

PROCEEDINGS  
OF THE  
**Cambridge Antiquarian Society,**

OCTOBER 1928—OCTOBER 1930

WITH  
**Communications**  
MADE TO THE SOCIETY

VOLUME XXXI

Edited by E. A. B. BARNARD, F.S.A., F.R.Hist.S.

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**CAMBRIDGE ANTIQUARIAN SOCIETY  
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## NOTE

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## CAMBRIDGE COUNTY RECORDS.

By ETHEL M. HAMPSON, M.A., Ph.D.

(Read 3 March 1930.)

The subject of this paper is entitled "Cambridge County Records: Certain Aspects of Social and Economic Administration." It has not been an easy matter to decide what material under this head could most fittingly be considered within the compass of a single lecture. Since the Isle of Ely is geographically, and for certain purposes jurisdictionally, within the county of Cambridge, we may include it in the present survey.

### COUNTY ARCHIVES.

Parochial archives, records of manor or hundred, as well as the municipal archives of Cambridge, must definitely be excluded. The interesting gild records of Wisbech, dating from the 14th century, and the later records of the town after its incorporation in 1546, must likewise be deemed outside the scope of this paper. Lodged in the museum at Wisbech are also a considerable number of books and papers relating to the hundred of Wisbech, including a valuable volume of 16th and early 17th century records of Courts Leet and Courts Halimote held at Wisbech. The only documents, however, still preserved at Wisbech, which concern the whole franchise of the Isle of Ely, are what we shall presently describe as Sessions Rolls, and these are only of modern date, covering the period 1852 to 1889. The remaining records of the Isle are housed partly in the Diocesan Registry at Ely and partly in the new County Hall at March.

### ELY DIOCESAN REGISTRY.

In the muniment rooms of the Registry—once the infamous old gaol of the franchise—are collected documents which up to the end of last century were distributed between Ely House, London, Great St Mary's Church, Cambridge, and the Palace of Ely. Until the 19th century the jurisdiction of the Bishop within the Isle was a temporal no less than a spiritual one, second only in

importance to that of the Bishopric of Durham. In consequence the records, which are very voluminous, relate not merely to ordinary diocesan business, but also to civil and criminal administration. A large number of medieval Court Rolls and Extents, as well as Plea Rolls and Gaol Delivery Rolls dating from the days of Henry VI to recent times, are preserved at the Registry, but we shall rule all these to be outside our definition of county administration. More immediately to the purpose are the documents concerning the business of the Quarter Sessions of the Isle, which were held alternately at Ely and Wisbech—Special Sessions being also held annually at both Chatteris and March for the consideration of the finance of the Isle. Documents of this type portray those aspects of franchise administration which were normally carried on by county authorities.

Perhaps the most important of these papers for the economic or social historian are the Sessions Rolls, or files, consisting of pieces of paper and parchment of every shape and size, strung together and rolled into bundles, each of which, if complete, contains the various documents connected with the business transacted at the particular sessions concerned. Eighteen of these rolls relate to the years 1637 to 1666, and constitute the earliest Quarter Sessions material extant in either county proper or Isle. Six rolls relate to certain years between 1714 and 1739, and an almost complete series exists for the period 1740 to 1775.

To the student of administrative no less than of social and economic history the rolls offer a profitable source of information. Here are to be found the actual writs whereby the sessions were summoned, the juries sworn, the coroner perchance elected and the inquest held. Here, too, are the actual jury panels, the presentments of the constables, the disputed pauper removal orders and the bastardy or other warrants issued by the justices for the apprehension of criminals. Here are the duplicates of vagrant passes, the sacrament certificates required of all holding public office, the detailed accounts of charity estates and other documents statutorily ordered to be filed in Court. Here, too, are the recognizances (or bonds) of those who

were to appear in criminal or civil suits, the examinations, depositions and informations concerning matters about to come before the Court, and the calendars or lists of prisoners awaiting trial. Particularly valuable are the detailed accounts filed here of Treasurer and Chief Bailiff, for in the Order Books and Sessions Minutes it is usually the totals only which appear.

A raid has evidently been made at some period upon the rolls at Ely, and certain of the documents have been abstracted with a view to classifying them separately. A series of coroners' inquests for the years 1608 to 1776, and of sacrament certificates, vagrant passes and victuallers' recognizances etc. for the earlier part of the 18th century have been rather incompletely classified in this manner.

#### COUNTY HALL, MARCH.

In the County Hall at March there are no documents dating earlier than the 19th century.

Apart from Assize records, the volumes of most importance here are the Sessions Minute and Order Books. The calf-bound manuscript Order Books extend from 1801 to 1837 continuously, and with certain gaps from 1856 to 1889. Sessions Minute Books—which at this late period differ but little from the slightly more formal Order Books—cover without a break the years between 1826 and 1887. A Minute Book of the "Special Sessions" deals with the finance of the Isle from 1823 to 1845.

Though containing less wealth of detail than the rolls, the bound volumes of Sessions Minutes and Orders usually afford a more unbroken history and are more readily handled by the historical investigator. These books record in summary fashion the decisions arrived at and the decrees issued by the Bench. Such significant features, however, as wages' assessments and scales of prices are often merely referred to in Minute or Order Books, the schedules themselves (though unfortunately missing for both Isle and county proper) being filed among the rolls. One rather peculiar feature of the 19th century Sessions Minutes for the Isle is the prominence given to criminal proceedings, full details of which are usually entered, whilst economic affairs tend

to be dismissed in a line. This is in striking contrast to the corresponding records for that part of the county which lay outside the franchise of Ely.

With the exception of a couple of Register Books of recognizances and oaths of office, and the copies of Enclosure Awards (1805-1856), no papers at March, other than the Sessions records, relate to any period earlier than 1834. Such documents as exist are catalogued in an Appendix to this paper.

#### SHIRE HALL AND COUNTY HALL, CAMBRIDGE.

The documents relating to the administration of the county proper are to be found mainly in the excellent muniment rooms of the County Hall at Cambridge, though the Sessions Rolls, of which only a few for the mid-18th century have survived, are now deposited in the Shire Hall on Castle Hill. The earliest Quarter Sessions Order Book—perhaps to the historian the most fascinating of the whole series—is located in the manuscript department of the University Library, having been deposited there in 1913 by Mr Musgrave Francis. Its entries deal with the interesting period of the Restoration, from 1660 to 1672. A careful overhauling and rearrangement of the records at the County Hall have brought to light several 18th century volumes which were missing till very recently. The Q.S. Order Books now housed there form a complete series from 1689 to the present day, with the exception of one missing volume for the years 1694 to 1699. A complete series of draft Minute Books from 1723 to 1884 also exists.

Covering the period 1694 to 1757 are the Recognizance Books registering the bonds under which, for example, bastardy obligations were accepted and witnesses or offenders subpoenaed to attend at Court. Separate books record the securities pledged by licensees of inns and alehouses between 1728 and 1828 (with certain omissions). Esterel Books for the years 1730 to 1765 and 1840 to 1878 note the forfeitures of recognizances and the fines imposed by Court.

The detailed Accounts of the Cam Conservators from 1751 to

1859, and of the County Treasurer from 1800 to 1870, are dull reading perhaps but valuable records.

Copies of Enclosure Awards number 100 ; the earliest, dated 1776, is for the parish of Knapwell ; the latest, dated 1889, is for Hildersham. Cambridge was a county of markedly late enclosure: 4 only of the awards relate to the end of the 18th century ; 21 relate to the first decade of the 19th ; 24 to the second decade ; 11 to the third, and no less than 29 to the years between 1840 and 1890.

The remaining 18th and 19th century documents are of less historical interest and are noted in the accompanying appendix.

So much then for sources. What sort of picture of contemporary life is that which can be drawn from legal documents, at first sight somewhat dreary, and admittedly lacking in that unconscious humour which oft-times gleams from the illiterate records mouldering in the parish chests of county and Isle ?

#### SOCIAL AND ECONOMIC ADMINISTRATION.

There were few sides of life which touched the county justice at no single point. In addition to his primary jurisdiction in criminal offences, the raising and maintenance of county forces and even questions concerned with national finance occasionally came within his purview, as did also various ecclesiastical matters. Whether seated with his fellow justices, however, in the full panoply of General Quarter Sessions, or taking part in monthly meetings within his division, or acting by himself or with one or two colleagues summarily, or in an advisory capacity to the Bench, except in time of war by far the major share of the justice's duties lay in those spheres more strictly definable as social and economic. These duties were of the widest variety—the administration of the Poor Law, the Vagrancy Law and the many-sided Elizabethan Labour Statute ; the supervision of weights and balances, of Bread Assizes, and occasionally the regulation of other prices ; the licensing of badgers or pedlars and of alehouse-keepers ; the settlement of disputes between master and servant ; the control and repair of bridewells and, by the 17th century, of the King's gaols also ; the clearing of

fords and waterways; the drawing up of regulations to cope with cattle-disease or with human plague and the raising of special rates in aid of the stricken; the certification to Chancery of statements concerning losses by fire or other sudden disaster, prior to the issue of begging-briefs on behalf of the victims. During the later 18th century and in the course of the 19th the registration of Friendly Societies and of charitable bequests, the filing of vagrant warrants, the accumulation of evidence required for sundry Parliamentary Returns and the settlement of controversies arising over the enclosure of land occupied a good deal of the justice's time.

As illustration of the manner in which, from the brief entries of sessions' records, a clear outline emerges of the way in which social and economic legislation, created in the rarefied atmosphere of Westminster, really affected or failed to affect the practical life of a locality, and also of the way in which contemporary currents of thought outside the walls of Westminster did actually influence county administrators, perhaps no more instructive examples could be desired than are offered by the working of the Poor Law, the Labour Code and criminal legislation. We can only attempt here to trace in any detail the history of the two latter subjects in the county of Cambridge, using in the main as our sources the Quarter Sessions records for the county proper. It is unfortunate that no minutes of sessions have survived for the formative years of the 16th and early 17th centuries, for it was during the Tudor period that, in the absence of a paid Civil Service, the unremunerated justice became the "State's man-of-all-work," and it was under the vigilant eye of the Privy Council in the years before the Civil War that many aspects of county administration were to be seen in their fullest working order. Notwithstanding, however, the general dislocation of life which accompanied the Civil War, the Restoration period—at which date the Cambridgeshire records begin—is not lacking in interest.

#### PENAL ADMINISTRATION.

In the sphere of police activities the duties of the justice were naturally multifarious, ranging from the whipping of a vagrant

or the ducking of a scold to the hanging of a witch or a murderer, though serious felonies were more usually reserved for the judgment of the Assizes. Among the punishments inflicted by the Benches of Isle and county the records show numerous hangings, brandings, floggings, pilloryings, stockings and duckings, in addition to imprisonment, and from the latter part of the 17th century onwards transportation to the colonies was of frequent occurrence. Branding was a device inherited from the Middle Ages and much favoured by the Tudors, but it was still in constant use in Cambridgeshire in the early 18th century. In 1663 six vagrants—four of whom were women—were ordered by the Bench to be “branded in the left shoulder with the letter *R* with an hott burneing Iron”; in 1700 a sum of £3 was paid by the County Treasurer for the purchase of an “engine for the marking or branding of criminals on the cheek.” It was not till 1792 that the flogging of women was forbidden, and it was only under the Statute of 1736 that “inchantments, sorceries, arts and magick” ceased to be punishable as witchcraft. The trial of a witch in 1647, the account of which appears in one of the rolls at Ely, is typical of the early 17th century attitude.

The woman’s deposition, as produced in Court, ran as follows: “About thirtie yeares since shee, Dorothy Ellis, being much troubled in her minde there appeared unto hir the Devell in the likness of a great catt, and speak unto this ex<sup>t</sup>, and demanded of hir hir blood, wch she gave him, after which the spirit in the likness of a catt stuck upon the body of this ex<sup>t</sup>, and the first thing that this ex<sup>t</sup> commanded her spirit to doe was to goe and bewitch four of the Cattell of Tho. Hitch, all wch Cattell presentlie died, and further this ex<sup>t</sup> confesseth that she sent her catt spirit to bewitch and take away the life of Marie, the daughter of Thomas Salter of Stretham, wch spirit forthwith kild the child of the sd. Marie, and also this ex<sup>t</sup> confesseth she commanded hir spirit to lame the mother of the said child, old Marie Salter, wch was done accordingly, and that she commanded her spirit to goe and bewitch and lame John Gotobed, because he cald this ex<sup>t</sup> old witch and flung stones at this ex<sup>t</sup>, all wch command was performed by hir spirit, and the sd. Gotobed

lamed." The poor distraught creature was condemned to be "hanged by the neck till she be dead."

A certain Robert Ellis, brought before the same Court, was not thus easily to be beguiled: he would not, he declared, "confess himself to be a witch though they kuld him a peeces wth wild horses."

Though no longer condemned on the ground of witchcraft, the lot of a poor wretch bereft of her senses continued in Cambridgeshire, throughout the 18th century, to be that of the hardened criminal.

Some tempering of severity is to be noted as the 18th century drew to a close, but very trivial offences were still fearfully penalised. John Burton, a labourer of March, was brought before the Ely Bench, as late as 1831, for stealing "two pieces of the current silver coin of the realm called two shillings," together with trinkets valued at five shillings. He was transported for seven years.

For the confinement of prisoners, in both franchise and county, two types of institution—the gaol and the bridewell or House of Correction—were to be found. The old castle at Cambridge had been used as a place of detention at least as early as 1317: the gatehouse continued to serve as a prison till the 19th century. Though originally under the jurisdiction of the Sheriff, by the 17th century the gaol was in practice in the control of the County Bench, as the bridewells had been from their first establishment under the Act of 1576. These latter institutions had been devised not as a part of general prison administration but as an essential element in the scheme for dealing with destitution: they were intended gradually to eliminate the pauper who looks for employment in the sincere hope of never finding it. It was for some time not at all unusual to give the bridewell inmates regular wages. Even before the end of the 17th century, however, in most counties the features which distinguished the bridewell from the gaol had practically vanished—employment, whether in the nature of relief or of discipline, was rare.

At some date before the opening of the 17th century the barracks adjoining the Castle Gaol at Cambridge were used as

the county House of Correction—distinct of course from Hobson's famous Spinning House which was under the jurisdiction of, and used only by, town and university. The gradual merging of gaol and House of Correction, which was more obvious in this county in the 18th than in the 17th century, can clearly be traced from Quarter Sessions records. (The Keeper of the Bridewell was a woman for a considerable part of the 17th century—one, Mary Yorke, being a particularly doughty Amazon, of whom the County Bench stood more than a little in awe!) At the beginning of the 18th century the trifling salary of the Bridewell Keeper, as of the Gaoler, was but 40s. a year—the wages of an agricultural hireling; hence arose the flagrant abuses connected with the demand for fees from inmates, the disgraceful traffic in liquor, and in the bridewell the ruthless efforts to render labour profitable. We cannot stay to illustrate from the gruesome records the story of the wretched days before the visits of Howard to Cambridge in 1773 and 1782.

At the opening of the 19th century, upon the completion of the new County Gaol and House of Correction on the site of the old Castle, a definite attempt was made to put into practice Howard's leading principles, as enacted by statute in 1791; cleanliness at least was secured and gaol fever conquered. This reform is in striking contrast to the strange indifference alike to legislation, to example, and to common humanity, exhibited by the municipality of Cambridge, and in a still worse degree by the franchise of Ely, where till 1837 the prisons remained under the immediate control of the Bishop.

In the years which followed it is possible to trace very clearly through Sessions' records the effect upon an active-minded Bench of the conflicting theories of prison aims, as well as the response made to legislative measures for the enforcement of which no Central Inspectorate existed till 1835. Whether it be within the range of human possibility to devise a scheme of employment which shall at the same moment prove both punitive and reformatory is a problem unsolved even in the 20th century. The Bench corresponded with this county and with that—they weighed and balanced the relative merits

New Alresford, 24000. 1.  
Lots by Fire.



**W**ILLIAM and MARY, by the Grace of God, King and Queen of England, Scotland, France and Ireland, Defenders of the Faith, &c. & all most singular Arch-Bishops, Bishops, Arch-Deacons, Deans, and their Officials, Parsons, Vicars, Curates, and all other Spiritual Persons: And also to all Justices of the Peace, Mayors, Sheriffs, Bayliffs, Constables, Church Wardens, Chappel Wardens, Headboroughs, Collectors for the Poor, and their Overseers: And also to all Officers of Cities, Boroughs, and Towns-Corporate; and to all other Our Officers, Ministers and Subjects whatsoever they be (as will within Liberties as without) to whom these Presents shall come, Greeting.

Whereas We are credibly given to understand, by a Certificate made at the General Quarter Sessions of the Peace, holden (by Adjournment) at the Castle of Winchester, in Our County of Southampton, on the Fourth Day of June, in the First Year of our Reign, under the Hands and Seals of Our Trusty and Well beloved Sir Charles Windham Knight, Thomas Jervis the Elder, Sir John Merly, Edward Cotes, Robert Gifford, and Jervas the Younger, Esquires, Justices of the Peace for Our said County: That about the first day of May, in the half First Year of Our Reign, there happened a sudden and most dreadful Fire, in the Borough of New Alresford, in Our said County of Southampton, which by the Violence and boisterousness of the Wind burst, & kindled, that is to say along the space of three Miles, It consumed the Dwelling Houses of above One Hundred and fifteeen Families, with the Ware-Houses, Out-Houses, Bows, merchandises, & household stuff belonging together, of the value of divers Goods, and Household-stuff, and also the Church, Chancery, Market-House of the said Borough: To the utter wounding of the Inhabitants of the said Place, and impoverishing the Country adjacent, through the decay of Trade, it being a very great and considerable Market-Town: The Damage inflicted thereby amounting to above Twenty Four Thousand Pounds, and impaireth to Our said Justices of the Peace, not only by the Death or severe Injurious of the inhabitants of the said Borough, but also by the Deaths of divers Carpenters, Bricklayers, Plimmers, and Smiths, who quitted and valued the same, so that the poor Sufferers, and their Families, who before this extraordinary Accident were always ready and willing to relieve the necessities of others, are now (by reason of this sudden Calamity) become great Objects of Charity themselves, and most of them much languish under lamentable and heavy Prelures, and not inclined by the charitable help of tender hearted and well-disposed Christians.

And therefore, have humbly brought unto Our countenances for Our Condition, and to grant unto them Our Gracious Letters Patents under Our Great Seal of England, to make and authorize them to Ask and Receive the Alms and Charitable Benevolence of all Our loving Subjects, within Our Kingdom of England, and Dominion of Wales. Unto which their Humble Request, We have assented, and do in a peculiar and especial manner Recommend them to the pious and charitable Thoughts and Considerations of Our said Loving Subjects; not doubt but when their distressed Condition shall be made knowne, they will be touched with a Fellow-feeling of their Brethren Afflictions, and bountifully contribute to their Relief.

Know ye therefore, That of Our Royal Favour, and Princeely Compliment, this 24th day of June, given and granted, and by these Our Letters Patents under Our Great Seal of England, we make and grant unto the said poor Sufferers of New Alresford aforesaid, and to their Deputy and Deputies, the Bearers hereof, Authorized and Deputed in that behalf, as afterwards in these Presents is appointed, full Power, Lieutenant Authority, to ask, gather, receive and take, the Alms and Charitable Benevolence of all Our Loving Subjects, not only Householders, but also Servants, Strangers, and others, in all and every the Counties, Cities, Chappel Towns, Towns Corporate, Universities, Boroughs, Burvilles, Vills, Parishes, Chappelries, Towns, Villages, Hamlets, and other Places whatsoever, within Our Kingdom of England, and Dominion of Wales, and Towns of Arundel upon Taverne (excepting such Parishes and Places where Collections have already been made) towards the Support and Relief of the said poor.

Item. We Require also Command you, as in our former Briefes at such time and times as by Us Deputy and Deputies, the Bearers hereof, shall come and repaire unto our Churches, Chappels, or Congregations, to ask and receive the Alms and Charitable Benevolence of Our said Loving Subjects, quietly to permit and suffer them to do, without any manner of disturbance or Contradiction: And you the said Parishes, Villages, and Curates, upon some Lord's Day, within one Month after these Our Letters Patents shall be produced, and the true Copyes thereof rendered unto you, or the said Church Wardens or Chappel Wardens respectively, shall deliver, and also affilately publish and declare the Tenor of the same unto Our said Loving Subjects: And earnestly exhort, perhade, and stir them up, to extend their Liberal Contributions towards the said great Losses, and not to look upon it as an ordinary Brief.

And for the better and more effectual Collecting thereof; you the said Church Wardens, Chappel Wardens, Collectors for the Poor, and their Overseers respectively, are to go from House to House upon the Week-Day next following, after the Publication of these Presents, to Collect the Alms of Our said Loving Subjects; and the Sum or Sums of Money so respectively collected by Virtue of these Presents, to Endorse upon them Our Letters Patents, or the said Copyes, in Words at length, and not in Figures; Together also with the Names of the Counties, Cities, Towns, Parishes, Universities and Chappelries respectively, whereupon, and the time wher in such Sums were gathered; which Endorsements are to be Subscribed by the Ministers and your severall, and also to be entered into your Books of Accounts for the said Parishes and Chappelries respectively: And ye are also to deliver the said Monies, unto the said Bearers and Bearers hereof, (authorized as herein is appointed,) whatsoever you shall be by them, or any of them, thereto required, but to no other Person or Persons whatsoever; whose receiving thereof, together with their or any of their Acquaintance or Acquittances, shall be your sufficient Discharge for so doing.

Whereas said Bearers and Bearers hereof are hereby willed and required, upon receipt of the said Monies, forthwith to pay the same, and deliver all the said Copyes unto Our Right Trusty and Right-well-beloved Cousin and Counsellor Charles Duke of Gules, Our Right Trusty and Well-beloved Charles Marquis of Winchester, The Right Reverend Fathers in God the Lord Bishop of London and the Lord Bishop of Winchester, Sir Nicholas Stour, and Sir Hugh Scrym, Barretts, Sir Robert Henry, and Sir Charles Waddington, Knight, Colonel Richard Astley, Dr. John Michell, Warden of Winton-Colleg, William Harrison, and Henry Hawkes, Doctor in Divinity, John Venables, George Bridges, and Henry Dandy, Esquires, Henry Perrin, Doctor in Physick, and William Kredian, Batchelor in Divinity. Whom Wedo hereby constitute and appoint to be Receivers, and Trustees of the said Charity; with full Power to them, or any Five or more of them, (they having first signified the Time and Place of their Meeting to the major part of the said Trustee) as well to depute such Person and Persons as they shall think fit to receive the said Money so Collected, and to give sufficient Discharges for the same; as also to distribute the same amongst the poor Sufferers, in such Proportion to their severall Losses, as to them shall seem just and equal, and to make such Allowances to the Collectors and Receivers of the said Monies, as they in their Discretions shall think fit.

And Lastly, Our Will and Pleasure is, That no Person or Persons whatsoever shall Collect or Receive the said Money of or from the Church Wardens, Chappel Wardens, Collectors for the Poor, and their Overseers, but such only as shall be Appointed and Authorized to do, by Deputation under the Hands and Seals of the above named Receivers and Trustees, or any Five, or more of them.

In witness whereof, We have caused Our Letters to be made Patent, and to continue until Lady-day next, and no longer. witness Our selves at Winchester the 7th Day of April, the Third Year of Our Reign.

GOD Save the KING and QUEEN.

Falls

It having been long observed, That Two Briefs have been Read in One Day, which is prejudicial to the Poor Sufferers; All Briefs are therefore to be read the same day with this.

Fire Brief for Alresford, Hampshire, 1691.



of flogging, of hard labour, of solitary confinement; yet whilst the average number of prisoners in confinement at any one time at the beginning of the 18th century was half a dozen, by 1819 it was often more than fifty. For some reason prison treatment was not proving either reformatory or deterrent. It was in the second and third decades of the 19th century that the great controversy raged between profitable employment on the one hand and the use of the disciplinary treadwheel on the other. After much correspondence a Special Committee appointed by the Cambridgeshire Bench reported that direct pecuniary profit could hardly be looked for, but that the moral benefits accruing from the use of the wheel would reduce the number of offenders and therefore the expense to the county. This point carried the day, for—to quote the *Observer* in *Erewhon*—folk will “sooner gain their end by appealing to men’s pockets, in which they have generally something of their own, than to their heads, which contain for the most part little but stolen property.” And so, in 1821, the wheel was erected.

“Behold the human squirrels! round and round,  
Tramping the never-ending cylinder:  
Th’ ‘Incorrigible Rogues’ that wise men send  
To Houses of *Correction*, there to learn  
That labour is, in very deed, a curse;  
With pains and perils there to ‘mill’—the air,  
With strains and aches therefrom to depart,  
Lesson’d to work at—nothing!”

A similar wheel was erected at Ely in 1823, and at Wisbech about the same period.

Whether it was owing to the use of the machine or not, John Okes, Surgeon to the Gaol, found himself compelled, in 1823, to complain to the County Bench of his heavy list of patients, but not for another ten or fifteen years was any heed given to a word against the sacred engine.

In 1832 the Reformed Parliament was at last installed in office. Though the new heaven upon earth had not yet been established, an atmosphere of expectation was generally apparent. Enquiries into the operation of the Poor Law were already bringing to light the intimate connection between pauperism and crime.

The final report which the Cambridgeshire Bench made to Whitehall before the new era in local government commenced noted a most alarming increase in the number of prisoners. During the year 1832-3 there were 375 commitments; during 1833-4 there were 426. The numbers of debtors and of offenders against the Game Laws had doubled. Most disconcerting analysis of all was the tell-tale record of recidivism—"the number of prisoners re-committed during the year was very great." Nevertheless we leave the Bench at this turning-point in administrative history with their faith in the treadmill entirely unimpaired. In self-complacent tones typical of an industrial age which aimed at the maximum reduction of labour and expense, combined with speedy material returns, the County Magistrates calculate to a minute fraction the amount of beneficent moral influence exerted upon each prisoner by the operation of the wheel: "The wheel," they note in 1834, "revolves 48 steps in a minute; the height of each step is  $7\frac{1}{2}$  inches; consequently each prisoner takes 19,200 steps during the day, which equals 12,000 feet, or 2 miles and a quarter and one-forty-fourth, without any other exertion than the mere lifting of the feet!" Verily it is necessary to dwell upon the laxity and sheer brutality which characterized the franchise gaol at Ely—where as late as 1804 prisoners were secured to the floor by iron bars—if such "reform" is to be viewed as progress.

We may turn now to the sphere of economic regulation.

#### ECONOMIC REGULATION.

It is as the natural counterpart of ideas with regard to the poor that the 16th century attitude to industrial regulation must be viewed, for one of the major aims of such regulation was the prevention of pauperism.

Difficulties of communication—rarely worse than in marshy Cambridgeshire—isolated local markets, subjected the relation between supply and demand to violent fluctuations, and, in the absence of authoritative control, gave the whip-hand to unscrupulous profiteers. Under Elizabeth traditional local control was reinforced and gradually superseded by a well-articulated

national system, involving control of wages and prices, regulation of the labour supply, organization of processes of industry, and the stimulation of agriculture. The famous Statute of Artificers formed the basis of this comprehensive policy. We shall confine our attention to the subject of wages in relation to the agricultural labour market, for this was the main section of the act which still aroused the active interest of the justices in the Restoration days with which our records begin.

The first group of clauses of the Statute of Artificers aimed at securing a much needed supply of agricultural labour. Magistrates were empowered to compel—subject to a minimum property qualification—males between twelve and sixty years of age and unmarried females between twelve and forty, not being otherwise legally retained, to enter regular service in husbandry or to assist with the “inning of the crops” during harvest. In order, moreover, to discourage unsettled modes of life, as well as to minimize fluctuations in the supply of labour, with their inevitable tendency to undermine the stabilization of wages, the statute sought to restrict mobility by requiring “testimonials” to be obtained by folk desirous of removing themselves from the town or parish in which they were last employed. Perhaps, however, the most significant clause of the statute was that which required the justices, yearly at their Easter Sessions, “calling unto them such discreet and grave persons as they shall think meet,” to “rate and appoint the wages” of labourers, servants and artificers, taking into consideration “the plenty and scarcity of the time,” to circulate throughout the county the assessments so drawn up, and to penalize by fine and imprisonment any breach of the law.

The statute itself cannot fairly be regarded as a piece of deliberate class-legislation, but from the very outset—except as regards the textile industries—according to traditional policy the fixing of wages was interpreted by the justices as the regulation of maximum and not of minimum rates. This was a duty which rural magistrates, as landed gentry, were unlikely to evade even when Privy Council supervision was a thing of the past.

The search for examples of wages’ assessments has been a

favourite sport of economic historians. A hunt through the Cambridgeshire records comes excitingly near running the quarry to earth, but actual copies of assessments seem most unfortunately to have perished.

The severe scarcity of agricultural labour in various parts of Cambridgeshire is evinced in the activity of the County Bench during the Restoration period. The position of the labourer was further strengthened by the fact that the marked rise in the price of manufactured goods in the latter part of the 17th century was not accompanied by a corresponding rise in food prices. The subject of rating still came up at this time for annual discussion. At the Easter Sessions of 1661 the "rates and proportions for wages" were "sett forth and appointed" by the County Bench—in a schedule which, unhappily, was not copied into the Order Book. Whether the old scale was revised, after due consideration of prevailing prices, or was merely re-issued, is not clear. The approved assessment was, however, circulated to the Chief Constables of each hundred, who were required to see that it was "openly published and proclaymed" in every parish. It was particularly enjoined that no person "for the year ensuinge presume to give, take, or directlie or indirectlie, agree or contract for any greater wages then in the said Rates are expressed and sett downe, upon payne of sufferinge and undergoinge the penaltyes of the Statute." The wording of the order is most suggestive; clearly the whole motive force was directed to keeping wages down. It is, moreover, evident that Cambridgeshire farmers were prepared to attract the all-important supply of labour by circumvention of the statute, even when not by open disregard. The Law of Supply and Demand eventually proved irresistible, but the County Bench did not give in without a prolonged struggle. In October, 1661, divers single persons, able of body, belonging to the parishes of Chesterton and Horningsea, presumed to refuse full-time work under the conditions laid down; they were peremptorily bidden to "place themselves in service" within a week. The thunder of the Bench was no mere reverberation: the House of Correction was more fully utilized for the reformation of the idle at this period than at any other till the 19th century.

Nicholas Blunt, for example, was despatched there by the Court, in 1662, for "living out of service." Nevertheless the plaint of non-observance of the statute continued to be "great and generall," and the Court proceeded to commit whole batches of offenders to the bridewell. Five young women of Soham, for instance, were ordered, in 1667, to choose between going to service or to prison—possibly a "great ryott" at Soham the same year, necessitating assistance from the Sheriff, was connected with the attempt to enforce economic regulations.

A sessions entry of 1670 makes it evident that concessions to the demands of the labour market had proved inevitable and that the prescribed rates had been subjected to revision: Elizabeth Gooch of Caxton, openly engaged at the Hiring Sessions in 1670, had contracted to work for 50s. a year—an advance of no less than 25% upon the recognized rate of only three years before, and prices had not risen to anything like the same extent. The woman had nevertheless broken her agreement in favour of more advantageous service elsewhere. Failing a satisfactory explanation, she was ordered to be committed to the House of Correction. At the same Sessions the Bench made a further determined effort to enforce the statutory wages. Many persons, it was averred, did give greater wages than appointed by the magistrates, and naturally failed to register such contracts at the High Constables' Sessions held in the respective hundreds. As a result, it was stated, "many servants depart from their services before their times expired, and are retained into other services without sheweing any testimoniall, as by the statute made 5 Eliz. they are required to doe." For the effective working of the law much depended upon the publicity of contracts made between masters and employees, and agreements were therefore ordered to be made in the presence of the Chief Constable at the Statute Sessions or Hiring Fairs. As a means of remedying the laxity so much deplored, all Chief Constables were directed by the Court to enforce the regular holding of annual Statute Sessions and to present before the next assembly of the Bench the names of masters who had, after a certain date, failed to record their contracts. The form of testimonial prescribed by the 5 Eliz.,

together with the schedule of current official wages, was circulated round the county in order that no excuse should exist for the prevalent negligence in the use of licenses.

The records of Constables' Sessions would prove a mine of wealth to the economic historian: a careful search for any trace of them in Cambridgeshire, among the documents preserved in the chief parishes of each hundred, has thus far unfortunately yielded no treasure.

Quarter Sessions records for the county are missing for the years between 1672 and 1689: by the end of the 17th century the formal entry of the payment of £5 to the Clerk of the Peace, "for his trouble and pains in procuring the printing the Rates for Servants Wages and prices for the Carriage of Goods, and for distributing them in every town in the said county of Cambridge," is the only reference made to a wages' assessment. The colourless entry continues at regular intervals till the middle of the 18th century. The tempting conclusion that the payment had become by that date a mere perquisite of the Clerk must be modified by the fact that parish account books—for example at Meldreth and Histon—do occasionally bear witness to the receipt of the circular schedule as late as 1740, though no actual table of rates seems to have survived.

In the course of the 19th century disputes between master and servant now and again occasioned the subject of wages to appear in the pages of sessions' minutes, and in several instances it is noteworthy that although prices in Cambridgeshire had fallen somewhat in the early years of the 18th century, wages had fallen still more heavily—in contradistinction, for example, to conditions in Warwickshire. Women servants who could obtain 50s. a year in 1670 could get but 30s. in the earlier part of the next century, at any rate in some areas of Cambridgeshire, for what appears to be the same grade of employment. Between 1714 and 1740 there were only two commitments to the county bridewell for "refusing to work for the customary wage." Probably by this period a laissez faire attitude towards wages had triumphed. It is at the troublous close of the 18th century that the problem of agricultural wages looms once again into prominence.

Able-bodied labourers refusing to work for the customary wage, yet without sufficient means of livelihood, were punishable under the Vagrancy Law from 1597 onwards, but indictments on this ground were rare after the end of the 17th century. James Nasmith, Chairman of Sessions for the Isle of Ely, lamented in 1799 that the Vagrancy Law in this respect was still a dead letter. There were, however, among the labourers at that date intrepid leaders who had not yet been trans-shipped to the other side of the world or sacrificed upon the gallows, and with the example of the French peasantry before their eyes magistrates hesitated to provoke defiance at a moment when low wages and soaring prices rendered large sections of the community clearly incapable of maintaining a family. After the harsh but successful quelling of the Ely and Littleport revolt of 1816 prosecutions under the Vagrancy Law for a contentious attitude on the subject of wages did become more common. A more powerful weapon than this law, moreover, had been put into the hands of authorities by the enactments of 1799 and 1800, which forbade all combinations in any way affecting the conduct of industry. The line which divided vagabondage from conspiracy was a fine one where rebellion against wages or methods of administering poor relief, or where lack of respect for private property was concerned. In 1822, in lieu of apprehending six labourers of Kirtling under the Vagrancy Law, proceedings were taken against them for "unlawfully combining to exact and obtain for themselves and other labourers in husbandry... greater wages... than the usual and customary wages." They were exonerated on the grave charge of riot, but adjudged guilty of conspiracy and condemned to terms of imprisonment varying from one month to six.

Whitbread's proposal of 1796 had sought to meet the distress of the time by the effective revival of wages' assessments, drawn up after due consideration of prices, but *Laissez Faire* reigned paramount and Speenhamland was the accepted alternative. Had the rejected bill become law, it is interesting to speculate with Mr and Mrs Hammond whether agricultural workers' unions might then quietly have grown up to ensure its enforcement, and whether the degradation of the agricultural labourer might thus have been averted.

Though the boldest peasant leaders had been "snapped up by the game-preserving Bench" of Cambridge and banished to distant realms, as the third decade of the 19th century drew to its close "the rumbling grew to a grumbling" in the usually quiescent underworld of the oppressed rural labourer. The relatively high prices, unaccompanied by an adequate adjustment of wages, prevailing in 1828, had aroused in Cambridgeshire considerable sympathy with the labourer whose plaint was growing perceptibly more articulate, but to the authorities the poor were essentially "a problem of law and order." Machine-breaking, arson, and the mysterious "Captain Swing" were the words which passed from lip to lip in horrified alarm. Disturbances were occurring in neighbouring counties, and even in cautious Cambridgeshire, where painful recollections still hovered around the names of Littleport and Ely, labourers were uniting and successfully wringing from the farmers a higher wage. By November 1830 the County Bench deemed it desirable to swear in special constables. Similar action on the part of the town magistracy had met with ready response, for youthful undergraduates, scions of the governing classes, were no less prompt then than they are a century later, to uphold the cause of law and order—when not applied to themselves—and to fling aside dull learning for the thrilling activity of patriotic strike-breaking. The townsman of the 18th and 19th centuries had forgotten his traditional feud, and had learned obsequiously to lick the hand of the gownsman who flung him bread. It would indeed have been difficult to find a town sacrificing more faithfully at the altar of Vested Interests. The rural magistrates, however, found no such ready response to the call for special constables, and this it was which tempered their attitude perceptibly. Fires broke out here and there, and four labourers of Fowlmere were charged, in January 1831, with conspiracy and assault. The magistrates moved warily, however, and tactfully avoided presenting the offence as a "riotous assembly." After the risings had been brutally quelled in other counties, the Cambridgeshire Bench assumed a bolder mien and ventured in 1832 to prosecute three labourers of Trumpington and three of Kirtling for both conspiracy and riot. A sympathetic jury,

however, in the one case acquitted and in the other returned the indictment "ignoramus." A more serious case of machine-breaking at Croydon resulted in the conviction of sixteen labourers, four of whom suffered the extreme penalty of transportation. At last, in May 1833, a conviction for arson, and two for riot and assault, were secured, and as an awful warning the death sentence was pronounced. By this time, however, the Reformed Parliament had come into its own. It is true that its leaders had but blotted their own fair escutcheon so far as their activity during the rising was concerned, but with their accession to power the first rung of the ladder which led upward had been climbed.

#### OTHER ASPECTS OF ADMINISTRATION.

Of the many interesting sides of local administration which we have reluctantly passed by, perhaps the most deeply significant is the treatment of poverty. Especially after the Settlement Law of 1662 had come into full operation, no other matter occupied so much of the magistrates' time or filled so many pages of the Cambridgeshire records<sup>1</sup>.

In a county of open villages, where enclosure came late, and where wide stretches of fen invited the settlement of stranger and squatter, vagrancy also was at all times a serious problem, a problem rendered peculiarly significant owing to the connection between this county and the Metropolis—that Mecca of the tramp—by way of the Great North Road.

In the futile hope of improving the deplorable state of the roads, "highway rating" was customary in parts of Cambridgeshire even in the 17th century—at a time when in other counties Mr Sidney Webb finds the rating statute of 1662 a dead letter. The first Turnpike Trust Act to emerge from Westminster related to Cambridge and two of the neighbouring counties, but the continued difficulty of communication, together with the paucity of towns and large villages, provided the main reason for the failure of most attempts at grouping for administrative purposes.

<sup>1</sup> Vide *Camb. Hist. Journal*, Vol. II, No. 3 (1928), article by E. M. Hampson : Settlement and Removal in Cambridgeshire, 1662–1834.

It is thus evident that to the student of social and economic history Cambridgeshire presents not only problems typical of agricultural England, but problems also which have peculiar characteristics. In addition to other distinctive features, and by no means the least significant, is the presence within the county borders of the ancient university town, often influencing the trend of administration directly, and still more often less directly influencing it through the personnel of county magnates who acknowledged the university as their own Alma Mater.

One is tempted to linger over the interesting figures who at various periods sat upon the County Bench—Sir Christopher Hatton, for example, in the 17th century, Cole the Antiquarian, Soame Jenyns the Squire of Bottisham, and various members of the Pepys family in the 18th. The lists of those on the commission of county or Isle are by no means the dull records they at first sight appear. Some magistrates no doubt, like the famous Samuel Pepys when sworn into office, “did find themselves mightily pleased, though wholly ignorant in the duties of a justice”; others again, like Justice Greedy, were too readily “chang’d on the suddeine in their opinion,” but still others—and in Cambridgeshire they were many—

“Bare the whole sway of the shire;  
Relieved the poor, and so forth,”

believing with sincerity and intelligence that “Justice is the Staff of Peace and the Maintenance of Honour.”

## APPENDIX.

### 1. *Documents in County Hall, Cambridge.*

#### *Quarter Sessions Draft Minute Books.*

- 19 volumes, 1723–1834.
- 8      ”      1834–1888.
- 1 dupl. vol. 1796–1802.

#### *Quarter Sessions Minute Books.*

- 1 volume, 1689–1694.
- 1      ”      1699–1715.
- 12     ”      1715–1833.
- 14     ”      1834–1914.
- Recent vols. 1915–1930.

*Quarter Sessions Order Books.*

- 1 volume, 1768–1776.  
 1 „ 1786–1796.

*Index to Sessions Orders, Book A.**Chairman and Vice-Chairman's Q.S. Note Books.*

- 3 volumes, 1849–1870.  
 1 „ 1850–1853.  
 1 „ 1858–1884.

*Enclosure Awards (or copies), 1776–1889.*

XVIII century,	4.
1800–10,	21.
1811–20,	24.
1821–30,	11
1831–40,	9.
1841–50,	19.
1851–60,	6.
1861–70,	2.
1871–80,	1.
1889,	1.

*Miscellaneous documents.*

- Clerk of the Peace's Fees Book, 1850–71.  
 Cam Conservators' Accounts, 3 vols., 1751–1859.  
 County Treasurers' Accounts, 3 vols., 1800–70.  
 Quarter Sessions Accounts, 2 vols., 1850–1888.  
 Petty Cash Book, 1871–9.  
 Shire Hall Account Book, 1841.  
 Thos. Allen's Account Book, 1850–79.  
 Turnpike Returns, 1820–33.  
 Jury Lists, 1828–34 ; 1847.  
 Jurors' Books, 6 vols., 1828, 1829, 1831, 1832, 1834, 1847.  
 Commission of the Peace, 1758–1930.  
 Registers of Oaths, 3 vols., 1715–30, 1793–1814, 1814–31.  
 Estreat Books (containing also Turnpike Securities, 1800–76), 2 vols.,  
     1730–65 ; 1840–78.  
 Recognizance Books, 2 vols. (general), 1694–1757.  
     „ „ 1 „ „ 1780–1795.  
     „ „ 4 „ (victuallers'), 1728–58 ; 1764–99 ; 1807–19 ;  
         1820–8.  
 Register for Gamekeepers' Licenses, 1804–21.  
 Registers of Annuities, 4 vols., 1727–1842.  
 Land Tax Assessments, 3 vols., 1829–32.  
 County Rates, 1846–1930.

Deposited Plans, from 1826.  
 Local Acts, 1795–1800 ; 1826–1930.  
 Census Returns, 5 vols., 1851; 2 vols., 1881.  
 Modern Voters' Lists.

*2. Documents relating to Franchise and County Administration  
 for Isle of Ely.*

*A. At Diocesan Registry, Ely.*

*Sessions Rolls.*

18 rolls, 1637–1666 (10 years only represented).  
 6 „ 1714–39.  
 120 „ 1740–75 (in 7 bundles, apparently complete).

*Miscellaneous Papers abstracted from Rolls.*

Coroners' Inquests, 1608–1776.  
 Sacrament Certificates, 1707–28.  
 Vagrant Passes, 1728–49.  
 Other incomplete 18th century papers :  
 Treasurers' Accounts and Chief Bailiffs' Accounts.  
 Victuallers' Recognizances and Licenses.  
 Verdicts.  
 Examinations, Depositions and Informations.  
 Calendars of Prisoners.  
 Panels of Juries.  
 Estreats of Fines.  
 Affidavits.  
 Indictments.

*B. At County Hall, March.*

*Isle of Ely Sessions Draft Minute Books.*

10 volumes, 1826–53 (quarto).  
 7 „ 1853–87 (demy).  
 Recent volumes, 1887 to present time.

*Sessions Order Books.*

9 volumes, 1801–37.  
 3 „ 1856–61; 1863–7; 1874–89.

*Sessions Draft Order Books.*

17 paper-backed booklets, each containing proceedings of one sessions,  
 1863–7.

*Special Sessions Minute Book, 1823–45.*

*Sessions Committee Minute Books.*

2 volumes, 1864–88.

*Sessions Files.* (Rolls), 1896–1906.

„ „ (1852–95. At Sessions House, Wisbech).

*Miscellaneous Papers.*

Prosecution Costs Order Book, 1862 to present time.

Justices' Commission List, 1830.

Registers of Justices' Oaths and of Dissenters' Declarations, 1830–51 ;  
1854 to present time.

Register of Victuallers' Recognizances, 1822–4.

County Licensing Book, 1874–87.

Duplicate Criminal Returns Book, 1852–80.

Petty Sessional Summary Convictions, 1879–87.

Index to Summary Convictions.

Treasurers' Account Book, 1881–93.

Isle of Ely County Council Minute Books, 21 volumes, 1889–1906.

Prosecution Fees, etc. Account Book, 1890–1901.

Register of Horse-slaughterers' Licenses, 1859–94.

Register under Dairies and Cowsheds Order, 1879.

Copies of Acts of 18th and 19th centuries.

Deeds relating to County Property, 1878–1905.

Plans for Canal and Railways, 1843–1929.

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