

Original Documents.

NOTARIAL INSTRUMENT, DATED A.D. 1322, RELATING TO SAINT NECTAN'S CHAPEL, IN THE PARISH OF ST. WINNOW, NEAR LOSTWITHIEL, CORNWALL.

Communicated by JOHN MACLEAN, F.S.A.

IN the parish of St. Winnow, Cornwall, there is an ancient chapel dedicated to St. Nectan, commonly called St. Nighton, the relation of which to the parish church has been repeatedly a subject of contention. St. Nectan was one of many British Saints, who, driven by persecution from their own country, assisted in the evangelisation of Cornwall, and he seems to have been held in much veneration. The church of Hartland in Devon is dedicated to him. He probably dwelt in a hermitage on the spot where the chapel in the parish of St. Winnow stands. A farmhouse, about half a mile distant, situate on the main road by which the chapel is reached, bears the name of "Tol-gate," or "the road to the cell." St. Nectan, it is said, while walking in a wood at a place called "Nova villa" adjoining his abode, was suddenly attacked by ruffians, and by them beheaded. It is, however, uncertain whether this happened in the neighbourhood of Hartland or at St. Winnow. There is a tenement called Newington very near the chapel in the latter parish. This may possibly have been the scene of the murder. His martyrdom was anciently commemorated on June 17, and the day was observed not merely locally, but at Launceston, St. Michael's Mount, and elsewhere in the county.

In a large collection of deeds in my possession there is a copy, made in the seventeenth century, of an agreement entered into between certain parishioners of St. Winnow and the vicar of the parish for the settlement of a matter that had been in dispute. The parties appeared before the Consistory Court at Exeter by their respective *procuratores* or proctors, and the convention is attested before the Official of the Bishop of Exeter (Walter de Stapeldon). It is dated 3 April, 1322, and it appears by the endorsement that the original was formerly in the possession of Philip Leach, Vicar of St. Winnow. As the document is now, it is believed, lost, this old copy possesses greater value than it would otherwise bear, whilst its character would seem to render it of more than local interest. Philip Leach held the Vicarage of St. Winnow from 1639 to 1681.

It will be seen that by this agreement the parishioners engage to withdraw an appeal which they had made to the Archbishop against a previous decision of the Court, that had been adverse to them—they acknowledge the claims of the Mother Church of St. Winnow, and agree to certain arrangements now proposed; to which, on the other part, the Vicar binds himself and his successors: viz. that there shall be a celebration in the chapel (which is to be kept suitably in order by the parishioners) on the following feasts, namely the Nativity of our Blessed Lord, the Circumcision, the Purification of the Blessed Virgin Mary; on Monday in Easter week, Whitsunday, St. Nectan's Day (17 June), and on each Friday in the first five weeks of Lent, when confessions shall also be heard. These Fridays were to be changed to Wednesdays, if the Friday should be one of the greater festivals, desig-

nated "*novem lectionum*,"¹ or a corpse be lying in the mother church of St. Winnow.

The names of many of the farms mentioned in the document still exist in the parish; and probably the whole would have been found at the present day had not a large portion of the district east of St. Nectan's been absorbed by Boconnoc park.

The dispute on the subject of the services at St. Nectan's was long and warmly contested, and one object which I have in bringing this document under the notice of the members of the Institute is the hope that it may lead to the discovery of other records relating to the case. It is probable, moreover, that the episcopal registers at Exeter may contain evidence on the subject.

The present Vicar of the parish conjectures that shortly before the date of this document the chapel had been rebuilt, and he writes that one old window, of which in making some additions to the chapel he had reproduced an exact copy, was certainly an Early middle-pointed window of three lights, which would be assigned to the beginning of the fourteenth century.

It is curious that a similar dispute arose in the parish three centuries later respecting the services to which the Chapel of St. Nectan was entitled, which resulted in an appeal being made to the then Bishop of Exeter (Dr. Joseph Hall). His reply, dated 24th June, 1628, which will be found subjoined, is recorded in the parish register. His decision was that there should be service at the parish church on Sunday mornings, and at the chapel in the afternoon; and this arrangement obtains at the present time.

The tower of the chapel was more than half destroyed in the Civil Wars of Charles I., and has never been rebuilt. It stands about midway between Boconnoc, where the king lay, and Lostwithiel, which was occupied by the parliamentary forces, and there were several hard contested fights in the neighbourhood. About 70 or 80 years ago, in some alterations then made for the accommodation of the congregation, the altar was removed and the place where it had stood entirely occupied by pews. A chancel having been added, and an altar erected by voluntary contributions, it is expected that this new fabric will shortly be consecrated. The chapel is a Chapel of Ease for the whole parish generally. It has no separate district, rates, or wardens; baptisms and marriages have always been celebrated there, and there is a burial ground attached.

My thanks are due to the Rev. George Hill, the present Vicar of St. Winnow, for his courteous reply to my enquiries respecting St. Nectan's, and for information on the subject that has been embodied in the foregoing remarks. Through his kindness also a transcript of the letter from Bishop Hall, above mentioned, has been supplied.

In Dei nomine, Amen. Per presens publicum instrumentum cunctis appareat evidenter quod anno Domini ab incarnatione millesimo, trecentesimo, vicesimo secundo, indictione quinta, Pontificatus sanctissimi patris ac domini, Domini Johannis, divina providencia Pape, vicesimi secundi anno sexto, in presencia mei Johannis Notarii infrascripti et testium subscriptorum, comparuerunt coram discreto viro domino officiali

¹ "*Festum novem lectionum, in quo novem lectiones dicuntur in matutinis, cujusmodi sunt majora festa.*" Ducange.

Domini Exoniensis Episcopi sedente pro tribunali in majori ecclesia Exonie, solito loco consistorii ejusdem, tercio die mensis Aprilis, Phillippus de Combe clericus, procurator Willielmi Donnad, Roberti de la Wydell, Henrici de Disse, Senarii de Collawoda, Johannis de la Leghe, Ricardi de la Welle, Thome de Bodon² et ceterorum parochianorum Sancti Wynnoci, villarum de Donnad, Delywyde, Crastis, Combe Donnad, Trewegga, Bodon, atte Welle, Brin, Pennaveron, Disse, Collawoda, Trecarep, et Sancti Nectani,³ qui se parochianos Capelle Sancti Nectani in Cornubia a matrici ecclesia Sancti Wynnoci dependentis asseruerunt, in lite mota inter eosdem, ex parte una, et dominum Reginaldum perpetuum vicarium ecclesie Sancti Wynnoci [super ?] sacra cantaria in predicta capella habenda, ex altera, dictus videlicet Phillippus procurator premissorum parochianorum⁴ dicte Capelle se pretendencium, et Johannes Coks clericus procurator dicti domini Reginaldi vicarii antedicti, quorum procuracionum tenores, que vidi, tenui, legi et diligenter inspexi de verbo ad verbum, tales sunt— Pateat universis per presentes quod nos Willielmum Donnad, Robertus Delywydell, Henricus de Dysse, Senarius de Collawoda, Johannes de Leghe, Ricardus de la Welle, Thomas de Bodon et ceteri parochiani Sancti Wynnoci villarum de Donnad, Delywydell, Crastis, Combe, Donnad, Trewegga, Bodon, Atte Wille, Brin, Pennaveron, Dysse, Collawoda, Trecarep et Sancti Nectani, qui nos parochianos Sancti Nectani in lite mota inter nos, actores, ex parte una, et dominum Reginaldum perpetuum Vicarium ecclesie Sancti Wynnoci, reum, ex altera, super cantarium in eadem Capella habendam pretendebamus. In qua lite sententia diffinitiva concernens nos et pro dicto Vicario absolute lata extiterat, et per nos ab eadem sententia appellatum facimus, ordinamus et constituimus per presentes dilectum nobis in Christo Phillippum de Combe, clericum, verum et legitimum procuratorem ad renunciandum nomine nostro quibuscunque appellacionibus per nos aut nomine nostro qualitercunque occasione predicta interpositis; ac etiam ad confitendum nos parochianos ecclesie Sancti Wynnoci predicte immediatos fuisse et esse eidem ita quod ecclesie nostre parochiali et matrici Sancti Wynnoci jura parochialia facere; ac etiam onera parochianis dicte ecclesie Sancti Wynnoci incumbencia agnoscere, necnon matricem ecclesiam nostram Sancti Wynnoci antedictam; diebus quibus filii Deo devoti frequentare tenentur, frequentari teneri confessionemque dicti Vicarii de cantaria certis diebus in capella Sancti Nectani facienda audiendum, transigendum, componendum, et omnia alia et singula faciendum que ad premissa speci-

² In the old transcript the name had been written "Godon," but here, and also in most places where it occurs, it has been altered by a second hand to "Bodon." In the original document the letters B. and G. may have much resembled one another, and the transcriber has written "Grin, Grythewalle, Gloyon," etc., which have in like manner been altered.

³ According to information that we owe to the kindness of the Vicar of St. Winnow, amongst the townships here enumerated Delywyde is probably Della-whidden, of present times; there is also Windell or Bodwindell; La Welle or Atte Well is doubtless Tawell; Bodon may be

recognised as Bawdoc; Colwood, Trevego, and Brin are modern names of places in the parish; Pennaveron is probably Pen-navarra; and Trecarep the present Tredarrup. All these are situated on the side of the parish nearest to St. Nighton's Chapel.

⁴ In the transcript, "parochianos." It should be observed that several errors, mis-spellings, etc., that must be attributed to the transcriber in the seventeenth century, have been corrected in printing the document; for instance, "simule," for simile, "Apostali," for Apostoli, and the like.

aliter vel in genere necessaria fuerunt aut oportuna, eciam si mandatum exigant speciale, rem ratum haberi et iudicatum solvi pro eodem procuratore nostro sub ypotheca rerum nostrarum promittimus et exponimus cauciones. In cujus rei testimonium sigillum Decani de Westwenelshire⁵ presentibus apponi procuravimus. Data apud Sanctum Vepum, die Veneris proxima ante festum Sancti Mathie Apostoli, anno Domini millesimo, trecentesimo, vicesimo primo.—Pateat universis per presentes quod ego Reginaldus perpetuus vicarius ecclesie Sancti Wynnoci in Cornubia facio, ordino et constituo dilectum mihi in Christo Johannem Coks meum verum et legitimum procuratorem ad comparandum coram officiali Domini Exoniensis Episcopi, vel quocunque iudice in curia dicti Domini Episcopi presidente, ad confitendum et recognoscendum me et successores meos in eadem ecclesia Sancti Wynnoci vicarios pro bono pacis imperpetuum teneri ad celebrandum in capella Sancti Nectani in Cornubia a matrici ecclesia Sancti Wynnoci antedicta dependente, vel celebrari faciendum, dum tamen competenter sumptibus parochianorum ornata fuerit, unam missam diebus natalis Domini mediam, videlicet, sub officio *Lux fulgebit*,⁶ Circumcisionis Domini, Purificationis beate Marie Virginis, die Pasche, secundo die Pentecoste, die Sancti Nectani, et in quinque sextis feriis quinque primarum septimanarum quadragesime; dum tamen festum novem lectionum aut corpus presens in matrici ecclesia Sancti Wynnoci non occurrat. Et si per premissa vel uno premissorum impedimentum contingat, videlicet per divinum officium in matrice ecclesia precipue hiis diebus celebrandum, quominus in illis sextis feriis prenomi-natis poterit in capella Sancti Nectani predicta per vicarium Sancti Wynnoci celebrari, in quartis feriis earundem septimanarum quadragesime, nisi simile impedimentum contingat ad dictam cantariam faciendum, confessionem emittendum, pronuntiationem audiendum, necnon ad confessiones eorundem qui se de eadem parochia pretendunt diebus quadragesimalibus predictis, usque ad horam terciam dierum predictarum, si venerint, audiendum. Ad que faciendum et condemnationem subeundum, ac eciam confessionem ex parte eorum qui se pretendunt parochianos esse capelle Sancti Nectani predictae emittendam, audiendam eidem procuratori meo potestatem do specialem per presentes, necnon ad omnia alia et singula faciendum que ad premissa necessaria fuerunt aut oportuna, eciam si mandatum exigant speciale, ratum et gratum habiturus sub ypotheca rerum mearum quicquid dictus procurator meus fecerit aut procuraverit in premissis. In cujus rei testimonium sigillum discreti viri Officialis Domini Archidiaconi Exoniensis presentibus apponi procuravi. Data Exonie, die Sabatha proxima ante festum Sancti Sulpicii, anno Domini millesimo, tricentesimo, vicesimo primo.—Qui quidem procuratores nomine dictorum dominorum suorum ibidem recognoverunt quod in predicta lite alias inter partes supradictas mota dicti parochiani coram commissario venerabilis patris Domini Walteri, Dei gracia Exoniensis Episcopi, sententiam reportarunt contrariam, et dictus vicarius absolutionem quia ad dictam cantariam perpetuam minime tenebatur, ab qua

⁵ The parish of St. Winnow is situated in the rural Deanery of West, as shown in the Map of the Diocese of Exeter given in the *Valor Ecclesiasticus*, Henry VIII. vol. ii. This Deanery appears formerly to have been known as "West Wenelshire;" the parishes therein contained, with those

of the adjacent Deanery still called "East," may probably have constituted the ancient hundred of Wenielshire.

⁶ On Christmas morning there are three masses. For the second mass the *Introit* is taken from the words of Isaiah, c. ix. v. 2. "*Lux fulgebit*," etc.

quidem sententiam dicti parochiani se suggerebant ad audiendum dicti patris appellasse, et in eadem appellationis causa per commissarios dicti patris ad priorem judicem remissos fuisse, cujus pretexto ex parte dictorum parochianorum, ut dicebatur, ad sedem apostolicam et pro concione⁷ Curie Cantuariensis fuerat denuo appellatum; dictus vero Johannes procurator parochianorum sic pretensorum antedictus, nomine dominorum suorum, bonam fidem agnoscens et pacem affectans, omnibus appellationibus interjectis, occasione premissa sponte renunciavit et dictos dominos suos parochianos predictæ ecclesie Sancti Wynnoci immediatos fuisse et esse pure, sponte et absolute fatebatur eos pertinere ad jura parochialia eidem ecclesie Sancti Wynnoci facienda, ac eciam ad agnoscenda onera dictæ ecclesie Sancti Wynnoci incumbencia, necnon ad frequentandum eandem, prout filii Deo devoti suam matricem ecclesiam frequentare tenentur. Et predictus Johannes, procurator dicti domini Reginaldi vicarii antedicti, suo procuratorio nomine pro bono pacis et concordie fatebatur dictum dominum suum et successores suos teneri ad celebrandum vel celebrari faciendum in capella Sancti Nectani servicia, dum tamen competenter sumptibus parochianorum ornata fuerit, unam missam diebus Natalis Domini mediam, videlicet, sub officio *Lux fulgebit*, Circumcisionis Domini, Purificationis beate Marie Virginis, die Pasche, secundo die Pentecoste, die Sancti Nectani, et in quinque sextis feriis quinque primarum septimanarum quadragesime, dum tamen festum novem lectionum, aut corpus presens in matrici ecclesia Sancti Wynnoci antedicta non occurrat. Et si per premissa vel unum premissorum impedimentum contingat, videlicet per divinum officium in matrice ecclesia, precipue hiis diebus celebrandum, quominus in illis sextis feriis prenomminatis poterit in capella Sancti Nectani predicta per vicarium Sancti Wynnoci celebrari, in quartis feriis earundem septimanarum quadragesime, nisi simile impedimentum contingat ad dictam cantariam faciendam, necnon ad confessiones eorundem qui se de eadem parochia pretendunt diebus quadragesimalibus predictis usque horam terciam dierum predictarum, si ibidem venerint, audiendum. Ad que quidem servicia et in suis procuratoriis predictis contenta facienda et agnoscenda dicti procuratores dictos dominos suos per officialem memoratum petebant condemnari, unde idem officialis dictorum procuratorum confessiones modo quo permittunt hinc inde emissas secutus eosdem procuratores et dominos suos predictos in personas eorundem ad observationem premissorum, et eorum que in suis procuratoriis continentur per sententiam precepti condemnandum. Et mihi Notario supradicto premissa acta et gesta omnia et singula scribere et publicare mandavit. Presentibus Magistris Henrico Bloyou,⁸ Rectore ecclesie de Lanyhorn, Roberto Bonda, Richardo Giffard, domino Johanne Bythewalle capellano, et Henrico de Loston, testibus vocatis et rogatis, et aliis multis premissa videntibus et audientibus.

Et ego, Johannes Piltone clericus, Exoniensis diocesis, publicus autoritate apostolica Notarius, premissis omnibus et singulis prout supra conscribuntur, anno, Indictione, Pontificatus, die, mense et loco prelibatis, una cum testibus prenomminatis presens interfui, et ea sic fieri vidi et audiui, ipsaque et procuratoria

⁷ Sic, query for concione.

⁸ Gloyon, altered by a second hand to Bloyon; in the context Gonda has also

been changed to Bonda, and Gythewalle to Bythewalle.

supradicta procuratorum, (videlicet) predicti Philippi Combe sigillo decani de Westwenalschire mihi satisficio,⁹ et procuratorium predicti Johannis Coks sigillo officiali domini Archidiaconi Exoniensis Episcopi similiter mihi bene noto consignatum, ad mandatum dicti domini officiali Domini Exoniensis Episcopi fideliter scripsi, publicavi, in hanc publicam formam redegi, ac una cum sigillo ejusdem domini officiali domini Exoniensis Episcopi signum meum presenti instrumento meo apposui consuetum rogatus in fidem et testimonium premissorum.

Endorsed.—A copy of an ancient writeinge concerneinge St. Nighton's Chappell; the originall is now in the possession of Phillipp Leach Viccar of St. Winnowe.

LETTER FROM THE BISHOP OF EXETER TO THE PARISHIONERS OF ST. WINNOW;
EXTRACTED FROM A REGISTER BOOK OF THAT PARISH.

June 24, 1628.

A true copy of the worthy Lord Bishop's letter unto the Parishioners of St. Wynnowe, as followeth:—

To my loving friends Mr. Lower, Mr. Symons, and the Parishioners of the parish of St. Wynnow, whose names were published to a late petition concerning this chapel of St. Nighton's.—Salutem in Christo.

Howsoever I gave answer to your petition exhibited to me lately concerning divine service at your mother church of St. Wynnow twice every Sunday, that at my visitation I would determine the business; yet since Mr. Leach, your minister, hath been to me, and given me full information of the state both of your church and chapel of St. Nighton's, and how the practice hath been from time to time, and the convenience of both places, I cannot apprehend how any better course can be taken or held for all party than that which for these last 26 years hath been taken, by the peaceable and loving consent of all sides,—That one and the greater part of the parish should divide the time with the lesser, and that each part should comply with other, so far as to present themselves by course to either church, which why it could now be altered after so long quiet approbation I cannot conceive. For if the privilege of a mother church may challenge the more duty, yet the multitude of the hearers and the length of the way may seem to more than countervail it on the other side. So, as my judgment is, that each part content themselves with that course of resorting to the church of St. Winnow in the forenoon, and unto the chapel of St. Nighton's in the afternoon. But if better reason can be shown at my visitation, I shall not be unwilling to hear it. In the meanwhile I bid you farewell.—Your loving friend and diocesan,

(Signed) JOSEPHUS EXON.

SUPPLEMENTARY NOTES ON ST. NIGHTON'S CHAPEL.

THE collection of parochial antiquities of the diocese of Exeter, published by Dr. Oliver in 1839, does not include the parish of St. Winnow; but in a slip printed in a local paper, and kindly supplied to me in 1852, the worthy Doctor stated the result of his inquiries relating to this parish, and also to the chapelry of Nectan, or Nighton, which bears on the matter litigated on the occasion recorded in the document.

⁹ *Sic*, query for *satisficiente*.