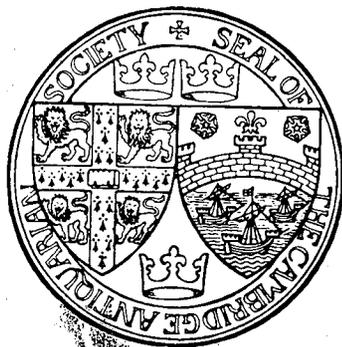


PROCEEDINGS
OF THE
CAMBRIDGE ANTIQUARIAN
SOCIETY

(INCORPORATING THE CAMBS & HUNTS
ARCHAEOLOGICAL SOCIETY)



VOLUME LXXVIII

for 1989

THE CAMBRIDGE ANTIQUARIAN SOCIETY

RECENT PUBLICATIONS OF THE CAMBRIDGE ANTIQUARIAN SOCIETY

PROCEEDINGS VOLUME LXXV, 1986

Price £4 net for members, £5.50 for non-members

- M.D. CRA'ASTER: *Obituaries – C.F. Tebbutt and H.K. Cameron*
JO DRAPER: *Excavations at Great Chesterford, Essex, 1953–5*
A.M. JOHNSON: *Wisbech and West Walton Highway by-pass, an Archaeological Survey*
MARK BLACKBURN: *A Penny of Eadgar from Castle Hill, Cambridge*
DAVID HAIGH: *Excavations at Barnwell Priory, Cambridge*
E.M. DAVIES: *Dovecotes of South Cambridgeshire*

PROCEEDINGS VOLUME LXXVI, 1987

Price £6 net for members, £7.50 for non-members

- LAUREL PHILLIPSON: *Quakerism in Cambridge before the Act of Toleration (1653–1689)*
CHRISTOPHER EVANS: *Nomads in 'Waterland'? Prehistoric Transhumance and Fenland Archaeology*
C.J. WEBSTER: *Ernest Greenfield's Excavation at Exning Roman Villa*
JEM POSTER and DAVID SHERLOCK: *Denny Abbey: The Nuns' Refectory*
PAUL FIRMAN and JOYCE PULLINGER: *Excavation at Riverside, Thompsons Lane, Cambridge*
IAN PAYNE: *Music at Jesus College, Cambridge, c. 1557–1679*
JOHN TWIGG: *Royal Mandates for Degrees in the Reign of Charles II (1660–85)*
JOHN MCCANN: *The First Cottage of Clay Bats?*

PROCEEDINGS VOLUME LXXVII, 1988

Price £6 net for members, £7.50 for non-members

- LAUREL PHILLIPSON: *Quakerism in Cambridge from the Act of Toleration to the End of the Nineteenth Century (1689–1900)*
JOHN MOSS-ECCARDT: *Archaeological Investigations in the Letchworth Area, 1958–1974: Blackhorse Road, Letchworth; Norton Road, Baldock; Wilbury Hill, Letchworth*
GLENYS GOETINCK: *The Wandlebury Legend and Welsh Romance*
T.E. MILLER: *Excavations in Great Chesterford Churchyard, Essex, 1986*
ANNE HOLTON-KRAYENBUHL: *Excavations on the Paddock, Ely*
HILARY WAYMENT: *Charlemagne and Two Demi-Virtues at Madingley*
SUZANNE M. EWARD: *Alma Mater Cantabrigia: A Device in Print and Plaster*
IAN PAYNE: *George Loosemore at Trinity College, Cambridge, 1660–1682*
JAMES ALSOP: *A Letter Relating to Thomas Baker's Cambridge University Collections*

PROCEEDINGS
OF THE
CAMBRIDGE ANTIQUARIAN
SOCIETY
(INCORPORATING THE CAMBS & HUNTS
ARCHAEOLOGICAL SOCIETY)



VOLUME LXXVIII

for 1989

Published by the Cambridge Antiquarian Society 1990

ISSN 0309-3606

OFFICERS AND COUNCIL, 1988-9

President

D.R. WILSON, M.A., F.S.A.

Vice-Presidents

R.E. GLASSCOCK, M.A., Ph.D., F.S.A.
MISS E.S. LEEDHAM-GREEN, M.A., Ph.D., F.S.A.
J.C.S. SHAW, M.A.

Disney Professor of Archaeology

PROFESSOR A.C. RENFREW, M.A., Sc.D, F.S.A., F.B.A.

Curator of the University Museum of Archaeology and Anthropology

D.W. PHILLIPSON, M.A., Ph.D., F.S.A., F.R.G.S.

Ordinary Members of Council

A.P. BAGGS, M.A., F.S.A.	MRS D.M. OWEN, M.A., Litt.D., F.S.A.
R.A. CUSHING, M.I.E.E.	J. G. POLLARD, M.A., F.S.A.
MISS A.R. le P. DARVALL, M.A.	MRS N.A. ROOKE, B.A.
J. GOLDSMITH, B.A., A.L.A.	C.J. SCARRE, M.A., Ph.D., F.S.A.
D.N. HALL, M.A., F.S.A.	M.W. THOMPSON, M.A., Ph.D., F.S.A.
N. HELLAWELL, Dip.Arch., Dip.T.P., R.I.B.A.	

Secretary

MISS A.S. BENDALL, M.A., A.L.A.

Editor

MISS M.D. CRA'STER, M.A., F.S.A.

Registrar

MRS. R. DESMOND

Treasurer

T.E. HOARE

Director of Fieldwork

J. ALEXANDER, M.A., Ph.D., F.S.A.

Editor of Conduit

R.I. BURN-MURDOCH, M.A.

Excursions Secretary

MRS A. HOLTON-KRAYENBUHL, B.A.

Hon. Librarian

J.D. PICKLES, M.A., Ph.D., F.S.A.

County Archaeological Officer

MISS A.F. TAYLOR, B.A.

Representative of Cambridgeshire Local History Society

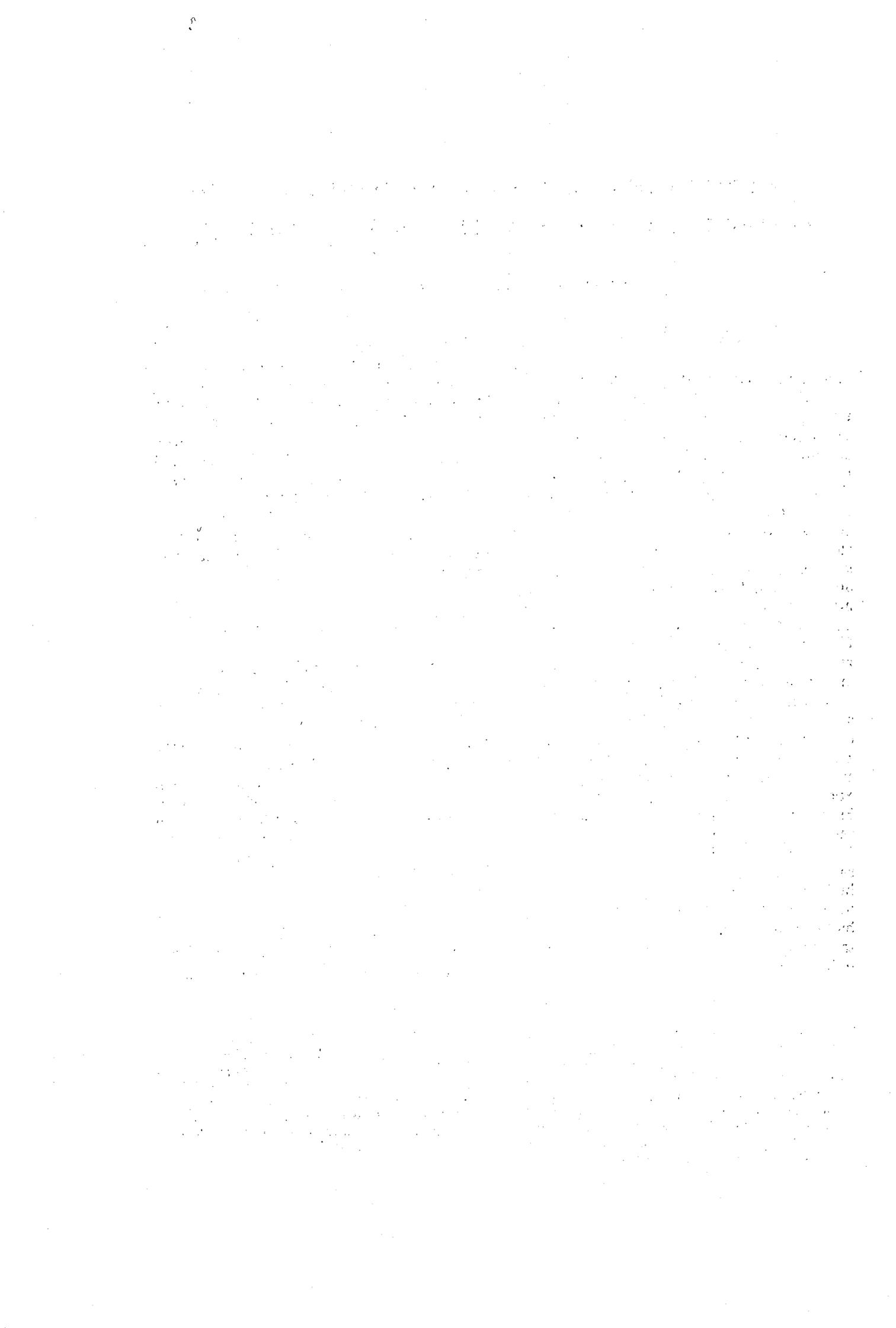
J.M.P. FARRAR, M.A.

Hon. Auditor

COUNTY TREASURER

CONTENTS

Skeletal Remains from a Roman Sarcophagus in the Collections of the Fitzwilliam Museum, Cambridge MARSHALL JOSEPH BECKER	1
The Site and Foundation of Peterhouse CATHERINE HALL & ROGER LOVATT	5
Ely Cathedral Precincts: the North Range ANNE HOLTON-KRAYENBUHL, THOMAS COCKE & TIM MALIM	47
Spaldwick, Cambridgeshire C.C. TAYLOR	71
Anglesey Abbey – a Resistivity Survey Exercise DAVID TRUMP	76
<i>Index</i>	83



THE SITE AND FOUNDATION OF PETERHOUSE

CATHERINE HALL & ROGER LOVATT

I

In a previous article in this journal it was explained why that great pioneering work, Willis and Clark's *Architectural History of the University of Cambridge*, a century after its publication, should now, in some measure, be subjected to critical revision.¹ Overall it remains as indispensable as ever. But where new evidence, overlooked or unused by Clark, has come to light, or where our present greater understanding of some aspects of our medieval past shows us that Clark misinterpreted his sources, we can no longer adopt the totally uncritical attitude of T.A. Walker, historian of Peterhouse, who wrote, 'I have followed the track of the late Dr J.W. Clark through many . . . documents in the College Treasury; I have never found occasion to differ from him. . . .'² It is Clark's work that is primarily considered here, since the final interpretation and presentation of the evidence in a smooth and continuous narrative were his. And it is to Clark that we owe those fascinating conjectural reconstructions of the sites of the Colleges before their buildings were undertaken, and for which therefore there is little or no visible or exactly recorded corroborative evidence, such as was Willis' forte. This, therefore, seems one of the aspects of Clark's work that most obviously needs re-examination. It is perhaps also the case that the predominantly topographical and architectural stance adopted by Willis and Clark can usefully be supplemented by a more historical approach.

This article deals with the site of Peterhouse, the process of its acquisition by the scholars and the pattern of its previous ownership. We are concerned with the establishment of the College as a physical

entity, expressed in terms of land and buildings. The documentary evidence remaining in the Treasury of that College is wonderfully full and almost complete – that is to say, with minimal recorded loss. The 'Ecclesia' Box, the 'Collegium' Box and, particularly, the 'Situs Collegii' Box, between them contain with one exception all that was legally necessary to prove the title of the College and indeed of the previous owners from whom the component parts of the site were obtained. To these has been added evidence from the Hundred Rolls, which often takes the provenance of individual tenements further back than the extant title-deeds; and for those parts of the college site which came to the College with the church of St Peter, the muniments of St John's College can similarly be used for supplementary evidence. To check the descent of ownership of each component holding on the site, from as early as possible until its acquisition by the College, or by trustees for the College, and thence into its final absorption and amalgamation, often (but not invariably) under a Licence of Mortmain, has been principally the work of Roger Lovatt and is largely represented by Part II of this study. For it was in the course of such checking that it became clear to him that Clark had not always understood the legal processes involved, such as interim transfer to co-feoffees acting as trustees for the College. As a result, Clark had collected up rather too many previous owners, and so added extra pieces to the jig-saw puzzle of the site. Only when the descent of ownership was established for every component piece and checked with the existing deeds to ensure that all documents were used, and none deemed irrelevant or re-used, was it possible to know

1 H. Richmond, C. Hall and A. Taylor, 'Recent Discoveries in Gonville and Caius College', *Proceedings of the Cambridge Antiquarian Society*

LXXI (1981), 95–110, esp. p. 95.

2 T.A. Walker, *Peterhouse* (Cambridge, 1935), p. 145.

exactly how many properties were involved, and which boundary descriptions or names of adjacent owners were relevant to each piece. It was believed that the extant deeds should, when correctly allocated, account for the whole site, so that it would not be necessary to postulate, as Clark had done, considerable loss of former title-deeds for the greater part of the ground upon which the College erected its first main buildings.³

The plotting on the site plan of its various component parts prior to their acquisition by the College has been the work of Catherine Hall and largely occupies the first part of our study. Its position there exemplifies a theme which will subsequently be developed at length. For one of the most important conclusions to arise from our joint labours is that the disposition of the older parts of the College as they exist today sprang directly from a pattern of land ownership which was already in existence by 1284. The distinctive plan of the College manifests a topography which was well established before the scholars moved from the Hospital of St John to their new site off Trumpington Street. Our starting point must therefore be the nature of the site as it changed during the half-century before 1284. Only from this point of origin can we explain the unusual alignment of the Hall, parallel to – rather than facing – the present entrance to the College, the distinctive placing of Old Court well back from the street frontage, and the unusual siting of both the Chapel and the Library adjacent to the street which the earlier disposition of Old Court later made possible (Map 4). To those familiar with the acts of destruction and clearance which underlay the creation of New College or King's College this theme of continuity may be unexpected. But we are here in an area where town influenced gown in the most precise and subtle ways. What is more, this topographical continuity is matched by a human continuity. We are so accustomed to identifying Peterhouse as the earliest Cambridge college that we readily forget both that scholars seem to have been resident in the

Hospital of St John well before Bishop Hugh of Balsham introduced his own protégés, and also that the two hostels adjacent to the church of St Peter, to which the bishop subsequently transferred his community, had for more than a generation previously served as lodgings for university students.⁴ It was not the presence of the scholars in either Hospital or hostels that was a novelty, but their status as dependents of the bishop. With regard to both the scholars and their land the essential element is one of continuity and development rather than of a radical break with the past. It is crucial therefore in considering the history of the site to start, as far as the detailed evidence will allow, from the very beginning.

Catherine Hall's criticism of the published plans began with the realization that there seemed to have been no attempt on the part of Clark to make use of known measurements or of given quantities of land involved in any transaction. A selion and an acre were apparently regarded as much of a muchness and allocated on the map accordingly. Perhaps Clark subscribed to a view, very prevalent in his time, that our medieval ancestors were vague and incompetent in the matter of measuring and describing land. It is now abundantly clear to us that this was not so, and that within recognized conventions they were highly accurate about this valuable commodity, particularly when it came in small parcels. Documents Coll. Sit. B 7, B 8 and B 13 make the point admirably. In connection with a proposed exchange of an acre of land between the College and the Friars of the Sack, in 1295, it is explicitly stated that if the land offered for exchange by either party is found to be deficient in length, when measured by a rod of 16½ ft (the standard measure), the owner will compensate by granting extra width to make up the overall quantity. Taking this strict view of measurement at its face value, it is found that the length of the land involved was indeed short, about three-quarters of the average furlong. And so to the normal 66 ft width of the customary acrehead is added another 22 ft

3 R. Willis and J.W. Clark, *The Architectural History of the University of Cambridge* (4 vols., Cambridge, 1886), I, p. 2 and n.1; also p. 8.

4 M. Rubin, *Charity and Community in Medieval Cambridge* (Cambridge, 1987) pp. 271–2. The only natural interpretation of the 1246 concession

made by the university to the Hospital that these hostels would be exempt from taxation is that they were being used, or were about to be used, for student accommodation; see St John's College Archives, D 3. 58.

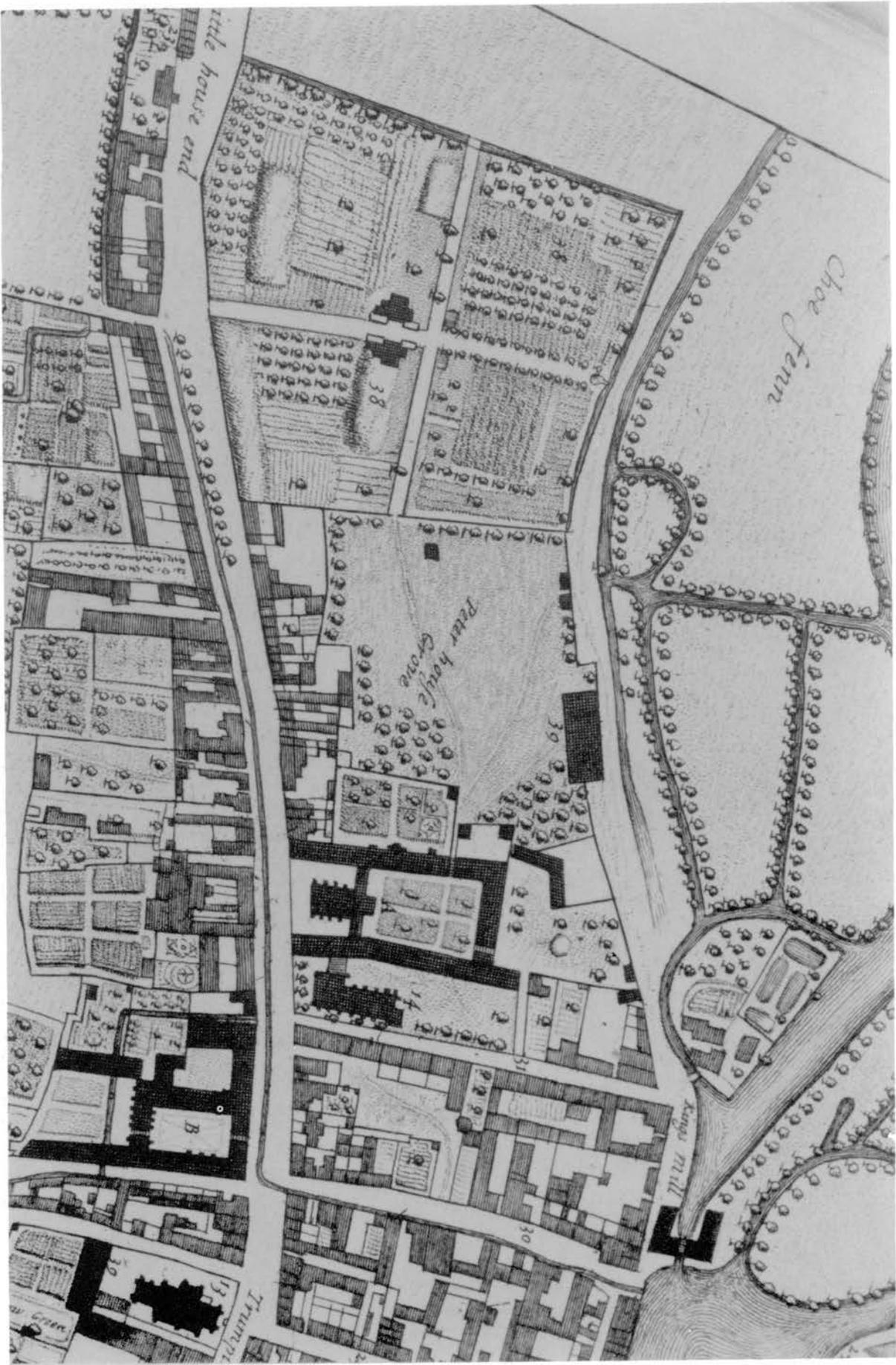
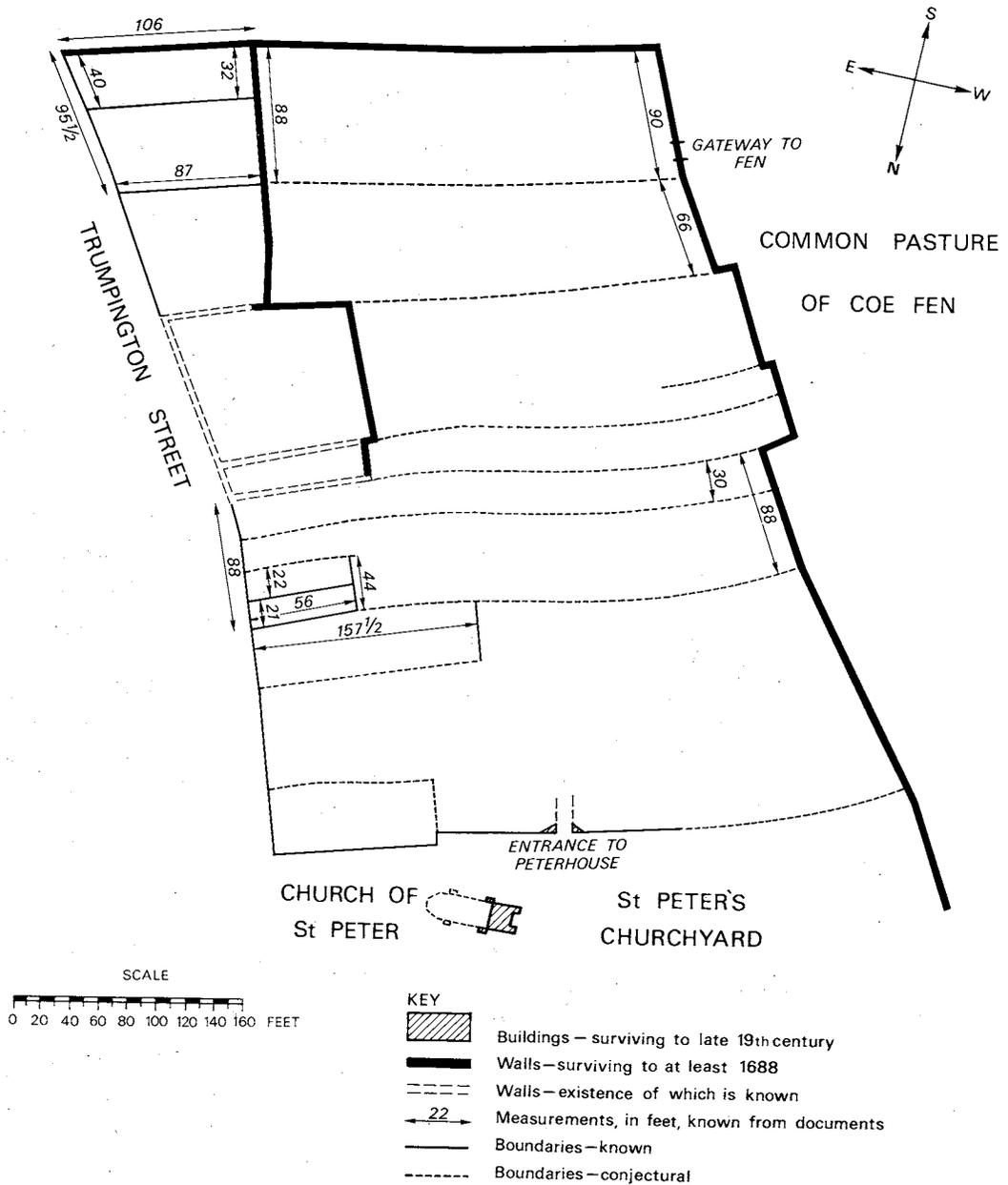


Figure 1. Peterhouse, from Loggan's map of Cambridge, 1688.



Map 1. Topography of the site of Peterhouse, showing known boundaries and measurements.

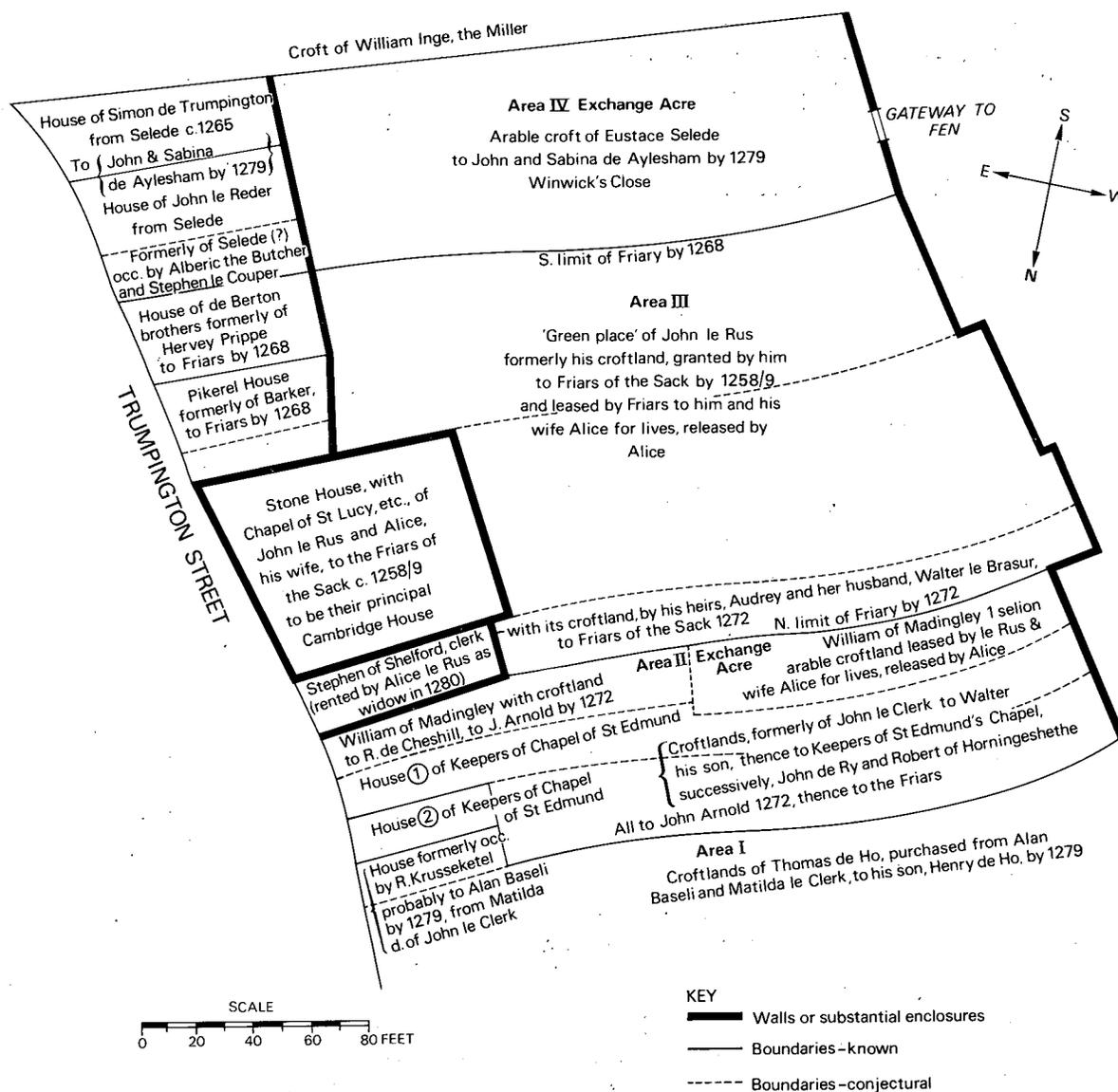
($3/4 \times 4/3$) making up the exact customary acre (Maps 1 and 2). To be able to use and rely upon given measurements in the documentary evidence makes plotting both easier and more accurate.

From topographical study of the site as it now exists, and of such surveyed plans as survive, another interesting form of evidence emerges. Clark's published plan records, but

does not make use of, two important outline boundaries.⁵ One is the splendid existing wall separating the college land from the 'common pasture' of Coe Fen. Although not certainly built up in stone until the end of the Middle Ages it marks a much more ancient boundary, probably a ditch, such as survives as the boundary further south.⁶ The wall has been faithfully maintained and repaired for five

5 Willis and Clark, *Architectural History*, IV, Plan 2, fig. 1.

6 *Ibid.*, I, p. 14, suggesting that the present wall was completed in 1501-2.



Map 2. Site of the Friars of the Sack, 1258-1279. Provenance of houses and land.

centuries to the present day, and its curious course is therefore valuable evidence of the pre-existing extent of the former arable crofts purchased by the College shortly after its foundation. The other recorded boundary is that between the old Peterhouse Grove, or gardens, and the built-up Trumpington Street frontage, which survived long enough to be surveyed by Logan in 1688 (Fig. 1). This boundary wall marked the other, eastern end of the same croftlands towards the street. No doubt these croftlands had once extended up to Trumpington Street in an unbroken stretch of arable, but the suburban expansion of Cambridge southwards had resulted in a

characteristic fringe of little, and not so little, dwellings along the street frontage, for the form taken by suburban development has, until very recently, been remarkably traditional. The greater number of existing documents indeed relate to the houses on the street frontage, but some of these deeds include or refer to the croftland behind. And for the purposes of plotting the site, it is the boundaries of the croftlands which provide the key to the underlying pattern, and to the proportions into which the larger portions of the site should be divided.

Croftlands were normally ploughed in the same way as the arable of the open fields, and

so the same characteristic 'reversed-S-bend' can be assumed to have determined their original layout. When such curved ploughing lines are applied to the basic outline pattern of 'heads' and 'tails' of the strips a remarkable correspondence emerges. Croftlands were both owned and managed in severalty, giving the individual owner freedom to decide both how far into the fen it was prudent to plough, and how much he would sell off for house-plots when suburban development became profitable. So the otherwise strange 'stepped' outlines of the fen wall and the Grove wall begin to make sense as a series of cross walls marking the west and east ends of individual strip-like crofts (Map 1). And the north face of the central, bastion-like section of the fen wall is seen to correspond with the known course of a former east-west wall, possibly surviving in part, as shown in Hamond's map of 1592, dividing the 'backside & Walkes' from the enclosed Fellows' Garden (Fig. 2). The line of this east-west wall is particularly important for dividing the site into its component sections, since it represents the original northern boundary of 1272 of the holding of the Friars of the Sack, who occupied the central sections of the site. To the north of this wall, between it and the south wall of the built-up college site proper, is a block of land measuring 88 ft at both the fen and street ends. This is the 'Exchange Acre' (referred to in documents Coll. Sit. B 7 and B 8) acquired by the College from the Friars in 1295 (Map 2). The equivalent acre transferred to the Friars by the College lay at the southernmost part of the site. Here the curved pattern of the original arable is slightly at variance with the straightened east-west wall, built (or re-built) in 1502 to separate it from croft beyond it to the south (though, from the Fen, one can see that the wall is *not* as straight as Clark's plan would have us believe). Measurement of width at the street frontage is also complicated by its not being at right angles to the ploughing lines. Nevertheless, this acre is also 88 ft wide at its narrowest point on the 'Grove' boundary wall, and 90 ft and 95½ ft wide at fen and street ends respectively – the extent of this

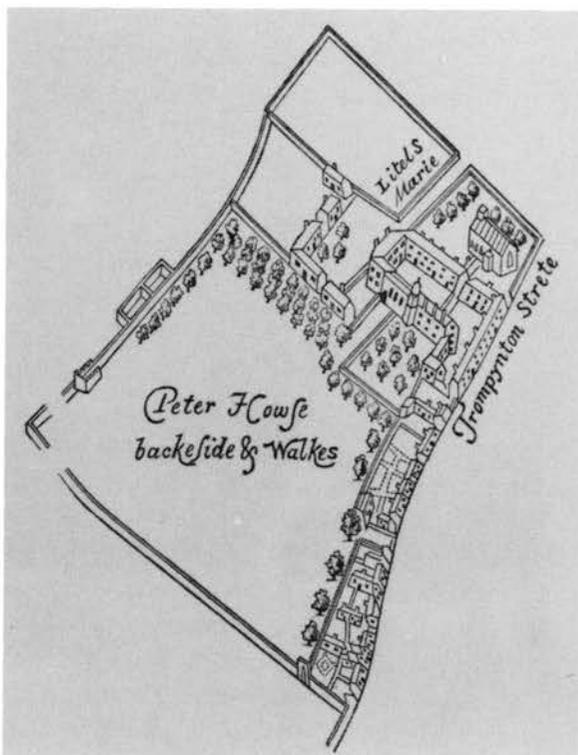


Figure 2. Peterhouse, from Hamond's map of Cambridge, 1592.

section of land at the fen end being marked by a noticeable change of direction in the wall (Map 1).

One further point in connection with measurement should be made here. Widths of house-plots known to us from documentary evidence relating to other properties in the southern parts of the town of Cambridge reveal a recurrent 21–22 ft, or sometimes, for a larger or double-sized house, a 44 ft width.⁷ This suggests that when an existing acre-head of land was to be built on it was normally divided into three house-plots. Known widths, in connection with the houses on the frontage of the more northerly exchange acre, are given in documents Coll. Sit. A 14 and A 17 and confirm that this practice had been the norm on the Peterhouse site also. For this 88 ft frontage contained four houses, of which the second from the north end was itself 22 ft wide but backed on to a 44 ft wide croft lying in part behind it, and in part behind the adjacent house to the north. Thus the 88 ft width of the

⁷ Examples of houses with these measurements may be found in the Corpus Christi College muniments (henceforth C.C.C.). For a house in Cutler Row with a 21 ft (internally measured) width, see

Deedbook of Sir John de Cambridge, f. 10. A house of John and Sabina de Aylesham, on the present Pembroke College site, had a 44 ft frontage; see Liber Albus, f. 56.

more northerly exchange acre may also be seen in terms of four actual or potential messuages on the street front. It is of some interest to note that three messuages only were conveyed with the acre by both parties, in what was deemed to be a fair exchange.

Thus the site falls naturally into four areas of known dimensions; which, working from north to south, may be described as:

- I The college site proper, lying between the churchyard (formerly of St Peter) and the south wall of the college's main court. (Map 3)
- II The Exchange Acre (Friars to College) of 1295.
- III The 'hard-core' of the site of the Friars of the Sack.
- IV The other Exchange Acre (College to Friars) of 1295, also known as Winwick's Close.

Although the college site proper (Area I) is obviously the most important, and the site of the former Friary of the Brethren of the Penance of Jesus Christ, or 'Friars of the Sack', (Area III) hardly less interesting, the amount of accurate measurement given by the documentation of the exchange acres, already alluded to, makes it convenient for purposes of plotting to begin with the more southerly of these two acres.

Area IV, or Winwick's Close (Map 2)

This 'popular' name, which persisted for decades, if not centuries, in college administrative use, was that of the senior of the two co-feoffees, acting as trustees for the College, into whose hands the Exchange Acre was conveyed in 1295 prior to the completion of the exchange with the Friars.⁸ In the normal way these co-feoffees would have followed the charters making the land over to the Friars with quitclaims on their personal interest in the matter, and then retired from

the affair. But the Friars were themselves shortly due to leave the area altogether, and so, probably in consequence of reversionary arrangements set out in Coll. Sit. B 6 with such a contingency in view, the property was again, or still, in the hands of Robert de Winwick, senior, when he transferred it in 1308 to Robert de Winwick, junior, and Roger de Beccles, who were still holding it as late as 1333.⁹ After being held for so long under one name, it was no wonder that this name stuck, though it seems probable that at this later stage it was applied more generally to the former croftlands made into a self-contained 'close' behind the houses, and possibly enlarged by the inclusion of other croftland to the north which had not formed part of the original exchange acre.

A similar croft, but without any houses at its street front, lay to the south of Winwick's Close, and though it had long belonged to the Gilbertine Priory of St Edmund, or White Canons, it continued for many decades to bear the name of the owner from whom they had obtained it, William Inge, found in a variety of spellings ranging from Hyngge to Inglishe.¹⁰ Under his alternative appellation of William the Miller (Will' Molendinarius), William Inge appears as a neighbour in the earliest of the surviving documents relating to the house properties fronting the street on this 'exchange acre', thereby showing the house that it refers to as being the most southerly.¹¹ This property was rather larger than the average and on a slightly irregular site, carefully described with its measurements as 'the tenement with buildings upon it which William Gastineys formerly held in Trumpitonestrate without the Gate of Cambridge, and it lies between the messuage of John le Reder and the messuage of William the Miller, and extends from the highway to my croft 106 ft; of which tenement one head on the highway has a width of 40 ft and the

8. Peterhouse Treasury (henceforth P.T.); Coll. Sit. B 4-8. The rest of this study is based above all on a close examination of the P.T. deeds which record the early history of the College's present site and on our resulting sense that these deeds have been misinterpreted by later scholars. For this reason attention is concentrated on the deeds themselves and few references are made to secondary works. But it would be wrong not to acknowledge here the contribution made to this subject by Willis and Clark, *Architectural History*,

1, pp. 1-8 and IV, plan 2; F.W. Maitland, *Township and Borough* (Cambridge, 1898; reprinted 1964) and H.P. Stokes, *Outside the Trumpington Gates before Peterhouse was Founded*, Cambridge Antiquarian Society, Octavo Publications, XLIV (1908).

9. P.T., Coll. Sit. B 19, B 25, C 2.

10. Willis and Clark, *Architectural History*, I, p. 1. Also as 'Ingelys' in Terriers of the East Fields in C.C.C. XVII.5 (15th cent.).

11. P.T., Coll. Sit. A 21.

other head on the croft a width of 32 ft'. The grantor of this tenement and owner of the croft is Eustace Selede, whose other name has come down to us as Eustace Pinberd (beard). He is selling the tenement to Simon de Trumpington, carpenter, for 10s in hand and an annual quitrent of 2d and two capons at Christmas. There is a curious addition to the normal warranty clause (against all Christians and Jews) in this charter, to the effect that, if Simon is turned out, Eustace will provide him with an alternative house, one on the far side of that of John le Reder. One suspects that Eustace is already in financial difficulties. About this time he sells another property (in Area I) and subsequently his croft also.¹² This charter, from the names of its witnesses, cannot be later than c. 1265.

The next house to the north, named in the charter already cited as the messuage of John le Reder, is shown in the Hundred Rolls as having been bought by him from Simon Selede, elder brother of Eustace, 'whose inheritance it was'.¹³ This house carried a fairly heavy charitable rent-charge of 3 shillings to the Prior of Barnwell, and was probably the original 'capital messuage' or family house, to which all the croftland at the rear had traditionally been attached. Indeed, the careful delineation and measurements of the messuage being sold by Eustace Selede to Simon de Trumpington suggest a portion carved out of a larger whole.¹⁴ On the north side of the Le Reder house was the potential house-plot which Eustace Selede had offered as an alternative to Simon de Trumpington. It appears however that the bailiffs did not dispossess Simon, for he subsequently sold his house to John de Aylesham and Sabina his wife for two silver marks (a good profit on the ten shillings for which he had bought it) at some point shortly before 1279.¹⁵ In the same year John and Sabina also bought the Le Reder house, along with its rent-charge to Barnwell Priory (now converted into 2 shillings and two capons at Christmas annually) and with a midsummer rose quitrent to the Le Reders.¹⁶

Eustace Selede also sold John de Aylesham the acre croft behind the houses, by a charter now missing but recorded in Matthew Wren's Inventory as being 'of land from the street to the common pasture'.¹⁷ By the time of the survey of 1279 all the former Selede property comprising the Exchange Acre was in de Aylesham's hands except one house in the north-east corner, backing on to the croft. We have no long sequence of title deeds for this last house, the earliest being of 1296, but previous occupants or owners named in the deeds of neighbouring houses are Alberic the butcher, and Stephen le Cupere or Couper.¹⁸ It was not transferred to the College's co-tenants arranging the exchange with the Friars (Winwick and Malebraunche) until the March following the main transfer by the de Ayleshams in August 1295. It was then received from John de Branketre, burgess of Cambridge, with the briefest of deeds describing the position of the property accurately but giving no provenance.¹⁹ It is possible that de Branketre was only temporarily holding the house for purposes of business or convenience arranged with his fellow-burgess, John de Aylesham. De Branketre's own considerable properties lay in quite another part of the town. It is also possible that in connection with his duties as town bailiff, an office he held more than once, he obtained it by distraint from a defaulting tenant or indebted owner, something that Selede had feared might happen to his house in the south-east corner of this area.²⁰

Area III (Map 2)

This area covers the possessions of the Brothers of the Penance of Jesus Christ, commonly called Friars of the Sack, as they were confirmed to them by two royal deeds, a Licence of 25 June, 52 Henry III (1268) and a supplementary Fine of 56 Henry III (Trinity 1272).²¹ At the heart of their site was the walled complex of their main buildings, clustered round 'the stone house formerly of John le Rus'. Le Rus and his wife Alice had

12 P.T., Coll. Sit. A 25 and Wren Inventory, f. 3.
 13 *Rotuli Hundredorum* (2 vols, Record Commission, 1812-18), II, p. 372a.
 14 P.T., Coll. Sit. A 21.
 15 P.T., Coll. Sit. A 22.
 16 P.T., Coll. Sit. A 24.
 17 P.T., Wren Inventory, f. 3^v, formerly Coll. Sit. A 23.

18 P.T., Coll. Sit. B 5; see also, A 4 and A 24.
 19 P.T., Coll. Sit. B 5.
 20 *Rotuli Hundredorum*, II, p. 378b. De Branketre was a bailiff in 1291; see C.C.C. XII.16 and Maitland, *Township and Borough*, pp. 135-6.
 21 P.T., Coll. Sit. A 11, A 13.

made over their property to the Friars at some point shortly before 1259, following their grant with an agreement to rent back a small house in the north part of the complex and most of the rear croftland, for the term of their lives or that of the longer liver.²²

Topographically, the Friars' buildings are indicated by the greater depth of the area marked off by the wall shown in Loggan's print of 1688 (Fig. 1). The section of croft immediately behind this walled complex also juts out further westwards into Coe Fen. By the time of his grant Le Rus had already extended his possessions southwards into the croftlands intermediate between the stone house wall and the arable croft of Eustace Seledé (Area IV). And it would appear that he had thrown all his croftlands into a single pasture close or 'green place', for it is so described in the agreement by which the Friars leased it back to him, and in which they also reserved to themselves the right of passage to the common fen by a driftway thirteen feet wide 'nearer to the arable on the south'.²³ This intermediate section of land measured about the standard 66 ft at the edge of the fen, but widened to about 88 ft by the time that it reached the back of the house properties fronting the street. The wall of 1688 shows an angle dividing it into two roughly equal parts, possibly representing the division between two house properties. There were in fact two messuages here on the street frontage which had never belonged to Le Rus, but by 1268 both had been purchased by the Friars for the enlargement of their site after obtaining a licence to do so from the Hospital of St John, then owners of the parish church.²⁴ This purchase brought the Friars' southern boundary to the edge of the future Exchange Acre (Area IV).

Of the two houses, the more southerly, purchased at a price of 6 marks (£4), was the better property.²⁵ Most frequently found described as the house of Hervey Prippe, it had formerly been the family-house or capital messuage of Prippe's father, Simon the Carter

(alias Simon Sephar) and had probably once had its own croftland at the rear, as well as carrying a considerable weight of ancient rent-charges. But the heaviest and most recent burden upon it at the time of the Friars' purchase, an annual rent of 4 shillings to the third of the co-heirs of John de Berton (purchasers of the house from Prippe), was quitclaimed by this co-heir shortly after the grant of the house to the Friars by his two brothers, Hoel and Thomas de Berton.²⁶

The provenance of the more northerly house, usually called the Pikerel house, can be traced back to the period before Le Rus' grant to the Friars; for the first of its title-deeds names John le Rus as the current owner of the adjacent land at the side and rear.²⁷ This deed records the purchase of the house by Henry Pikerel from one Richard Smeredes. Among the antiquated customary charges upon it (a pair of white gloves worth one halfpenny annually at Easter) there is a quitrent of 18d plus two capons at Michaelmas to the heirs of the St Edmund family, anciently chief lords of the fee, and the lands of John le Rus are said to be 'of the same fee'. At some date before 1262, Henry Pikerel sold his house to Stephen Barker (Bercarius) for 20 shillings, sealing the transaction with a pleasant device of a pikerel. The descent of this house is corroborated in the Hundred Rolls.²⁸

It was after the grant made by John le Rus to the Friars that Stephen Barker, with the consent of his wife Emma, likewise made over their house 'for the good of their souls', since their deed of grant describes the house as being 'next to the stone house formerly of John le Rus'.²⁹ Changing hands apparently as a charitable gift without any recorded cash payment, the house was guaranteed to the Friars by the transfer of its charters of feoffment. Shortly afterwards the Friars were able to redeem the St Edmund rent-charge at a price of 20 shillings, and the other smaller quitrents were also bought out prior to the securing of the royal licence of 1268.³⁰

Between 1268 and 1272 the Friars acquired

22 P.T., Coll. Sit. A 2, A 9; also, *Liber Memorandum Ecclesie de Bernewelle*, ed. J.W. Clark (Cambridge, 1907), p. 218.

23 P.T., Coll. Sit. A 9.

24 P.T., Coll. Sit. A 19.

25 P.T., Coll. Sit. A 4.

26 P.T., Coll. Sit. A 3.

27 P.T., Coll. Sit. A 5.

28 P.T., Coll. Sit. A 6; *Rotuli Hundredorum*, II, p. 371b.

29 P.T., Coll. Sit. A 7.

30 P.T., Coll. Sit. A 8. The extinction of the other quitrents is indicated by the terms of the royal licence, Coll. Sit. A 11.

one further property which had hitherto blocked their direct expansion to the north of their main site. This was a messuage with its own croftland, extending from the street to the common pasture, which had been for many years in the family of Stephen of Shelford, clerk. After descending to Stephen's daughter, Audrey, it was transferred to the Friars by Audrey and her husband, Walter the Brewer (le Brasur).³¹ They obtained a good price for it, 8 marks, as well as the spiritual benefits sought by the Barkers. It too had probably been an old family house, for it was charged with the ancient tax of 'hawgafol' at 1½d, as well as 2d annually to the Prior of Barnwell. A Final Concord, negotiated before the royal justices at Cambridge in 1272, confirmed the Friars in possession. The dwelling house part of the property was not quite so deep as the Le Rus walled complex but was likewise walled. And their crofts were co-extensive to the edge of Coe Fen.³²

Area II (Maps 1 and 2)

This area consists of the acre exchanged by the Friars with the College for Winwick's Close (Area IV) in 1295. Its southern limit was the friar's boundary of 1272, already mentioned, running back from the street westwards to the Fen. Its northern boundary was the college site proper as now built up. On the street the frontage was 88 ft wide, and at the Fen, as marked by a slight angle in the wall, also 88 ft, and the area was thus an acre of short length but extra width, under the terms of the exchange agreement.³³ The frontage contained four houses, each presumably approximating to the normal 22 ft in width. Three of these houses were exchanged with the croftland. But the most northerly was not, for the croft going with the third house, extending 22 ft further to the north behind its neighbouring house, completed the acre without it.³⁴

The most southerly of the properties in this acre, lying immediately next to Stephen of

Shelford's messuage, had belonged to William, son of Roger of Madingley, carpenter.³⁵ Before the advent of the Friars, John le Rus had taken out a lease of a section of the croftland at the rear lying between the 'close' of the dwelling house and the common pasture, for the term of his life and that of his wife.³⁶ He retained the use of it at the time of his agreement with the Friars, but after his death his widow Alice relinquished her claims upon it.³⁷ It is described as a perch of land running along the north side of the Friars' wall and of thirty feet in width. It then presumably reverted to the possession of the heirs or assigns of William of Madingley and is subsequently found being sold, with the dwelling house, by Robert de Cheshill, tanner, to John Arnold of Trumpington, some time before 1272.³⁸ The rest of the land comprising this acre, lying to the north of William of Madingley's messuage, had once belonged to the Chapel of St Edmund. It had been the gift of Master Walter, son of John le Clerk of Cambridge, and was confirmed to the Chapel 'with the body of his mother'.³⁹ The property was then granted out to the Keeper of the Chapel for his use and maintenance, and we find that John de Ry, Keeper, duly passed it to his successor, Robert of Horningsheth.⁴⁰ The latter, however, appears to have considered it disposable at will, like any other secular property. A pair of houses stood on the street frontage of the plot, both sufficiently old to be liable for hawgafol, the southerly and presumably smaller one at ½d a year, the other, which had the double croft behind, at 1½d. Robert of Horningsheth, the Keeper, disposed of the smaller house first, to John Arnold of Trumpington, who had recently purchased the adjacent house of Robert de Cheshill.⁴¹ Horningsheth then, by a deed dated 26 August 1272, sold the main house and its double croft to the same John Arnold, in exchange for lands in Trumpington.⁴² It is quite possible that the whole purchase was arranged by John Arnold with the intention of making the holding available to the Friars.

31 P.T., Coll. Sit. A 12.

32 P.T., Coll. Sit. A 13 and Collegium A2.

33 P.T., Coll. Sit. B 6-8.

34 P.T., Coll. Sit. A 14.

35 P.T., Coll. Sit. A 16.

36 P.T., Coll. Sit. A 1.

37 P.T., Coll. Sit. A 10.

38 P.T., Coll. Sit. A 16.

39 P.T., Coll. Sit. A 14.

40 P.T., Coll. Sit. A 15.

41 P.T., Coll. Sit. A 15, A 16.

42 P.T., Coll. Sit. A 14.

Shortly afterwards he did so, by a pair of charters, one granting the most northerly house with its double croft, carrying the 1½d hawgafol tax, and the other conveying the two houses to the south with their croft.⁴³ Both charters are sealed with an armorial device of a shield bearing three trumpets reminiscent of that on the splendid and famous brass of Sir Roger de Trumpington. This grant to the Friars was, however, just too late to obtain confirmation by the royal justices, as had been done for the grant of the messuage of Stephen of Shelford earlier in the summer of 1272, though the estimate given in the Hundred Rolls, that the Friars' site contained 'more than three acres', would seem to have included this acre of unconfirmed grant with the rest.⁴⁴

By 1279, in one way or another, the Friars had obtained a site extending on the south from their boundary with the lands bought by John de Aylesham and his wife Sabina from Eustace Seledé, and on the north to the further boundary of the former lands of the Keeper of the Chapel of St Edmund. This site included all the dwelling houses on the street frontage except one in the extreme north-easterly corner. This house had a width of 22 ft where it backed on to the double croft of the Keeper's former messuage, and was said to have been formerly 'of Robert Krussekettel'.⁴⁵ No further descent of any house with an owner of that name has been preserved. But in the Hundred Rolls a house in the possession of Alan Baseli has a suggestive provenance.⁴⁶ It was bought by Baseli 'of Matilda, daughter of John le Clerk of Cambridge, whose brother, Master Walter, inherited it and gave it to her'. It carried rent-charges to another brother and to a chaplain saying a Mass of the Blessed Virgin Mary in St Mary's Church, that is, St Mary-in-the-Market which was then becoming a considerable centre of Marian devotion which was to crystallize into the Guild of St Mary. A gift of this nature would explain why this one house was separated from the remainder of Master Walter's property before he made the rest over to the Keeper of the Chapel 'with the body of his mother'. Baseli is, incidentally, found as a witness in some of

the Friars' charters of the early 1270s, for instance, the grant to them of the de Shelford messuage.⁴⁷ It does not seem unreasonable to identify the 'former Krussekettel' house, of which the unknown Krussekettel may have been merely a temporary occupant, with the Baseli house of the Hundred Rolls. Baseli will appear again as a neighbouring owner to a property in the next area.

Area I (Map 3)

Having eliminated from the College's ancient deeds of title all those that can be satisfactorily related to the areas II–IV of the site already discussed, there remain relatively few documents to cover the last, but most fundamental and most difficult section, the college site proper. And to this we must add the small 'Krussekettel/Baseli' house, identified as to existence in the north-east corner of Area II, but otherwise not yet accounted for. Those remaining title deeds in the Situs Collegii box dating from before 1300 may indeed be few in number, but there is no reason to suppose that they fail to account for the legal title to all the properties along the street frontage of the present College. For by 1299 these properties had all come into the possession of a single owner, Sabina, widow of Peter de Wylburham and (by this time) also widow of John de Aylesham, and were consequently incorporated into a single 'capital messuage', capable of being conveyed by a single deed of title. Two 'back' deeds of title only would appear to have been passed with the conveyance of this capital messuage on 7 October 1299 to Master Richard de Conington and Master Herbert de Shepereth, co-feoffees acting on behalf of the College.⁴⁸ But according to the conventions of the time, these two deeds were quite adequate, since they were those of the two earliest acquisitions from which the greater whole was built up, and between them account for the provenance and the bounds of the most northerly and southerly parts of the combined estate. From the wording of the conveyance it was clearly a multiple property, 'meum messuagium integrum', with buildings,

43 P.T., Coll. Sit. A 17, A 18.

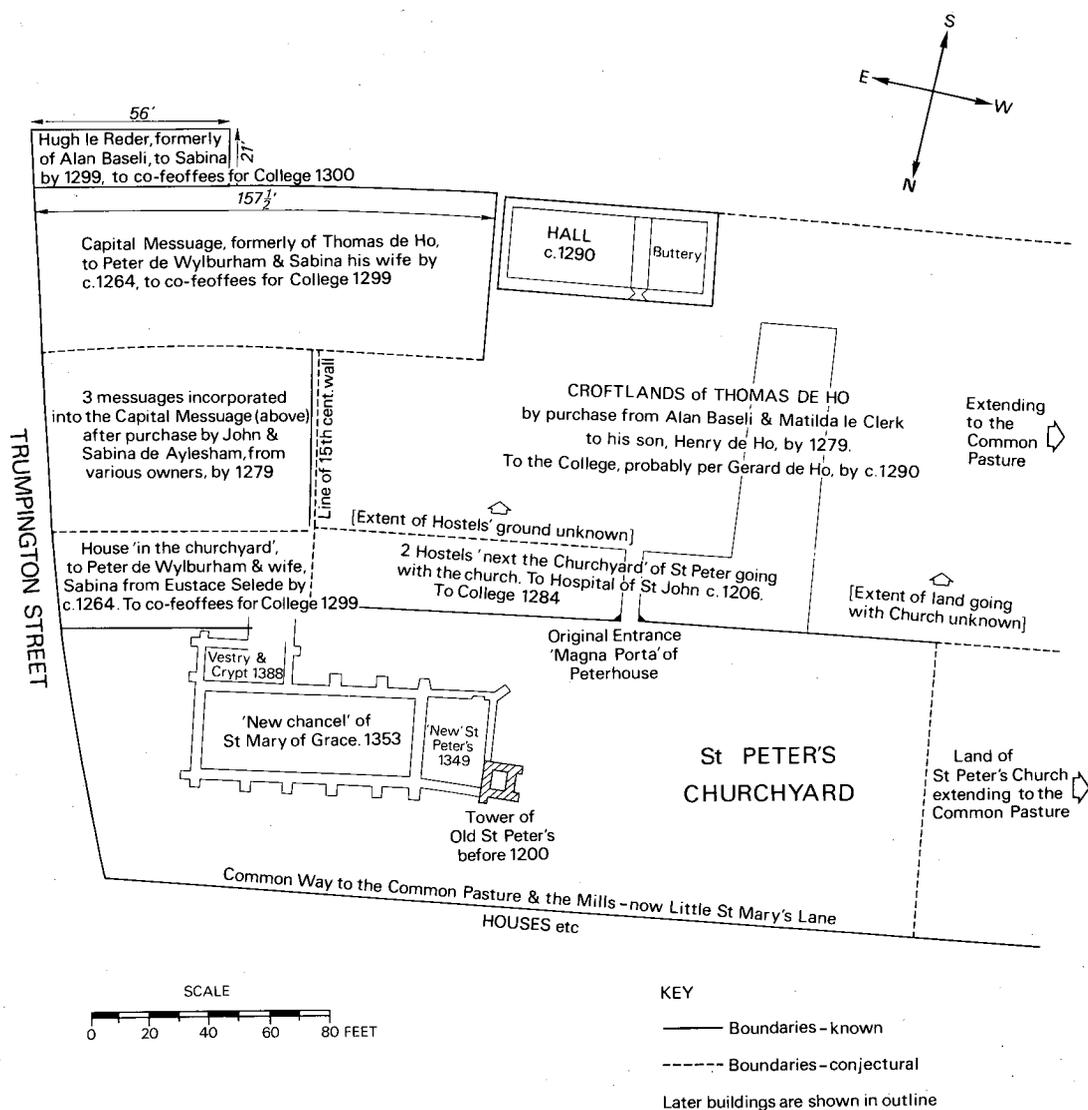
44 *Rotuli Hundredorum*, II, p. 360b.

45 P.T., Coll. Sit. A 14, A 17.

46 *Rotuli Hundredorum*, II, p. 372b.

47 P.T., Coll. Sit. A 12; also A 4, A 7, A 8, A 18, A 19.

48 P.T., Coll. Sit. B 9; the two 'back' deeds, which are discussed below, pp. 17–18 are Coll. Sit. A 25, A 26.



Map 3. College site and early buildings. Area I.

gardens, yards and various other appurtenances. How many houses it comprised altogether is not known with certainty; but since we learn from the Hundred Rolls that John and Sabina de Aylesham possessed between them nine houses in the parish of St Peter, and of these only four can definitely be accounted for elsewhere (two on the Peterhouse site in Area IV and two on the opposite side of Trumpington Street) it might be conjectured that about three smaller tenements lay between the two whose title-deeds we have.⁴⁹ There is reasonable space for this number.

One other small tenement should be considered here, although as forming part of the combined capital message it has likewise left us no 'back' title-deeds. This is the small tenement described as adjoining the capital message on the south side and the most southerly of Sabina's properties. It was specifically excluded by Sabina from the main conveyance of 1299, but in the following year the widow changed her mind and made it over to the same pair of co-feoffees by a second charter.⁵⁰ In this document its dimensions are given as 21 ft in width on the street frontage and 56 ft in depth. Its neighbours southwards

49 *Rotuli Hundredorum*, II, pp. 371-2.

50 P T., Coll. Sit. B 9, B 11.

and to the rear are the Scholars of the Bishop of Ely, and its mode of acquisition is given as 'bought from Hugh le Reder'. Since no house of this provenance appears among the nine belonging to the Ayleshams in the Hundred Rolls of 1279, nor does Hugh le Reder himself appear as a house owner in the parish, there is no means of knowing from whom Hugh le Reder had acquired it or when, other than that it must have been after 1279. Conversely, there is no reason why the previous owner should not have been that Alan Baseli named in the Hundred Rolls in connection with the small house of mysterious provenance discussed in the last section. Both the size of the tenement and its position (as given in the charters Coll. Sit. B 9 and B 11) qualify it for identification with the Baseli-Krussekettel house in the north-east corner of Area II, and the acceptance of a probable descent from Baseli to Le Reder solves the otherwise unexplained arrival of the house into college ownership without any apparent title-deed. If this entirely possible though unproven descent of the small southerly house is accepted, we find that the rest of Sabina de Aylesham's great capital messuage is quite simply co-extensive with the present street frontage of the built-up college site. But since this reading of the documentary evidence runs contrary to the generally accepted version of J.W. Clark, it is advisable to look in more detail at this evidence.⁵¹

Firstly, there are the two 'back' title-deeds which passed to the College with the de Aylesham capital messuage. Both date from the period of Sabina's marriage to her first husband, the burgess Peter de Wylburham (that is to say, from about 1264 or earlier). The more important charter, frequently

quoted or depicted on account of the Jewish 'starr' or quitclaim attached to it, is the grant from Thomas de Ho to Sabina and her husband of what was to become the core of her greater capital messuage.⁵² This de Ho messuage was of considerable size, the built-up portion described as being 42 ells (157½ ft) in depth from the street frontage, and originally extended with its rear croftland to the common pasture, although this croftland was excluded from the grant. The provenance of the property as given in the Hundred Rolls shows it to have been a purchase by de Ho from Hervey fitz Michael, who had it from the nuns of St Radegund, to whom an annual 3s rent-charge was still payable.⁵³ Identification of the position of the property is imprecise in the charter, which gives only the names of previous neighbours, Hugh le Rus, son of Absolom, and Simon Asselof, a former tenant of the Friars, with no indication of which side or to what depth the common boundary runs.⁵⁴ It is not until a later deed, datable between 1284 and 1291, clearing the property of ancient rent-charges, that we find those names of the neighbours given that we might expect from the Hundred Rolls, namely John de Aylesham (presumably on the north) and Alan Baseli on the other, southern side.⁵⁵ This evidence tallies well with our suggested identification of the Baseli house, and thus places the de Ho capital messuage firmly at the south-east corner of Area I. And since the Baseli/Le Reder house is referred to by the charter of 1299 as the most southerly portion of the combined de Aylesham estate, next to the main messuage, and since the most northerly portion of the combined estate is a house described as 'in the churchyard' in the second of the two early

51 Willis and Clark, *Architectural History*, I, pp. 2-3, IV, Plan 2, fig. 1. Clark's placing of the College's two foundation hostels on the street frontage has been universally followed. See, for example, Walker, *Peterhouse*, p. 6 and *Victoria History of the Counties of England: Cambridge and the Isle of Ely*, (henceforth *V.C.H., Cambs.*), III, (London, 1959), p. 334.

52 P.T., Coll. Sit. A 26. Stokes, *Outside the Trumpington Gates*, pp. 19-20, and plate opposite p. 20. Also, H.P. Stokes, *Studies in Anglo-Jewish History* (Jewish Historical Society 1913), pp. 159-60, and plate opposite p. 160.

53 *Rotuli Hundredorum*, II, p. 371b.

54 Hugh le Rus was the nephew and heir of John and

Alice le Rus; see P.T., Coll. Sit. B 15. Stokes, *Outside the Trumpington Gates*, p. 42 where Hugh le Rus is identified as probably Hugh le Reder also. Stokes (p. 20) misread P.T., Coll. Sit. A 9 to put Simon Asselof in the Stone House rather than in the house next door (the property with which this charter deals); that is, the one rented by Alice le Rus in 1280. The descriptive clauses in the charter are corroborative and in parenthesis.

55 P.T., Coll. Sit. A 27. Master Hugh de Hulme, a witness to this charter, had died by September 1291. A.B. Emden, *A Biographical Register of the University of Cambridge to 1500* (Cambridge, 1963), p. 320.

charters under discussion, there can hardly be any doubt that the intervening space or spaces contained the remainder of the houses in St Peter's parish known from the Hundred Rolls to have belonged to the de Ayleshams by 1279, that is, five, excluding four located elsewhere.⁵⁶ Two of the 'remainder houses', like the de Ho house, had a rent-charge to the nuns of St Radegund. Only by being welded into some such contiguous whole could a composite property of this nature be considered a single unit for purposes of legal conveyance.

There are other forms of evidence by which we can be guided when assessing the probability of a single block of housing occupying this long street frontage, from a date preceding the foundation of the College until the seventeenth century. Hamond's map of 1592, orientated on a south-north vista, gives a usefully detailed view of the Peterhouse site (Fig. 2). It was, in fact, reproduced by Willis and Clark to illustrate their account of the site.⁵⁷ But before applying the features it shows to the unproven, it is advisable to see how well these tally with earlier known configurations in the other areas of the site. It is at once apparent that developments here had been wonderfully conservative over the three previous centuries. Working from south to north the main features are readily identifiable. The houses of Winwick's Close, and the Friars' pair immediately to the north, fenced in between the street and their back wall, may have had a little in-filling here and there but occupy the same area as their predecessors. After a small gap (was it once the Friars' cemetery?), the old 'core site' of the Friary is shown, walled in and of a rather greater depth, with what may be the original stone house in the south-west corner. Moving northwards to the old de Madingley house at the junction of the first Friary site and the 'exchange acre' we find the house itself linked to the more southerly dwellings, but the old Friary boundary wall behind re-used to fence off a piece of garden or orchard on the easterly

part of the croftlands of the 'exchange acre'. Westwards the larger piece of croftland, once leased to Le Rus, has been thrown into the rest of the great 'green plat' to form what Hamond labels 'Peter Howse backside & Walkes'. This very detailed correspondence of the documentary evidence of the thirteenth century with the picture-map of the late sixteenth gives us confidence to consider what is shown by Hamond as probably also a long-established pattern in the most northerly area, the college site proper. Here Hamond has a substantial house flanking the churchyard at the far north of the site, joined to a continuous block of housing on the street front (five chimneys are shown) running southwards to a point rather beyond the main college buildings to the west. That is to say, the most southerly house backs on to what was once part of the land of the 'exchange acre'. This is surely exactly in accordance with our reading of the documentary evidence. Willis and Clark have also reproduced a print by Storer showing the last of the old houses, just south of the college Library, prior to their demolition in 1841.⁵⁸ These were the last survivors, or successors, of the old houses shown in the Hamond plan. Whether they succeeded one or more of the original houses backing on to the 'exchange acre' ground cannot be clear from an unmeasured plan. What is quite certainly shown by Hamond is the physical separation of the block of housing on the street frontage, with its rear retaining wall, from the college court proper. Only the former Master's Lodge has any part in common with both. The lay-out here is reminiscent of other medieval colleges which for long periods owned street-fronting property they could not afford either to demolish or replace with buildings incorporated into a college court. Gonville and Caius and Corpus Christi are cases in point. Whether these houses were leased out to townfolk and college staff, or used for overflow accommodation directly by the College, the physical separation remained, bearing every sign of an arrangement that

56 P.T., Coll. Sit. B 9, A 25. *Rotuli Hundredorum*, II, pp. 371-2. Two of de Aylesham's other four houses were in Area IV (see above p. 12) and the remaining two were on the other side of Trumpington Street. C.P. Hall, 'In Search of Sabina: A Study in Cambridge Topography',

Proceedings of the Cambridge Antiquarian Society LXV (1974), 60-78.

57 Willis and Clark, *Architectural History*, I, p. 4, fig. 3.

58 *Ibid.*, pp. 3 and 5, fig. 4.

pre-dated the building of the core of the College behind them.

Indeed charter evidence makes it clear that by the time of the exchange with the Friars in 1295, and before the death of John de Aylesham and subsequent disposal of property by his widow in 1299, the land on which the first college buildings were erected was already in the hands of the Scholars of the Bishop of Ely.⁵⁹ And, as we shall see, what we know of the early history of the college buildings, especially the Hall, accords well with this documentary proof of early possession of the 'core site' of the original Old Court by the scholars.

We must now return to the 'house in the churchyard', the most northerly of the properties on the street frontage incorporated into the de Aylesham's composite messuage, its title deriving from the second of the charters to Sabina and Peter de Wylburham, her first husband (Map 3). This is a grant from that Eustace Selede already encountered in Area IV, and the evidence of the Hundred Rolls gives this tenement a similar provenance of ancient inheritance through his elder brother.⁶⁰ The messuage is simply described as 'intra cimiterium', and may even have encroached by a few feet upon the original churchyard, as its successor, the present Fellows' Building, does to this day, presumably retaining roughly the extent of the ancient frontage. A century later, a chamber situated in its rear portions could be described as adjoining the church's new vestry complex, but overall it evidently did not extend to any great depth from the street frontage.⁶¹ In 1299 its rear abuttal was given as 'upon the tenement of the aforesaid scholars'.⁶² This tenement of the scholars, bounding the north side of the future college court, lay alongside or 'next' the churchyard and had access from it. The predecessors of the scholars, as its owners, were the Brethren of the Hospital of St John.

So we come, finally, to this foundation

property of the Scholars of the Bishop of Ely, allotted to them under the tripartite indenture of 31 March 1284, made between them, the Hospital and the Bishop of Ely.⁶³ With their foundation church of St Peter, they received the two hostels next to it that had traditionally belonged with it and in which they could make their first home as a distinct corporate body. It is not improbable that these hostels were in origin the tenements that traditionally accompanied the transfer of a proprietary church, namely the patronage house and a dwelling for whoever served the altar.⁶⁴ Such houses were very often adjacent to their churchyard. That this was in fact their position here is confirmed by a document in St John's College, a grant to the Brethren of the Hospital of 1246 of exemption from university taxation (i.e. rent control), in which the hostels are described as 'duas domos distinctim habitabiles Iuxta ecclesiam beati Petri extra portam de Trumpiton'.⁶⁵ In view of Clark's allocation of the site of these hostels some distance down the road, the point should perhaps be made that in contemporary descriptions of property 'iuxta' always means 'next' in the sense of 'immediately alongside'.⁶⁶ In the indenture of 1284 they are similarly the two 'Hospicia iuxta Ecclesiam Sancti Petri'.⁶⁷ But the fact that the Selede messuage was clearly defined as being placed next to the churchyard and on the street frontage means that these two hostels must be placed, still against the churchyard, but further to the west, behind the Selede messuage and well back from the street. There would seem to be no straightforward or convincing reading of the evidence that could place them otherwise than literally next to the churchyard, but where the north range of the college's Old Court now stands.

Our rearrangement of the properties in Area I, which results from following more strictly the exact wording of the surviving documents, has two merits. It provides valid title deeds for every part of the college site,

59 P.T., Coll. Sit. B 6-9. See below, p. 33.

60 P.T., Coll. Sit. A 25; compare A 21. *Rotuli Hundredorum*, II, p. 371b.

61 P.T. Bursar's Rolls 1403-4, recording repairs to its roof.

62 P.T., Coll. Sit. B 9.

63 P.T., Coll. Sit. B 2.

64 Similar patronage houses, sometimes called the

Rectory House, can be traced for the Cambridge parish churches of St Bene't, St Clement and St Michael in the records of the colleges which subsequently acquired them, namely Corpus Christi, Jesus and Gonville and Caius.

65 St John's College Archives, D 3.58.

66 Willis and Clark, *Architectural History*, I, pp. 2-3.

67 P.T. Coll. Sit. B 2.

save the area of de Ho's croftland where, as we shall see, special circumstances prevailed.⁶⁸ It also finds a place for all of the relevant documents which have survived in the College's archives.

II

In the middle of the thirteenth century, a generation before the arrival of the scholars, the medieval site of Peterhouse consisted of some fifteen to twenty separate messuages, usually long, thin plots of land, running from east to west, only about 22 ft wide but many of them stretching back 300 ft or more from Trumpington Street to the fen or common pasture.⁶⁹ Most of these messuages were owned by different individuals, although some of these owners also had property elsewhere in Cambridge, and the plots appear to have been changing hands with surprising frequency. In this active land market a successful man such as John le Rus or John de Aylesham might quickly build up a combined holding of several plots, but in turn such estates proved ready victims to the twin hazards of bankruptcy and failure to produce heirs. In general the messuages shared a common character. Most would seem to have had a house on the street frontage with a 'croft' of ploughed land to the rear, extending backwards from the house to the fen. This picture was not invariable. Sometimes the proprietor of a group of holdings, like John le Rus, might build himself a house on a grander scale, although such ostentation could presage financial disaster. Sometimes several of the croftlands at the rear were united under a single owner into a larger unit. But the essential pattern of holdings was clear enough.

Half a century later all of these diverse properties had passed by various means into the hands of the College. As yet the change in ownership had perhaps brought little change to their physical appearance, although the construction of a college hall was a harbinger of the way in which the site was eventually to be transformed into college use. But it is our

purpose to ask how this change of ownership had come about. What can it tell us about the foundation of the College as a physical rather than a legal entity? What does it indicate about the relationships between the newly arrived scholars and their patrons, and between the scholars and their urban neighbours and predecessors?

When Bishop Hugh of Balsham, in a deed dated 31 March 1284, formally separated his scholars from the brethren of the Hospital of St John and established the scholars on their present site, he also revised his earlier provision for their maintenance. In words which seem clear enough, but which did not prevent almost a century of dispute, the bishop appropriated to his scholars the church of St Peter outside Trumpington Gate (now Little St Mary's) together with various other specified assets belonging to or associated with it, that is, firstly, the two hostels alongside the church where the scholars were to live and, secondly, the tithes of corn, the altarage dues and the tithes of the two mills near by.⁷⁰ Then, in a separate deed of the same date, Bishop Hugh also appropriated to the scholars alone the church of Thriplow which had previously been held jointly by the scholars and the brethren of the Hospital, but which had been surrendered to the bishop as a preliminary to the process of separation. There are signs that this second appropriation may have been made in haste, or at least without adequate thought, reflecting perhaps the unforeseen circumstances of the separation. Certainly the details were worked out *chemin faisant*, for only twelve days later the bishop issued a second deed reiterating his appropriation of the church to the scholars alone and reserving to himself the right to ordain a vicarage in the church of Thriplow and to appoint to this benefice. Then in a third deed, dated 7 November 1284, the bishop acting with the consent of his scholars, augmented the value of the vicarage by the sum of four marks.⁷¹

It is doubtful whether the income from this initial endowment was anything like sufficient to enable the newly independent scholars to enlarge their minute site by the substantial

68 See below, p. 33.

69 This pattern of landholding is portrayed in detail in *Rotuli Hundredorum*, II, esp. pp. 371-2.

70 P.T., Coll. Sit. B 2.

71 P.T., Thriplow A 1, A 2, A 3. The various deeds of renunciation are P.T., Reg. Vetus, pp. 27-8 and Collegium A 3, and St John's College Archives, D 98, 3.

purchase of land. In two assessments of the second half of the thirteenth century the value of the church of St Peter was calculated at £6 13s 4d and £7. To judge from the Bursars' Rolls of a century later, and it is a judgement which is paralleled in many other cases, the gross value of the church may have been about twice the assessed value. But, after paying a chaplain and meeting various expenses, the net annual income accruing to the scholars from this source was probably about £10. The church of Thriplow was worth considerably more. Assessed in the later thirteenth century at values ranging from £20 to £33 6s 8d it was producing a century later a net annual income of about £30.⁷² But a total endowment of, say, £40 a year would have been scarcely adequate to meet even the most basic expenses of the new community. Some forty years later the founders of Michaelhouse and Oriel College both estimated that their scholars would require an allowance of 1s a week for their commons alone.⁷³ On the assumption that Bishop Hugh envisaged a college containing a master and fourteen scholars, his endowment would scarcely have paid for their commons, to say nothing of any liveries, the salaries of a few servants, an additional allowance for the master, or the multitude of miscellaneous expenses which bulk so large in later Bursars' Rolls.⁷⁴ The community of 1284 was poor, as

indeed it remained for the next century or so. The scholars of the Bishop of Ely, unlike those of the Bishop of Rochester, did not immediately attract large numbers of wealthy benefactors. The College seems not even to have possessed the resources to provide the accepted, standard rate of maintenance for its members, let alone the additional increments and minor luxuries which sometimes appear in other early colleges. Rather the scholars were to be exhorted in their new statutes of 1344 to await with patience the advent of better times.⁷⁵ In response to their poverty perhaps, or perhaps as an authentic collective memory, they were later to claim that their founder had in fact intended to increase their endowment by adding a third appropriation, that of the church of Cherry Hinton.⁷⁶

Whatever the truth of this claim the death of their founder in June 1286, little more than two years after their acquisition of independence, must have come as a blow to his scholars. He may well have planned further endowments. Certainly he left the statutes of his foundation in a more or less incomplete form. But Bishop Hugh's death also brought one major benefit to the society, for in his will he left his scholars the substantial capital sum of three hundred marks, or £200. It seems clear that it was this subsequent legacy from the founder, rather

72 *The Valuation of Norwich*, ed. W.E. Lunt (Oxford 1926), pp. 210, 536, 538, 557. For the net income accruing to the College, see P.T., Bursars' Rolls 1374-5, 1388-9, 1403-4, 1411-12. In general, see *Valuation*, ed. Lunt, pp. 95-167, and R. Graham, *English Ecclesiastical Studies* (London, 1929), pp. 271-301.

73 A.E. Stamp, *Michaelhouse* (Cambridge, 1924), pp. 42-3. *Statutes of the Colleges of Oxford* (3 vols., Royal Commission, Oxford and London, 1853), I, Statutes of Oriel College, p. 7, and increased in 1329 to 1s 3d a week (see p. 15).

74 The first formal references to a master and fourteen scholars occur in Bishop Montacute's Statutes of 1344 but the fact that there were a master and fourteen scholars already in 1339 suggests that, here as elsewhere, the 1344 Statutes were merely confirming an existing practice. On the other hand cap. 1 of the Statutes might be taken to mean that the founder did not lay down any numerical quota of scholars and that the figure of fifteen was established only after his death. St John's College Archives, D 98, 1; P.T. Montacute Statutes, ff. 1^r, 5^r (caps. 1 and 20). Reference will be made throughout to the original copy of Montacute's Statutes in the Peterhouse Treasury

rather than to the incomplete version printed in *Documents Relating to the University and Colleges of Cambridge* (3 vols., Royal Commission, London, 1852), II, pp. 6-42, where the chapter numbers are one in advance of those in the original text.

75 P.T. Montacute Statutes, f. 7^r (cap. 29); similar references to the poverty of the College abound, see ff. 1^r, 3^v, 4^v, 5^r, 6^r, 7^v (caps. 1, 10, 11, 15, 17, 20, 23, 31). For earlier (1335) and independent evidence of the scholars' poverty, see B.L., Add. MS. 41612, f. 77^v. For a higher standard of living elsewhere, see *Registrum Epistolarum Johannis Peckham, archiepiscopi Cantuariensis*, ed. C. T. Martin (3 vols., Rolls Series, 1882-5), III, pp. 811-18 (Merton College), and A.B. Cobban, *The King's Hall within the University of Cambridge in the Later Middle Ages* (Cambridge, 1969), pp. 142 n. 2, 194-201.

76 P.T. Montacute Statutes, f. 1^r (cap. 1); *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Petitions to the Pope, 1342-1419*, ed. W.H. Bliss (London, 1896), I, p. 232. For Bishop Hugh's acquisition of the advowson of Cherry Hinton, see B.L., Cole MS. 9, f. 142 and *Calendar of Inquisitions post Mortem*, II, p. 219.

than his original endowment, which enabled the scholars to launch on the complex sequence of purchases and acquisitions which so greatly increased the size of their site. As was the case with so many other colleges, the establishment of Peterhouse was a process rather than an event, a process in which the founder's later legacy was as important as his earlier endowment. This relationship between the legacy and the programme of expansion is manifested in several ways. The Ely account of the matter makes the connection a direct one, referring to Bishop Hugh's death, 'Ipse insuper in extremis laborans dictis scolaribus ad edificia de novo construenda trescentas marcas legavit de quibus quendam aream ex parte australi dicte ecclesie comparaverunt, et in eadem quendam aulam perpulcram de novo construxerunt'.⁷⁷ Similarly the university statute which established the annual observance of Bishop Hugh's obit in St Peter's church made specific reference to the benefactions which he had bestowed on the masters and poor scholars 'non solum in vita sua sed et post mortem'.⁷⁸ Indeed the long delay in issuing this statute, almost five years after his death, might well of itself indicate that it was the eventual receipt of Bishop Hugh's legacy rather than his earlier foundation of the College which prompted the scholars to ask the chancellor and regents to establish his commemoration. But the connection between the legacy and the expansion of the site is also made clear by the very chronology of this expansion. The earliest formal documents recording the acquisition of land by the scholars (apart from their two original hostels next to the church) date from August 1295, that is more than a decade after they first arrived in Trumpington

Street. And the process of expansion, at least as recorded in definitive legal form, occupied roughly the next fourteen years from 1295 to 1309. There is some evidence that the scholars had acquired an interest in a small area of land immediately to the south of their hostels at an earlier date. However no deed of conveyance exists in respect of this holding and, as we shall see, there are good grounds for supposing both that the scholars obtained this interest by some less formal means and also that the acquisition was not entirely the product of their own initiative. Be that as it may, the programme of substantial expansion would seem to have been planned in the early 1290s and to have been realized from 1295 onwards, and such a chronology would neatly accord with the view that it was the founder's legacy which was of central importance in financing the undertaking. Bishop Hugh died in June 1286. To judge by the administration of the estates of other bishops of the day, it would not be surprising if his legacy to the scholars remained unpaid for several years, certainly until at least as late as 1290.⁷⁹ But the sum of £200 once received was sufficient to pay for the building of the hall and to finance the acquisition of land nearby, particularly as a major part of this expansion proceeded by means which were probably considerably less expensive than outright purchase.

In order to understand this often complex process it is necessary to appreciate the existence of two obstacles in the path of the scholars, one physical in the form of their near neighbours, the Friars of the Penance of Jesus Christ, and the other legal in the form of the provisions of the recently enacted Statute of Mortmain. In principle the Statute of Mortmain would have made it impossible for

77 Bodleian Library, Laud misc. MS. 647, f. 176r.

78 P.T. Cista Communis 4. M.B. Hackett, *The Original Statutes of Cambridge University* (Cambridge, 1970), pp. 34, 232-3. It may be significant that the official university statute concerning the exequies of Bishop Hugh of Balsham distinguishes between his foundation of the College and his endowment of it. *Documents Relating to the University and Colleges of Cambridge*, I, p. 413 (cap. 185).

79 The administration of the estates of Bishop Gravesend of London (ob. 1303) and Bishop Stapledon of Exeter (ob. 1326) took ten years and more. The executors of Walter de Merton, bishop

of Rochester (ob. 1277) finished their task in little more than four and a half years but their work was brought to an abrupt conclusion by the intervention of the archbishop of Canterbury. *Account of the Executors of Richard, bishop of London, 1303, and of the Executors of Thomas, bishop of Exeter, 1310*, ed. W.H. Hale and H.T. Ellacombe, Camden Soc. New Series, x (1874), pp. v, 110. *The Register of Walter de Stapledon, Bishop of Exeter, 1307-1326*, ed. F.C. Hingeston-Randolph (London, 1892), pp. 575-9. *The Early Rolls of Merton College, Oxford*, ed. J.R.L. Highfield, Oxford Historical Soc., New Series, xviii (1963), pp. 54-8.

the scholars to acquire any landed property.⁸⁰ The Statute simply forbade any further permanent alienation of land to the church, on pain of forfeiture of the land in question to the king. In practice this total prohibition was moderated in two main ways. In the first place the king might grant a licence which exempted a specific transaction from the provisions of the Statute. Such licences came to be issued frequently, and the scholars themselves made use of them, but they were subject to a number of disadvantages. Obtaining a royal licence of exemption might be a lengthy and cumbersome business, causing particular difficulty in the circumstances of an active land market where it could be necessary to take immediate steps in order to secure a specific property. Again, some licences were issued only on payment of a fine, or fee, which might amount to as much as several times the annual value of the estate concerned. Even where a fine was not charged (and in this respect the government seems to have behaved charitably towards the scholars), the incidental expenses of obtaining a royal licence could still be quite considerable. For these sorts of reasons a second means of moderating the effects of the Statute came to be widely adopted. This involved the use of nominees, or feoffees, who would receive a piece of landed property on behalf of a religious corporation and subsequently hold it for the benefit of the corporation, thereby obscuring its real ownership. This device was also extensively employed by the scholars. Equally the two procedures were not incompatible. A piece of land might be acquired by nominees on behalf of the College while at the same time, or at some later date, the lengthy arrangements for obtaining a royal licence of exemption were put in train. Or, finally, the provisions of the Statute of Mortmain could simply be ignored, with land passing from one group of nominees to another until it slipped silently and imperceptibly into the hands of the corporation itself, there to remain until either a threat of governmental action brought the

matter into the open or a general royal pardon drew a veil over the offence.

The friars presented problems of a different order. The immediate neighbours of the scholars when they arrived in 1284 were John de Aylesham and his wife Sabina, who held a small composite estate to the east of the scholars' two hostels, between them and the street frontage. This consisted originally of five separate messuages on Trumpington Street, extending some fifty yards backwards from the road but, apparently, not including the croftland to the rear which stretched further westwards as far as the fen (Map 3). But the major landowners to the south were the Friars of the Penance of Jesus Christ, or Friars of the Sack as they were commonly known. They occupied a substantial piece of land, extending from the southern edge of the present college Hall and Combination Room, across the Fellows' Garden, and including the northern part of the Fitzwilliam Museum, and again extending back from the street to the common pasture on the west (Map 2). Given that the scholars were confined by the church and churchyard of St Peter on the north, by Trumpington Street on the east and by the common pasture on the west, any substantial expansion of their site would have to be directed southwards and this in turn would be bound to come up against the friars.

The Friars of the Sack represented one of the minor orders spawned by the mendicant movement of the thirteenth century.⁸¹ First formally established in Provence in 1251 they should perhaps more accurately be seen as a second generation order of friars, founded at least partly in reaction against the relaxation of their original austerity which was felt by some to have afflicted the first generation, the Franciscans and Dominicans. In the Constitutions of the Friars of the Sack their commitment to personal and collective poverty was sharply stressed.⁸² Their sackcloth garments, from which they derived their popular name, echoed an injunction laid down in the earliest Rule of St Francis and perhaps implied a rebuke to the current

80 For what follows, see S. Raban, *Mortmain Legislation and the English Church* (Cambridge, 1982), esp. pp. 38-71, 94-101, 114-27, 193-4.

81 H.F. Chettle, 'The Friars of the Sack in England', *Downside Review* XLIII (1945), 239-51. R.W.

Emery, 'The Friars of the Sack', *Speculum* XVIII (1943), 323-34.

82 A.G. Little, 'The Friars of the Sack', *English Historical Review* IX (1894), 121-7.

members of his order. And one of the most loyal of contemporary Franciscans could acknowledge that the Friars of the Sack had been 'raised up by our Lord Jesus to infuse life into our own order'.⁸³

Although remaining a predominantly French order the first English house was founded in London as early as 1257 and the Friars of the Sack had certainly reached Cambridge by the following year. At first they seem to have settled near the market but soon afterwards, taking advantage perhaps of his financial difficulties, they bought the large stone house of John le Rus on the site of the present Fitzwilliam Museum. There they attracted many recruits and a considerable number of benefactions. In consequence they were able to buy more land and expand their site, so that by 1279 they had accumulated an estate which amounted to more than three acres and the bulk of their holdings had been formally confirmed in their possession by royal charter.⁸⁴ In 1284 the friars might seem to have presented an immovable obstacle to the scholars, but in fact their position had already been radically undermined. The attack had come, not from without, but from the church itself. By a decree of the Council of Lyons issued in 1274 all of the minor mendicant orders were dissolved, with the saving clause that those (such as the Friars of the Sack) which had received papal approval were to be allowed to fade naturally away. They were forbidden to receive new members or to acquire new land. Their existing members were encouraged to seek entry into other orders but they were guaranteed the right, if they so chose, to live out their lives under the Rule which they had originally professed.⁸⁵ Hence at the moment when the scholars arrived these apparently powerful neighbours had been under threat of extinction for a decade. All the formal and superficially authoritative land transactions between the scholars and the friars, which

were the basis of much of the expansion of the college site, took place in reality in a form of legal and practical vacuum. There is an unmistakable air of artifice, almost of sleight of hand, about the arrangements. Indeed it must be doubtful whether there were still any friars actually in occupation of their site when the deeds recording the exchange and eventual final transfer of their property were ultimately drawn up.⁸⁶ Whatever they may appear to be, these were not contracts between equivalent parties. One party was under sentence of death, a sentence merely postponed until a generation had passed away. At the same time, the scholars were not, in principle at least, free to exploit their position of advantage. The conciliar decree which dissolved the order not only forbade the friars to alienate any of their existing property but also ordered that their convents, as they were abandoned, should revert to the Holy See to be disposed of by the diocesan bishops, or others nominated by the papacy, for the support of the Crusade or for other pious or charitable purposes.⁸⁷ So the scholars were presented with a paradox. In one sense their neighbours were moribund, vulnerable in an active land market to those with cash at their disposal. But in another, formal sense the friars were no longer in control of their own affairs, unable to sell their property and their convent soon to lapse into the hands of the papacy. The resolution of this paradox provides one more small example of the difficulties which faced the papacy in enforcing its authority in thirteenth century England and, more interestingly, of the facility of contemporaries in setting aside the general, but remote, constraints of central government, whether royal or ecclesiastical, in the interests of immediate, practical convenience.

The evidence for the acquisition of land by the scholars is provided by the deeds still preserved in the college treasury. But it must

83 J.R.H. Moorman, *The Sources for the Life of S. Francis of Assisi* (Manchester, 1940), p. 51. *Frater Thomae vulgo dicti de Eccleston Tractatus de Adventu Fratrum Minorum in Angliam*, ed. A.G. Little (Manchester, 1951), p. 102.

84 *V.C.H., Cambs.*, II (London, 1948), pp. 290–91. *Liber Memorandorum Ecclesie de Bernewelle*, ed. J.W. Clark (Cambridge, 1907), pp. 218–9. *Rotuli Hundredorum*, II, pp. 360b, 381a. P.T. Coll. Sit. A 11.

85 *Sacrorum Conciliorum Nova et Amplissima Collectio*, ed. J.D. Mansi, XXIV (Venice, 1780), pp. 96–7.

86 The friars were certainly still present in October 1289 but in June 1290 they were reported as being about to abandon their house. *V.C.H., Cambs.*, II, pp. 290–91. *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Papal Letters, 1198–1492*, I, ed. W.H. Bliss, p. 514.

87 *Collectio*, ed. Mansi, xxiv, pp. 96–7.

be understood that these deeds often represent the culmination of a long process. They provide the starting point for any enquiry but it will soon become clear that they tend to give a misleading chronology for the actual sequence of events. They were intended to provide the College with a guarantee of title to its possessions, not to give the historian a coherent narrative. The earliest deeds giving full legal expression to the acquisition of land by the scholars date from 1295 but the elaboration of the arrangements then undertaken makes it clear that the process of expansion must have been planned some time in advance, perhaps over a period of several years. Faced by two facts, that the friars presented an obstacle to any substantial purchase of land to the south and that the friars were also inhibited by the papacy from making any direct sales of their holding, the solution was devised of arranging – not a straightforward purchase – but an exchange. This exchange took legal shape in a series of clearly pre-arranged and co-ordinated transactions which occurred at the beginning of August 1295. The plan was essentially a simple one although its execution proved rather more complex. The scholars, or more accurately their nominees, were to purchase a plot of land (Area IV) immediately to the south of the friars' holding, that is, some distance away from the scholars' own site. Most of this new purchase was then to be exchanged with a plot of land of equal area (Area II) which was owned by the friars and was situated to the north of their site and adjacent to the scholars (Map 2). This exchange was motivated no doubt by three main considerations. The only way that the friars could be induced to part with an area of their land next to that of the scholars was by offering them in compensation a similar plot on the other side of their own main holding. Secondly, such an exchange neatly circumvented, not to say evaded, the papacy's prohibition on the alienation of land by the friars. Finally, an exchange would be less likely to arouse the objections of a third party which possessed a prior claim to the reversion

of the estate. For in June 1290 Pope Nicholas IV, understanding that the friars were about to abandon their site, had given leave for it to be sold to the canons of the Gilbertine Order, who were anxious to establish a house in Cambridge in order to accommodate the members of their order studying at the university. In the event the canons were soon to be given land on the other side of Trumpington Street, facing the friars, on the present site of the Old Addenbrooke's Hospital. By 1291 they had established a community there and so no longer had any pressing need to acquire the friars' holding.⁸⁸ Indeed the result of the exchange with the scholars was to expand the friars' estate southwards and to bring it more directly opposite the canons, thereby making it an even more convenient purchase for the future. But if the exchange with the scholars was therefore acceptable to the canons, an outright sale might well have aroused their objections and brought the scholars into conflict with this earlier grant by the papacy to the canons of an 'option' to purchase the lands of the friars.

The details of this exchange between the scholars and the friars are worth some precise attention, not only for the light that they throw on an unusual transaction, but also because they represent the first stage in a series of arrangements between the two communities by which the College eventually gained something like three-quarters of its medieval site. The first move by the scholars was to purchase the land which was destined in large part to be exchanged with the friars. This was facilitated by the fact that almost all of the area in question (Area IV) was already in the joint ownership of John de Aylesham and his wife Sabina. On 2 August 1295 John and Sabina, in return for the sum of £30, formally conveyed their holding, consisting of two messuages on the street front and a large croft at the rear, to two nominees of the College, Master Robert de Winwick, described as Keeper of Stourbridge Chapel, and Master John Malebraunche, then Rector of Cherry Hinton.⁸⁹ This conveyance was

88 *Calendar of Papal Letters*, I, pp. 514, 534. *Liber Memorandum Ecclesie de Bernewelle*, p. 212. *V.C.H., Cambs.*, II, pp. 254–5.

89 P.T., Coll. Sit. B 3 and 4. Surnames of members of the university are given in the forms used by A.B.

Emden in *Biographical Register of the University of Cambridge to 1500* (Cambridge, 1963) (henceforth *B.R.U.C.*), see pp. 386, 643, where Emden conflates two Robert de Winwicks. See below, p. 30.

embodied in two deeds, one doubtless being intended for each of the nominees, which are identical in substance, in date and (with one exception) in their witnesses, but oddly different in their phrasing and in their script. One was issued in the name of John de Aylesham alone and bears his seal. It deploys noticeably old-fashioned formulae and mentions the sum of money to be paid for the land only as an unusually placed afterthought. The second deed, which is conventionally phrased, was issued in the names of John and Sabina jointly.⁹⁰ But it was this second conveyance which was ultimately to prove more valuable to the College because Sabina survived her husband and five years later, now as John's widow, she reinforced the earlier joint grant and in return for an unspecified further sum of money finally quitclaimed to Winwick and Malebraunche all of her rights in the property.⁹¹ And in acknowledgement of its significance it was the joint grant, not the one made by John alone, which was carefully endorsed by the College for use in any future reference to the transaction. Then on 14 March 1296, less than a year after their purchase of the Aylesham land, the same two nominees, Winwick and Malebraunche, rounded off the site by purchasing from John de Branketre, another burgess of Cambridge, a small messuage at the north-eastern corner of the area on the street frontage.⁹²

With this holding in hand the exchange with the friars could take final form. Indeed two out of the three deeds involved are dated 1 August 1295, the day before Winwick and Malebraunche had even formally completed the purchase of the estate from John and Sabina de Aylesham. In other words the real arrangements for the exchange had naturally been settled well before the legal formalities were undertaken. But this air of artifice pervades the documentation at a more fundamental level. In an undated chirograph, which was almost certainly drawn up on 2 August 1295, that is the very day on which

they had purchased the estate from the Ayleshams, Winwick and Malebraunche granted one acre of it to the Friars of the Sack in Cambridge.⁹³ The acre in question consisted of the agricultural land at the back of the site, stretching from the rear of the houses westwards to the common pasture or fen. In return, so the charter stated, the Prior Provincial of the friars and their Cambridge convent granted, not to Winwick and Malebraunche, but to the 'Warden and Scholars of the House of St Peter at Cambridge' an acre of their land lying next to the scholars' own holding. In other words Winwick and Malebraunche granted an acre of land which legally belonged to them, albeit as nominees of the scholars, to the friars, but in exchange the friars granted their own acre not to the two nominees but directly to the scholars as a corporate body. Nor was this all, for the same charter also stated that, if the Friars of the Sack should cease to exist or if they should move to another place, then the acre which they had received from Winwick and Malebraunche in exchange should also revert to the scholars as a body. The unreality of this arrangement scarcely needs emphasis. By 1295 the friars had been under threat of extinction for more than twenty years and their eventual disappearance must have seemed a virtual certainty, despite the 'quod absit' hypocritically added to the possibility in the wording of the charter. In other words, it was an exchange in name only and both acres of land were to accrue to the College, not only the acre given to the College by the friars but also the acre given to the friars in exchange by Winwick and Malebraunche. In this way the nominally private property of the two masters was almost imperceptibly transmuted into the corporate property of the College. And similarly the friars appear merely as a convenient mechanism by which the property in question could pass into the hands of the College. The whole transaction might appear a private domestic one, between

90 P.T., Coll. Sit. B 4. This charter bears two seals but both are apparently those of John de Aylesham. Sabina's own seal is known elsewhere; see B 9.

91 P.T., Coll. Sit. B 10.

92 P.T., Coll. Sit. B 5.

93 P.T., Coll. Sit. B 8. This charter is undated, but it can be dated broadly by the mayoralty of John

Gerund (9 September 1294–9 September 1295). Winwick and Malebraunche did not acquire the estate until 2 August 1295, and the witnesses to Coll. Sit. B 8 are identical to those of Coll. Sit. B 3, which is part of the same transaction and dated 2 August 1295. J.M. Gray, *Biographical Notes on the Mayors of Cambridge* (Cambridge, 1921), pp. 2, 8.

neighbours, but for the fact that the deed of exchange ends with the formal confirmation 'auctoritate pontificale' of William of Louth, bishop of Ely, witnessed by his two leading servants, his Seneschal and his Official, together with a group of his chaplains and clerks. And, at the foot, the bishop's seal appears between those of Winwick and Malebraunche.

The two deeds which embody the friars' part in this exchange reveal a similar, if even more complex, series of arrangements. Both are dated 1 August 1295 and both are issued in the name of Richard Mortimer, prior provincial, and the general chapter of the order assembled at Lynn, itself an indication perhaps that the Cambridge convent no longer had any corporate existence.⁹⁴ Both deeds are concerned with the exchange of the same two separate acres of land. Both state that they have the consent of the bishop of Ely for the transaction although only one also bears the bishop's formal words of confirmation and his seal. But they differ in one crucial respect. In one deed the friars grant their own acre, next to the scholars' own site, to Winwick and Malebraunche as individuals, and then go on to state that, if their order should lapse or transfer elsewhere, then the acre which they have received in exchange should revert to Winwick and Malebraunche. The deed bears the seals of the order and of the Cambridge convent and the transaction appears straightforward enough, even if the reversionary arrangements might seem in breach of the papal prohibition on alienation. But the second deed is more problematical. Here the friars grant their own acre, not to Winwick and Malebraunche, but to the scholars as a corporate body. What is more, while recounting that they have received in exchange an acre of land from Winwick and Malebraunche, the friars go on to state that, in the event of their ceasing to exist or their transfer to another place, then this acre should revert, not to its previous owners

Winwick and Malebraunche, but to the scholars as a whole. It is this second deed, like the charter issued by Winwick and Malebraunche, which also bears the formal words of confirmation by the bishop of Ely, as well as his seal and the names as witnesses of the same leading members of his *familia*.

Such precautions were wise for the whole series of transactions was open to question in two different respects. In the first place these complicated arrangements seem to represent a subtle attempt to evade the provisions of the Statute of Mortmain. It might have been argued that the simple exchange between the friars and Winwick and Malebraunche did not amount to a serious breach of the statute. In principle there was no doubt that such exchanges were covered by its provisions, but in this case the reversionary arrangements consequent upon the friars' imminent departure ensured that the acre in question would return almost immediately to its previous owners.⁹⁵ Legal proceedings would thereby become redundant. Indeed such an argument may well explain why the friars took the precaution of issuing this 'parallel' deed. It represented something of an insurance policy against the provisions of the statute, an insurance policy which in the event apparently proved to be useful. But an 'asymmetrical' exchange, such as is formulated in the other two deeds, by which the friars received an acre of land from Winwick and Malebraunche and in return made a grant of their own acre directly to the college certainly fell foul of the statute. So did the reversionary arrangements outlined in these two deeds by which the friars' newly acquired acre, on their departure, was to go to the scholars rather than return to its earlier, albeit nominee, owners. In this case the offence was not mitigated by the fact that the land in question would almost immediately revert to its original owners. Furthermore, such transfers of land between two religious communities, in this case the friars and the scholars, were in fact held to be forbidden by the statute,

94 P.T., Coll. Sit. B 6 and 7. B 6 claims to bear the seal of the Cambridge friary, as well as that of the English Province, and does in fact do so. B 7 makes no such claim but probably did also bear the seal of the Cambridge house. The third seal on this charter, apart from the provincial seal and that of the bishop of Ely, is now missing. This use of the

Cambridge house's seal in 1295 might be taken to suggest that the community still had some representatives alive, although perhaps living in exile in Lynn.

95 Earlier mortmain licences for exchanges occur in *Calendar of Patent Rolls, 1281-92*, pp. 335, 393, 411, 444, 462, 482, 489.

despite the protests of churchmen.⁹⁶ It was perhaps because these two charters embodied a transaction of such dubious legality that they included the bishop's explicit words of confirmation and also bore his seal. These are noticeably missing from the first deed, recording the simple exchange, where the legal difficulties did not arise in so unequivocal a form. Again, the parties concerned can be seen as taking out an insurance policy on the transaction. But the best insurance policy probably lay in the nature of the arrangements themselves rather than in any external validation. For the essence of these arrangements was uncertainty and complexity. Hence any legal proceedings might be expected to founder on the rocks of a policy of deliberate obfuscation. This policy manifested itself in at least three ways. The simultaneous use of two alternative but apparently contradictory means, that is the simple exchange and the 'asymmetrical' exchange, to achieve essentially the same objective (given that Winwick and Malebraunche were acting as nominees for the College) was certainly calculated to mislead. The role of the friars as intermediaries might be expected to have a similar effect. For they were men of straw. They represented a convenient legal contrivance behind which the college might hope to evade formal restrictions on its freedom to acquire land. By 1295 the friars may well have abandoned their Cambridge site altogether, and in any case the whole order was then under sentence and would in fact disappear completely in little more than a decade.⁹⁷ Legal proceedings involving so exiguous and transient a body were unlikely to be either straightforward or profitable. And finally the use of exchanges, however transparent, rather than simple grants might similarly be anticipated to muddy the legal waters. There were also some more general considerations which could have encouraged those concerned to take a relaxed view of the mortmain legislation.⁹⁸ The original statute of 1279 had been broadly drawn. In many areas its precise implications were left to be settled by judicial interpretation and case law. Grants

of land between religious corporations might well have been felt to represent one such moot point, particularly in the unusual circumstances of a moribund order such as the Friars of the Sack. Similarly contemporary churchmen certainly believed that the restraints imposed by the statute would prove to be negotiable. For twenty years after 1279 a series of attempts was made to persuade the government to moderate its severity, especially with regard to grants between religious bodies. And in purely practical terms the scholars and the friars would undoubtedly be encouraged in their attitude towards the statute by the actions of their more powerful colleagues and neighbours. For at this same time the prior and convent of Ely were behaving in a strikingly cavalier fashion towards the restraints imposed on them by the mortmain legislation.

However, the friars' freedom of action in the land market was also legally inhibited in a second respect, that is by the provisions of the Council of Lyons in 1274. The Council's injunctions were clear-cut. The friars were forbidden to acquire new land or to alienate existing property.⁹⁹ The Cambridge friars could perhaps have claimed that at least the reversionary arrangements for the eventual disposal of the acre granted to them by Winwick and Malebraunche did not breach the Council's decrees because this land had not been in their possession in 1274. But on the face of it the original exchange of land would seem to have been a direct violation of the Council's restrictions on both acquisition and alienation. The solution to this difficulty might be sought in the intervention of the bishop of Ely, for the Council had also decreed that the properties of the friars, as their convents became vacant, would revert to the Holy See to be disposed of either by the diocesan or by another papal nominee. But in this case the deeds are unequivocal in stating that it was the friars, and not the bishop, who were alienating their own land whether by exchange or reversion. The bishop's role was merely that of confirming the transaction. Perhaps it was felt that the bishop's formal confirmation was good enough to satisfy the

96 Raban, *Mortmain Legislation*, p. 30.

97 Emery, 'Friars of the Sack', p. 328. P.T., Collegium A 4 mentions the vicar general of the order in England as late as October 1307.

98 For what follows, see Raban, *Mortmain Legislation*, pp. 29–38, 87, 95, 160.

99 *Collectio*, ed. Mansi, XXIV, pp. 96–7.

conciliar requirements. Certainly the friars' property was being devoted, as the Council had wished, to pious and charitable uses. But the bishop could not license a breach of the Statute of Mortmain. Similarly the bishop could not set aside any residual rights in the friars' estate which might be claimed by the king.¹⁰⁰ Nor could he extinguish the stronger rights which might be claimed under the terms of the recent Statute of Westminster II by the heirs of the original benefactors of the friars.¹⁰¹ The bishop, as their patron, may well have felt indulgent towards the scholars. No doubt the niceties of both royal legislation and conciliar injunctions were somewhat remote from the minds of the two neighbours on Trumpington Street. But no such considerations can obscure the fact that these exchange arrangements were of dubious legality. What is more, both parties seem to have had some awareness of this fact. How else can one explain the various forms of insurance policy adopted in the transactions? And how else can one explain the subsequent attempt by the scholars to base their title to some of this land on an entirely different, but unimpeachable, footing?

Let us return to the two areas in question, taking first the more southerly (Area IV), the holding acquired in 1295–6 by Winwick and Malebraunche largely from John and Sabina de Aylesham (Map 2). This consisted of two parts, the three houses and gardens on the street frontage which were not involved in the negotiations with the friars, and the acre of

croftland to the rear which was intended to form part of the exchange arrangements. Neither part need detain us for long. On 25 March 1306 Robert de Winwick acting alone, having presumably outlived his co-nominee John Malebraunche, conveyed the three houses apparently without payment to Master John de Felmyngham and Robert, vicar of Cherry Hinton.¹⁰² Then on 7 May 1333 the houses appear in the possession of a Roger de Thurston who granted them, again without any mention of payment, to three other nominees of the College, Master Adam de Thurston, Master John de Rykelyng and Bernard de Sawtre.¹⁰³ Adam de Thurston was a fellow of the College at this time, and so almost certainly were his two partners. But after 1333 these three houses disappear from sight as even a nominally independent property. They were silently absorbed by the College, apparently without formal charter and certainly without dispensation from the Statute of Mortmain. The ownership of the acre of croftland to the rear followed a similar course. In 1308, despite his attempt to exchange the acre with the friars, this land was still in the hands of Robert de Winwick. Perhaps the exchange had not materialized. Alternatively, perhaps the land had reverted to him on the friars' departure in accordance with the terms of one of their 'parallel' deeds. It was certainly not treated at this point as a collegiate possession, as it would have been if the alternative form of exchange envisaged by the friars had actually taken place. For on 30

100 Emery, 'Friars of the Sack', p. 329. Emery seems mistaken here in stating that the king disposed of the Cambridge convent 'for the benefit of the royal treasury'. Rather he restricted himself to licensing the alienation of its lands under the terms of the Statute of Mortmain (see below, pp. 30–1). In general Emery exaggerates the arbitrariness of the king's conduct in this whole matter. In accordance with the provisions of the Statute of Westminster II, c. 41, the king seems to have restricted himself to claiming the friars' property only in those cases (unlike Cambridge) where he regarded himself as the legal heir of the original donor. This is made clear in the cases of the friaries at Northampton and Oxford; see *Calendar of Close Rolls 1302–7*, p. 36, and A.G. Little, *The Grey Friars in Oxford*, Oxford Historical Soc., xx (1891), pp. 18–20, 301–3. No doubt there were marginal areas where the king pressed his claims hard, and the papacy certainly expressed its dissatisfaction with his behaviour; see *Calendar of Papal Registers*,

Letters, II, 1305–42, p. 434. Equally the principle of reversion embodied in the Statute of Westminster II would not have been acceptable to canon lawyers. But the king's actions were not simply capricious.

101 T.F.T. Plucknett, *Legislation of Edward I* (Oxford, 1949), pp. 92–3.

102 P.T., Coll. Sit. B 13. B 14 is a duplicate, doubtless intended for the second nominee. There may have been some legal uncertainty over the ownership of the most northerly house, originally acquired by Winwick from John de Branketre in 1296 (Coll. Sit. B 5), as John de Felmyngham and Robert of Hinton guaranteed Winwick against any expenses which he might incur if title to the property was later questioned (Coll. Sit. B 12). *B.R.U.C.*, p. 224, presumably the second of the two under this name.

103 P.T., Coll. Sit. C 2. *B.R.U.C.*, pp. 481 (as Rikelington), 509, 558.

September 1308, again acting alone, Winwick sold it for an unspecified sum of money to his nephew, also Master Robert de Winwick, later master of the College, and to Master Roger de Beccles.¹⁰⁴ In 1333 this croft was described as still being in the possession of the same two nominees but subsequently it similarly slipped imperceptibly into the College's hands, without (so it seems) any deed of conveyance and without mortmain licence.¹⁰⁵ The only ray of light that can be shed on this process is provided by the fact that in 1344 the name of Master Roger de Beccles appears amongst those benefactors for the repose of whose souls the College was obliged to offer mass.¹⁰⁶

The fate of the other 'exchange' acre (Area II), to the north of the friars' estate and next to the present built-up site of the College, was more complex. As we have seen, in 1295 the friars agreed to grant this land in exchange either to the College itself or to its two nominees, Winwick and Malebraunche. In the event the College appears to have entered into occupation of the land, which in any case presumably became vacant on the demise of the friars, but to have felt that its legal title to the holding was sufficiently questionable to require reinforcement from a quite different direction. Hence the land seems eventually to have passed into the scholars' formal ownership by another route, or perhaps more accurately by two other routes. On 29 October 1307 Roger de Flegg, describing himself as Vicar General of the Friars of the Sack in England and Prior of their convent at Lynn, acting on his own behalf and on behalf of all the other members of the order dwelling in England, quitclaimed to the scholars all the friars' rights 'in toto loco nostro cum omnibus suis edificiis'. The grant also disclaimed any intention of derogating from the rights of the Holy See, although it cannot readily be reconciled with the injunctions of the Council

of Lyons.¹⁰⁷ It is not clear, because no bounds are given, whether this quitclaim applied only to the actual site of the friars' convent or whether it embraced all their holding in Trumpington Street. But the scholars were not inclined to leave anything to chance. This holding had originally been accumulated by John Arnold and was then given by him to the friars, probably in the early 1270s. A generation later we find this land being granted by Peter Arnold of Trumpington to Master Richer de Aylesham and Master John de Felmyngham, acting clearly as nominees of the College, who in turn, on 3 May 1309, conveyed the same holding to the scholars.¹⁰⁸ Then only twelve days later, on 15 May 1309, Edward II – moved apparently by the prompting of his Dominican confessor – licensed the College to receive this land into mortmain.¹⁰⁹ The identification of the property is clear. Elsewhere Peter is described as a clerk and as the son of John Arnold of Trumpington.¹¹⁰ There can be no doubt that in his grant to Aylesham and Felmyngham he was acting as the heir of his father. And the land which John Arnold originally gave to the friars can be precisely located. But what is striking is that in neither of the two surviving documents concerned, the grant by Aylesham and Felmyngham and the accompanying royal mortmain licence, is any mention made of the fact that this holding had previously been in the hands of the friars. All the more so as the same royal licence also refers to another plot of land granted to the college under similar circumstances where the friars' earlier ownership is acknowledged. In this case the friars' previous presence was simply set aside and the College sought to base its title on the claim to the site enjoyed by the heir of the man who had granted the land to the friars in the first place.

A similar attitude is apparent in the College's acquisition of the third area under

104 P.T., Coll. Sit. B 19. *B.R.U.C.*, p. 643, where the two Winwicks are conflated. Master Roger de Beccles is not listed.

105 P.T., Coll. Sit. B 25, C 2.

106 P.T. Montacute Statutes, f. 13^r (cap. 60).

107 P.T., Collegium A 4.

108 P.T., Coll. Sit. B 16 (B 17 is a duplicate). *B.R.U.C.*, pp. 26, 224. Aylesham became a fellow in 1299. It is likely that Felmyngham was also a fellow as he acted on the College's behalf in another transaction in 1306 (Coll. Sit. B 13). Peter

Arnold's earlier charter does not survive.

109 P.T., Cista Communis I. The intervention of Brother John de Lenham, the king's confessor, is mentioned at the foot of the licence. See C.F.R. Palmer, 'The King's Confessors', *The Antiquary* xxii (1890), 114–20, esp. pp. 119–20. For the College's obligations to a later royal confessor, Brother Richard de Winkley, D.Th., see P.T., Montacute Statutes, f. 13^r (cap. 60).

110 P.T., Coll. Sit. A 18.

discussion (Area III), the core site of the friars where their actual dwelling place was situated (Map 2). It consisted of a substantial stone house with other buildings and courtyards and a large area of accompanying croft land to the rear apparently with its own fish-ponds. And it was here that the friars were to build their church and lay out their cemetery.¹¹¹ This core site was clearly covered by their Vicar General's quitclaim to the college of October 1307. But again the scholars sought to base their title deeds on an earlier ownership. Hence on 17 March 1308 Hugh le Rus of Oakington granted to Master John de Herwardstoke and Master Robert de Lirling, clearly acting as nominees for the scholars, all of his (*sic*) messuage which the Friars of the Sack had previously been given by his ancestor, John le Rus.¹¹² The phrasing of Hugh's charter is noteworthy, suggesting that in some sense the ownership of the friars' lands was felt to have reverted to the heirs of the original donors after the friars had departed. Then a little more than a year later, on 3 May 1309, Herwardstoke and Lirling in turn granted to the College all the estate which had earlier been conveyed to them by Hugh le Rus. And finally, on 15 May 1309, the king licensed the scholars to amortize this plot of land 'quod fratres de penitencia Jhesu Christi inhabitare solebant'.¹¹³ The only loophole in this careful arrangement was provided by the two small houses on the south-eastern corner of the site, the houses formerly belonging to Hervey Prippe and Henry Pikerel. These had not formed part of the land originally owned by John le Rus but were acquired separately by the friars.¹¹⁴ They could therefore not be included within the terms of Hugh le Rus' grant. Perhaps it was felt that the broadly drawn quitclaim issued by the Vicar General of the friars, combined with the vague wording of the mortmain licence, adequately covered all eventualities. But it is noticeable that on a

number of occasions at least one of these houses was described as being in the possession of a sequence of *magistri*, culminating in 1333 with its apparent ownership by Master Ralph de Holbeach, Richard de Wisbech and Bernard de Sawtre.¹¹⁵ All three were probably fellows of the College at the time, indeed both Holbeach and Wisbech were later to become Master, and they were doubtless acting here as nominees for the scholars. In which case this house at least may strictly speaking not have formed part of the conveyances of 1307–9, but rather passed like other acquisitions through a sequence of nominees before disappearing unnoticed and without licence into the College's corporate ownership.

These two transactions, the acquisition of Area III and the final establishment of the College's title to Area II, were closely related and were again clearly the product of considerable earlier planning and negotiation. This is apparent in the deeds themselves. The two holdings were conveyed to the College by very similar means and the details of the two conveyances were identical. The most important charters were written by the same two scribes. They all bear the same date. They were witnessed by essentially the same group of men and they were both legalized by the same mortmain licence.¹¹⁶ Furthermore both transactions demonstrate the same attitude on the part of the scholars towards the legal rights of the friars. The reasoning behind the arrangements was perhaps threefold. In the first place there was a legal argument. Under the terms of the Statute of Westminster II, c. 41, which had been promulgated in 1285, the heir of a founder of a religious house could reclaim the land given by his progenitor if it was subsequently alienated by that house. The Cambridge priory of the Friars of the Sack had no single founder but it may well have been felt that its two most substantial benefactors,

111 P.T. Coll. Sit. A 7 and 9 (stone house); B 20 (courtyards and fish-ponds); A 2 and 9 and Eccl. Cant. A 5 (church); Coll. Sit. B 25 (cemetery). See also *Rotuli Hundredorum*, II, p. 360.

112 P.T., Coll. Sit. B 15. *B.R.U.C.*, pp. 301, 370.

113 P.T., Coll. Sit. B 20 and Cista Communis I.

114 See above p. 13.

115 P.T., Coll. Sit. B 13 (Mag. Thomas de Terefeld); B 25 and C 2 (Winwick); B 25 (Holbeach, Wisbech

and Sawtre). *B.R.U.C.*, pp. 309, 509, 579, 643.

116 P.T., Coll. Sit. B 16 and 17 are essentially duplicates, presumably one from each nominee grantor, as are B 18 and B 20. B 17 and 18 are written in the same hand and share the same distinctive phraseology, and the same is true of B 16 and B 20. Clearly two scribes were employed at the time, and each wrote one charter for each transaction.

John Arnold and John le Rus, had in effect acquired that status. So from this point of view the charters issued in favour of the College's nominees by Peter Arnold and Hugh le Rus should be seen, not as a merely formal insurance policy, but as real grants conveying an ownership which had automatically lapsed to them by the friars' act of alienation. And it was this view of the matter which would allow Hugh le Rus to speak of 'his' messuage and which, in turn, makes the absence of such grants from the exchange arrangements of 1295 all the more remarkable. Secondly, by basing their title deeds on an earlier ownership and by-passing the transient – and perhaps legally problematical – presence of the friars, the scholars might hope to circumvent all the restrictions imposed by the Council of Lyons on the friars' freedom to alienate their land. Finally, and more generally, the scholars were anchoring their claim to this land firmly in the period before it had even passed into the hands of the friars, and in this way perhaps ensuring that their title would be more deeply founded in their local community than that of the evanescent friars had ever been. Armed with the support of the charters from the descendants of those who had originally granted the land to the friars, the quitclaim by the remnant of the order in England and the royal mortmain licence, the scholars might reasonably feel secure in their possession of these two holdings. The only remaining doubt lay in the right of pre-emption of the friars' lands which the pope had granted to the Gilbertine canons in 1290. But since that date the canons had acquired a substantial site.¹¹⁷ They had no doubt fully established themselves in their house on the opposite side of Trumpington Street and it would be natural for them to see no need to acquire another convent for their own use. A quarter of a century after their arrival in Trumpington Street, and some fourteen years after the formal negotiations for an exchange of land with the friars, the scholars had finally succeeded in overcoming all the obstacles to the substantial expansion of their site.

There now remains to be considered only

the area (Area I) immediately adjacent to St Peter's churchyard, that is the present built-up site of the College (Map 3). The exact details of how the scholars obtained this holding remain slightly unclear, partly because the precise distribution of the croftland to the rear is unknown and partly because documentation is lacking with respect to one section of the site. But for the purposes of discussion the area can conveniently be divided into three parts, the scholars' original two hostels, the messuages on the street frontage, and the remaining croftland to the rear. The two hostels raise no essential difficulties although it is important to stress, in contradiction to the orthodox view formulated by Willis and Clark, that they were adjacent to the churchyard and set well back from the road, behind the messuages on Trumpington Street. These two hostels were granted to the scholars under the terms of Bishop Hugh's deed of separation on 31 March 1284.¹¹⁸ The only uncertainty arises from the fact that this deed does not indicate the dimensions of the hostels concerned, nor does it specify whether they were accompanied by any croftland.

Similarly the scholars' acquisition of the messuages on the street frontage, although taking place in two stages, appears relatively straightforward. Not surprisingly, given the proximity of these holdings to their original hostels, the scholars seem to have secured an interest in part of this area sometime before obtaining full possession. For at some point prior to September 1291 the scholars were granted by Master Robert de Fyleby an annual rent charge of 4s which almost certainly arose from one of these messuages.¹¹⁹ Their eventual acquisition may well therefore have been planned for several years before its final achievement in 1299–1300, and it seems reasonable to suppose that the realization of the plan hinged on the death without any direct heir of their joint owner, John de Aylesham. For at last on 7 October 1299 Sabina de Aylesham, acting now as 'uxor quondam Johannis de Aylesham', granted to Master Richard de Conington and Master Herbert de Shepereth,

117 *Calendar of Patent Rolls, 1292–1301*, pp. 25, 421; also *1317–21*, p. 110 and *1330–4*, p. 321.

118 P.T., Coll. Sit. B 2. And see above, p. 19.

119 P.T., Coll. Sit. A 27; for Fyleby, see *B.R.U.C.*, p.

247. A *terminus ad quem* is provided by the death of one of the witnesses, Master Hugh de Hulme; *ibid.*, p. 320.

in return for an unspecified sum of money, all of what was clearly a large composite holding, consisting originally of some five separate messuages, extending from the churchyard of St Peter's on the north to the scholars' exchanged acre (Area II) on the south, and reaching backwards from Trumpington Street to the scholars' own tenement at the rear. But this grant of the composite holding contained one reservation. Sabina retained a single house situated at the south-eastern corner of the site. However only seven months later Sabina apparently changed her mind and conveyed this house, again for an unspecified sum of money, to the same two masters.¹²⁰ There can be no doubt that Conington and Shepereth were acting here as nominees of the College. Both may have been fellows at the time, although there is no other corroborative evidence to support such a hypothesis. We know little about Shepereth. But Conington was a man of considerable public standing, a lawyer practising in the court of the archdeacon of Ely, soon to be – if not already – rector of the local parish of Stow cum Quy, and a benefactor of both his church and of the Cambridge gild of St Mary.¹²¹

Thirdly there was the croftland to the rear of the Aylesham's estate, an area which poses rather more problems. Some of this land may have been associated with the original two hostels but this is quite unclear. Some certainly was not. As we have seen, Sabina de Aylesham's grant of 1299 referred to the tenement of the scholars which lay behind her own composite holding. This land was already in the possession of the scholars four years previously, for the three exchange deeds of 1295 all refer to the more northerly of the two exchanged acres as being adjacent to (*iuxta* or *annexus*) a messuage belonging to the scholars.¹²² But in order to identify this land and to trace its source it is necessary to go back more than thirty years to 1264. For in that year Thomas de Ho sold to Peter de Wylburham and his wife Sabina, later to become Sabina de

Aylesham, one of the messuages on Trumpington Street which was later to form part of the Ayleshams' combined holding. But what is significant in this respect is that the area sold by de Ho, and as precisely described in his charter, stretched back not to the fen but only some 42 ells, or a little more than fifty yards, and behind it lay de Ho's own croftland which he retained in his own hands.¹²³ If we now move forward to the Hundred Rolls of 1279 we find that Thomas de Ho had now died but that his heir Henry de Ho had succeeded him in the possession of a croft in St Peter's parish.¹²⁴ There can be little doubt that this was the same open land to the rear of the Ayleshams' houses. But how did this croft finally pass into the hands of the scholars? Two facts may suggest an answer to this question. In the first place no formal deed survives in the college archives conveying this land to the scholars or their nominees. This lacuna is in itself sufficiently remarkable. Every other portion of the College's medieval site is covered by extant title deeds. But with regard to this plot of land there is nothing. Secondly, we know that the master of the college in July 1290 was a Master Gerard de Ho.¹²⁵ What is more, a certain Master Henry de Ho, perhaps not to be identified with the owner of the croft but almost certainly a relation, had earlier been a clerk in the service of the bishop of Ely.¹²⁶ The coincidence is striking. Is it not natural to conclude that Master Gerard de Ho was himself a member of the family of Thomas and Henry de Ho, that he had come to acquire this croftland by descent as his personal property, and that its ownership had then slipped almost imperceptibly – elided as it were – without formal conveyance from his private possession into the corporate possession of the institution whose head he then was? Might one even suggest that it was Master Gerard de Ho's ownership of this conveniently placed plot of land which in some way facilitated his emergence as master of the College? Only

120 P.T., Coll. Sit. B 9 and 11. The larger holding is described as 'totum meum mesuagium integrum cum omnibus suis edificiis, gardinis, curiis, curtilagiis, et aliis suis pertinenciis'.

121 *B.R.U.C.*, pp. 154, 522. *Cambridge Gild Records*, ed. M. Bateson, Cambridge Antiquarian Society, Octavo Series, xxxix (1903), pp. 5, 11, 21. *Vetus Liber Archidiaconi Eliensis*, ed. C.L. Feltoe and

E.H. Minns, Cambridge Antiquarian Society, Octavo Series, XLVIII (1917), pp. 24, 127.

122 P.T. Coll. Sit. B 6, 7 and 8.

123 P.T., Coll. Sit. A 26. The date can be inferred from the Jewish 'starr'.

124 *Rotuli Hundredorum*, II, p. 371.

125 P.T. Reg. Vetus, p. 60; *B.R.U.C.*, p. 312.

126 *Ibid.*, p. 307.

such a sequence of events will satisfactorily take account of both the absence of title deeds and the coincidence of names between the last known private owner of the land and the first known master of its subsequent corporate proprietor. Hence this land was an accretion, so to speak, rather than a formal acquisition. But the fact that it was at the disposal of the scholars, if not in their full legal possession, by 1295 and perhaps by as early as 1290, and therefore represented the first expansion of their site, was to have a crucial effect on the whole topography of the college. For it was on this land, the earliest area of sufficient size to fall under their control, that they were naturally to begin their building programme by constructing their Hall.

The gradual extension between 1284 and 1300 of the scholars' ownership over the whole of Area I was of crucial value to them. It provided them with the land on which to build a Hall and, later, Old Court, as well as subsequently a library and chapel. It gave the scholars direct access to Trumpington Street and, perhaps of most importance, it bridged the gap between the College's two original hostels and the more northerly of the exchanged acres (Area II). With this land in hand, and the final acquisition of an indisputable claim to the lands of the friars in 1309, the scholars' estate formed a coherent block extending from the churchyard southwards, and from the street frontage westwards to the fen. Indeed no further expansion of the site was to take place for more than two hundred and fifty years, until in 1570 the College obtained the land, formerly of William Inge the miller, now represented by the Scholars' Garden and St Peter's Terrace. But, in view of its value to them, it becomes all the more remarkable that the scholars should appear to have taken risks with their title to these holdings in Area I.

Bishop Hugh's grant of the two hostels in 1284 was not accompanied by any mortmain licence. Perhaps at this early stage, less than five years after the Statute of Mortmain was promulgated, it was still unclear whether a licence was needed for a grant of land between two religious corporations. Perhaps it was felt that the king's confirmation of Bishop Hugh's

gift in May 1285 made any such licence redundant.¹²⁷ However there could be no such doubts about the acquisition of de Ho's croftland. Here a mortmain licence was certainly required and none was obtained. The lapse becomes entirely comprehensible if the scholars secured this land by the informal means which have already been described, but it cannot thereby have become exempt from the terms of the statute. The same problem arises with respect to the Ayleshams' lands in Area I. In 1299–1300 this estate was sold to nominees of the college. More than half a century later the same land, or at least a large part of it, still appears in the hands of nominees. In 1352 it was granted by Master Thomas de Wormenhale to three other *magistri*, William de Stantone, William de Boston and Richard de Oudeby.¹²⁸ Wormenhale, Boston and Oudeby were certainly fellows of the College at the time and it must be likely that Stantone was also a fellow. Wormenhale indeed was a man of some distinction, a lawyer like Conington, his predecessor as a nominee owner, and later to become Master of the College as well as Chancellor and Vicar-General of the diocese of Ely. Clearly during the half-century since its original sale by Sabina de Aylesham this land must have passed through the hands of several nominees. Yet this earlier sequence of conveyances has not survived, nor have any of their successors after 1352. To all appearances this holding, like the croftland, was silently integrated into the corporate ownership of the College at some unknown date, without formal deed and again without mortmain licence from the royal government.

These omissions demand explanation. This area of land was vital to the scholars. It represented the core of their college. What is more, at least two of the nominee owners, Conington and Wormenhale, were themselves lawyers who could not have been unaware of the legal implications of what they were doing. And precisely the same question must be posed with regard to the most southerly part of the scholars' estate (Area IV), which similarly passed into the corporate ownership of the College without formal conveyance and without mortmain licence.

127 P.T., Cista Communis II.

128 P.T., Coll. Sit. C 4. *B.R.U.C.*, pp. 75, 437, 551, 650-1. Oudeby, Stantone and Wormenhale also

acted at about this time as nominees of the College in acquiring an estate at Fen Ditton. P.T., Fen Ditton A 2 and 3.

The question assumes even sharper form when it is recalled that on as many as four separate occasions prior to 1400 the scholars did undertake all the formalities required to amortize their holdings. In 1309, as we have seen, a royal licence was granted for the College to acquire the former lands of the friars (Areas II and III). But these represented only a part of the college site. Why was the opportunity not seized at this stage to take advantage of the king's apparent favour and to obtain a licence which would embrace the entire holding? Previously, in 1290, a licence had been issued for the scholars to acquire property elsewhere in Cambridge. Then in 1345, and again in 1353, the scholars were licensed to appropriate the church of Cherry Hinton. And finally, in 1392, the College reacted to a statute of the previous year, which had outlawed the use of nominees to conceal amortization, by finally obtaining a royal licence to legalize their ownership of an estate in Fen Ditton which they had in fact obtained through nominees almost forty years previously.¹²⁹ If the scholars recognized in 1391–2 that they must regularize their position with regard to their Fen Ditton estate, why were similar precautions not taken at the same time to safeguard their title to the land where they actually lived and where they were shortly to construct a substantial sequence of buildings?¹³⁰

A number of answers suggest themselves, although naturally none can be conclusive. The lands of the Friars of the Sack represented a substantial and coherent holding. Furthermore the fate of the friars' lands throughout England was a matter of general and public concern which had provoked papal intervention and where the king himself might claim some residual rights of disposition. The acquisition of so large an estate from such a source could not simply be lost in the interstices of nominee conveyances. For this land at least, a royal licence to

amortize might well have seemed inescapable. As far as the rest of their site was concerned the scholars were in good company in avoiding, or even evading, the Statute of Mortmain. Their own sister foundation of Merton frequently hid its acquisition of property behind successive groups of fellows acting as nominee proprietors. Indeed on one occasion the College sailed sufficiently close to the wind in this respect as to have its land confiscated by the crown on an accusation of collusive practice.¹³¹ And Oriel College seems to have resorted to royal licence only under the threat posed by the 1391 statute.¹³² Other religious communities which were closer at hand, and of much greater public consequence than Bishop Hugh's scholars, such as Barnwell, Ely or Thorney, did not hesitate to ignore the statute altogether. The moral of their behaviour would seem to have been that such offences were much less likely to be detected if only small parcels of land were involved and if the property concerned was situated near to the beneficiary's main holding.¹³³ The acquisitions made by the scholars met both requirements and from this point of view they could have felt that the risks being taken were a justifiable gamble. Then, again, the absence of any formal deeds of conveyance between the final nominee owners and the College may itself be revealing. Any formal conveyances of this sort would be bound to raise the question of mortmain and were therefore best avoided. Alternatively, perhaps the conveyances between one group of nominees and another had become so automatic and perfunctory that in time the College came to assume corporate ownership without either decision or reflection. But, whatever the answer, the dilemma was only resolved from 1465 onwards in a sequence of general pardons from the royal government by which the College was finally relieved of any liability for these illegal accessions of land which it had

129 *Calendar of Patent Rolls, 1281–92*, p. 371; 1307–13, p. 159; 1343–45, p. 460; 1350–54, p. 494; 1391–96, p. 67. Also, P.T., Fen Ditton A 2 and 3.

130 The omission becomes all the more surprising in the light of an enquiry launched in 1347 by the government into illegal amortization in Cambridge. *Calendar of Patent Rolls, 1345–8*, p. 321.

131 J.L. Barton, 'The Medieval Use', *Law Quarterly Review* LXXXI (1965), 562–77, esp. p. 565. *Merton*

Muniments, ed. P.S. Allen and H.W. Garrod, Oxford Historical Society, LXXXVI (1926), pp. 28, 32. For similar problems encountered elsewhere by Merton College, see Raban, *Mortmain Legislation*, p. 73.

132 *Oriel College Records*, ed. C.L. Shadwell and H.E. Salter, Oxford Historical Society, LXXXV (1926), p. 34.

133 Raban, *Mortmain Legislation*, pp. 95–9.

initially made more than two hundred and fifty years previously.¹³⁴

Because of the nature of the sources the scholars' acquisition of their site has to be described in predominantly legal terms. But the process had many other aspects, social, economic, architectural and even intellectual. In the first place it brought the scholars into close contact with the citizens of Cambridge. Public relations, at least, between the scholars and the townsmen were acrimonious during this period, dominated by a dispute which sprang not from these property transactions but from the terms of Bishop Hugh's original endowment. In order to understand the dispute it is necessary to look behind the foundation of the College to the earlier relations of the bishop of Ely with the Hospital of St John. The precise origins of the Hospital are unclear, but in 1279 a Cambridge jury claimed that it had been built on land which had been given by a burgess to the townsmen, and that they were therefore the rightful patrons of the community. However, so the jury claimed, the patronage had subsequently been illegally seized by the bishops of Ely who had appointed masters on their own initiative, contrary to the rights of the townsmen and despite their repeated complaints to the royal authorities. Certainly the Hospital had been directed at the needs of the sick and the poor of the town and the townsmen themselves had contributed in large numbers to its endowment.¹³⁵ Hence, on the eve of Bishop Hugh's introduction of his scholars into the Hospital, the townsmen had already given voice to their resentment at episcopal intervention in its internal affairs. To compound this problem, almost as soon as they arrived the scholars fell out with the brethren of the Hospital over a wide range of issues, and this existing ill-feeling was only further sharpened by the terms under which the two communities separated. Both submitted their property to the disposal of the bishop and in his arbitration it seems that

Bishop Hugh may, not unnaturally, have favoured his own scholars at the expense of the brethren. In particular he appropriated to the scholars the church of St Peter. This was almost bound to provoke resistance. The church had been given to the Hospital in the first instance by a townsman specifically 'in usus pauperum in eadem domo sustentandorum'. It had formed part of the Hospital's earliest endowment and was the only church that it possessed within the town. This latter fact was more than a matter of local *amour-propre*. It meant not only that the Hospital became a tithe owner in the Cambridge fields but also that in future it could hope to have the tithes of newly acquired land in the fields either directed to its own church or remitted altogether. The loss of the church was therefore a particular blow to the Hospital. All the more so as Bishop Hugh gave to the brethren in return some property and a rent charge in Cambridge which may well have seemed quite inadequate compensation. This inheritance of ill-feeling came to focus on the tithes of the two water-mills situated within the parish of St Peter. Bishop Hugh had granted these tithes to his scholars in 1284 in unequivocal terms.¹³⁶ But this did not prevent the development of an ill-tempered dispute which lasted for more than fifty years and in which the townsmen and the Hospital formed common cause against the scholars. The townsmen were the natural allies of the Hospital but the alliance was cemented by more specific considerations. Mill tithes were a perennial source of dispute and it would seem that these two mills enjoyed a monopoly within the town. In this case the tithes may have been acceptable to the townsmen as long as they were directed to the support of their own Hospital, but they would become an object of resentment when diverted to the bishop's scholars. To add to this resentment, it was the town authorities who were responsible for the actual collection of the mill tithes and then for

134 P.T., *Cista Communis* v, A 2 and 3.

135 *Rotuli Hundredorum*, II, p. 359. For an alternative account of the matter, also given by a Cambridge jury, see *Abbreviatio Placitorum* (Record Commission, 1811), p. 263. Rubin, *Charity and Community*, pp. 99–108, 202–12.

136 P.T., *Reg. Vetus*, pp. 27–8; *Collegium* A 3, and *Coll. Sit.* B 2. St John's College Archives, D 98, 3. For the original appropriation of St Peter's church to the hospital, see P.T., *Eccl. Cant.* A 1 and 2, and Rubin, *Charity and Community*, pp. 193–5.

paying them to the scholars.¹³⁷ Redress therefore lay peculiarly in the townsmen's own hands. The accounts of the dispute show that right from the outset the tithes were simply withheld from the scholars, and continued to be paid to the brethren of the Hospital. But the issue finally came to a head after lengthy legal process in 1320 in the court of the archbishop of Canterbury when the brethren of the Hospital and the townsmen were ordered to pay the scholars the substantial amount of £80 in arrears of tithe and to recompense them in the sum of 20 marks for their expenses. Then, on appeal against the payment of these expenses, the townsmen were ordered to pay an additional 10 marks to the scholars. The brethren and the townsmen remained recalcitrant, appealing again both to the king and the pope, and it was only after sentence of excommunication had been passed against the brethren of the Hospital, the mayor and bailiffs of the town, and a group of ten prominent townsmen including three former mayors, that they submitted to the archbishop's judgement.¹³⁸ But even this was by no means the end of the dispute, and it was not until 1340 that Simon de Montacute, bishop of Ely, settled the matter in an arbitration under the terms of which the brethren surrendered all their claims to the church of St Peter and in return received an annual payment from the College.¹³⁹

Not only did this dispute take place during the very years when the scholars were acquiring their site but it was merely one facet of a broader, and at times violent, conflict between the university and the townsmen.¹⁴⁰ Nevertheless it is difficult to see that this ill-feeling over the tithes affected the process of acquisition in any decisive way or, conversely, that the townsmen demonstrated

any particular generosity towards the scholars. In this context at least, an air of businesslike neutrality appears to characterize the relationships between the scholars and their neighbours. John de Branketre and John and Sabina de Aylesham were apparently willing to sell their land to nominees of the College, although both Branketre and Aylesham were burgesses of the town, had previously served as its bailiffs and could not therefore have escaped involvement in the dispute over the mill tithes.¹⁴¹ It was convenient for the scholars that so much of the land near their original hostels should have been accumulated under the single ownership of John de Aylesham and his wife. This meant that a coherent site could be built up without a multiplicity of small acquisitions. But such consolidation of suburban holdings was not uncommon amongst the prosperous townsmen of the day, nor was their rapid dissolution. There is no evidence that the original consolidation of holdings by the Ayleshams was in any way contrived for the benefit of the College. Similarly all the Ayleshams' land, as well as Branketre's messuage, was sold to the scholars. No specific sum is mentioned for their purchase of the holdings in Area I, but the scholars paid £30 to John and Sabina for their estate in Area IV. This would seem to have been a fair commercial price. Indeed in 1300, nearly five years after the sale, Sabina took yet more money from the scholars for her final quitclaim.¹⁴² There is only one piece of evidence which might suggest that the relationship between the scholars and the Ayleshams was anything but a normal commercial one. In 1299, almost certainly in March, a Master Richer de Aylesham was appointed a fellow of Peterhouse.¹⁴³ Sabina

137 H.P. Stokes, 'The Old Mills of Cambridge', *Proceedings of the Cambridge Antiquarian Society* LVII (1910), 180–233, esp. pp. 181–6, 202–5. Also, J.A.W. Bennett, *Chaucer at Oxford and Cambridge* (Oxford, 1974), pp. 87–116, 120–23.

138 P.T., Eccl. Cant. A 8–13. Rubin, *Charity and Community*, pp. 196–8.

139 P.T., Collegium A 5–7; St John's College Archives, D 98, 1; D 98, 24; D 20, 59. Echoes of this case, in the form of a dispute over tithes of fish caught in the mill pond, recur as late as c. 1375–1410. P.T., Eccl. Cant. A 15 and 16; Reg. Vetus, p. 87.

140 All fourteen excommunicated in connection with the tithe dispute were amongst more than three hundred townsmen accused in 1322 of taking part in a murderous riot against members of the university. Indeed it is tempting to see a causal link between the two incidents. P.T., Eccl. Cant. A 10. *Calendar of Patent Rolls, 1321–4*, pp. 151, 171, 173.

141 Maitland, *Township and Borough*, pp. 134–6.

142 P.T., Coll. Sit. B 3, 4, 5, 9, 10, 11.

143 *Registrum Roberti Winchelsey Cantuariensis Archiepiscopi*, ed. R. Graham, Canterbury and York Society (2 vols. 1952–6), I, pp. 322–3.

de Aylesham's crucial sale to the scholars of her holding immediately adjacent to their two hostels took place probably only about six months later, in October 1299. John and Sabina de Aylesham had already conveyed part of their estate to the scholars some four years previously, so their dealings with the college cannot have arisen entirely in consequence of the arrival of Master Richer. Nevertheless it is a striking coincidence that the same name should be shared by those who made available to the scholars so large a part of their site and by a man who had so recently become one of their number. But the argument can be pressed no further. The deeds concerned provide no justification for assuming that the Ayleshams were generous to the College, nor do their names appear on the College's first list of benefactors. Indeed we know that Sabina de Aylesham's piety was exercised in a different direction, for she gave two of her houses to the recently founded chantry of the Blessed Virgin in her own parish church.¹⁴⁴ John and Sabina de Aylesham were certainly willing to sell to the College land which would be of great value to it. Evidently any civic hostility which may have existed was not so deeply felt as to preclude such a sale. But their willingness to sell would seem to have been a product of their advanced age and their lack of an heir rather than a sign of any positive sympathy with the scholars. Nor would this be the last time that the foundation of a Cambridge college was eased by the readiness of the widow of a wealthy burgess to dispose of her property.¹⁴⁵

Just as some townsmen sold land to the scholars, so Peter Arnold and Hugh le Rus, acting as heirs of the original donors, were prepared to assist the College in

substantiating its title to the lands of the Friars of the Sack. Similarly, conveyances to the College, or its nominees, were authenticated in the customary way in the borough court and were witnessed by the leading officials of the town, the mayors and bailiffs, even though in another context a number of these same men were later to be excommunicated for their resistance to the scholars.¹⁴⁶ Conversely, none of the townsmen was a major benefactor to the College. During this period their charity was exercised predominantly in favour of their own hospital and of the newly established orders of friars.¹⁴⁷ But they were prepared to do business with the scholars. No doubt their money was as good as anyone else's, or even better given the generosity of Bishop Hugh's legacy. In any case it would be wrong to exaggerate the division between the burgesses and the College or, in general, between the town and the university. Bishop Hugh was a man of, apparently, modest birth who came from a village less than ten miles from Cambridge. The first known master of his college was almost certainly a member of a well-known Cambridge family, as was at least one of its earliest scholars. Similarly many of the other members of the College at this time, and many of those who acted on its behalf in these transactions, were clearly local men, from Ely or from such Cambridgeshire villages as Cherry Hinton, Conington, Shepreth, Haslingfield or Leverington.¹⁴⁸ On a broader basis it is clear that relations between the scholars and the townsmen were much more complex and more interdependent than the recurrent bursts of hostility might suggest. Many members of the university owned houses in the town or acres in the neighbouring fields.¹⁴⁹ They were

144 C.P. Hall, 'In Search of Sabina: a Study in Cambridge Topography', *Proceedings of the Cambridge Antiquarian Society* LXV (1974), 60-78, esp. pp. 67-8. The list of benefactors appears in P.T., Montacute Statutes, f. 13^r. It would of course have been impossible to make grants to nominees dependent upon any spiritual recompense as this would have exposed the true nature of the transaction.

145 Stamp, *Michaelhouse*, pp. 14-15.

146 For example, Simon de Refham and Guy le Spicer, both former mayors, who witnessed many of the scholars' charters; P.T., Coll. Sit. B 9, 10, 11, 13, 14, 15, 16, 20. Similarly many townsmen who witnessed the foundation documents of Michaelhouse and University Hall in 1324 and

1326 were accused of involvement in the riot of 1322. A.C. Chibnall, *Richard de Badew and the University of Cambridge 1315-1340* (Cambridge, 1963), p. 12.

147 Rubin, *Charity and Community*, pp. 206-8. J.R.H. Moorman, *The Grey Friars in Cambridge* (Cambridge, 1952), pp. 8-9, 15-18. The benefactors of the Friars of the Sack were similar in origin; P.T., Coll. Sit. A 1-20 and St Peter's College, A 1, 3.

148 See above, pp. 29, 32-3. P.T., Reg. Vetus, p. 60. *B.R.U.C.*, pp. 154 (Conington), 211 (Ely), 292 (Haslingfield), 365 (Leverington), 386 (Malebraunche), 522 (Shepereth).

149 *B.R.U.C.*, pp. 24 (Aunger), 81 (Bouden), 259 (Giselham). *Rotuli Hundredorum*, II, pp. 436

incumbents of its churches and members of its gilds.¹⁵⁰ Others indulged in property speculation alongside the burgesses, or lent money to them.¹⁵¹ A number, especially amongst the lawyers, were married men living a normal family life amongst the townsmen.¹⁵² A few members of the university played a leading part in town affairs, serving as aldermen of gilds, mayors, or on occasion as members of parliament for the borough.¹⁵³ In the middle years of the thirteenth century it is even possible to find some scholars joining forces with a number of townsmen in attacking other members of the university. Loyalties and enmities were not straightforward.¹⁵⁴ Indeed we may suspect that the dispute over the mill tithes was not so much a manifestation of urban hostility against the scholars themselves, but rather against their status as protégés of the bishop, against the bishop's intrusion into the internal affairs of the town's hospital, and perhaps particularly against the alleged misappropriation of tithe payments which were in any case inherently unpopular.

The charter evidence deployed here is so concentrated on the actual process by which the scholars obtained their site that it can readily suggest that this process was an end in itself. Yet the scholars acquired much more land than was immediately necessary for their use as lodgings or for the construction of a hall. But, as the Ely annalist stressed, Bishop Hugh's legacy was intended not merely to permit his scholars to buy land but primarily to enable them to build a habitation for themselves, 'ad edificia de novo construenda'.¹⁵⁵ The land was meant to provide a home for the scholars. But the pattern of land ownership which the scholars found on their arrival, and the very stages by which they acquired their site, in fact

controlled the way in which this home took shape. Hence the essential topography of the modern college was established by events which took place between 1230 and 1300. Hence also the buildings and the garden are themselves evidence, more vivid when properly 'read' than the actual deeds, and certainly as precise, for the way in which the first generation of scholars acquired their holding. Here indeed mute stones speak.

They speak loudest with regard to the medieval college buildings, the existing Old Court. The conventional collegiate quadrangle did not take clear shape in Cambridge until the building of Pembroke College in the decades after 1350. Previously a much less ordered pattern of collegiate architecture prevailed, and the early building of a Hall at Peterhouse, quite independent of a quadrangle, is characteristic of this initial, unstructured phase. And although the remainder of Old Court was not built until well into the fifteenth century, by which time the model for a collegiate quadrangle had become well established, the particular placing of the Hall, by then more than a century old, prevented the new quadrangle from assuming the by then conventional form. It was the earlier siting of the Hall which controlled the disposition of Old Court and which therefore determined its particular character. More specifically, two features of Old Court are distinctive (Map 4). In the first place it was not situated close to the street frontage and secondly, in consequence, it was not enclosed on the fourth, or eastern, side which faced the road. In other words, the earlier placing of the Hall had the effect of 'pulling back' the later quadrangle from the street and of making it difficult to complete the fourth side of the court. But why was the Hall built in its present position?

(Fulburn), 437 (Filebi). Other examples could be multiplied.

150 *B.R.U.C.*, p. 292 (Haslingfeld). *Cambridge Gild Records*, ed. Bateson, pp. 16–24, 33 and *passim*.

151 *B.R.U.C.*, p. 39 (Guy of Barnard Castle). His activities can be traced in J.M. Gray, *The School of Pythagoras*, Cambridge Antiquarian Society, Quarto Publications, IV (1932), pp. 6–8, 18, 34, 44–6, 62.

152 *B.R.U.C.*, pp. 93 (Brigham), 595 (Triplow), 660 (Wynepole), and *Cambridge Gild Records*, ed. Bateson p. 16.

153 *B.R.U.C.*, pp. 93 (Brigham), 212 (Elyot), 287 (Harlaston), 595 (Triplow). *Cambridge Gild Records*, ed. Bateson, pp. 132–3. Gray, *Mayors of Cambridge*, pp. 11–12.

154 *Calendar of Patent Rolls, 1258–66*, p. 146. For similarly confused patterns of loyalty, see W.M. Palmer, *The Assizes held at Cambridge, AD 1260* (Linton, 1930), pp. 40–42, and H.M. Cam, *Liberties and Communities in Medieval England* (Cambridge, 1944; reprinted 1963), pp. 41–2. Also, later, the remarkable career of Mayor Bilney; *B.R.U.C.*, p. 62.

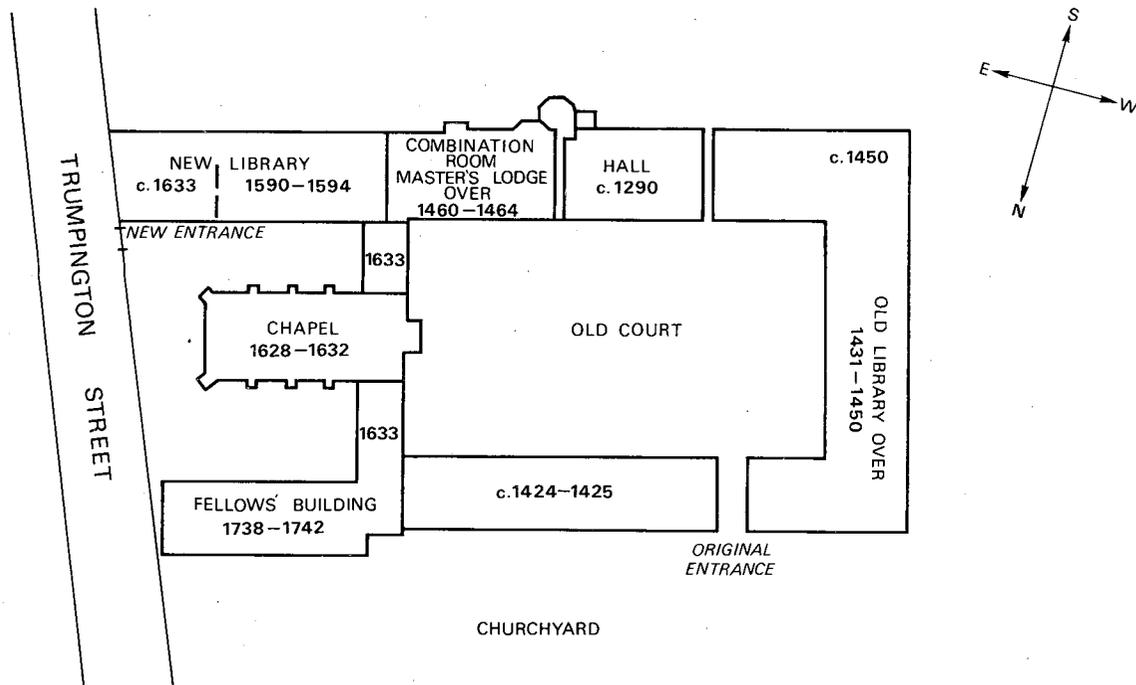
155 Bodleian Library, Laud misc. MS. 647, f. 176^r.

The answer to that question lies, not in any architectural or aesthetic considerations, but in the exigencies of the circumstances in which the scholars initially acquired their site. What was decisive in this respect was that the land first obtained by the scholars lay well back from Trumpington Street and was separated from the street by a row of houses then in the possession of one of the richest Burgess families of Cambridge, John and Sabina de Aylesham (Map 3). As we have seen, the two hostels given to the scholars in 1284 by Bishop Hugh as part of their original endowment were situated not, as has been universally assumed, on the street frontage, but at the western end of St Peter's churchyard, in what was to become the north-western corner of Old Court. It was a direct consequence of this fact that the next acquisition of land made by the scholars, however unclear the process, should have consisted of Thomas de Ho's former croftland, which was immediately adjacent to their original hostels and similarly nearly sixty yards back from the street. In turn the situation of these hostels and of de Ho's croft defined the way in which the college initially took shape. Hence when the decision to build the hall was taken, the College did not own any land on the street frontage, and there was probably no reason to suppose that the Ayleshams might be willing to sell this part of their holding to the scholars. In fact these houses did not come into their possession until 1299. In such circumstances the scholars had no alternative but to construct their hall in its present position, apparently abutting immediately on the end of the Ayleshams' messuage. Similarly it is well known that the entrance to the College for much of its earlier history lay through St Peter's churchyard, at the western end of the church, although it is not obvious why this should have been the case once the College had obtained the land on the Trumpington Street frontage. In fact the siting of this entrance must date from an earlier, and precise, period when the scholars lived in the hostels on the edge of the churchyard (where the entrance was situated) but did not yet own the houses on the street, that is, between 1284 and 1299. Again it was the siting of these original hostels and the adjacent entrance to the College which

controlled not merely the placing of the hall but also its actual plan. The later conventional disposition of the collegiate quadrangle at Cambridge placed the hall 'parallel to, and remote from, the street of entrance and therefore on the opposite side to the gateway'.¹⁵⁶ Given the site of the present entrance to the College, the hall of Peterhouse appears, on these principles, as it were to face the wrong direction, lying east to west rather than north to south (Map 4). But when it is recalled that, at the time when the hall was constructed, the entrance to the College faced it to the north, then it becomes apparent that this arrangement, although dating from an earlier period, in fact exactly corresponds to the subsequent, and conventional, arrangement of a college courtyard. Finally the fact that the hall was built so far back from the street and that the accompanying quadrangle, when eventually constructed, had to be disposed around this pre-existing hall, meant that the land on the street frontage, once acquired, presented both a problem and, later, an opportunity for the scholars.

The problem is apparent in Hamond's map of 1592 (Fig. 2). Here Old Court can clearly be seen set well back from the street and closed on the street side not by a fourth range of buildings, but by a low, and apparently meaningless, wall. Between this wall and the street there lies a small, irregular 'entrance' court fronted by ordinary, modest houses. But when the College came to expand at a later date this undeveloped area presented an opportunity (Map 4). A new library was built there in the sixteenth century, a chapel in the seventeenth century, and a Fellows' Building in the eighteenth century. Remarkably, all this expansion took place at the front of the College, next to the street, and not, as elsewhere, behind or alongside an existing college court. In a word the axis of the college was turned through ninety degrees, changing from one which ran from north to south (from entrance to hall) to one which ran from east to west. And the entrance to the College moved from the northern side to the eastern, from the churchyard to the street. Indeed in the 1580s a group of college benefactors planned to exemplify this new orientation in the most

156 Willis and Clark, *Architectural History*, III, p. 267.



Map 4. Peterhouse. Siting and chronology of early buildings.

spectacular fashion by constructing on the Trumpington Street frontage 'a faire gatehouse . . . lyke to St Johns Gatehouse'.¹⁵⁷ But this change of orientation was possible only because the enforced placing of the hall and of Old Court had left the area next to the road free for future collegiate building. Sabina de Aylesham may have been reluctant to sell to the scholars until she reached her second widowhood. Perhaps the scholars lacked the resources to purchase her holding until 1299. Whatever the reasons for the delay in acquiring the land, the consequences of these events of the 1280s and 1290s are as visible now as they have been for the last seven hundred years.

However, this built-up area occupied only about a quarter of the land which the scholars actually owned on Trumpington Street. Within some twenty years of their arrival they had acquired much more land than they could

have needed for their own accommodation. Certainly they spread themselves, at least as far as their buildings were concerned. A hall, large enough to hold eighty, was immediately constructed for a fellowship which can hardly have been more than fifteen in number. Perhaps it was intended as a visible monument to the beneficence of the founder. Doubtless it provided an impressive milieu when the scholars each year entertained the regent masters of the university for the obsequies on the anniversary of Bishop Hugh's death.¹⁵⁸ But neither role could be regarded as a necessity. In the same vein, over a century later the scholars built more than two sides of a substantial court which provided many more rooms than could possibly have been required by a fellowship which still stood at only fifteen. In most years there were apparently a few perendinants willing to rent spare rooms, but it is doubtful whether they were ever

157 P.T., West Wrating Misc. 1 (Andrew Perne's will).

158 P.T. Cista Communis IV. The annual expenditure

on the obsequies, as recorded in the Bursars' Rolls, suggests that it was a great occasion.

sufficiently numerous to occupy anything like the accommodation available.¹⁵⁹ However Peterhouse was by no means the only medieval college to over-build. What was unusual about the College at this time was not the scale of its buildings but the area of its site. This can best be appreciated by comparison with the other early Cambridge colleges. The site which had been acquired by the scholars of Peterhouse by 1309, if not earlier, amounted to nearly six acres; that is roughly twice the size of the core site of either King's Hall or Michaelhouse, and some three times the size of that of Clare College.¹⁶⁰ The contrast is so striking that it must provoke some explanation.

Explanation would be straightforward if it could be shown that the scholars of Peterhouse simply possessed greater resources with which to purchase land than their colleagues in other colleges. Such an argument may carry some weight but it is far from convincing. Certainly the scholars received the capital sum of £200 from the estate of the founder but the main purpose of the legacy, if the words of the Ely annalist can be precisely interpreted (and the same tradition existed within the college), was to enable them to construct new buildings, that is a Hall and Buttery. Land was to be purchased, so it seems, only in so far as it was necessary to provide a site for these buildings. Furthermore, not only was the Hall built on a generous scale, but it was also apparently a building of some elegance. 'Aulam perpulcram' was the verdict of the Ely chronicler.¹⁶¹ To judge from analogous contemporary building accounts, it would be surprising if the construction of such a Hall, together with its Buttery, did not absorb a very substantial part of the founder's legacy,

leaving only a relatively small proportion of the original sum available for the purchase of land.¹⁶² Similarly, while the scholars of Peterhouse were undoubtedly better endowed than those of University Hall, we have sufficient comparative information about their financial circumstances to be certain that they were considerably less well provided for than their colleagues at Michaelhouse or King's Hall.¹⁶³ So this disparity in site area cannot be regarded as entirely the natural outcome of a disparity in resources between the early colleges.

Another explanation might be sought in the location of the various colleges. King's Hall, Michaelhouse and University Hall were all founded within the bounds of the King's Ditch, but the bishop of Ely placed his scholars outside the Trumpington Gate where it might be thought easier, and no doubt cheaper, to acquire a large and coherent site. Again the argument clearly has some substance. Cambridge was certainly more thickly populated in 1300 than at any time for the next three hundred years and the centre of the town was crowded with people and buildings.¹⁶⁴ Yet the picture was not altogether straightforward. The Hundred Rolls of 1279 recorded almost fifty vacant holdings. Of course, these were small, scattered sites, unsuitable for any substantial collegiate development. But their very existence indicates at least some discrimination in the demand for land within the Ditch. Similarly three of the new orders of friars, the Austins, the Carmelites and (in part) the Franciscans, were all able to acquire quite considerable urban sites during the second half of the thirteenth century. But it is noticeable that their holdings were all situated in the least desirable areas next to the Ditch,

159 The scale of Old Court becomes all the more remarkable when it is recalled that the Statutes instructed the scholars to share their rooms, not because of shortage of space at the time, but on educational grounds. P.T., Montacute Statutes, f. 2^v (cap. 6). The numbers of perendinants each year can be calculated from their rent payments as recorded in the Bursars' Rolls.

160 Willis and Clark, *Architectural History*, IV, plan 23, fig. 1. *V.C.H. Cambs.*, III, p. 341.

161 Bodleian Library, Laud misc. MS 647, f. 176^r. For the college tradition, see *Documents Relating to the University and Colleges of Cambridge*, II, p. 45.

162 A particularly relevant basis of comparison is

provided by W.M. Palmer, 'Cambridge castle building accounts', *Cambridge Antiquarian Society, Proceedings and Communications*, XXVI (1923-4), 66-89.

163 Stamp, *Michaelhouse*, pp. 26-8, 42-3. Cobban, *King's Hall*, pp. 112-47; for its 'dividends', see Table 3 on p. 119 and p. 142 n. 2, and for its accumulated capital in 1423-4, see p. 120. In 1344 Peterhouse did not even possess the resources to provide the normal rate of commons for its scholars. P.T., Montacute Statutes, f. 7^r (cap. 29).

164 For an outline of a complex problem, see *V.C.H. Cambs.*, III, 109-10, and M.D. Lobel, *Cambridge* (London, 1974), pp. 9-12.

actually straddling it in the case of the Franciscans, or on the marshy ground by the river in the case of the Carmelites. So perhaps we should make a distinction here between the most crowded areas in the very centre of the town and an area on its fringes, but still within the Ditch, where there was more scope for new settlement. In other words, land may have been at a premium inside the Ditch by 1300 but it was not everywhere completely unobtainable. Conversely, earlier suburban development already restricted the scope for new foundations immediately outside the town gates. The establishment of the Dominican community beyond the Barnwell Gate involved the absorption of a number of existing houses, just as houses had been built along Trumpington Street well before the arrival of the scholars.¹⁶⁵ So the advantages of their suburban site were not absolutely overwhelming in this respect, although one of its attributes may have made it easier for the scholars to build up a substantial holding. The messuages on the western side of Trumpington Street each included at the rear an exceptionally large area of croftland, stretching backwards as far as the common pasture. Furthermore these messuages had as yet undergone no 'in-filling', by which their croftland was sold separately and additional houses constructed behind the street frontage. Hence a large holding could be acquired by means of a comparatively small number of acquisitions. And the scholars were not faced with the problem of purchasing a multitude of small, sub-divided holdings from separate, and possibly reluctant, hands.

Nevertheless it is hard to avoid the conclusion that the main reason why the scholars were able to acquire so substantial a holding lay in a certain combination of fortunate circumstances and exceptionally apposite patronage. In 1284 nearly all the land immediately to the south of the scholars' two original hostels was in the hands of only two proprietors, the Friars of the Sack and John and Sabina de Aylesham. This concentration of holdings was relatively recent. At the time when the scholars arrived the Ayleshams probably owned seven tenements on the

western side of Trumpington Street. None had been inherited and all seven had been purchased from different owners.¹⁶⁶ The estate was the creation of John and Sabina. In the same way the Friars had acquired their site from a variety of former proprietors between 1257 and about 1272.¹⁶⁷ Such a consolidation of ownership can only have facilitated the scholars' efforts to expand their holding. But what was more important in bringing these efforts to success was the chance that, for very different reasons, both neighbours – at a moment precisely convenient for the scholars – were either willing or obliged to dispose of their lands. The motives of John and Sabina de Aylesham must to some extent remain conjectural but they can plausibly be reconstructed. John de Aylesham was certainly Sabina's second husband. By 1295 when their first sales were made to the College, or its agents, neither can any longer have been young. John was to die within the next two or three years and Sabina not long afterwards, and it must already have been clear that the couple would have no direct heir.¹⁶⁸ They began, understandably enough, by disposing of their outlying property, messuages further down Trumpington Street and some way away from their main, consolidated holding next door to the church of St Peter. Only when widowed for a second time, and perhaps already planning the substantial endowment of her chantry, did Sabina finally dispose of this estate, yet still retaining a single house on the edge of the site for a further six months. How many elderly widows have shown a similar reluctance to sell their family home. It is not difficult to envisage the kind of domestic and financial pressures which lay behind such a sequence of disposals, or to see how well placed the scholars were to profit from such pressures, particularly when a member of their own community seems also, by another fortunate eventuality, to have been a relative of Sabina de Aylesham.

The acquisition of a large part of the lands of the friars was the outcome of a similar series of contingencies, although in this case the agencies were conciliar politics and episcopal

165 *Rotuli Hundredorum*, II, p. 360.

166 *Ibid.*, II, pp. 371–2.

167 See above, pp. 12–15.

168 Hall, 'In Search of Sabina', pp. 65–8. John de

Aylesham had served as a bailiff of Cambridge as long ago as 1273. Maitland, *Township and Borough*, p. 135.

patronage rather than domestic misfortune. The formal ownership of the friars' property, after the individual convents had faded away, had been reserved by the Council of Lyons to the Holy See but the detailed arrangements for disposal were committed to the local diocesan, in this case the bishop of Ely. The bishop at the time of the Council was himself the founder of the College. His successors were its patrons and visitors. But the early ties between the bishops and the scholars were even closer than these familiar facts might suggest. While still living in the Hospital of St John they had naturally identified themselves as 'the scholars of the bishops (*sic*) of Ely'.¹⁶⁹ More surprisingly, in his deed formally separating them from the Hospital, Bishop Hugh had specified that they were for all time to be called, not the scholars of the house of St Peter, but 'the scholars of the bishops of Ely' and this usage was immediately adopted by the College for its own seal.¹⁷⁰ Nor was this merely a self-regarding whim on the part of the founder. During the first twenty years of the College's independent existence this title, or some version of it, seems to have been more widely used than the form which was later to become standard. In 1291 the university itself referred in the most formal circumstances to 'the scholars of the bishop of Ely'.¹⁷¹ To the Barnwell chronicler they were 'the clerks of the bishop of Ely'; to the royal government 'the scholars of Ely'; to Sabina de Aylesham 'the scholars of the lord bishop of Ely'; and to one of Bishop Hugh's own executors, a benefactor of the College, and a man later himself to become bishop of Ely, they were precisely 'the scholars established in the town of Cambridge by Hugh of Balsham of blessed memory, formerly bishop of Ely'.¹⁷² At every point it is the dependence of the scholars on the bishop and on Ely, rather than their links with the church of St Peter, which is stressed. And it is against this background that we must place the crucial role played in 1295 by William of Louth, bishop Hugh's successor at Ely, in accepting, approving and confirming the reversionary

exchange arrangements by which a large part of the friars' holding came into the hands of the scholars. It remains unclear whether the College actually paid for this land. But what was decisive in enabling the scholars to expand their site in this way was a combination of three fortunate circumstances, their own geographical proximity to a considerable area of land which was unexpectedly to become available at exactly the moment when they were seeking to enlarge their own holding, the authority delegated by the Council of Lyons to the diocesan to regulate the disposal of this estate and, above all, the specific and intimate bonds of patronage and dependence which characterized the early relationship between the new college and the immediate successors of its founder. The College had defined itself in terms of its title in such a way as to identify its own survival and prosperity with the prestige of the bishops themselves. How could William of Louth ignore the claims of those who still saw themselves, and were seen by many others, as peculiarly his own scholars?

Finally, there are strong indications that the transaction by which the scholars obtained the land on which they built their Hall was also the product of a relationship with the previous owner which was not entirely commercial in nature. It has already been shown that this is the only area of the College's medieval site for which no deeds of acquisition survive. This lacuna is in itself so striking as to suggest that the land was obtained through some less formal means. However we know that the last recorded owners of the holding were Thomas de Ho and his heir Henry de Ho, that the first known master of the College in 1290 was Master Gerard de Ho, and that another Master Henry de Ho had been a clerk of the bishop of Ely. The conclusion that some coincidence of personal relationships lay behind the scholars' acquisition of even this key site comes to seem almost irresistible.¹⁷³

What is more, the fact that the scholars appear to have obtained so much of their holding partly by means of such contingencies

169 St John's College Archives, D 98.3.

170 P.T., Coll. Sit. B 2.

171 P.T., Cista Communis IV.

172 *Liber Memorandum Ecclesie de Bernewelle*, p. 287; *Calendar of Patent Rolls, 1281-92*, p. 354; P.T., Coll. Sit. B 9 and 11, and Reg. Vetus, p. 60.

173 See above p. 33. Other inter-relationships appear

elsewhere in these property transactions; see P.T., Coll. Sit. B 19 (Robert de Winwick to his 'nepos' of the same name) and C 2 (Roger de Thurston to Master Adam de Thurston). 'Nominee' owners seem at times to have had links with the College which were more than merely administrative.

indicates that the answer to the question of how they came into possession of their land also serves in large part as an answer to the further question of why they should have sought to obtain so large a site. The process of acquisition appears less the product of a conscious policy than the outcome of a series of fortunate coincidences. It was less a matter of planning and more a matter of having the right patrons and of being in the right place at the right time. Of course their large site was of some immediate value to the scholars. It included houses along Trumpington Street, and (at least later) in Little St Mary's Lane, which could produce an income from rents, as well as the large area of croftland behind them. How many houses there were, and how large a rental income they produced, are questions which must remain unanswerable in precise terms. To judge from the Bursars' Rolls of the last quarter of the fourteenth century, these houses were not always occupied, some may well have been let to college servants at reduced rents, others were in a bad state of repair, and the total rent received from them by the College was relatively insignificant. But this was at a time when the population of Cambridge had declined and the demand for suburban housing had correspondingly slackened, even though this process may have been partially offset as new collegiate foundations absorbed more land within the town. Before the Plague these houses would certainly have been producing higher rents for the scholars. But it is difficult to imagine that the yield was ever substantial compared, say, with the College's rectories of Thriplow and Cherry Hinton. And, as the scholars knew from their own Borden Hostel, similar property in the centre of Cambridge would have represented a much better, and more resilient investment. As far

as the croftland was concerned, this seems to have served the scholars in part merely as an orchard and a kitchen garden, where bees were kept and herbs and vegetables were cultivated.¹⁷⁴ Certainly the land was not developed in any way. So, however advantageous such a large site may have become in the future, its real value during the first centuries of the College's existence can scarcely be regarded as decisive. Its existence was the product of opportunities seized rather than of financial prudence.

* * * * *

Nearly a century ago Hastings Rashdall briefly dismissed Peterhouse as 'Merton's Cambridge daughter'.¹⁷⁵ This comparative verdict was misconceived in almost every respect. But nowhere was it less apt than with regard to the endowment of the two colleges. The endowment income of Merton shortly after 1300 was at least seven times that of Peterhouse.¹⁷⁶ But behind this sharp contrast lay an equally sharp contrast in the pattern of patronage. Walter de Merton was a wealthy man who endowed his college accordingly. But he was also a distinguished public figure, royal chancellor and at one time virtually regent of England. Hence he was in a position to induce many of the greatest in the land to patronize his new foundation.¹⁷⁷ By contrast the founder of Peterhouse, a monk from a local village, had become bishop of Ely against fierce and unscrupulous opposition from the government.¹⁷⁸ So, when a list of the College's benefactors was compiled in 1344, it included only two names from the era of foundation, the founder himself and his close associate, executor and archdeacon, Ralph de Walpole, who had given the scholars a mere couple of houses in the centre of

174 The rents from these houses are listed in P.T., Bursars' Rolls, 1374-5, 1388-9 and 1396-7, and details of the cultivation of the croft land appear in the rolls for 1374-5 and 1388-9. At this time the rents from Borden Hostel were about 22s a year, whereas rents from the houses on Trumpington Street were often only 4s or 8s a year. For the general problem of rent levels in Cambridge at this time, see Rubin, *Charity and Community*, pp. 48-9, 228-32.

175 H. Rashdall, *The Universities of Europe in the Middle Ages*, ed. F.M. Powicke and A.B. Emden (3 vols., Oxford, 1936), III, p. 298, a verdict arising

from his general view of Cambridge; see pp. 284, 285.

176 *The History of the University of Oxford*, I, *The Early Oxford Schools*, ed. J.I. Catto (Oxford, 1984), pp. 365-8; also, above p. 21.

177 *The Early Rolls of Merton College*, ed. Highfield, pp. 40-46.

178 W. Ullmann, 'The Disputed Election of Hugh Balsham, Bishop of Ely', *Cambridge Historical Journal* IX (1949), 259-68, esp. pp. 259-60. And, A. Maier, 'Notizie Storiche del XIII e XIV secolo da codici borghesiani', *Rivista di Storia della Chiesa in Italia*, IV (1950), 171-6.

Cambridge.¹⁷⁹ It was a meagre list. To an unusual extent, even by the standards of other colleges much less abundantly endowed than Merton, the scholars of Peterhouse had to be content with the founder's generosity.¹⁸⁰ His gift was not, as was so often the case, the immediate harbinger of many more. Against this background the scholars' acquisition of so substantial a site was a minor triumph, a victory for persistence, for a certain capacity to turn a blind eye to legal inhibitions, for a willingness to fit in and to seize opportunities as they presented themselves, and for an ample measure of good fortune, over the

restraints inherent in a meagre endowment. And for this meagre endowment they were indebted to their founder, and essentially their founder alone.

Acknowledgement

The authors are grateful to the Master and Fellows of Peterhouse for a generous financial contribution towards the cost of producing the illustrations which accompany this article. They are also grateful to Dr Mildred Budny for photographing the figures.

179 P.T., Montacute Statutes, f. 13^r. For Walpole, see *B.R.U.C.*, p. 612

180 Compare, A.B. Emden, *The Last Pre-Reformation 'Rotulus Benefactorum' and List of*

Obits of Balliol College (Oxford, 1967); Stamp, *Michaelhouse*, pp. 51-6; and, especially, *Liber Obituaris Aulae Reginae in Oxonia*, ed. J.R. Magrath, Oxford Historical Society, LVI (1911).

THE PROCEEDINGS

- (1) The Editor welcomes the submission of articles on the history and archaeology of the County for publication in the *Proceedings*, but in order to avoid disappointment potential contributors are advised to write to the Editor, to enquire whether the subject is likely to be of interest to the Society, before submitting a final text. The Editor, if necessary with the advice of the editorial committee, reserves the right to refuse to publish any papers even when an earlier approval of the subject has been given.
- (2) Authors are reminded that the cost of printing is high and that, all other things being equal, a short and succinct paper is more likely to be published than a long one. It would also assist the Editor if contributors who know of possible sources of subventions towards the cost of printing their paper would inform the Editor of this when submitting their manuscript.
- (3) Illustrations must be of high quality. They should not be more than twice the size intended for publication and they should be accompanied by a list of captions.
- (4) The copyright of both text and illustrations will normally remain with the author, and where relevant the photographer and draughtsman, but to simplify future administration contributors are invited to assign their copyright on a form that will be supplied by the Editor.

BACK NUMBERS OF THE PROCEEDINGS

Members might like to know that a considerable stock of back numbers of the *Proceedings* can be obtained from the Honorary Librarian, who also has copies of many publications in the Quarto and Octavo series for sale.

MEMBERSHIP

Subscriptions (£6 annually) and inquiries about membership should be sent to the registrar, Mrs R. Desmond, 3 Orchard Estate, Cherry Hinton, Cambridge CB1 3JW.

PROCEEDINGS VOLUME LXXVIII, 1989

Price £6 net for members, £7.50 for non-members

CONTENTS

Skeletal Remains from a Roman Sarcophagus in the Collections of the Fitzwilliam Museum, Cambridge	MARSHALL JOSEPH BECKER	1
The Site and Foundation of Peterhouse	CATHERINE HALL & ROGER LOVATT	5
Ely Cathedral Precincts: the North Range	ANNE HOLTON-KRAYENBUHL, THOMAS COCKE & TIM MALIM	47
Spaldwick, Cambridgeshire	C.C. TAYLOR	71
Anglesey Abbey – a Resistivity Survey Exercise	DAVID TRUMP	76
<i>Index</i>		83