

ART. I.—*The Dispute between the Abbots of Furness and Savigny in the light of twelfth century documents now at Paris.* By R. O'NEILL PEARSON.

Read at Carlisle, April 18th, 1907.

VISITORS to Paris ought to make a point of visiting the "Archives Nationales" in the old "Palais de Soubise." The building itself is a fine example of Italian renaissance, and a portion of it is a museum open to the general public. The archives in the adjoining portion of the building may be examined by permission of the governors, which is readily granted. In the museum are shown conveyances to charitable uses under the hands of our Saxon kings—Edward the Confessor and William the Conqueror. There are also to be seen documents and interesting communications from Edward the Third, the Black Prince, Henry VIII., Charles I., letters in the handwriting of Mary Queen of Scots, and the Revocation of the Edict of Nantes signed by the "Grand Monarque." These are only a few of the many treasures exposed to view. On my last visit I was given permission by M. Gauthier, archiviste, to examine documents relating to the abbey of Savigny, the mother house of Furness Abbey, and among them are the three parchments of the twelfth century relating to Furness Abbey, which are the subject of my present paper, and translations of which I am about to give.* They have reference to an important epoch in the history of Furness (1148), at the time of a very serious dispute between the abbot of Savigny and the abbot of Furness. The history of the dispute is given in the Furness Coucher Book as follows:—

* The originals are given below, pp. 9-11.

In the time of this abbot (Peter of York) the venerable Serlo, fourth abbot of Savigny, which is the mother house of Furness, in a general chapter at Citeaux rendered his house of Savigny with its daughters of the Order of Tiron to the Cistercian Order into the hands of St. Bernard, then abbot of Clairvaux. Against which rendering the aforesaid Abbot Peter with his convent appealed to the Pope and the holy apostolic see. To which see coming in person he obtained from the lord the Pope Eugenius III. a confirmation that his monastery of Furness should for ever remain of the same Order of which it had first been founded, notwithstanding the rendering aforesaid. But on his return from the Roman Court he was seized on the way by the monks of Savigny, and taken to Savigny. There he resigned his office as abbot and became a most worthy monk in the same place learning the Cistercian Order, and thence he was chosen fifth abbot of Quarr. To which Peter there succeeded at Furness as fifth abbot Richard of Bayeux, doctor in theology, a pious monk of Savigny, who ruled for a short time; by whose diligence and counsel the monastery of Furness itself was rendered to the mother house of Savigny and to the Cistercian Order before the same Richard was elected in the same to the abbey.

This account has always been accepted as historical, and is reproduced by West in his *Antiquities of Furness* and by Beck in his history of the Abbey of St. Mary of Furness. The documents, however, in the possession of the French Government, which I am about to read, prove it to be erroneous in important particulars, from which we may naturally infer that our two historians had not had the advantage of perusing the muniments in question. It suppresses the fact that the dispute was not only on a matter of discipline, but was a very serious contention as to the ownership of the abbey and of Furness, which was settled adversely to the holders of the property. It would appear that the disciplinary question was dependent on the decision as to the ownership, and from this decision very grave results arose in the future history of the abbey.

The rival claims would apparently arise from the fact that Stephen, count of Bologne, afterwards King of England, made two distinct grants of Furness on the same date. In the first grant he gave the district of Furness, which included Walney, Dalton, and Ulverston,

to God, St. Mary of Furness, and the abbot of this house; but in the second he gave it to God, the Holy Trinity of Savigny, and the abbot of Savigny, thus creating two rival claimants for the same princely property—the abbot of Furness and the abbot of Savigny—and these rival claims came to a head when the latter matriculated with Citeaux, and ordered the former and his monks to conform to the Cistercian Order, to which Order the then abbot of Furness Abbey (Peter of York) and his monks refused obedience.

The account also contains other misstatements and inaccuracies which will become apparent on perusing the documents now under discussion. The first of them which I shall read is a letter from the archbishop of Rouen to the archbishop of York, and is as follows:—

To the Reverend and Venerable Father, Henry, by the grace of God, venerable Archbishop, and to all the Chapter of the Church of York, Hugo, by the same grace, priest of Rouen, health, prosperity, and peace. What is known to have been canonically and reasonably done ought not at any time to be undone, but ought to be observed unalterably and steadily. It pleased our lord the Pope Eugenius to name us and our venerable brother Arnulf, bishop of Lisieux, and to command us to act in his name and as his commissioners in the dispute between the abbey of Savigny and that of Furness; and notice having been given to them of the day fixed by his [the Pope's] command, the abbot of Savigny did not fail to come on the day with the muniments of title, but Peter of Furness neither came nor sent anyone to represent him. We did not wish to act precipitately, and obliged the abbot of Savigny to wait for some days. At length, finding that Peter made delays and considering the persons who were present, the abbot of Savigny set forth his case and the order of the matter in the midst of those assembled, when he said that the abbey of Furness from its first foundation had been built at the expense and cost of the monastery of Savigny, and that he had held the same for a long time in peace. Then, indeed, he produced six abbots of his Order as witnesses, who confirmed the same thing, and made oath upon the Holy Evangel that the same was the truth.

When these steps had been taken its possession was adjudged to the abbot of Savigny, and by this canonical judgment about the abbey and its appurtenances we, representing our lord the Pope, have invested the possession in him.

Some days after Peter of Furness came asking that the judgment, which, as we have said, was terminated, should be set aside. While, however, he was working with this object, letters came from our lord the Pope ordering Peter that he immediately conform to what had been done, and that he return to the obedience of Savigny under the pain of excommunication. Thus Peter, having been reduced to order with severity, recognized the duty which he owed to Savigny, and no longer delayed rendering his filial obedience.

We wish, therefore, to intimate to you the truth and order of the matter, so that when you know the truth you may sustain it, and if any further report reaches you contrary to this you may know that you must reject it, and that you may conserve to the abbey of Savigny all its integral rights according to our judgment and the command of our lord the Pope, and in case anyone shall attempt to rise up against this judgment you may not disdain to deal with him according to the laws of the church.

From this it would appear the statement in the Couches Book—that Peter obtained a confirmation from the Pope permitting him and his monks to remain under their original rule—is not correct. Peter obtained from Rome a commission appointing the archbishop of Rouen and the bishop of Lisieux commissioners to enquire and decide the dispute between the rival claimants, which apparently depended upon the right to the ownership of the Furness property.

The second letter is from the archbishop and bishop to Peter and the convent, and is as follows :—

Hugo, by the grace of God, archbishop of Rouen, and Arnulf, bishop of Lisieux, to our well beloved brothers in Christ, Peter and the convent of Furness, health, grace, and benediction *if they be obedient*. Inasmuch as thou knowest, brother Peter, thou didst bring us letters on behalf of our lord the Pope, whereby it was ordered that at the next festival of Saint Michael the cause between thyself and the abbot of Savigny should be considered, and that we should hear and finally determine the matter canonically. Our lord the Pope by the same letters ordered that before thou wast absolved from the excommunication under which thou wast bound thou shouldst make oath that thou wouldst obey his orders. Moreover, as thou hast attested that by reason of illness thou wert much delayed in returning, and that by the order of our lord the Pope thou hadst first of all to take quickly his orders and letters to the

king of Scotland and the archbishop of York, at thy request we adjourned the judgment in the matter to the Feast of Saint Martin, and we sent by thee our letters to the abbot of Savigny, and then on arrival of the Feast of Saint Martin the abbot of Savigny came before us with many abbots and other, as we believe, religious and honourable persons, and held himself in readiness to proceed with the case. Thou didst not however come, nor send anyone to act for thee. Several days therefore having passed and thou having failed and not appeared, the abbot of Savigny displayed to us the charter of Stephen, king of England, testifying the donation that he had made to the abbey of Savigny of the abbey of Furness, and the confirmation of our lord the Pope confirming the said place to the abbey of Savigny.

Matters having passed thus, as we have shewn, in the presence of many religious persons and the Holy Evangel having been brought into their midst, the abbots, priors, and many other religious persons arose and testified in the name of our Lord that they they had always seen the abbey of Savigny invested with the abbey of Furness and possessed thereof in peace until thy time.

Having thus received their testimony, and seeing that thou wert wanting in all things, we have adjudged and restored the abbey of Furness to the abbey of Savigny.

Hence then, as to thee and to all the brethren who dwell in the said place, we order and command by the authority of our lord the Pope, who has committed to us this cause, that you obey at all times the abbot of Savigny and his abbey, and that after you have seen these letters that you desist entirely from your invasion, presumption, and rebellion, and that you permit the abbot of Savigny to have entire liberty and disposition of the goods and possession of Furness Abbey at his own absolute will and pleasure, and unless you do this within fifteen days after you have received our mandate we excommunicate you and all who shall obey you, and as representing our lord the Pope for whom we act in this affair we grant to the abbot of Savigny the power and license to excommunicate you and your accomplices.

From the above letter it is evident that the Coucher Book is again at fault in alleging that Peter in returning from the Roman Court was waylaid by the monks of Savigny, who carried him to Savigny, deprived him of his abbacy, and compelled him to learn the Cistercian Order. Peter's liberty had never been tampered with. On his return from Rome he had carried letters to the king of

Scotland and the archbishop of York ; he had been sent to the abbot of Savigny with letters from the archbishop of Rouen ; judgment had gone against him in default of his appearance at the trial of the cause, and had not been obtained by force.

I now give a third letter from the archbishop of Rouen to the monks of Furness :—

Hugo, by the grace of God, archbishop of Rouen, to the monks and lay-brothers of Furness, health and grace *if they be obedient*. It is religious and virtuous to sustain obedience and humility, and to turn away from arrogance and disobedience. We have regulated with the assistance of many religious and pious persons the cause which our lord the Pope committed to us and to our son Arnulf, bishop of Lisieux, between the abbot of Savigny and brother Peter, who governed you ; and Peter not coming on the day appointed between them nor having anyone to act for him, the abbey of Furness was adjudged and restored to the abbey of Savigny by the decision of the persons present.

After this the apostolic command has been received that Peter himself and you at once return to obedience to the abbot of Savigny, and that you do not recede from it. On the other hand, if you do not, we are ordered by him for whom we act to excommunicate Peter himself as well as you, and bind you by a sentence of anathema. Peter has acquiesced in the apostolic mandate, and has returned to the obedience and order of the abbot of Savigny, whence we command you and by the apostolic authority order that conformably to the apostolic mandate you return without any delay to obedience to the abbot of Savigny, and that you remain not rebellious and insubordinate. Nevertheless, if you will do this, we absolve you by the authority of him for whom we act in this matter, but if you do not this we bind you by the fetters of anathema.

From the above documents the method of the enforced matriculation of Furness Abbey with Citeaux is clearly set forth, nor can the statement in the Coucher Book be correct in ascribing it to the diligent counsel of the fifth abbot, Richard of Bayeux.

They give neither the date nor place where the commissioners sat. We can, however, get at the former from other sources. The Henry, archbishop of York, to whom the first letter is addressed, was Henry Murdac, a member

of a wealthy Yorkshire family, who became a monk of Clairvaux, and was consecrated to his archbishopric at Treves on December 7th, 1147, through the Cistercian influence. He died October 14th, 1153. The matriculation of Savigny with Citeaux took place in the year 1148, so that the date wanted would be in all probability about the latter part of this or the following year.

The citation given in the third document by the archbishop of Rouen to the monks of Furness seems to have had the desired effect, and thereafter we find them obediently accepting the authority of the abbot of Savigny. As illustrating this I may give a note sent me by Dr. Fell of Barrow, culled from the chronicles of the reign of Stephen, Henry II., and Richard I., written by Petit, canon of the Augustinian priory of Newburgh, Yorkshire, and afterwards by a monk of Furness (name unknown), and which is as follows:—

A.D. 1267. On the Vigil of the Ascension, that is to say, on the day of Saint Urban, Pope and Martyr, brother Hugh Brun, sub-prior of Furness, with the unanimous voice and goodwill of the monks was chosen and made abbot in the said house, in the presence of the abbots of Cokesall, Jorveaux, Sallay, and Calder *by the authority of the abbot of Savigny entrusted to them*, who after a short time was acknowledged at a general Chapter."*

The abbots of Savigny probably exercised their prerogatives until near the Dissolution to the time of the last two abbots, Banke and Pele, appointed by the king, probably for the purpose of effecting the surrender. Banke was a member of Gray's Inn, and his actions were all in accordance with the view that his appointment was intended to bring discredit on the monastery. We have the evidence of Thomas Cromwell that the king always appointed men of this class when he had the opportunity.

* The Coucher Book also bears considerable evidence of this authority, particularly in the dispute between Conishead and Furness in 1208 as to the ownership of Pennington and Ulverston churches, when a compromise was affected "with the consent and goodwill of the abbot of Savigny."

If Peter of York had put in an appearance at the trial before the Papal commissioners, we might have had some explanation as to how it came that Stephen made two grants of Furness to two different people. This has always been a mystery and a difficulty to historians. Beck says: "At this distance of time and without further documentary evidence it is impossible to solve this difficulty."

The three documents I have read carefully abstain from any reference to the grant to the abbot of Furness, which, moreover, has been torn out of the chartulary of Furness Abbey, although the table of contents gives undoubted evidence of its existence and the several confirmations of later kings set it forth.

Beck, in speaking of Peter of York, says:—"The fourth abbot, who succeeded Michael Lancaster about the year 1145, was an Englishman also, and born in all probability in the city of York; but of his character I am unable to present the slightest particular."

We are now, however, able to help the historian in this respect. Peter shewed much of the "grit" of the present day Yorkshireman in standing up for the independence of Furness. He exhibited both courage and energy in maintaining the claim of himself and brother monks to the ownership. For this purpose he undertook journeys both toilsome and dangerous in those days to Rome, Scotland, and Savigny, and apparently illness alone prevented him from appearing single-handed to fight his case before what evidently must have been an unsympathetic assembly. On the other hand, the enforced matriculation with the Cistercian Order—so celebrated as architects and builders—has benefitted posterity by giving them one of the most beautiful examples of mediæval architecture; and, moreover, as this Order was devoted to agriculture, the Benedictines being largely engaged in teaching, it was the more fitted to reduce the then gloomy forest and morass of Furness to fresh pastures and cultivable land.

COPY OF ORIGINAL DOCUMENTS.

I.

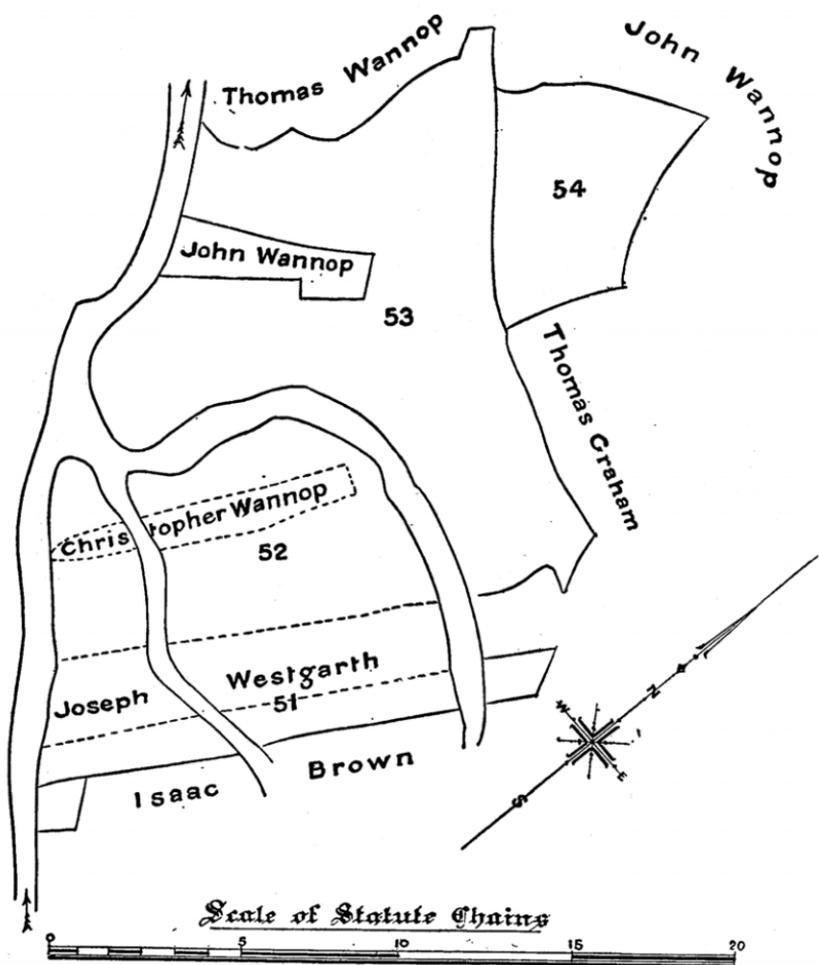
Reverendo et venerabili patri Henrico Dei gratia venerabili archiepiscopo universoque Eboracensis ecclesie capitulo, Hugo, eadem gratia Rothomagensis sacerdos, salutem, prosperitatem et pacem. Quod canonice et rationabiliter factum esse dinoscitur nulla debet occasione convelli, sed ratum et stabile in posterum debet observari. Placuit domino nostro pape Eugenio controversiam quandam inter abbatem Savigniacensem et abbatem Furnesiensem exortam nobis et venerabili fratri nostro Arnulfo, Lexoviensi episcopo, committere et ut vices ejus in causa illa obtineremus voluit precipere; ipsius itaque precepto dies eis prefixa est; abbas vero Savigniacensis cum munimentis suis ad diem venire non distulit, sed Petrus Furnesiensis nec venit neque qui pro eo ageret transmisit. Nos autem, nichil prepropere agere volentes, abbatem Savigniacensem aliquantibus diebus expectare fecimus. Tandem vero moram Petro faciente, consideratione personarum que aderant, abbas Savigniacensis causam suam et rei ordinem in medium exposuit dicens abbatiam Furnesiensem a prima fundatione sumptibus et expensis Savigniacensis monasterii edificatam fuisse et multo tempore eam in pace possedissee; inde vero ordinis sui sex abbates protulit testes qui ita esse dixerunt et coram sancto evangelio [*sic*] in verbo veritatis hoc idem comprobaverunt. Hoc autem peracto, adjudicata est abbati Savigniacensi possessio sua ipsumque judicio ecclesiastico de abbacia et pertinentiis ejus vice domini Pape investivimus. Post aliquot dies supervenit prefatus Petrus Furnesiensis causam illam jam sicut prediximus terminatam retractari exostulans. Ipso itaque ad hoc laborante, supervenerunt littere a domino papa directe precipientes prefato Petro judicium quod factum fuerat observare ipsumque ad obedientiam Savigniacensis ecclesie redire vel excommunicationi subjacere. Hac itaque Petrus severitate correptus, obedientiam quam Savigniacensi ecclesie debebat recognovit et ad ipsam tanquam obediens filius redire non distulit. Nos autem rei ordinem et veritatem ideo vobis intimare volumus ut, cognita veritate, eam teneatis et si quid vobis contrarium super hoc fuerit intimatum respuere cognoscatis et abbacie Savigniacensi jus sumere integre sicut ei adjudicatum est et a domino papa preceptum conservetis; et si quis super hoc contra eam insurgere temptaverit, justiciam ecclesiasticam inde ei facere non dedignemini.

II.

Hugo Dei gratia Rothomagensis archiepiscopus et Arnulfus Lexoviensis episcopus, dilectis in Christo fratribus Petro et conventui Farnesiensibus [*sic*] salutem, gratiam et benedictionem si obedierint. Sicut, frater [Petre], nosti, litteras ex parte domini pape nobis atulisti [*sic*] quibus precipiebat ut proxima sancti Michaelis festivitate, causam que inter abbatem Saviniacensem et te ipsum versabatur audiremus et auditam fine canonico terminaremus. Prefixum etiam fuit in litteris quod antequam dominus papa ab excommunicatione qua tenebaris te absolveret, juramentum eidem feceris quatinus mandato ejus obedires. Ceterum, prout attestatus es, prepedien[te] infirmitate, in redeundo multam moram feceras et ex mandato ipsius domini pape prius ad regem Scocie et ad archiepiscopum Eboracensem mandata et litteras ejus celerius perferre habebas et, ut requisisti, prefatum terminum usque in festum Beati Martini prolongavimus atque literas nostras abbati Saviniacensi per te ipsum transmisimus; eodem vero termino festi sancti Martini, abbas Saviniacensis cum pluribus abbatibus et multis, ut credimus, religiosis et honestis personis ante nos venit et causam suam se ipsum paratum prosequi presentavit. Tu vero nec venisti nec aliquem qui pro te ageret transmisisti. Transactis denique aliquot diebus, cum defecisses nec appareres, ostendit nobis prefatus abbas Saviniacensis cartam regis Anglie Stephani testantem donationem factam fuisse super abbatia Farnesiensi Saviniacensi abbacie et privilegium domini pape confirmans locum illum eidem abbacie Saviniacensi. Cum igitur, sicut diximus, multe religiose ibi essent persone, perductis in medium sacrosanctis evangeliiis, surrexerunt abbates, priores et alie plure religiose persone qui in verbo Domini contestati sunt se vidisse ecclesiam Saviniacensem investitam fuisse de abbatia Farnesiensi et usque ad tempus tuum in pace possedisse. Suscepto itaque eorum testimonio cum super omnia defecisses, adjudicavimus et restitimus abbatiam Farnesiensem Saviniacensi abbacie; unde tam tibi quam vobis omnibus fratribus qui in predicto loco commoramini auctoritate domini pape qui vices suas in causa ista nobis commisit, mandamus atque precipimus, quatinus abbati Saviniacensi et ecclesie sue amodo obediatis et ab invatione et presumptione ac rebellionem vestra, visis litteris istis, omnino desistatis atque liberam facultatem disponendi de rebus et possessionibus Farnesiensibus pro voluntate et arbitrio suo eidem abbati Saviniacensi habere permittatis. Quod nisi feceritis infra. XV. dies postquam mandatum nostrum susceperitis, sententiam excommunicationis in vos et in omnes qui vobis obedierint posuimus et licentiam vos ipsos excommunicandi et complices vestros, vice domini pape quam in causa ista fungimur, eidem abbati Saviniacensi concedimus.

III.

Hugo Dei gratia Rothomagensis archiepiscopus, omnibus monachis et conversis de Furnesia salutem et gratiam si obedierint. Religionis et honestatis est obedientiam et humilitatem tenere, arrogantiam vero et inobedientiam devitare. Causam quam commiserat nobis et filio nostro Arnulfo Lexoviensi episcopo dominus papa tractandam inter abbatem Saviniacensem et fratrem Petrum qui vobis prefuit assistantibus multis religiosis et honestis personis tractivimus et quum prefatus Petrus ad diem prefixam inter eos non affuit, nec aliquem qui pro se ageret ibidem habuit, adjudicata est et restituta abbatie Furnesiensis iudicio personarum que affuerunt abbatie Saviniacensi. Postea vero supervenit preceptum apostolicum ut ipse Petrus et vos ad obedientiam Saviniacensis abbatis cito rediretis, nec ulterius ab ea recederetis. Ceterum si facere nolletis, precepit ut vice ejus tam ipsum Petrum quam vos excommunicaremus et anathematis sententia innodaremus. Petrus autem mandato apostolico obedivit et sese ad obedientiam et preceptum abbatis Saviniacensis reddidit. Unde vobis mandamus et auctoritate apostolica precipimus quatenus, juxta mandatum apostolicum, ad obedientiam abbatis Saviniacensis absque dilatione aliqua redeatis, nec de cetero eidem rebelles vel inobedientes existatis. Verumtamen si feceritis, vice ejus quam in causa ista tenemus, vos ipsos absolvimus; si non feceritis, anathematis vinculo innodamus.



EDMOND CASTLE ESTATE.

PART OF LONG WILLEY RIGGS, SURVEYED IN 1801.

	A.	A.	P.		A.	A.	P.		
No. 51.—Long Willey Riggs	-	1	3	14	No. 53.—Holm	-	11	0	11
52.—Great Long Willey Riggs	6	0	16	54.—Priest's Hole	3	0	17		