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S. Oswald's Priory, Gloucester

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NOTES

S. OSWALD'S PRIORY, GLOUCESTER

The SELDEN SOCIETY has published as the volume for 1939 a third series of Select Cases in the Court of King's Bench under Edward I. It includes one which illustrates the constant endeavour of the See of Canterbury to intrude on the long established jurisdiction of the Archbishops of York in matters concerning S. Oswald's Priory, Gloucester. The connexion of the priory with the See of York was dealt with in a masterly manner by Professor Hamilton Thompson in our 'Transactions' for 1921 (XLIII, 85-180). As this particular case is a good example of the efforts made by Canterbury, and asserts in vigorous language the contention of the Prior of S. Oswald's to be free from any such interference, the summary of the proceedings in the Introduction (p. cxcii) of the Selden volume is reprinted here; the full case is given on pp. 138-144. It is from the Coram Rege Roll, no. 178 (Michaelmas 1304) m.52d. The original Latin text is given and a translation. The summary is as follows:—

' Prior of St. Oswald's,¹ Gloucester *v.* Archbishop
of Canterbury²

Attachment upon a prohibition

The defendant was charged with exercising ordinary jurisdiction in the king's free chapel of St. Oswald's and with excommunicating the plaintiff. The archbishop contended that the chapel was a conventual church of regular canons, founded by the archbishops of York and not by the king's predecessors, and that the archbishops

¹ Walter of Bingham (1301-12).

² Robert Winchelsey (1294-1313).

of Canterbury as metropolitans had always made visitations there. This the plaintiff denied, alleging that John de Pecham,³ the previous archbishop, had abandoned his visitation on receiving the king's prohibition. The case was transferred before the king and council, specially convoked for the purpose at Kennington on Thames, where the archbishop put forward arguments on his own behalf which he afterwards at the council's request put into a petition, along with his evidence. Thereby he stated that the monastery of St. Oswald was built by Ealdred,⁴ archbishop of York and bishop of Worcester, before the Norman Conquest, and was always subject to ordinary jurisdiction. He referred to chronicles of Pershore, Evesham and Worcester and letters of Thomas Becket as evidence but showed no proof that his evidence was true. But the prior showed royal charters and transcripts of apostolic letters to prove that the chapel was founded by a king and had always been a free chapel: these included a charter of Athelstan which stated that Ethelred, ealdorman of the Mercians, had founded and built the monastery and that Athelstan, in accordance with the wishes of his father, Edward the Elder, and the agreement which his father had made with Ethelred, had removed from it all secular control. The council decided that judgment should be given for the plaintiff because chronicle evidence was not admitted in place of proof, especially against royal charters, and because certain archbishops' letters imposing sentences of excommunication for resistance to their visitations raised a presumption that such visitations were not lawful. Thereupon the archbishop submitted to the king's will and was given a day to appear at the next parliament, because the king desired greater deliberation upon these matters'.

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³ Preceded (1279-94) Winchelsey.

⁴ Aldred, bishop of Worcester 1046-60; archbishop till 1069.