

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*.

Dr. Oliver states that the hamlet of St. Nighton, or Nectan, was formerly a distinct parish, for which he cites a survey, or inquest, dated A.D. 1281, showing the state of that chapel, under the name of the "Parochia Sancti Nyctani." Lysons, in his History of Cornwall, has also referred to a later authority, which assigns to it the like parochial character. This was, perhaps, the foundation of the subsequent disputes between the Vicar of St. Winnow and some of his reputed parishioners, for whose benefit the separate chapelry was probably established.

The documents copied in the instrument as given by Mr. Maclean, have come down to us in a very unsatisfactory condition. We may, however, collect with tolerable precision the *lis mota* between the parties, and the compromise by mutual concession which settled, or was intended to settle, the matters in issue between them.

The instrument itself is, in fact, a notarial certificate of the proceedings in the Consistorial Court of Exeter, during the episcopacy of Bishop Stapeldon, dated 1322, reciting a prior decision against the parishioners, complainants, and in favor of the vicar, against which an appeal had been entered by them. Proctors, or proxies, had been appointed on both sides, to carry out the special agreement of the parties, and to obtain the sanction of the court below for it. The fact of the parochiality of St. Nighton is not, in terms, settled by it; but the complainants, who seem to represent the district, or vill, of St. Nighton, and who claim to be its parishioners, admit themselves to be also the parishioners of St. Winnow, and assert their claim to the ministrations of the vicar in their own chapel; and their immediate object was, to a certain extent, obtained by them by the final award of the court. It was not denied that they owed all such duties and services as were incidental to the relation of an affiliated church or chapelry to the mother church; and that the vicar was bound to officiate therein, so far as was consistent with the claims of the other parishioners of St. Winnow. The subsequent reference of the parties to Bishop Hall, in 1628, seems to have first sanctioned a practice, which had before prevailed, and which divided the vicar's services between the two churches. The relative position of an ancient parochial church and an affiliated chapelry can only be exactly ascertained by a knowledge of the circumstances in which that state of things originated.

The Deanery of West, or West-wenelshire, was so named from the ancient Hundred of that name. There was probably (as Mr. Maclean suggests) a single Hundred of Wenel, or Wevelshire, which was subsequently divided into the present Hundreds of East and West, called in the Taxation of Pope Nicholas, East- and West- "Wellshire." Parishioners, as such, have no common seal, and their procuration was, therefore, authenticated by the Rural Dean of the district affixed in the parish of St. Veep.

There is some obscurity as to the meaning of that part of the proceedings which professes to recite the prior proceeding in the Consistory Court. It seems to me to import that the complainants had threatened an appeal to the Roman See, either *per saltum*, or "*pro correctione curiæ Cantuarensis*." See Corvini Jus Canonicum, cited in Reeves' English Law, vol. ii. p. 31, ed. 1787.

EDWARD SMIRKE.