

## LIONEL GREEN looks at the connection of Merton priory with THE CHURCH AT CAHAGNES, NORMANDY

This is the story of a church in Normandy, whose medieval structure no longer exists, but which was often the subject of discussions in the chapter house at Merton priory from 1170 until 1267. Cahagnes is a town between Caen and Vire, and gave its name to the family of Keynes.

Ralph de Cahagnes (d.1174) was a benefactor of Merton priory, granting it the advowsons of churches in Cambridgeshire, Dorset, Gloucestershire and Northamptonshire, as well as Cahagnes in Normandy. Both his mother-in-law Emma and his wife Alice were buried at the priory.<sup>1</sup> His beneficence has already been recounted in *Bulletin* No.138 (June 2001 pp.8-9), but the present article is confined to this single gift. It is only because the canons, over many years, recorded in their cartulary the occurrences of the 12<sup>th</sup> and 13<sup>th</sup> centuries that we today are able to piece together even part of a story which demonstrates both the comparative ease with which ordinary folk could invoke litigation, and the usefulness of a common language, Latin, in the courts of England, Normandy and France.

In about 1150 Ralph de Cahagnes granted an estate of the church and 30 acres (12ha) at Cahagnes to a French knight, who was then condemned for killing a man. As lord of the estate Ralph took possession and granted it to William Postell, the parson of the church, and he was able to take an annual rent for the land. Postell then married a cousin of the knight, who bore him four daughters.

Wimund of Courvaudon, a priest and also a cousin of the forfeiting knight, claimed the estate, and the matter went to the court of Ralph de Cahagnes. He ruled that the land belonged to the church, and the suit was 'laid to sleep'.<sup>2</sup> William Postell was left in possession, and the king's court confirmed the decision.

Ralph de Cahagnes then granted the advowson of the church and the estate to Merton priory in about 1172, but allowed Postell to continue as parson. Scandalous behaviour was rife at this time, and a knight, Ralph de Grainville, whose wife was ill, had an affair with Beatrix, one of Postell's unmarried daughters. The relationship produced two sons; the woman was excommunicated for adultery, and died soon afterwards.

A distant cousin of Beatrix, Robert de Courvaudon, brought an action against the canons of Merton to obtain the advowson, which resulted in a fine payable by all parties, including the priory.<sup>3</sup>

As Beatrix had died excommunicate, her sons Robert and Ralph were disregarded over her inheritance, but when they came to manhood they too claimed the advowson of Cahagnes, including the ancient estate. The claim was to be heard in the ducal court, but Henry II was in England, and William fitzRalph, the seneschal of Normandy (1179-1200) presided, probably about 1184-87.<sup>4</sup> Merton priory was represented by the bishop of Bayeux (1164-1205), Henry de Beaumont, former dean of Salisbury, but the verdict went against the priory, although judgement awaited reference to the king. He ordered a jury to determine whether the sons were born in adultery. If so the claim would fail.<sup>2</sup> The final decision favoured the priory. The evidence of the bishop of Bayeux is interesting. He wrote to the prior informing him that the jury had established that William Postell was a deacon, son a priest. He recites the circumstances of the adultery and the burial of Beatrix at the leper chapel. The estate involved 'the old iron mine within the deanery of Bayeux'.<sup>5</sup>

Whilst litigation continued Merton priory sought an arrangement with a monastery in Normandy to exchange foreign properties. An agreement was drawn up for the church at Cahagnes to be transferred to the Benedictine abbey of St Fromond near Vire. In return Merton priory would receive the tithes of Stamford castle and the advowsons of five churches in that town – St John the Baptist, St Paul, St Michael Cornstall, St George and All Saints in the Market (with a pension of two silver marks [£1.33]), and, in addition, the advowsons of two other churches in Lincolnshire – All Saints, Saxby, and St Andrew, Bonby. Pope Lucius III (d.1185) issued an indulgence, and king John confirmed arrangements by royal charter in 1200.<sup>6</sup> However, the exchange was never put into effect, and in 1203 king John lost the dukedom of Normandy.

Robert and Ralph de Grainville, grandsons of William Postell, complained to the king of France that Merton priory had deprived them of their rights. A fresh action in the royal court commenced, and the canons persuaded the seneschal of the count of Boulogne to petition for the action to be heard in the count's court.<sup>7</sup> Robert (Ralph may have died) refused to acknowledge the count's jurisdiction. The case was heard in the court of the count of Boulogne, who at the suggestion of Robert de Geldeford, canon of Merton, sent his steward Peter Leschaut. No adversary to the canons appeared, and the claim was dismissed. Eventually it was agreed to go to the French king's court, and Robert de Grainville promised to present Ralph's son to the church of Cahagnes.<sup>8</sup> The king of France requested a copy of all title deeds from Merton priory, under the seal of the priory and the seal of the archbishop of Canterbury.

The bishop of Bayeux continued to act for the priory and informed them of the low prospects of success. His assistant was 'L', his clerk, 'who was useful for speaking but slow of counsel',<sup>9</sup> whilst the adversary had the whole court of the king and the clergy and province. There was also the abbot of Caen, whose nephew supported Ralph de Grainville. The bishop nevertheless succeeded in transferring the hearing from the Curia Regis to the Curia Comitum.<sup>10</sup> Unfortunately the cartulary fails to record the result of the hearing, but clearly the priory continued to possess Cahagnes well into the 13<sup>th</sup> century.

A further attempt to exchange properties with a Norman monastery began in 1266. This was with the Augustinian abbey of St Mary du Val(le), close to the Orne river, south of Thury-Harcourt. Each house was to give a cell to the other, 'by the will of the patrons of both places'.<sup>11</sup> On 28 June 1266 the bishop of Exeter issued a licence for the exchange of properties in his diocese to take place.<sup>12</sup> This included the priory or cell of Tregony, Cornwall. The abbot of Valle sent his proctor to Merton to effect the exchange on 16 March 1267. A charter was finally drawn up on 15 July 1267, which granted to the abbot and convent of Valle all land in lay fee at Cahagnes and elsewhere in Normandy, 'as well of wood as of plain, and in corn-land, pasturages, and commons, but subject to due and accustomed fees and services. Dated at Merton, the ides of July 1267'.<sup>13</sup> Each year Merton was to pay Valle 13 marks (£8.67) at Merton, and they also received 'the crops and fruits of the land and movables at Cahagnes for the present year'.<sup>14</sup>

From the exchange Merton gained the cell of Tregony, the churches of St James and St Kybi at Tregony and the church at St Issey, also in Cornwall. They also received the advowsons of Ashcombe, Buckerell, Clyst St George, Stockleigh Pomeroy and Upottery, and St Lawrence, Exeter, all in Devon, and of Oare church, just over the border in Somerset.

Why was there such persistence in going to court? Was there antipathy towards foreign ownership, or were lawyers encouraging litigation?

1. BL Cotton Cleop.C VII (Merton priory cartulary) No.69 fo.lxxxvi; A Heales *Records of Merton Priory* (1898) p.29
2. Merton priory cartulary No.160 fo.ciii translated in Heales *op. cit.* p.56. Note that Heales mistakenly took 'Kaham' to be Cheam.
3. Concord was made in the Curia Regis concerning patronage by brother Roger de Want.
4. The royal itinerary in Normandy precludes certain dates, and it was probably between June 1184 and April 1185, or between April 1186 and February 1187.
5. Heales p.57; L F Salzman 'Sussex Domesday Tenants' *Sussex Archaeological Collections* 63 (1922) pp.191-2
6. Charter rolls 17 Feb. 1200 1 John m.25; L F Salzman *op. cit.* p.192
7. Renaud of Dammartin was president at the hearing. He claimed the title of count of Boulogne following his marriage to Ida the granddaughter of countess Matilda, wife of king Stephen. The king of France began occupying the county of Boulogne in 1211.
8. H G Richardson 'A Norman Lawsuit' *Speculum* 7 (1932) p.389
9. Heales p.57
10. Merton priory cartulary No.163 fo.cv. Heales p.57. From the king's court to the county court. This must have been one of the last acts of the bishop of Bayeux, for he died in 1205.
11. Heales p.146
12. Heales p.149
13. Merton priory cartulary No.343 fo.cxlvii; Heales p.148
14. Merton priory cartulary No.348 fo.cxliv; Heales p.148



*The 19<sup>th</sup>-century bells from the old church at Cahagnes. The centre of the village, including the church, was destroyed in the D-Day aftermath, and has been rebuilt in utilitarian style.*

*Photo: J Goodman*