

PROCEEDINGS  
OF THE  
CAMBRIDGE ANTIQUARIAN  
SOCIETY

(INCORPORATING THE CAMBS & HUNTS ARCHAEOLOGICAL SOCIETY)



VOLUME LIX

JANUARY 1966 TO DECEMBER 1966

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## SOME TWELFTH-CENTURY DOCUMENTS CONCERNING ST PETER'S CHURCH AT BABRAHAM

EDWARD MILLER

IN order to reconstruct the early history of Babraham in Cambridgeshire<sup>1</sup> we have need to consult the cartularies of the abbey of Augustinian canons at Waltham Holy Cross in Essex.<sup>2</sup> For this there is good reason: sometime before the end of the twelfth century Waltham obtained the patronage of Babraham Church. The instrument recording this acquisition has long been known. It was printed in a truncated form in the *Monasticon*<sup>3</sup> and tells how one Geoffrey de Scalers conferred on the canons of Waltham St Peter's Church in Babraham, certain tithes from his demesne lands and some rights of common. This he did at the request of King Henry II and of his own nephew Brian, his sister's son, who was rector of Babraham and intended to enter religion at Waltham. We also know from the *Monasticon* (quoting a note of Leland's) that Geoffrey's benefaction was made with the consent of G. Count of Brittany, *dominus eius fundi*. The reference, of course, is to King Henry's third son Geoffrey who married Constance, heiress of Brittany and of the English honour of Richmond. Clearly, therefore, Geoffrey de Scalers held in Babraham of the honour of Richmond, and a likely date for the transaction lies between his overlord's marriage to Constance in 1181 and his death in 1186. An earlier date is not quite ruled out, however, for apparently Geoffrey Plantagenet had some rights both in Brittany and in the honour of Richmond for almost a decade before 1181.<sup>4</sup>

So far there is nothing unusual in this story. Many manorial lords gave churches to monasteries and got endorsement from their overlords for their acts. There is, however, another charter in which Geoffrey de Scalers repeated his donation of Babraham Church to Waltham Abbey.<sup>5</sup> It does not seem previously to have been

<sup>1</sup> I am grateful to Professor C. R. Cheney and Sir Charles Clay for reading a draft of this article and for making a number of suggestions which have greatly improved it. The following abbreviations are used in the notes: *E.Y.C.*, *Early Yorkshire Charters*, ed. Sir Charles Clay; *M.A.*, *Monasticon Anglicanum* (ed. of 1846); *P.U.E.*, *Papsturkunden in England*, ed. W. Holtzmann; *V.C.H.*, *Victoria County Histories*; J1 1/no, Assize Rolls (in the Public Record Office); SJC XXV/no, Muniments of St John's College, Cambridge, Drawer XXV.

<sup>2</sup> Especially two thirteenth-century cartularies in the British Museum, Harley MS. 391 and Cotton MS. Tiberius C IX: for these and other Waltham registers see G. R. C. Davis, *Medieval Cartularies of Great Britain*, pp. 113-14.

<sup>3</sup> *M.A.* vi, p. 66: a complete text is printed below, Appendix 1. It supports the suggestion made by W. Farrer, *Feudal Cambridgeshire*, p. 63, that Geoffrey also gave Waltham certain rights in Horseheath, but these were to tithe and not to land.

<sup>4</sup> *E.Y.C.* iv, pp. 75, 92-3.

<sup>5</sup> Printed below, Appendix 2.

printed and makes it clear that his benefaction did not pass without controversy. Indeed, it gave rise to issues so difficult that they were taken so far as Rome; papal judges-delegate pronounced upon them; the bishop of Ely and even the archbishop of Canterbury came to be concerned with them. A tale which brought the affairs of a Cambridgeshire village to the notice of the papal *curia* is perhaps worth a moment's attention.

## I

The gift of Babraham Church to Waltham by Geoffrey de Scalers is one manifestation of the lay piety of his age; the troubles which ensued arose out of another. Geoffrey's second charter shows that his father, too, had heard the promptings of piety. Sometime before his death the latter withdrew to the Cistercian abbey at Sawtry in Huntingdonshire and, in preparation for his retreat from the world, he handed over his lands to his son. On the other hand, his seals, rings and chattels<sup>1</sup> accompanied him to Sawtry. It emerged, in due course, that Sawtry Abbey also claimed to hold Babraham Church by charter, though whether Geoffrey's father had made it or the monks had forged it is not made absolutely clear. This, in any event, was no matter. Geoffrey's argument was that Sawtry's charter dated from after the time his father had handed over his patrimony and entered religion: thereafter only Geoffrey himself could grant anything from the family inheritance. We need in this connexion to remember that the principle that 'the advowson is temporal property',<sup>2</sup> which Henry II was seeking to make established law in England, had long been an assumption in the minds of manorial lords. Very many churches given to monasteries in the generations after the Norman Conquest had come to them precisely because landholders had treated parish churches as parts of their patrimonies which they were free to give or grant. This was clearly the attitude of Geoffrey de Scalers and his father. Their right to alienate Babraham Church was not in question. The issue turned on who had possessed the right to grant it and in whom a valid title was now vested.

The story, unfortunately, cannot be told in its entirety: no Sawtry cartulary has survived, so that all we have are the Waltham documents and a few stray papal letters. It is possible, however, to discern something of the background, however darkly. When Geoffrey and his father were arranging their family affairs Sawtry Abbey already had a stake in Babraham. Sometime between 1152 and 1162 Colchester Abbey gave Sawtry a perpetual lease of its lands in Babraham, perhaps those given to it by Ralf Pyrot the elder for the soul of his wife, Albreda.<sup>3</sup> Moreover, a grange at 'Coppelawe' was among the Sawtry possessions confirmed by Pope Alexander III in 1164 and a further confirmation by the same pope in 1176 appears

<sup>1</sup> He may also have conferred some land in Babraham on Sawtry, for in 1228 that abbey had 14 acres there which a certain Geoffrey de Scalers had given with his body (Cott. Tiberius C ix, fo. 153).

<sup>2</sup> F. W. Maitland, *Canon Law in the Church of England*, pp. 62-3.

<sup>3</sup> *Colchester Chartulary*, I, p. 179, II, p. 527. The dates are those of Richard [de Belmeis II], Bishop of London, in whose time the lease was made. They fit the dates c. 1150-64 attributed to Abbot Hugh of Sawtry (*Trans. Cambs. and Hunts. Arch. Soc.* III (1909-14), p. 371), the grantee; but suggest a need to revise the dates c. 1132-48 given for Abbot Hugh [de Haya] of Colchester, the grantor, in *V.C.H. Essex*, II, p. 101.

to place this property in Babraham.<sup>1</sup> It does not seem to have been of any great size. Ralf Pyrot's grant to Colchester was only of half a hide and the rent which Colchester asked of Sawtry was 6s. 8d. Doubtless this initial nucleus was added to by other grants and purchases;<sup>2</sup> but it may well have seemed an attractive notion to round it off with the assets of the parish church, even though revenues from churches, altars and tithe had been explicitly renounced by the founding fathers of the Cistercian order.<sup>3</sup> This pristine self-denying ordinance, however, was falling into abeyance before the end of the twelfth century. Sawtry was perhaps a house which ignored it early and, so far as Babraham Church was concerned, in circumstances dubiously legal even if they did not involve a modicum of fraud.

If some such explanation accounts for Sawtry's desire for Babraham Church, it is impossible to establish the precise sequence of events which followed the original grant made to Waltham by Geoffrey de Scalers. It seems likely, however, that Brian did not immediately retire to Waltham and relinquish his rectory; but the canons apparently judged it wise to secure papal confirmation of their expectations. The result was a letter issued by Celestine III on 10 December 1191 endorsing *ius quod habetis in ecclesia de Badburgeham*.<sup>4</sup> Soon afterwards Brian must have resigned, Geoffrey de Scalers asked William Longchamp, bishop of Ely, chancellor and papal legate,<sup>5</sup> to give Waltham corporal possession, and in due course the archdeacon of Ely notified all sons of holy church that he had done so.<sup>6</sup> It was probably at this stage that the canons again approached Celestine III and, on 5 June 1193, got confirmation of their right to *ecclesia de Batburgeham cum pertinentiis suis* (a difference of phrasing suggesting the transformation of their expectations into actual possession).<sup>7</sup> These events, however, called for action on the part of the white monks of Sawtry if they were to realise their hopes of securing Babraham Church. They, too, took their case to Rome and on 5 February 1195 Celestine confirmed the *ius patronatus* they enjoyed in Babraham Church. We must not blame the pope too much for his apparent inconsistency. There were many parishes in western Christendom, many suitors for papal confirmations, and in any case his confirmation was hedged about with a comprehensive saving clause: *sicut ea omnia iuste et pacifice possidetis*.<sup>8</sup>

The plain fact was, however, that Sawtry had no possession, just or peaceful or of any other sort. Waltham had possession and that possession had likewise been confirmed (though with a similar saving clause) by Pope Celestine III. If it was to be shaken adjudication and a sentence was required. The manner in which the affair was settled is not without interest. It came to be held in England not only that the advowson is temporal property but that jurisdiction in questions relating to advowsons lay with the secular tribunals. Henry II stood for this viewpoint and wrote it into the Constitutions of Clarendon. This principle, however, was clean contrary to

<sup>1</sup> *P.U.E.* I, nos. 102, 139.

<sup>2</sup> The tithe settlement of 1228 shows that Sawtry's property had been obtained from a variety of donors (Cott. Tiberius C IX, fo. 153).

<sup>3</sup> D. Knowles, *The Monastic Order in England*, pp. 344-5.

<sup>4</sup> *P.U.E.* I, no. 287.

<sup>5</sup> The date, therefore, must be after the commencement of Longchamp's legation on 5 June 1190.

<sup>6</sup> Cott. Tiberius C IX, fo. 152.

<sup>7</sup> *P.U.E.* I, no. 315.

<sup>8</sup> *Ibid.* no. 321.

the canon law and a decretal of Alexander III's addressed to Henry contained 'a classical passage which tells how a cause which touches this right belongs to the ecclesiastical forum.'<sup>1</sup> There were opportunities for this law of the church to prevail when the secular law of England was at an early stage of its making and especially when both parties to a dispute were churchmen: for to follow the law of the church was no more than their duty. Moreover, kings and their courts were not omniscient. They could not know every controversy which arose; they had to be called in by one of the parties to a plea seeking their jurisdiction in the first instance or a writ of prohibition upon proceedings already initiated in the church courts; and when no vital secular interest was at stake there was perhaps little temptation for hard-worked public officials to search out cases. Consequently there was a gap between Angevin theory and practice in this matter of advowsons and many more questions of patronage came before ecclesiastical courts than has sometimes been supposed.<sup>2</sup>

In this instance, at least, there is no evidence that the dispute between Waltham and Sawtry was ever ventilated in a lay court. True, we know nothing of the course of the litigation: but we may reasonably suppose that Geoffrey de Scalers' second charter was drawn up in expectation or in the course of proceedings to give backing to Waltham's case and, for the rest, the instrument by which Abbot Alexander of Sawtry acknowledged defeat is clear in its implications. The pope had ordered the plea to be heard before Abbot John [de Cella] of St Albans and other judges-delegate, and Archbishop Hubert Walter of Canterbury had put in a prayer for a settlement; but seemingly before judgement was pronounced Abbot Alexander and his convent, perhaps feeling that the case was going against them, 'demised and quitclaimed the plea for ever'.<sup>3</sup> They granted Babraham Church with its appurtenances to Waltham; and these appurtenances, notwithstanding Cistercian privilege,<sup>4</sup> were to include all tithe belonging to the church *exceptis decimis novalium et nutrimentorum nostrorum*.<sup>5</sup> This concession can be narrowly dated. It must fall between 1195, when John de Cella became abbot of St Albans, and January 1198, when Pope Celestine's death ended Hubert Walter's legation.

There are no more than a few footnotes to be added to this act of renunciation. Longchamp's successor, Bishop Eustace (1197-1210), pronounced Babraham Church to have been given to Waltham in the time of his predecessor;<sup>6</sup> and on 7 July 1199 Pope Innocent III confirmed the church to the canons *quam ex concessione diocesani episcopi obtinetis*.<sup>7</sup> There were subsequent confirmations by Prior Roger of Ely

<sup>1</sup> Maitland, *op. cit.* p. 62.

<sup>2</sup> As C. R. Cheney has abundantly demonstrated: *From Becket to Langton*, pp. 110 ff.

<sup>3</sup> Printed below, Appendix 3.

<sup>4</sup> I.e. Innocent II's exemption of the Cistercians from tithe on land cultivated for their own use (Knowles, *op. cit.* p. 355).

<sup>5</sup> The first reservation seems to refer to assarts (cf. *Cartulary of Newnham Priory*, ed. J. Godber (Beds. Historical Record Soc., XLIII, 1963), I, no. 8: 'omnes decimas novalium meorum idest assartorum'); the second to increase of livestock (cf. Geoffrey de Scalers' first charter, Appendix 1 below).

<sup>6</sup> Harl. 391, fo. 110d.

<sup>7</sup> *Regesta Pontificum Romanorum*, ed. A. Potthast, I, no. 766. Professor Cheney drew my attention to this letter and tells me that the original is P.R.O. Papal Bull, 35 (9).

(?1206-15) and Bishop Geoffrey de Burgh (1225-8); and the latter also ordained that the vicar, by way of vicarage, ought to have a manse, the offerings of the altar and all tithes save those of grain and hay.<sup>1</sup> Now, only this matter of tithe continued to breed antagonism between the canons and the white monks. Abbot Alexander of Sawtry, in 1195-8, secured a limited exemption; but it was less than that implied by full Cistercian privilege. Possibly his successors sought to mitigate this surrender of principle; and in the end Abbot Alard in 1228 made concessions to secure a qualified franchise. Waltham agreed that some 180 acres of Sawtry's land in Babraham should be free of tithe. In return Sawtry relinquished 23 acres of arable in Babraham and Little Abington fields to Babraham Church and conceded that any future acquisitions, provided they had been previously subject to tithe, should continue to bear that burden.<sup>2</sup> So matters were settled between the two abbeys. Earlier, Geoffrey de Scalers<sup>3</sup> was moved to augment his benefaction to Waltham. He destined a younger son, Brian, to serve God as a canon regular there and with him gave 12 acres of his demesne land and 5 acres which Geoffrey son of Gervase the priest held of him. The donation was to hold good even if Brian died before assuming the regular habit or went elsewhere than to Waltham. And upon anyone who disturbed his benefaction Geoffrey called down a malediction. It is perhaps not too fanciful to detect in this final clause a memory of the difficulties which ensued when he gave St Peter's Church to Waltham in the time of King Henry II.

## II

These transactions, which settled who should present to Babraham Church down to the Reformation, raise a subsidiary question: what connexion had this Geoffrey de Scalers with the family descending from Hardwin de Scalers, Domesday lord of a modest barony situated in Cambridgeshire and Hertfordshire? Hardwin, as is well known, divided his barony between his two sons, Richard and Hugh. The former's descendants continued to hold their share, with its main centres at Caxton and Little Shelford, until an heiress took it to the De Frevilles in 1231. Hugh's heirs, on the other hand, with their principal seats at Whaddon (Cambs.), Reed and Wyddial (Herts.), continued in the male line until 1467, though they gradually fell from the ranks of the baronage into the class of knights of the shire.<sup>4</sup>

It is not easy to fit our Geoffrey into this pedigree. Farrer appears to assume that he and his sister Nobilia were younger children of Hardwin's son, Hugh de Scalers of Whaddon, a benefactor and ultimately a monk at Lewes Priory in Sussex.<sup>5</sup> This

<sup>1</sup> Cott. Tiberius C ix, fos. 152-152 d.

<sup>2</sup> *Ibid.* fo. 153.

<sup>3</sup> *Ibid.* fo. 122: unfortunately, we cannot be absolutely certain that this benefaction ought not to be attributed to Geoffrey's son of the same name, though attestation by Gervase the chaplain suggests a date before or around 1200. On the other hand, Gervase witnesses as late as 1204 (*ibid.* fo. 125) by which time the older Geoffrey was dead.

<sup>4</sup> *Curia Regis Rolls*, v, 139-40; *V.C.H. Herts.* III, pp. 248-9; *V.C.H. Cambs.* I, p. 387; E. Miller, *Abbey and Bishopric of Ely*, p. 178.

<sup>5</sup> *Feudal Cambridgeshire*, p. 209; *Cambs. Portion of the Chartulary of Lewes Priory*, ed. J. H. Bullock and W. M. Palmer, nos. 46-7.

affiliation raises difficulties. First, our Geoffrey's father became a Cistercian at Sawtry and not a Cluniac at Lewes. Secondly, Hugh's heir was not Geoffrey but Henry; and finally Pope Celestine's confirmation of Babraham Church to Sawtry in 1195 asserts that the donor had been G. de Scalers. It would be plausible to extend the initial to make our Geoffrey's father bear the same Christian name as his son. In other words, we may provisionally style the man who took refuge at Sawtry Geoffrey I and his son who gave St Peter's Church to Waltham Geoffrey II. Finally, about 1202,<sup>1</sup> the latter was succeeded by yet another Geoffrey whom we may call Geoffrey III.

If the Babraham family was connected with Hardwin, therefore, the relationship must be sought at an earlier date than Farrer supposed. Domesday Book is not immediately helpful: in 1086 both Hardwin and Alan of Brittany had holdings in Babraham,<sup>2</sup> but Hardwin held in chief and not of the honour of Richmond as Geoffrey de Scalers did towards the end of the twelfth century. On the other hand, Hardwin did hold of the honour of Richmond at Reed and Little Shelford, so that a subsequent extension of this tenurial relationship is not out of the question. Furthermore, members of the Scalers family eventually held of the honour in Richmondshire as well as in Cambridgeshire and Hertfordshire, though even Sir Charles Clay finds it hard to establish the descent of the various fees.<sup>3</sup> This is not the place to pursue this wider inquiry, but there is something to be said for proceeding backwards from the better-documented thirteenth century in our search for the lords of Babraham. In 1236 Geoffrey III de Scalers held half a knight's fee there of the honour of Richmond and two other men held by knight's service 'of the fee of Hardwin de Scalers'.<sup>4</sup> There were other holders of fees in Babraham at this time, but they need not detain us. The important point is that the land in the possession of Geoffrey III de Scalers seems to be that held in 1086 not by Hardwin but by Alan of Brittany.

An excursion into Yorkshire can take us a little way behind this record of 1236. There is a charter, which cannot be precisely dated, which records how Alexander de Scalers, knight, quitclaimed to Easby Abbey 10s. rent from Stapleton; and another showing that Geoffrey de Scalers reserved this rent when, sometime after 1217, he confirmed to Easby three carucates in Stapleton which Benedict of Stapleton had given to the abbey.<sup>5</sup> There is evidence that Alexander was a son of Geoffrey III:<sup>6</sup> possibly, indeed, he was his eldest son and heir,<sup>7</sup> though he also made a profitable

<sup>1</sup> Amice de Scalers, who seems clearly to be the wife of Geoffrey II, was a widow by 1202 and had dower lands in Horseheath (*Pleas before the King or his Justices, 1198-1202*, ed. D. M. Stenton (Selden Society, LXVIII, 1948), II, pp. 268, 288; *Curia Regis Rolls*, II, 202, 291; Cott. Tiberius C IX, fo. 122; *Pedes Finium*, ed. J. Hunter, I, pp. 308-9). <sup>2</sup> Domesday Book, I, pp. 191, 194, 198, 199. <sup>3</sup> *E. Y. C.* v, 260-2.

<sup>4</sup> *Ecclesie de Bernewelle Liber Memorandum*, ed. J. W. Clark, pp. 255, 263.

<sup>5</sup> *E. Y. C.* v, no. 338B.

<sup>6</sup> He witnessed charters as such (Cott. Tiberius C IX, fo. 123; SJC XXV/13, 15; D. and C. of Ely, Charter no. 146).

<sup>7</sup> This might explain how he came to be possessed of this rent in Stapleton and also of the family lands in Horseheath, which he gave to Waltham (*Rotuli Hundredorum*, II, p. 421). The alternative supposition would be that these constituted the provision Geoffrey III made for a younger son.

marriage to Alan of Follifoot's heiress and obtained with her interests at Follifoot (Yorks.) and Little Linton (Cambs.).<sup>1</sup> It is, however, his connexion with Stapleton which is of interest. There are a number of references to the fees held of the honour of Richmond around the year 1200 by Geoffrey de Scalers: half a fee in Babraham in 1212; c. 1200 a fee apparently at Carlton in Yorkshire, while Benedict of Stapleton held another as his sub-tenant in Stapleton; and in the late twelfth century half a fee in Carlton and Barforth and quarter of a fee in Stapleton.<sup>2</sup> It is optimistic to assume that we will ever reconcile these divergent fractions,<sup>3</sup> but at least the evidence suggests that before the end of the twelfth century the Scalers lords of Babraham were also tenants of the honour of Richmond at various places in Richmondshire.

This, in turn, may help us to interpret an earlier scrap of evidence. A list of those owing guard duties at Richmond Castle late in the reign of Henry I includes Hardwin's heirs (his son Hugh and grandson Stephen) and a certain Geoffrey de Scalers, each serving in respect of one knight's fee.<sup>4</sup> It is tempting to suppose that this Geoffrey was the predecessor of Geoffrey II and Geoffrey III who held at Babraham and in Yorkshire in the years around 1200. Upon which of his lands the obligation rested it is not easy to determine. Evidence that castle-guard was owed from Babraham is virtually non-existent;<sup>5</sup> on the other hand, some of the Yorkshire holdings of the family certainly did owe this service at the beginning of the thirteenth century. The inference may be, therefore, that the lords of Babraham had already acquired a stake in Richmondshire before King Henry I was alive and dead. Indeed, the possibility must arise that the Geoffrey de Scalers who at that time owed castle-guard at Richmond was the same Geoffrey who ended his days a white monk at Sawtry Abbey.

With these possibilities in mind we may now return to DB to see if more can be wrung from it about the origin of the family's fee in Babraham. We can ignore Hardwin's holding, for these lands were still held of his barony in 1236. The origin of the Scalers manor must be sought in the lands Count Alan had at Babraham in 1086. These consisted of two tenements; in the larger he had enfeoffed one Brien or Brient, in the smaller a certain Ralf. Moreover, in the list of Domesday jurors for Chilford hundred (in which Babraham lay) we find a certain Briend de Scal'.<sup>6</sup> The coincidence, particularly since Brian as well as Geoffrey seems to have been something of a family name with the Scalers of Babraham, suggests that their first representative in England was this obscure Domesday knight and not the baron of Caxton

<sup>1</sup> *Yorkshire Fines, 1232-46*, no. 1168; 1246-72, no. 1246; *Ex. e Rot. Fin.* I, 323.

<sup>2</sup> The evidence is assembled by Sir Charles Clay, *E. Y. C.* v, pp. 260-2.

<sup>3</sup> One explanation may be that these fees were assessed differently, as Stapleton certainly was, for castle-guard and scutage (*E. Y. C.* v, no. 338B).

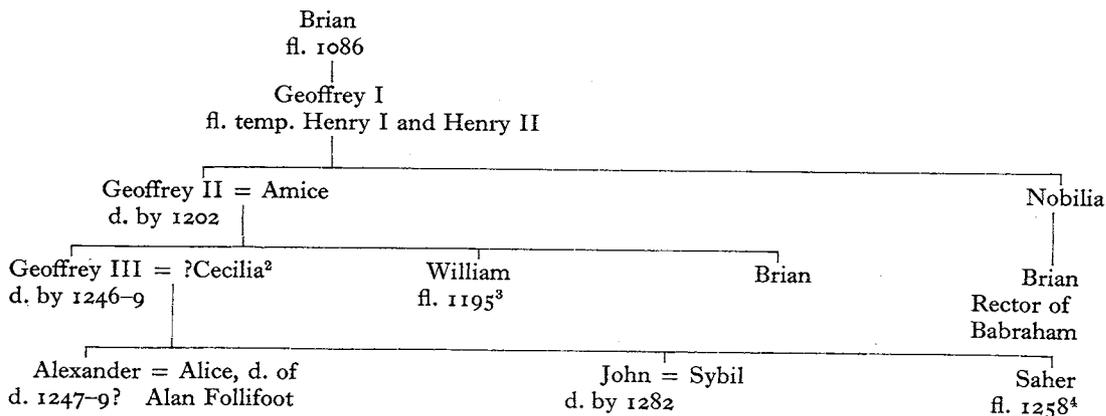
<sup>4</sup> *Cal. Inquisitions Miscellaneous*, I, no. 519, the dating of which has been established by Sir Charles Clay.

<sup>5</sup> I have examined some sixty pre-1300 Babraham charters and only SJC XXV/173 mentions castle-guard. This relates to the alienation of 3½ acres which owed ½d. annually for guard of Richmond castle. It is not certain, however, that this land lay in the Scalers manor; and castle-guard is not mentioned in 1282 among the charges upon the estate of Warin of Hereford, who by that time had succeeded to that manor (Chancery Inquisitions post-mortem, Edward I, File 26 (6)).

<sup>6</sup> *Inquisitio Comitatus Cantabrigiensis*, ed. N. E. S. A. Hamilton, p. 28.

and Whaddon. Conceivably he was Hardwin's kinsman, a younger brother or something of the sort; or he may merely have come from the same place across the Channel, L'Escalerie (Manche).<sup>1</sup> But if some connexion with Hardwin brought Brian to England he seems to have sought his fortune in another's company. The lords of the honour of Richmond, after all, were patrons of another order of magnitude to Hardwin and had much more to offer a soldier of fortune.

PEDIGREE OF THE SCALERS FAMILY OF BABRAHAM



Provisionally, then, a family tree of the Scalers family of Babraham can be constructed something after the fashion illustrated above. It is not possible, of course, to be absolutely sure that only four generations were spanned by the Domesday Brian, Geoffrey I who became a monk at Sawtry, Geoffrey II who gave St Peter's Church to Waltham and Geoffrey III who lived possibly into the 1240s. On the other hand, it is not quite inconceivable. Hardwin de Scalers cannot have been a very old man in 1086, for he witnessed a Northamptonshire charter of Aubrey II de Vere in 1112.<sup>5</sup> Further, his great-grandson, Hugh II of Whaddon, died about the time of Magna Carta and the latter's son, yet another Geoffrey de Scalers, survived until 1284.<sup>6</sup> If the Domesday Brian de Scalers was a younger contemporary of Hardwin's,

<sup>1</sup> The main branch of the family seems to have forgotten its origins before the twelfth century was out. Hugh II de Scalers of Whaddon had a seal the device on which was a punning reference to his name: 'the likeness of a man in armour...with his right foot on the rung of a ladder and with his hands on the sides of the ladder as though about to climb it' (*Cambs. Portion of the Chartulary of Lewes Priory*, no. 48). Perhaps there is a hint here of how Norman chivalry was becoming mere English.

<sup>2</sup> Cott. Tiberius C IX, fo. 122d; SJC XXV/9, 121.

<sup>3</sup> Cott. Tiberius C IX, fo. 122d; *Pipe Roll*, 7 Richard I, 121.

<sup>4</sup> SJC XXV/16, 94, 104, 125.

<sup>5</sup> Cambridge University Library, Thorney Red Book, II, fo. 227d and *M.A.* II, p. 603; for the date, *Complete Peerage*, x, pp. 195-6, and J. H. Round, *Feudal England*, p. 220. This seems to dispose of the suggestion in *V.C.H. Herts.* II, p. 343, that Hardwin died in 1086.

<sup>6</sup> *Cal. Inquisitions post-mortem*, II, p. 309, though by that time Geoffrey must have been very old. Because he could no longer serve in the king's armies he handed over his lands to his son (who in fact predeceased him) in 1258 (*Cal. Patent Rolls, 1247-58*, p. 626).

therefore, it is not out of the question that his great-grandson might have lived well into the thirteenth century.

It is, of course, equally possible that between the Domesday Brian and Geoffrey I there is a missing generation. For all that they held both in Cambridgeshire and Yorkshire our knowledge of these Babraham knights is very exiguous, for they were men of modest importance. Geoffrey III played some small part in the Cambridgeshire county court and Alexander was an elector of a grand assize jury in Yorkshire in 1246.<sup>1</sup> If the latter was Geoffrey's heir, he seems not to have survived long after that date.<sup>2</sup> He was succeeded by another son of Geoffrey III's, John de Scalers, who took part on Montfort's side in rebellion against Henry III and late in life went crusading with the Lord Edward.<sup>3</sup> We know him better, however, for his small dealings in land, for seeking to exact unwarranted suits to his manor court and for founding a chantry in the Mary chapel at Babraham so that prayers might be said for his soul and for the soul of Sybil his wife.<sup>4</sup> This John, moreover, was the last of his line and with the founding of his chantry the story ends as it began within the parochial frame. Perhaps we are fortunate to be able to learn so much about a family so relatively obscure. Yet even such a family could be subjected to King Henry's persuasion to give Babraham Church to Waltham Holy Cross and, by doing so, bring that remote parish to the notice of Pope Celestine III.

#### APPENDIX<sup>5</sup>

##### (1) *First charter of Geoffrey de Scalers conferring Babraham Church on Waltham Abbey*

Date: probably 1181-6.

Text: Cotton MS. Tiberius C IX, fo. 151 d.<sup>6</sup>

Galfridus de Scalariis omnibus hominibus suis francis et anglis et omnibus sancti matris ecclesie filiis salutem. *Notum sit uobis et certum me concessisse et<sup>7</sup> dedisse ecclesie sancte crucis de Waltham et canonicis regularibus deo ibidem seruientibus<sup>8</sup> ecclesiam sancti Petri de Badburham cum omnibus rebus ad illam pertinentibus, et nominatim cum decimis frugum domini mei et cum decimis nutrimetorum meorum et totius domus mee de Horseheia. Do etiam eis decimam feni de dominio meo de eodem loco cum omni alio iure ad illam ecclesiam pertinente in puram et perpetuam elemosinam ad sustentationem hospitalitatis ecclesie de Waltham. Et hoc facio pro salute domini mei regis Henrici secundi et pro requisitione eius [sic]<sup>9</sup> et pro salute heredum suorum et pro salute mea et uxoris mee et liberorum meorum et omnium antecessorum et pro animabus omnium fidelium defunctorum. Et sciatis me hanc donacionem fecisse pure pro amore dei et admonicione [sic]<sup>10</sup> Briani clerici nepotis*

<sup>1</sup> *Curia Regis Rolls*, VII, 73-4, 100; JI 1/1045, m. 3.

<sup>2</sup> John is lord of Babraham in charters of 1246-9 and 1254 (SJC XXV/4, 9).

<sup>3</sup> JI 1/83, mm. 2, 4 d; 1/84, m. 1 d; *Cal. Patent Rolls, 1266-72*, p. 588.

<sup>4</sup> SJC XXV/5, 12, 109; JI 1/82, m. 16 d; *Vetus Liber Archidiaconi Eliensis*, ed. C. L. Feltoe and E. H. Minns, pp. 4-6.

<sup>5</sup> The following charters are printed by permission of the Trustees of the British Museum.

<sup>6</sup> Passages omitted or abbreviated in *M.A.* VI, p. 66, are printed in italics and variant readings are indicated in the notes by the symbol (M). The punctuation in this and the following charters has been modernized.

<sup>7</sup> Noveritis me (M).

<sup>8</sup> Canonicis de Waltham (M).

<sup>9</sup> Per requisicionem eius (M).

<sup>10</sup> Per admonitionem (M).

mei, filii Nobilie sororis mee, persone predicte ecclesie de Badburham, qui se in prenominata ecclesia de Waltham concessit deo in regulari habitu seruiturum. *Quare volo et firmiter precipio quod iam dicti canonici teneant supradictam ecclesiam bene, quiete et in pace sicut eam unquam aliquis melius tenuit et liberius. Et cum commune pasture [sic] prefate ville concedo et do eis communionem mecum in pastura mea propria ab omni exactione liberam.* Testibus hiis. Domino rege et Johanne filio eius.<sup>1</sup>

(2) *Second charter of Geoffrey de Scalers confirming his grant of Babraham Church to Waltham Abbey*

Date: ?1195-8.

Text: Harley MS. 391, fos. 144-144d.<sup>2</sup>

Omnibus sancte matris ecclesie filiis ad quos presens carta peruenerit Galfridus de Scaliariis salutem in domino. Notum sit uobis omnibus et indubitatum quod intuitu dei et ad petitionem domini mei Regis Henrici secundi quam mihi uiua uoce et litteris suis fecit, cum bona uoluntate domini mei eiusdem fundi, scilicet G. comitis Britannie, me concessisse et dedisse ecclesiam sancti Petri de Badburgeham<sup>3</sup> ecclesie sancte crucis de Waltham et canonicis regularibus ibidem deo seruiantibus in perpetuam elemosinam, sicut carta mea super hoc facta plenius testatur. Quapropter ne quis contra hanc donationem meam aliquid machinetur, in ueritate et uera fide uobis mando quod nunquam prefatam ecclesiam nec eius aduocationem alicui dedi ante illam donationem quam prefatis canonicis factam fuisse contestor. Et ideo si monachi nigri uel albi uel canonici uel aliquis uir religiosus uel secularis, siue clericus siue laicus, cartam meam de prefata ecclesia uel de eius aduocatione habere dixit, illam falsam esse et sine me et conscientia mea factam sine dubio credatis, quia nullam cartam warantizo nec heredes mei debent warantizare contra illam que facta est Walthamensi ecclesie. Preterea quia monachi albi de Saltareia aliquando dicuntur murmurasse contra me et ecclesiam de Waltham, dicentes se aliquid iuris habere in ecclesiam de Badburgeham uel per<sup>3</sup> patrem meum uel per me, deum contestor qui omnia nouit quod nunquam prefatis monachis de predicta re cartam feci. Et preter dei testimonium iudicium falsarii suscipiat in die iudicii qui super hac re mentitur. Sed nec per patrem meum aliquid iuris in iamdictam ecclesiam prefati monachi sibi uendicare possunt, quia liberi homines de feodi mei et Ranulfus de Glanuilla et Saherus de Quinci et multi de uicinis meis fuerunt audientes et uidentes ubi pater meus se deposuit de omni feodo suo et quietum mihi clamauit et me heredem constituit, ut ego sicut dominus domino meo responderem. Et hoc factum est multo tempore antequam se religioni traderet, sicut per legale dictum uicinatorum recognosci potest. Qua de causa de hereditate mea uel de iure meo nichil dare potuit quod tunc temporis non habebat. Sed<sup>4</sup> quia cum habitum religionis suscepit sigilla sua et anulos suos et omnia catalla sua cum eo prefatis monachis tradidit, si postea sub nomine prefati patris mei cartas fecerunt uim habere non debent nec secundum iusticiam dei iuri meo uel donacionis mee nocere debent. Et ideo supradictam donacionem per hanc cartam meam concedo et confirmo et perpetua stabilitate imperpetuum a me et ab heredibus meis conseruari<sup>5</sup> uolo. Testibus Ricardo Barre Elyensi archidiacono.<sup>6</sup> Ricardo de S. Edmundo, clerico. Alexandro Barre. Martino de Belesham. Reginaldo capellano de Belesham. Hugone de Botemont, clerico. Nicholao et Ernaldo, seruiantibus domini episcopi.

<sup>1</sup> (M) adds: Comite Alberico et Alberico filio eius. Radulfo de Heford. et aliis.

<sup>2</sup> There is another copy in Cott. Tiberius C IX, fos. 151d-152. The main variant readings are indicated in the notes by the symbol (T).

<sup>3</sup> Badburham (T).

<sup>4</sup> A later hand has written in the margin: 'Monachi falsificantes cartas'.

<sup>5</sup> Conseruare (T).

<sup>6</sup> In (T) the list of witnesses stops at this point.

(3) *Charter of Abbot Alexander of Sawtry conceding Babraham Church to Waltham*

Date: 1195-8.

Text: Cotton MS. Tiberius C IX, fo. 153.

Omnibus sancte matris ecclesie filiis ad quos presens scriptum peruenerit Alexander dei gratia abbas de Saltreia et conuentus eiusdem loci salutem. Sciatis quod nos, intuitu caritatis et pro prece [*sic*] domini Huberti Cant' archiepiscopi et apostolice sedis legati, dimisimus et quietam clamauimus imperpetuum loquelam illam que fuit mota per mandatum domini pape Celestini iij. inter nos et abbatem et canonicos regulares de Waltham de aduocatione ecclesie de Badburham coram iudicibus delegatis, scilicet J. dei gratia abbate de Sancto Albano et R. eadem gratia abbate de Waledene<sup>1</sup> et W. priore de Hertford'. Concessimus eciam et presenti carta confirmauimus prefatis canonicis de Waltham quod predictam ecclesiam habeant et teneant quiete et in pace de donacione nostra in pura elemosina [*sic*] imperpetuum cum omnibus pertinenciis suis et omni integritate iuris sui, et precipue cum omnibus decimis nostris ad prenominatam ecclesiam pertinentibus, non obstante priuilegio nostro uel priuilegiis ordinis nostri, exceptis decimis noualium et nutrimentorum nostrorum. Et ut hec concessio nostra firma et donacio rata et stabilis in eternum sit, hanc cartam nostram inde illis fecimus et sigillo nostro confirmauimus. Hiis testibus Willelmo abbate de Stratford'. etc.<sup>2</sup>

<sup>1</sup> Abbot Reginald, fl. 1190-1200 (*V.C.H. Essex*, II, p. 114).

<sup>2</sup> Abbot William occurs in 1192 and had been succeeded by Abbot Benedict c. 1199 (*V.C.H. Essex*, II, p. 133).



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