ *G.P.*, p.370; MS Bod. Wood empt, f 60; *R.M.* I, p.345; MS BL. Landdowne 417 f 35.

⁴⁷ Edwards, ('Two Documents from Aldhelm's Malmesbury', p.12) assumes that the Anglo-Saxon referred to the diocesan bishop, although on these matters the text does not state that the neighbouring bishop is meant.

⁴⁸ *Ibid.*, 10.

⁴⁹ Edwards pointed out that the earliest evidence for the belief in the existence of Meldun is in Faricius, and argued that the belief was due to his mis-translation of the privilege (*Ibid.*, 10, n.75). Although this has been followed for the purpose of this work, King Alfred's 'Handbook' may also have contained some reference to him (cf. *G.P.*, p.332-3). On the foundation of Malmesbury Abbey without Meldun, see Berry, *The Estates*, I, p.25-26.

⁵⁰ Thomson, *William of Malmesbury*, p.136.

⁵¹ *G.P.*, p.347-9; MS Wood empts ff 11v-13v (*R.M.* I, p.280-1. See Berry, *The Estates* I p.25.

⁵² Thomas of Elmham, *Historia Monasterii S Augustini Cantuariensis*, ed. C. Hardwick, Rolls Series 8 (London 1859), p.246-47.

⁵³ See Edwards, 'Two Documents from Aldhelm's Malmesbury', p.11-13; and Berry, *The Estates* II, p.545.

⁵⁴ D. Knowles, 'The Growth of Exemption', *Downside Review* 50 (1932), p.226.

⁵⁵ Faricius, *Vita Aldhelmi*, col.70.

⁵⁶ Bury St Edmunds: *P.U.E.* III, p.132-3 (1123); St Albans: *P.U.E.* III, p.129-30 (1122); Westminster: *P.U.E.* I, p.228-31 (1101-14).

⁵⁷ *G.R.* I, p.109.

⁵⁸ *H.N.*, p.40. 'Tenorem' may indicate more than just 'terms'. William had translated and altered the Anglo-Saxon privilege of Sergius for the *Gesta Pontificum*, and was quite prepared to use it as propaganda against Roger. Whether he intended it to be used in practice is unclear, and this may have been his way of stating that it was his translation and interpretation of an Anglo-Saxon translation that was used rather than the original privilege,

thus saving his conscience.

⁵⁹ *H.N.*, p.40.

⁶⁰ J. Leland, *De Rebus Britannicis Collectanea* ed. T. Hearne, 2nd ed., (London 1770) III, p.272; *G.R.* I, xxxviii n.1.

⁶¹ *H.N.*, p.40; *Gesta Stephani*, p.98; Florence of Worcester, *Chronicon*... II p.122.

⁶² *H.N.*, p.40.

⁶³ *Sar.Ch.*, p.6.

⁶⁴ Leland, *Collectanea* II, p.235.

⁶⁵ *Handbook of British Chronology*, p.270.

⁶⁶ Evesham (1138): *Chronicon Abbatiae Eveshamensis*, ed. R.D. Macray, Rolls Series 29 (London 1863), p.173, 171-73; St Augustine's (1139): Thomas of Elmham, *Historia*..., p.369, 245-47; Westminster (1139): *P.U.E.* I, p.245.

⁶⁷ *H.N.*, p.40. For the date, see Berry, *The Estates* II p.466.

⁶⁸ Florence of Worcester, *Chronicon*...II, p.129. for date, see Berry, *The Estates* II p.466, cf. *Handbook of British Chronology*, p.270.

⁶⁹ *R.M.* I, p.346-48.

⁷⁰ *Ibid.*

⁷¹ Faricius, *Vita Aldhelmi*, col.70.

⁷² *P.U.E.* III, p.132-33.

⁷³ W.E. Lunt, *Financial Relations of the Papacy with England to 1327*, (Cambridge, Massachusetts 1939), p.85-86.

⁷⁴ Evesham: *Chronicon Abbatiae Eveshamensis*, p.173, 171-73; St Augustine's: Thomas of Elmham, *Historia*..., p.369, 245-47; Westminster: *P.U.E.* I, p.245; St Albans: *P.U.E.* III, p.129-30; Bury St Edmunds: *Memorials of St Edmund's Abbey*, ed. T. Arnold, Rolls Series 96 (London 1890-96), I, p.345 (c.1071); *P.U.E.* III, p.132 (1123).

⁷⁵ Thomas of Elmham, *Historia*..., p.247, cf. p.369.

⁷⁶ Lunt, *Financial Relations*, p.83-87; St Albans: *P.U.E.* III, p.166-67 (1143), p.259-61 (1157).

⁷⁷ Lunt, *Financial Relations*, p.88; Knowles, *Monastic Order*, p.584. Tavistock: Lunt (*Financial Relations*, p.109) cites the case of the abbot going to Rome for confirmation in 1327 as evidence for its exempt status under the immediate jurisdiction of the apostolic see. But Tavistock was not exempt *nullo mediante* (G. Oliver, *Monasticon Diocesis Exoniensis*, (Exeter 1846-54), p.95-96); the abbot was usually confirmed by the diocesan bishop, (*Calendar of Patent Rolls* 1232-47, p.18; 1247-58, p.18; 1258-66, p.91; 1266-72, p.415); and went to Rome in 1327 because of an extraordinary situation in which there was a disputed

election and the convent refused to accept the diocesan's decision (*Ibid.* 1324-27, p.89, 106, 109, 113). Furthermore the abbot usually made his profession of obedience to the diocesan (e.g. *Episcopal Registers of the Diocese of Exeter* (Bishop Bronscombe) ed. F.C. Hingeston-Randolf p.265-66).

⁷⁸ Proprietary: Westminster 1139 (*P.U.E.* I, p.245); non-proprietary: Reading 1123 (*P.U.E.* III, p. 134).

⁷⁹ Berry, *The Estates* I, p.340.

⁸⁰ *P.U.E.* III, p.176.

⁸¹ *Giraldi Cambrensis - Opera*, eds. J.S. Brewer, J.F. Dimock, and G.F. Warner, Rolls Series 29 (London 1861-91) VI, p.105.

⁸² E.g. Bury St Edmunds (1071): *Memorials of St Edmund's Abbey*, p.345-47; St Augustine's (1120): *P.U.E.* I, p.232; Evesham (1138): *Chronicon Abbatiae Eveshamensis*, 173-75.

⁸³ W.E. Lunt, *Financial Relations*, p.85-86.

⁸⁴ E.g. Reading (1123): *P.U.E.* III, p.134.

⁸⁵ Evesham: *Chronicon Abbatiae Eveshamensis*, 173-75; Westminster: *P.U.E.* I, p.228-31; Bury St Edmunds: *Memorials of St Edmund's Abbey* I, p.345-49; *P.U.E.* III, p.132-33; St Augustine's: Thomas of Elmham, *Historia...*, 369-72.

⁸⁶ Berry, *The Estates*, I p.338-43.