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THE UNIVERSITY WILLS AT PETERBOROUGH.

BY C. J. B. GASKOIN.

The Chancellor's Court of the University of Cambridge possessed from an early date the right of proving wills. The similar privilege of the Chancellor's Court at Oxford is traced to the confirmation of the Chancellor by the diocesan, the Bishop of Lincoln, though it was described in 1280 as having existed from time immemorial, and after the Papal Bull of exemption of 1368 was claimed by the Chancellor as an inherent right of his office. Possibly in like manner the testamentary jurisdiction of the Cambridge Chancellor was originally derived from the Bishop of Ely. Its extent was defined in 1714, when Dr Bentley, as Archdeacon of Ely, was compelled to recognise, for himself and his successors, the undoubted right of the University to the probate of wills and granting administrations of goods of

(i) All persons...declared to be under privilege in the 'Processus Bernwellensis,' or described or mentioned as Scholars' Servants in the Royal Charters of the University, especially those granted by Elizabeth, and in the 'Composition between the University and the Town' referred to in the Charter of 31 Eliz.

(ii) All Children and Servants of Scholars, or of any privileged person as above mentioned, if—at the time of their death—of the Family of such Scholar &c.; all Widows of Scholars or privileged persons, if they remain widows; and all Children and Servants of such widows being—at their death—of the family of such widows; other rights or privileges which might be here omitted being expressly reserved.

In the middle of the 18th century the practice of proving wills in the Chancellor's Court fell into disuse. The last grant of probate was made on Feb. 12, 1765.

In 1828 the Vice-Chancellor—in compliance with a resolution of the House of Commons—made a return describing, with fair accuracy, the testamentary documents under his care. The

return is reprinted with others in the Parliamentary Papers for 1845.

The Act 20 and 21 Victoria c. 77 not only abolished the testamentary jurisdiction of all existing Courts, substituting for them a single Court of Probate in London with a Principal Registry and District Registries throughout the kingdom, and ordering the deposit in future of all original wills in the Principal Registry exclusively, but further required the transference of the testamentary records of all existing courts to the Registry concerned—Principal or District as the case might be.

The University Wills of Cambridge and Oxford were to be transferred to the Registries at Peterborough and Oxford respectively.

The Cambridge Registry, Romilly, received a formal demand to surrender his documents on March 6, 1860; in letters from the Peterborough Registrar dated March 8 and 15 he was informed that the registered copies and inventories as well as the original wills must go, and remonstrances at headquarters evoked only a sympathetic offer of a respite to facilitate transcription. On March 20 the arrival of the documents at Peterborough was duly acknowledged¹.

The Oxford authorities made a firmer stand. On March 15 Dr Griffiths, keeper of the Archives, wrote to the Cambridge Registry suggesting joint action by the two Universities to secure exemption from the operation of the Act, and heard in reply (March 17) that Cambridge had agreed to the transfer, and that everything was packed up in readiness for removal. On the 24th he wrote again suggesting an Act for permitting the Universities to retain their testamentary records on condition that they should be accessible to the public on the same terms as those in the District-Registries, without any fee to the Universities or their officials. Two days later he enclosed a draft bill drawn by Mr Goldwin Smith, and invited the cooperation of the Cambridge representatives in Parliament

¹ They comprised (i) twenty-six bundles of wills, mainly originals, of 1540-1765; (ii) Administration Bonds in six or seven packages; (iii) a vast mass of Inventories; (iv) a few bundles of miscellaneous documents; (v) five volumes containing registered copies of most wills proved in 1501-1765, and certain other matter.

with Sir William Heathcote, one of the Members for the University of Oxford, who was negotiating with the Government.

And on June 5 Sir William himself enclosed a draft, requesting the Registry to insert such details as would make it applicable to both the Universities. Mr Romilly apparently complied; but there all record of the matter ceases. The Bill was duly passed as § 2 of 'An Act for removing Doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the custody of certain testamentary documents' (23 and 24 Vic. c. 91). But it dealt with Oxford alone. The Vice-Chancellor was required by the Act to have the wills &c. calendared as soon as might be, and to allow the public to inspect them on the terms above mentioned, and on these conditions they were permitted to continue in the custody of the University. The Cambridge documents remained, and still remain, at Peterborough. The reason is unknown. Perhaps the actual surrender was the fatal step; but the Keeper of the Archives at Oxford and the Cambridge Registry can throw no light on the problem.

Attempts have since been made to obtain leave from the Court of Probate to borrow the records from Peterborough for purposes of transcription. But hitherto they have proved vain; and it must be admitted that the labour and expense of transcribing the wills and administrations of some 1550 persons registered in the Chancellor's Court between 1501 and 1765 (the extreme dates of the documents at Peterborough) would be very serious. But if an Act on the lines of the Oxford Act could be procured there would seem to be no objection to the University's undertaking to issue within a reasonable time a Calendar giving genealogical and topographical abstracts of all the documents.

A copy of such a Calendar, placed at Peterborough, would be far more valuable to a pedigree hunter or other species of antiquarian than the original MSS. themselves, while those MSS. would once more be found—securely guarded from fire and in their proper home.

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