

Platonis libri, cuius eloquentia inter Grecos singularis est, et tu vel imprimis prudentie magnanimitatis temperantie ac iusticie tue fructum consequerere. Idque presertim a nobis, quod adeo tuo nomini ac dignitati sumus debiti, ut nihil eque ac bene merite de te fame conemur satisfacere. Leges itaque Platonem nostrum, Cloucestrensis Princeps, apud quem divinus ille Socrates de Celesti politia disserere ausus est, memor nihil tam a Grecis aut a nostris accurate scriptum esse quod non horum librorum elegantia superatum sit.

*The English and the Latin Versions of a Peterborough Court Leet, 1461.*

A PEEP behind the clerk's Latin summary of the proceedings of a local court is so seldom vouchsafed that it may be well to set on record certain English sentences, now crumbling to dust among the uncatalogued records belonging to the dean and chapter of Peterborough. They are inscribed upon a scrap of paper attached to a parchment roll which contains the Latin record of the Michaelmas leet held by the steward of the abbot for the borough of Peterborough in 1461. If the paper and the parchment be compared, it will be seen that the clerk's fair Latin copy is not the absolutely faithful record of all that happened in the local court which we are apt to assume it to be in the absence of evidence to the contrary. The bold expressions of the jury have been modified. Was this often the case where, as in the present instance, there were special reasons for such modification? If so, court rolls are not the unimpeachable evidence of social conditions which they appear to be. For local as for central justice we need the report as well as the record.

There were special reasons why the Peterborough record should not tally with the report. The court leet of the borough was a court of the abbot. Though assembled in the name of the king, the only appeal of the Peterborough jury against the abbot or the monastic officers lay to the abbot. It was presumably his steward or a deputy, presiding in his borough court to look after his interests, who took upon himself the duty of purging the report of the jury of all observations likely to offend. After each of the wards of Peterborough, through its constables and tithing men, has presented the offences discovered in the ward, and the surveyors of sewers and the highway have 'presented' a cheerful *omnia bene*, the leet jury endorse and add to the presentments.

The English paper runs—

1.<sup>1</sup> [We]<sup>2</sup> all, the gret inquest of oure souereyn lord kyng, present & conferme all presentmense & maters don in the cownth, except we present

<sup>1</sup> The numbers are not in the original.

<sup>2</sup> The edges of the paper have mouldered away: the words are supplied in brackets.

not noe women that tunne a tangard<sup>3</sup> ale a weke os craftysmen for her howsold & custumers; they are not wurdy to be amersyd; & os for common brewers & typyllers pat sell ale owth be the mett and lyfe therby, mersy them os they are wurdy, & the ale fonders for to inquere of them in euery ward etc.

2. Also we present the comyn sewer pat ys callyd Martynbrygge in Howgate,<sup>4</sup> that ys nott reperyd, but grete noyng to the kyngs pepu[ll] and catell, that ys lyke to be drownyd both day & nyth for cause of reperyng of the sayd brygge. And os we have knowlege and are informyd ther was gyven a place stondyng over pe sayd brygge into the abbey to repeyr yt with; qwych fawth ys in my lord & couent.

8. Also we present & complayn of the awmner of Burgh for clensyng of the comyn sewer that ys from Skyrmuttes place vnto Wyll. Clerke wall in lenkth, that ys jerly presentyd & neuer amended, but cast up a lytyll to blynd the pepull with etc.

4. [Also] we present & desyre be a specyall commawndment of my lord & the Stuard pat all fylth and corrupcion that comyth owth of the . . . dyke and comyn sewer be avoydyd & caryd away be a certeyn day and in hast, for noyng of the kyngs pepull and the kyngs hy way, to commawnde pe baly<sup>5</sup> perwith etc.

5. Also we present that all the bochers haue in commawndment strately of my lord & Stuerd that the chyrchyard be clensyd euery Satyrday of bones & fylth that pe bocher doggs bryng in, to be ouer seen wekely be the baly etc.: quilibet sub pena xl d.<sup>6</sup>

6. Also we present John Tendale the qwych ys infekkyd with lepuschepe fowly, pat ys lyke to infekke pe kyngs pepull. We desyre that he be remeyd by a day synyd of the Stuerd etc.

7. [Also] we present per schall be iiii men chosyn to be the Ferers<sup>7</sup> of the cowrth, ii chosyn be the baly & ii be the town, & the [great] inquest to do truly & noon excesse to the kyngs pepull etc.

8. Also we present pat all cunstabyll shall haue in commawndment and procleymyd<sup>8</sup> in the markytt oponly, and euery cunstabyll in h[is] ward to see & inquere, yf ther be any ydyll that be comers & goers & wyll nott wyrke os trew pepull shuld, that they be examind & avoyded the town or ellys sett them fast tyll all meen know qwath god pay have to lyffe by.

9. (v<sup>o</sup>) Also we presentt and compleyn of the grevows toll pat the baly take of men and tenawnds of Peterburgh in the town dwallyng and in the parych,<sup>9</sup> of carthys and carygys, the qwych we thynke and desyre be the fredom pat my lor[d] haue, schuld be fre and pardunid. And per of we pray and besech my lord pat yt may so be, for we can nott thynk [but]

<sup>3</sup> The ward presentments contain long lists of men and women charged with tippling (selling by retail) one or two 'tankards' of ale weekly against the assize of ale. They are fined 1d. or 2d. each. The jurors explain why they do not add the names of others who sell beer by retail unprofessionally.

<sup>4</sup> Now City Road.

<sup>5</sup> The bailiff was also the abbot's officer.

<sup>6</sup> The Latin has been added in another hand.

<sup>7</sup> Affeerors, assessors of fines.

<sup>8</sup> The grammar and meaning are obscure; probably they are to receive their commands and be proclaimed in the market openly.

<sup>9</sup> St. John's parish.

yf yt be contrary yt wyll be full yll payd ; were off we put þis mater in my lord, he to be gode lord to vs all.

10. [Also] we present Herre Raby for a pete brybur, and vntrew to hys neypursse.

The Latin version represents the ten articles thus :—

Duodecim jurati pro domino Rege dicunt super sacramentum suum :—

[2].<sup>10</sup> quod quedam sewera apud Martenbrig est valde defecta et ruinosā in defectum domini abbatis : ideo provideatur pro emenda eiusdem.

[8]. Et quod elemosinarius burgi non mandat communem seweram a tenemento Ricardi Skirmote usque parietem Willelmi Clerke ad grave dampnum et nocumentum communitatis : ideo ipse in misericordia et procuret<sup>11</sup> emendam citra festum sancti Martini proximum futurum sub pena in capite.<sup>12</sup>

[6]. Item presentant quod Johannes Tendale<sup>13</sup> infectus est cum infirmitate lepre : ideo preceptum est uxori eiusdem Johannis ut ipse amoueatur extra domum ad alium locum solitarium quocunque.

[10]. Item presentant quod Henricus Raby est latro communiter de parvis et secretis rebus ad grave n[ocumentum] omnium vicinorum suorum et nichil habet de bonis nec catallis sed corpus eius missum est in gaole<sup>14</sup> domini Regis de Burgo Sancti [Petri].

[1]. Item dicunt quod infra scripti constabularii, decenarii, testes servisie, et supervisores bene et fideliter presentant et preterea que superius patet nullum fecerunt concellamentum. MARY BATESON.

### *Correspondence of Archbishop Herring and Lord Hardwicke during the Rebellion of 1745.*

THE situation of the province of York on the frontier of Scotland frequently compelled its medieval archbishops to exchange the crozier for the sword. In the reign of Edward II Archbishop Greenfield was at one time too busy in repelling Scottish incursions to be able to attend parliament ; and his successor, Archbishop Melton, fought a pitched battle with the invaders, who sorely discomfited him. These old-world times seemed to have returned when, upon the outbreak of the rebellion of 1745, Archbishop Herring, albeit the meekest of prelates, felt himself enforced to take the lead in organising resistance to the apprehended invasion of the Highland host by enlisting volunteers, convening meetings, concerting measures of defence with the nobility and gentry, and firing the flagging spirit of the country by a famous sermon. This course of action entailed an extensive correspondence with magnates

<sup>10</sup> This and the numbers below have been inserted to show the relationship of the paragraphs to those in the English.

<sup>11</sup> MS. p'y.

<sup>12</sup> 'dim. mar.' is written over the almoner's name.

<sup>13</sup> In the margin 'pena c. s.'

<sup>14</sup> Sic.