

THE CITY AGAINST THE ABBEY,—
DISPUTES BETWEEN THE CORPORATION AND
CATHEDRAL AUTHORITIES OF CHESTER.

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HISTORY abounds with instances where the Church and the State have competed with each other for social status,—for material wealth, and,—it must unfortunately be added, for political power also. It would be easy to adduce cases, down even to our own day, where rivalries of this kind have imperilled the proudest dynasties, and laid nations and states almost level with the dust.

I propose to offer, however, no such painful catalogue in my present Paper. Religious and party politics have, and very properly so, no place whatever in the discussions of this SOCIETY. Burning questions of the day, too, or of the unknown future, are clearly no concern of ours as Members; and we may calmly leave them to be settled or unsettled, as the case may be, at the bar of public opinion, and by the collective wisdom or folly of the nation. It is, on the other hand, our privilege and province, as Archaeologists, to hark back to the sacred past, and to recall from the dust of centuries gone by any long-forgotten incident, any curious historic fact, tending, however slightly, to illustrate the social life and habits of our forefathers. In this way, we may try to realise how, and to what extent, they differed from ourselves in their aspirations and aims,—in their virtues, their failings, their personal character,—and in their influences for good or for evil on their own or on later times.

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To me it is a pleasant thing, when peering into these local records of the past, to throw myself back as it were into those "good old times" of poesy and romance; and, forgetful awhile of the 19th century, its cares and its worries, try to live with, and in my mind's eye to study, the actors in those scenes which rise up before me; to judge of them, moreover, by the standard of the age in which they lived, rather than of that boasted, and, perhaps, boastful one in which our own lot is cast. Thus much, alone, by way of preface.

CHESTER has, probably, from the very earliest historic times, had its civil and ecclesiastical jealousies, in common with other ancient centres of English life. There is an inkling, indeed, of this in that portion of the great *Domesday Book* which relates to this city. In that priceless national treasure—almost the earliest that now remains of all our written Records,—the rights of the EARL, on the one side, and the rights of the BISHOP on the other, are each insisted upon and fully recognised.

The EARL and the BISHOP respectively were the only Cheshire subjects who held their lands directly from the KING. In the words of the *Domesday Survey*, as accurately translated by our brother antiquary, Mr. BEAMONT, "In Chester, the Bishop of the the said City holds of the King what belongs to his bishopric. And all the rest of the county Earl Hugh, with his men under him, holds of the King."

Practically, the BISHOP was supreme within his peculiar borough or bailiwick, and over his own clergy and tenantry; while the EARL, through his ministers, was undisputed lord over the rest of the City. On Sundays and high festivals, the BISHOP held the lash of authority alike over his own and the EARL's dependents; fining indiscriminately merchants or freemen, serfs or maidservants, who dared to do trade on, or otherwise dishonour the Lord's Day, or the great holidays of the Church. His tenants were free from all service in the EARL's courts, and from most of the taxes imposed locally on other citizens: so far, indeed, as any liability to maintain the city's poor was concerned,—that exemption remained to them to very late in our own day. Bearing this in mind, we can easily imagine how, in process of time, jealousies would spring up, and

strifes ensue, between two estates existing side by side, having few interests in common, and being wholly, or nearly so, independent of each other. Of this, however, more anon.

The barons, knights, esquires, and other free men of the county, were mere tenants of the EARL; by whose help he was enabled, in pursuance of his original grant, "to hold his earldom by the sword, as freely as the King held England by his Crown." The EARL'S City of CHESTER, except those portions under the dominion of the BISHOP, was pretty much in the same condition. It was not as yet strictly a municipality. No mention of a MAYOR or Borough-reeve is to be found in *Domesday*; but there are several distinct references to the two Prefects or SHERIFFS—the KING'S SHERIFF and the EARL'S SHERIFF—and the duties those officials had in that early day to perform were analagous to those for which our CITY SHERIFF is still personally responsible. It is 200 years after this before we fall in with a MAYOR OF CHESTER; and when he does appear, he comes as the Freemen's nominee, in their corporate capacity, under powers delegated to them by the EARL. It was the same with the EARL'S, or CITY SHERIFF.

The KING'S SHERIFF* on the contrary, owned no such minor authority. He was the King's own servant and official substitute within the City; executing all the King's writs, aye, and executing the King's criminals too, sometimes in wholesale fashion, without accounting either to the City or to the EARL. In the main duties appertaining to his office, the KING'S SHERIFF, now as of old, acts quite independently of the Mayor and Corporation, of which latter he is, though not of necessity, a member. With plenary power, fortified by the Crown's writ, and with the assistance of his under-sheriff and bailiffs, he pounces upon a refractory debtor, provided he be a resident citizen, and in the most summary manner he turns the goods and chattels of his victim into current coin for the satisfaction of the debt.

In the Conqueror's days, the SHERIFF, in common with almost his modern successor, had charge of all Crown prisoners within the City. It was in his own court that they were tried,—he hanged all, without distinction, favour, or remorse, who were condemned to die: but if he chanced to hang the wrong man, or one beyond his

* And therefore called, in some writs of the Crown, the HIGH SHERIFF OF CHESTER.

special jurisdiction,—woe betide him! for he had to forfeit, says *Domesday*, twenty shillings for every such accident or offence! The SHERIFF of to-day is happily relieved, by a recent statute, from attendance on the public hangman; but if in matters of debt he attaches the wrong man now, he is liable to the more serious and uncertain penalty of an action at law. But all that is by the way. This digression into matters Shrieval, having in 1874 personally served the Office, was one into which I naturally, but perhaps, all too readily, fell, and we will, therefore, at once return to our more immediate subject.

We have seen two great powers, largely independent of each other,—the Secular and the Religious,—firmly planted side by side by the Norman Conqueror. True, they had subsisted together, in comparative amity, certainly with little of absolute discord, for some centuries previously: but forward from that date the Church grew in wealth and social status; until at length a full half of the entire kingdom was under the finger and thumb of one Religious Order or another.

This state of things had gone on almost unchecked, except by such statutes as those of Mortmain, Præmunire, &c. Vast possessions and increasing power brought with them pretensions and assumptions, which continually placed the State and the Church in collision: until, as we all know, the whole ecclesiastical edifice crumbled to its base under the harsh and mercenary grasp of King HENRY VIII. To some two or three of these strifes in our own city and neighbourhood, it will be my province now more particularly to allude.

I conceive that in the first instance the authority of the Church, as represented by the BISHOP at his Norman CATHEDRAL of St. JOHN's, and by the Abbot at his Benedictine MONASTERY of St. WERBURGH, was intended to be exercised through the temporal arm of the State, as represented by the Sheriffs and officers of the Earldom. Be that as it may, however, it is clear that a century had not elapsed, before the ecclesiastical arm was openly displayed, aye and felt, too,—to the exclusion, almost, of the secular element, as we shall presently see.

The first Abbots were apparently nominated with the previous knowledge and assent of the Norman Earls; but ROBERT DE

HASTINGS, the 6th Abbot, elected in 1186, had no such secular sanction. He was probably, if we may gather anything from his name, a Sussex or Kentish man; certainly he was a friend and favourite of BALDWIN, then Archbishop of Canterbury, and received the appointment to this Abbey, along with his patron's benediction, at the Altar of Canterbury Cathedral.

But RANDLE BLUNDEVILLE was wielding the sword of the Earldom at this date, and was not the man to brook insult or contempt from any one, not even from an Archbishop. Little of stature, but mighty of stomach,—one of the foremost men of England in his day,—he not only knew his own mind, but could speak and maintain it too; even though HENRY II., his liege lord, or even the Pope himself, were at issue with him in his controversies.

A busy man and a notable was this Norman Earl RANDLE. The story of his life, well and truthfully told by such a chronicler as Mr. FREEMAN, would be a treat to read, but it must not be attempted here. He was the founder of our Cheshire Castle of BEESTON; he built the Staffordshire Castle of Chartley; and the proud Abbey of Diulacresse, in the same county, owes its existence immediately to him.

To give you an idea of the mettle this good Earl was made of, it will suffice to say that, when King HENRY was weak enough to authorise the collection of Peter's Pence for the Pope, this Earl not only refused to pay the tax himself but threatened the collectors with untold penalties, if they dared to touch a single penny within the range of his proud County of CHESTER. And he carried his point, in spite of King and Ecclesiastics; for during his long rule over the towns and broad acres of CHESHIRE, this his tight little Palatinate was the one red spot of old England that said emphatically "nay" to the Vatican demand! History has not favoured us with any details of the struggle between the Earl and the Archbishop, as to the Abbey of St. WERBURGH's; though we may be sure that, when BALDWIN came to CHESTER the next year, and paid a short visit of state to his favourite and nominee the new ABBOT, there was at least a sharp passage of words between the PRIMATE and

the EARL. But there was more than mere recrimination and debate. Each of the disputants had the courage of his opinions; and for years the war of words went fiercely on: until, on the death of BALDWIN, Earl RANDLE appealed at once to his successor, Archbishop HUBERT, by whom the unfortunate Abbot was finally deposed in favour of the Earl's nominee. And thus ended the first recorded local pitched battle between the Church and the State.

If ROBERT DE HASTINGS was of southern extraction,—and names were far more local then than now,—the next of his successors with whom we have to do, Abbot THOMAS CAPENHURST, was as certainly a CHESHIRE man born, and was most likely a monk of CHESTER Abbey prior to his elevation. Either his lot had fallen on specially troublous times, or he was known to be a man of weak and vacillating mind; for no sooner was he settled in his new dignity, than a brace of cormorants, ROGER MONTALT, Justice of Chester, and ROGER VENABLES, Baron of Kinderton, started up to pillage him and his fraternity.

The ancestors of each of these lordly robbers had given manors and other property to St. WERBURGH'S Abbey; and these estates, improved no doubt in the interim by the industry of the Monks, the "worthies" named at once set themselves at all risks to recover. Fair means and foul were indifferently resorted to; military force even was used to intimidate the poor Abbot, who,—to buy peace,—had to give up some of the Monastery's most cherished possessions to those mercenary wretches! The story goes, however,—it is a monkish story, I grant,—that the vengeance of Heaven was poured out on those two spoilers of churches, and visited each of them with sudden and violent deaths. All we can positively say is, that their deaths did follow quickly upon the wrongs of which they are here accused. Similar acts of plunder were committed by WILLIAM LA ZOUCH, another Justice of CHESTER, a few years afterwards; and finally Abbot CAPENHURST, worn out and broken-hearted, laid down his weary bones in the Chapter House of the Abbey.

Of a different stamp, and of a brighter career, was CAPENHURST'S successor, Abbot SIMON OF WHITCHURCH; who was elected by his brother monks during the usurpation of the Earldom by his

more celebrated namesake, SIMON DE MONTFORD. LUKE DE TANAY, another Justice of CHESTER, taking advantage of MONTFORD's temporary absence, took military and forced possession of the Abbey, and, says the record, "wasted the revenues by the most scandalous profligacy." What was the sort of justice meted out to the poor by these law-defying lawyers, who could thus openly pounce like vultures upon such lofty prey, is a question that must be left to the dark region of conjecture. Thank GOD! we can point to no such enormities as this in our own day,—on the contrary, if there be one thing more than another in which England stands pre-eminent among the nations of modern Europe, it is in the dignified lives and spotless integrity of her honoured bench of Judges.

MONTFORD no sooner heard of this outrage of TANAY's than, usurper though he was, he made the Judge disgorge his ill-gotten plunder, and at once ratified the Abbot's election. PRINCE EDWARD, however, the *true* Earl, having soon after this regained possession of CHESTER Castle, deprived the new Abbot of his position. But in a short time, peace and friendship were established between them; and we find recorded that two casks of curious old wine were sent by the Prince's orders, from the Castle to the Abbey, to replace two that had been emptied out of the cellars there by the armed servitors of the Prince! Efforts were again made, as in the last abbacy, to recover possession of lands conveyed in previous reigns to ST. WERBURGH'S Monastery; but the verdict went against the conspirators in the King's Court at Westminster.

SIMON DE WHITCHURCH was lucky in his law-suits: but with power comes pride, and with success comes too frequently arrogance or something worse. Accordingly we find my lord Abbot, probably misliking, and not it must be admitted without cause, the specimens of justice he had met with in the early Judges, set up an opposition Court of his own.

In the year 1848, when the late learned antiquary, Mr. W. H. BLACK, was poring over the parchments at that time preserved in the Castle of CHESTER, he found a roll of pleas from the City of CHESTER, dated in 1288 (17th EDWARD I.), nearly six hundred years ago. Foremost amongst the complaints put forth in that roll

was one, that "the Abbot of CHESTER had lately set up a *new Court* among his tenants, without the Northgate at CHESTER, to the nuisance of our lord the King's Court." Here we get our first peep at the Court of ST. THOMAS, to which, even now, the tenants of our DEAN and CHAPTER owe suit and service, and before which many yet living have been summoned, and have personally appeared.

In 1388, just a century after the date of the roll here referred to, an incident occurred, curiously illustrative of the newly-fledged Court of ST. WERBURGH, or ST. THOMAS, as it was in later times indifferently called. Abbot HENRY DE SUTTON, who was the 19th of the 27 Abbots of St. WERBURGH, and who ruled there from 1386 to 1413, united in his own person the double character of lawyer and divine. Wonderful fellows, men of versatile powers, coupled at times with great capacity for command, were those mediæval Churchmen. Soldier bishops, abbot lawyers, mitred princes, clerical statesmen, prelatial chancellors, meet the eye on many a page of early English history. Combinations of this sort were perhaps necessities *then*, but they could scarcely exist, or indeed be tolerated, now.

Abbot SUTTON, then, was one of the King's Justices of CHESTER; and whatever may be said of him as a clerical ruler, he certainly shone forth in his legal character. We find him winning, and that against odds in no way to be despised, the only two law-suits in which I have thus far traced him as being engaged. He was summoned, in 1390, before DUKE HUMPHREY OF GLOUCESTER, the "good Duke Humphrey," who was at that time Chief Justice of CHESHIRE, to answer for his contempt in placing JOHN DE GREY in the Cheshire Rectory of ASTBURY, and this in the teeth of the manorial lord, VENABLES, Baron of KINDERTON. This dispute had been angrily seething for nearly 200 years, and had grown warmer as it advanced; each lapse of the living, and each new presentation, adding fuel to the fire. It was the old struggle between the lay and clerical powers, which is even yet agitating some countries of Europe.

Previous Abbots had perhaps coquetted with the foe, for these Barons of KINDERTON were not, from some points of view,

undesirable men to keep as *quasi* friends; but the Church of ST. WERBURGH had a man at the helm, at last, in stern HENRY DE SUTTON. Donning his legal over his clerical armour, he threw himself unreservedly into the fray: he ransacked the Abbey chest and the muniment room of the Palatinate for musty parchments and, until then, unheard of grants: and with subtle arguments striking dumb his opponents, he soon satisfied the DUKE that he and his monks were the true Simon Pures, and that the VENABLES were the rankest of impostors and usurpers. And so Master JOHN DE GREY became and remained, in spite of the lay patron and of all comers, Rector of ASTBURY.

Twenty years more roll by over the Abbot's head, and, in 1410, he comes again to the front, and again, oddly enough, in connection with this same Rector, JOHN DE GREY. In the interim, it appears, the reverend JOHN had died, leaving behind him a nuncupative will, a class of document always open to question, and not now admissible in law. In this Will he had left £10 to his old patrons, the Abbot and Convent of ST. WERBURGH, expressly towards building a stone bridge over the *Gowy* at TRAFFORD, on the eastern outer borders of our City. The *Domesday Book* gives *Trogford* and *Traford* as the names of this and the next township; and we may pretty safely assume that the River *Gowy* was there crossed by a trogh- or tree-ford (called a "clapper" in the county Devon), which the stone bridge alluded to in the Will was then intended to supersede.

RICHARD DE MANLEY appears as Counsel for the Abbot and Convent of CHESTER, the plaintiffs in this suit: he was a native of the county, being a son of JOHN MANLEY, Esquire, Lord of the Manor of MANLEY, near FRODSHAM. He occurs in our local records as Escheator of CHESHIRE, in the very year of the trial, 1410, when with my lord the Abbot at his back he maintained the curious action at law, of which we are now about to speak. We may be quite sure that, as he was knighted soon after this trial, RICHARD DE MANLEY was a lawyer of considerable reputation; indeed, his being selected to support this Cause is good evidence of the fact: but it is almost equally certain that another and more clerkly hand still, behind the scenes, cast the bullets which it was his duty simply to fire.

I have seen the pleadings at this trial, which was in fact a legal duel between Church and State,—the Corporation of CHESTER on the one side, and the Abbey on the other, contesting the rights and jurisdiction of the new Court of ST. THOMAS. The proceedings are quaint, to say the least of them; and deserve to some-day see the light through the press, in which case, doubtless, the original Latin text and a good English translation of the Trial will be given side by side. Meanwhile the SOCIETY shall have the story put before it in a simpler and more modern dress. It appears from the pleadings that one JOHN DE PODINGTON, the quondam servant but now Executor of the deceased Rector, JOHN DE GREY, had neglected to pay the said legacy of £10 to the Abbey in conformity with his master's Will,—a piece of contempt not likely to be tamely submitted to by one of Abbot HENRY's litigious temperament and high calibre.

Accordingly, the Court of ST. THOMAS was solemnly opened in due form, in the then court-house, situate over the great ABBEY GATE (now the Bishop's Registry); and thither a jury was, on the 23rd of June, summoned and forthwith sworn before NICHOLAS, the Abbot's seneschal. No doubt, the Will itself, in charge of an apparitor from either LICHFIELD or YORK, for we had no Wills Court in CHESTER then, was produced at the trial. Of course, too, PODINGTON, the unjust steward and defendant, was a prominent figure in the group assembled in that then noble room. Ominously near him stood JOHN DENTITH, the Abbot's gaoler, with the keys of the adjacent Prison dangling from his girdle. Lawyer MANLEY also would be there, with the proctors, clerks, ushers, tipstaves, and other officers common to such gatherings; and at the rear of all a motley crowd of citizens, friends or otherwise of the Court and its intended victim. The witnesses probably were few, for the case would need little evidence and less argument from the prosecuting counsel in that, the Abbot's own Court; and, indeed, so far as can be seen, the only possible defence was a mere sullen defiance. The offending executor was soon convicted by the jury; and by the fiat of the seneschal, he was in a few minutes safely lodged in Master DENTITH's custody in the Prison (the cell occupied in after-days by MARSH the Martyr) close to the Court, until he should satisfy the plaintiff's just demands under the Will.

Luckily or unluckily for the prisoner, he happened to be a sworn Freeman of CHESTER City; and as such his person was sacred, in the eyes of that city at all events, against attachment by either the Abbot or his myrmidons.

Ill news travels fast, and the distance was not great between the Court-house of ST. THOMAS and the then COMMON HALL of the City, which adorned that not now very aristocratic thoroughfare known as COMMONHALL LANE. A messenger brings the news to His Worship the Mayor,—(then, it may be, sitting with his brother Aldermen and Justices in their ancient City Hall)—that the franchises of CHESTER had been insolently invaded by the high-handed Abbot; and that a Freeman of CHESTER was actually at that moment a prisoner in the clutches of that proud son of the Church!

Reprisals were at once determined on. Accordingly, during the night of that same 23rd of June, 1410, being the third day of the Abbot's great Fair, JOHN DE EWLOE, then Mayor of CHESTER, with JOHN TORPORLEIGH and HUGH MULTON, his two Sheriffs, and three Aldermen at his heels, sallied forth from their Common Hall. Thence, in solemn form, supported by the visible emblems of civic authority, the Sword and Mace, they came with many citizens to the gate of the said Monastery, and demanded and took away the body of the prisoner from the custody of the Abbot's gaoler. Not that poor PODINGTON was much the better for the rescue; for he was forthwith marched behind the two City Sheriffs, in the charge of their Sergeants-at-Mace, and safely lodged in perhaps less agreeable quarters in the City Prison at the NORTHGATE; and there he remained, in deeper durance vile, pending the issues of the conflict. This was the first scene of the drama.

And now, acting again by their proctor or counsel, RICHARD DE MANLEY, the Abbot and Convent re-enter the arena, but this time in the superior court, presided over by the Lord Chief Justice of the King's Bench. To this high tribunal, the Mayor, two Sheriffs, and Aldermen were duly cited, and did actually appear before the full Bench, the Cause being again in open court reheard. No doubt there was an abundance of swearing *pro* and *con*, some of it true, some false; but the Judges finally decided that St.

WERBURGH was entitled to have her Courts and prison, with right of execution, in like manner with the older courts of the EARL and of the CITY.

In accordance with this decision, and under the orders of SIR HENRY HULSE and the rest of the King's Judges, on the 9th of March following, ROGER POTTER having in the interim become Mayor of CHESTER, there was another solemn conclave of the MAYOR and CORPORATION in Commonhall Lane. This time, however, they met, not as belligerents, but as soldiers on parole, honourably beaten in the fray, and loyally accepting their defeat.

The SHERIFF repaired to the NORTHGATE Prison a second time with his officers, and brought forth the wretched executor. And then, not as previously in the night time, but in the full light of day, the Mayor, Sheriffs, Aldermen, and Commonalty conducted him back to the ABBEY GATE, and surrendered him to the keeping of his ecclesiastical gaoler. There he remained a prisoner until the 4th of April following, when he was freed by the bail or main-prize of one JOHN BRAYNE, of Bridgenorth, "out of reverence," says the record, "for the Feast of Passover." This seems to indicate that there was at that date a sort of annual gaol delivery at Easter, at all events for debt,—an echo perhaps of the Romano-Jewish custom referred to by Pilate previous to the Crucifixion,—“Ye have a custom, that I should release unto you one at the Passover.” But however that may be, it is certain our CHESTER Freeman was so released; and thus fell the curtain on the final act of a local drama that was no doubt the whole town's talk for many a long day.

Passing over the somewhat ugly revelations in the City Portmote Court in the days of Abbot OLDHAM about 1485, we move three years forward to the year 1488, when further ill-blood between the City and the Abbey enlivens our local records.

The Monks had recently completed their new Church of St. NICHOLAS, partially visible to us of to-day in the outer shell of the MUSIC HALL; and had allotted its use to the parish of St. OSWALD, intending to absorb the old Parish Church into their newly edified ABBEY. But the parishioners were thoroughly adverse to the change, and they enlisted the aid of the MAYOR and CORPORATION, who were always quite ready to try a lance

with their great clerical rivals. Between them they kept up a harassing fire at the new Abbot, SIMON RIPLEY, which ended in his retracing his steps, and in the return of the parishioners to their old house of prayer. This they continued to occupy without challenge for nearly 400 years, or until 1880, when ST. OSWALD'S, as a distinct Parish Church within the Walls of the CATHEDRAL ceased so to be, and it now forms the newly arranged parish of ST. OSWALD with ST. THOMAS'.

During the ten years that followed, the rebuilding of the ABBEY went slowly on. The old Norman central Tower had meanwhile vanished; and, by 1507, the ground was cleared away for the erection of the new Tower. The MAYOR and CORPORATION were present in state at the laying of the Foundation Stone; and a new official Mace, bought evidently in honour of this important ceremony, was first used on the occasion. And this enables me to record a curious fact which transpired, bearing upon this very subject, just while Sir GILBERT SCOTT'S workmen were engaged under the base of this 1507 Tower, during the great Restoration of 1868-76,—of which the decorations in the North Aisle of the Nave are even yet (1883) still in progress, thanks to the munificence of Mrs. ROBERT PLATT, of STALEYBRIDGE.

The workmen were, at the time I refer to, sinking for a base for the new Organ Screen under the northern arch of this great Tower, when the clerk of the works, the late Mr. JAMES FRATER, came upon the foundations of the two northern piers supporting the Tower. And what did we find here? I say *we*, for Mr. FRATER was good enough always to keep me well posted up in each of his discoveries, and I was thus present almost at the moment when this one was made. What did we find? Why, that, in order to form solid foundations for the 16th century Tower, the wicked monks of that day had actually gone to their graveyard close by, had taken up the freshest, most massive, and best of the coped stones that covered their sacred dead, and carried them bodily to the new works!

And what then? Why, first chipping down the beautiful raised crosses with which loving hands had adorned those chaste memorials, they laid them down side by side,—deep down upon the virgin rock,—four or five in a row, head to foot; placing

another similar row again at right angles upon the first, and repeating the process until the foundations of the two piers had been well and truly laid. I don't find it recorded that there was any actual remonstrance made, on the City's part, against this sacrilege and spoliation; but most people will agree that there ought to have been. And I may go further and say, that the belief, heretofore warm within me,—that greater sanctity for the dead was shown in mediæval days than in our own,—thereby sustained a shock from which it will not very readily recover. Let me just parenthetically add that, in proof of the foregoing statements, Mr. FRATER was good enough to take out two or three of the more accessible of these ancient slabs, replacing them with other masonry; and that these slabs have now been placed in a position within the Precincts where they may be seen and studied by present and future enquirers.

Come we now to the year 1511, at which date JOHN BIRCHENSHAW was Abbot and THOMAS SMITH was Mayor of CHESTER. In this year, says WEBB in the *Vale Royal*, "there was great debate between the Citizens and the Abbot;" but I have not been able to discover the ground of the quarrel. It lasted, though, for several years, and the Abbot stood suspended from his office until the trouble was ended, as it ultimately seems to have been, in his favour.

Great changes were at hand. Towards the close of that century, the Reformation having transpired in the interval, and the ancient Abbey having developed into a CATHEDRAL, I find, in our Municipal Records, traces of ill-will peeping out between the Corporation and the new ecclesiastical *regime*. The dispute was mainly about the frontage to NORTHGATE STREET between the Great and Little Abbey Gates, and in front of the Abbey wall westward. The City Archives are silent as to the final issue of the feud. I conclude, therefore, that the clerics again had the best of it. It was probably to this, and other previous triumphs, that we may ascribe, in some degree, the daring and overt act of war to which attention must now be called.

From apparently the earliest days of our Local Municipal life, it had been the custom, as it still most properly continues to be, for the MAYOR and CORPORATION, accompanied by the

emblems of their official dignity, to attend divine service at the CATHEDRAL on days of state and civic ceremonial. And not only so: it had also been the rule to bear the City Sword *erect*, point upwards, as well as the City Mace, in front of Mr. Mayor, conformably with the great Charter of King HENRY VII. But the CATHEDRAL and its precincts formed with their other property in BOUGHTON and UPPER NORTHGATE the manor of the DEAN and CHAPTER, as in the DOMESDAY BOOK it was shown to be the bailiwick of the Bishop; and even Mayors and Sheriffs must be made to refrain from acts inimical to Chapter rights. Possibly, though evidence of the fact is wanting, the practice of our civic rulers in this regard had beforetime given rise both to question and remonstrance. But in 1606, the Chapter authorities could contain themselves no longer, and so, war to the knife was suddenly proclaimed.

The *Vale Royal*, written by WILLIAM WEBB, a clerk in the Mayor's Court, and probably an eye-witness of the whole affair, says, "In the moneth of January, the Sword being carried before the Maior through the MINSTER CHURCH, it was put down by one of the Prebends, which was the cause of some controversy, but the same was presently appeased by the Bishop." Thus far the *Vale Royal*. I have, in my own library, a manuscript chronology of CHESTER events down to the year 1625, when the compiler probably died. He says, "In the year (1606) controversies betwixte the Citizens and the Prebys in the Cathedrall Church, as concerninge their Authoritye in the Church, which afterwards was qualified."

Turning now to the MS. Records at the TOWN HALL, which I have myself read and in a large sense transcribed *verbatim*, I find, in the Assembly Book for January, 1606, the following entry:—"It is ordered that a letter from the Maior, thaldermen, and others of this citie shal be written vnto the right hon'ble the lo: Chauncelour of England, for intimacion to his lope. of Mr. Sharpe's late abvse in pullinge downe the sworde w'ch was carried before the said Maior in the churche of ST. WERBURGH. And to beseeche his Ho'r's favour towards this citie therein, And that afterwarde such further course shalbe devysed, And that alsoe a l're shalbe written to the same p'pose vnto S'r PEETER

WARBURTON, Knighte, to geve him adu'tizemente of the p'misses, and to desier his favour and aduise therein."

There was no *Chester Courant* or *Chester Chronicle* in those days, so the anonymous scribblers had rather a poor time of it, and had some difficulty it may well be supposed in airing their respective crotchets either on one side or the other. There were, however, one or two irrepressibles, who would have their say in spite of every obstacle, as the following entry from the Corporation Books pretty clearly proves:—"Alsoe it is ordered, that warninge and admonition shalbe given publickly that noe free citizen, nor other p'son whatsoever, at any tyme hereafter shall make, write, divulge, p'nownce, nor sett oute anie scandalous libells or ignominious writinges, nor geve oute nor vtter anie vndecente speeches tendinge to the defamation, slaunder, or exprobaton of the said Mr. Sharpe, under paine of severe punishmente.

"And further that all freemen and inhabbitants in the same citie shall doe their beste to learne and fynde oute by what p'son a cardé written vpon and caste into the vtter Pentice within the said Citie, which did conteigne words of disgrace againste the said Mr. Sharpe, was soe written and caste into the pentice, to thende such p'son maie condingly be punished for the same."

The CORPORATION having put their case formally before the Lord Chancellor, it came on for hearing in due course before Sir Richard Lewkenor and Sir H. Townshend, two of the Judges of Assize, in the ancient Exchequer Court at the Castle of CHESTER, when the whole question was gone into in presence of all the parties. Whatever may have been the exact line of defence set up by the Dean and Chapter, it altogether failed, as we shall at once see.

The Award of the Judges is a curious document, and has never been printed, or perhaps even read by any soul now living, until it was turned out for the purposes of this Paper. I give it therefore in their lordships' own words, under date 17th April, 1607.

After stating the Cause to be between the Mayor and Citizens of CHESTER on the ons part, and PEETER SHARPE and ROGER

RAVENSCROFT, two of the Prebendaries of CHESTER CATHEDRAL, on the other, My Lords proceed:—

“Upon letters from the right honourable the lord Chauncelour of England, to us directed and deliured, for the hearinge, apprasinge and endinge of some variaunces and questions latelie arisen and growne between the said p'ties, concerning the puttinge down of the Swoorde, (carried before the said Maior in the cathedrall Church within the said citie of Chester), by the said Peeter Sharpe, the xijth daie of January laste paste (1606), And for the shuttinge of the west doore in the said cathedrall church upon the feast daie of the Purification of the Virgine Mary laste paste, by the said Roger Ravenscroft, againste the said Maior and Citizens, at their repaire to the said church the same daie, attendinge the Corps of Nicholas Massie, late Sword-bearer [and formerley Sheriff] in the said Cittie, Wee accordingly called the said p'ties before us this daie in the CASTLE OF CHESTER, for the hearinge their Allegations in the said Cause.

At which daie the Recorder of the said Citie and diu'se others, Aldermen and Citizens of the said Citie (PHILLIP PHILLIPS now Maior of the said Citie beinge then sicke),—And the said Peter Sharpe, Roger Ravenscrofte, and David Yale, Doctor of the Civill Lawe, three of the Prebendaries of the said Cathedrall Church, app'ed before us.

Whereupon, and upon openinge of the dislikes and Complaintes of the said Cittizens againste the said Mr. Peter Sharpe and Maister Roger Ravenscrofte, for wronges alleged to be by them offerred unto the said Maior and cittizens, by puttinge downe the said swoorde, and shuttinge the Church doore of the said Church as aforesaid; and upon hearinge of some witnesses examyned concerninge the same causes, It most clearly app'ed unto us to be true that the said Peeter Sharpe, the said xijth daie of January, did putt downe with his hand the swoorde Carryed before the said Maior in the said Cathedral church, And that the said Roger Ravenscrofte did likewise cause the said Churchdoore of the same Cathedrall church to be shutt againste the said Maior and Cittizens vpon the said feaste daie of the Purification last paste, as aforesaid.

And it also app'ed vnto vs, that it hath bene vsed that the Maior of Chester for the tyme beinge hath had the swoorde Carryed before him in the said cathedrall church at his Cominge into the same church to hear diuine Service and Sermon, or vpon other necessarie and iuste occasions, and at his goinge oute of and from the same. And that the same west church doore hath likewise been vsed to be open for the said Maior and Cittizens at such tyme as they have accompanied anie funerall or dead bodies into and out off the said Church.

And wee have alsoe seene and perused an order made in the said Cause, sithence the said swoorde putt downe and church doore shutt, as aforesaid, by the righte Reu'ende father in god, GEORGE lo. Bushoppe of CHESTER, and others the Kinges Ma'ties Commissioners in Causes Eccles'iall for appeasing of the said controu'sies, to p'vente further troubles, disorders, and breaches of the peace, in or towelinge the said Cause.

Therefore, and to that ende that unities, love, and peace betweene the said Maior and Cittizens, Prebendaries and others the members of the said Church, maie be kepte and p'serued, and that all occasions of further disturbance, or misdemenor to be hereafter attempted or Committed, may be staied and p'vented for the tyme to come. We doe order that the said Maior and cittizens and their successors, at all tymes hereafter, shall freelie and quietlie passe and repasse and goe through the said great weste church doore into the said Church, at the tyme of anie funerall or attendance vpon any dead corps to be buried in the same church.

And we doe furthermore strictly order that when, and that as often as, the Maior of the same citie for the tyme beinge shall hereafter repaier to the said church for the heringe of diuine Service or Sermon, or vpon anie other iuste occasion, havinge his swoorde carried before him in the said church or p'cintes or lib'ties of the same, That then and soe often, neither the said Prebendaries nor anie other officer or Minister of the said Church shall by themselves or anie other by their or anie of their means, Concente, or p'curement, stoppe, staie, or hinder the said Maior or his swoorde-bearer, or either of them, in or for the carryinge up of the said swoorde, in the said Church at anie tyme hereafter; but shall p'mitte and Sufferr the said Maior and swordbearer quietlie to carrie the

swoorde of the said Citie, with the pointe upp, in the said Church, as hereto fore hath bene vsed and accustomed, until it shalbe otherwise ordered, adiudged, or decreed between the said p'ties or their Successors, vpon some Judiciall hearinge, or by ordinarie Course of Lawe, &c., &c.

R. LEWKENOR.

H. TOWNSHEND."

The right here claimed, and solemnly established in a court of law before the two Judges of CHESTER, whose names are hereto attached, 270 years ago, is still an appanage of, and a distinction exercised by, the MAYOR and CORPORATION of CHESTER. And it is worthy of remark that, when the coat of arms was confirmed to the city in the reign of ELIZABETH, the crest allotted to it was "the sword of state, erect, and with the point upwards," exactly as it was set forth in the foregoing Award.

We see clearly enough from all this how greatly the Mayor and Commonalty esteemed the prerogative conferred upon them of old by the Dignity of the Sword—viz.: to pass through the body of the CATHEDRAL, as doubtless their predecessors had usually aforetime done through the Nave of St. WERBURGH's Abbey, without lawful let or hindrance of either the Abbot and his Monks, or of their Reformed successors, the Dean and Chapter. It was a prescriptive right the Citizens of CHESTER had no disposition to surrender,—not even to so powerful and august a body as they found themselves confronted with in the persons of the two prebendaries, Maisters SHARPE and RAVENSCROFT. They, the CORPORATION, and the whole City with them, had come to regard the great West Door and Nave of the CATHEDRAL as a sort of King's highway, so far as their being the State or official entrance to the QUIRE and St. OSWALD's Church. And thus, when the gordian knot was tied with so high a hand by the Dean and Prebends, and the fathers of the City found the West Door barred against them and their honoured Sword, CHESTER determined, in the person of its Mayor, boldly to cut the knot again, and to determine once for all the unseemly quarrel. Appeal was made to the High Court of Chancery,—the Cause was tried,—and the result proved that the City was well within its right, and that their clerical friends were altogether in the wrong,—a Judgment that holds good on that particular point down to our own day.

Whether the "unity, love, and peace," so naively suggested to the disputants by the Judges, actually at once resulted or not, we have no means of knowing; but it is certain that, since then, no very serious bitterness or conflict has occurred between the leaders Ecclesiastical and leaders Civil of our good old City. Contrasting, too, the struggles of those days with the almost absolute "unity, love, and peace" now animating alike the Cathedral Body and the City, we may feel abundantly thankful that our lot has, after all, not fallen on very unpleasant places. Instead of bickering and contending with each other, in courts of law or in personal encounter, as of old, jealousies and feuds of this nature have passed away, we may hope, for ever.

Where the Abbot's Court, with its attendant Prison and gaoler's lodge, in those days stood, a broader CHURCH and more earnest STATE, moving locally hand in hand, have now planted a handsome and appropriate block of building, to be known to present and future generations of CESTRIANS as the Royal GRAMMAR SCHOOL of KING HENRY the EIGHTH!

And who shall say no to such a change? Surely not we who, as members of an ARCHITECTURAL, HISTORIC, and (shall I add?) Learned SOCIETY, have an eye to the adornment, as well as to the intellectual growth of this old-world City. Rather let us wish "God Speed!" to the Movement, praying that the good and true men at the helm therein may live to reap the fruit of their loyal, zealous, and self-denying labours!

