

THE PRIVILEGES OF CHRISTCHURCH, CANTERBURY:  
ARCHBISHOP SHELDON'S ENQUIRIES OF 1671

By ROBERT BEDDARD

THERE has to date been no systematic study of the relations of church and state in the Restoration period; yet, it is clearly an important theme, and one which recurs again and again in domestic politics between the passage of the Act of Uniformity in 1662 and the enactment of Toleration in 1689. It is, moreover, a theme which has far wider implications for the historian than is customarily allowed by those writers who confine it to a simple rehearsal of the contemporary debate that raged over Comprehension and Indulgence. Seen in the broader perspective of the age such a study broaches the whole question of the position occupied in society by the restored Church and impinges on a variety of topics, ranging from the state of the law and the vitality of ecclesiastical administration through to the measures of conformity and the role of religious conviction in Restoration politics. Surprisingly little consideration has been given to the detailed factual status of the Church of England in the years following its re-establishment by king, lords, and commons. In many respects, of course, things were not markedly different from what they had been under Archbishop Laud in the 1630s, though there was one major difference—the centralizing agency of the Court of High Commission had gone, and gone for ever. Even so, the Church was still the oldest and largest institution in the realm, with vast reserves of affection and talent. It remained very much a society within society, with its own hierarchy and ministerial subordinates, its own lands, buildings, and revenues, its own laws, courts, and officers. The sheer physical universality of the Church gave it a pre-eminence unknown to all other organizations, save that of the monarchy. At the local level, no less than at the centre of government in Court and Council, the Church loomed large in the life of the community.

Nowhere was this seen to better advantage than in the ancient cathedral towns, those relics of the mediaeval world order, where the church authorities were a power to be reckoned with long after the Henrician Reformation, long after the last of the grasping Tudors was dead and buried. There the strength of clericalism was not so much a phenomenon of the past that it passed unnoticed or unresented

by the neighbouring lay magistrates. In part, the cathedral clergy derived their power from their influence with sympathetic superiors; access to the diocesan or to some leading politician could bring in support from outside, while direct appeals to the Supreme Governor were by no means out of the question if passions were really roused or the issues sufficiently portentous. In part also, we must needs recall, they were possessed of an inherent independence, one which they were not backward to assert when occasion warranted. Successive archbishops and bishops, as well as deans and chapters who were more nearly concerned, were careful, indeed anxious to uphold the rights and privileges which immemorial custom and the law of the land had given to their churches. They were an altogether tougher and better informed bunch of individuals than their successors of today. Convinced of the rightness of their cause, they were not tempted to undo the hard-won achievements of preceding generations, but did everything they could to defend the patrimony of the Church and to make the most of the political advantages of establishment. Both Gilbert Sheldon, Archbishop of Canterbury from 1663 to 1677, and Thomas Turner, Dean of Christchurch, Canterbury, from 1660 to 1672, were, as we shall soon see, typical of this sterling race of Anglican prelates.

That the majority of cathedrals of the later seventeenth century continued to enjoy a healthy measure of autonomy within the crowded cities in which they were situated is fairly plain from a number of miscellaneous sources. For example, visitation articles refer repeatedly to the problems of the ecclesiastical ordinaries in maintaining discipline inside the precincts; municipal archives, and the legal files of the town hall in particular, attest the local duality of church and state, of *sacerdotium* and *regnum*, two mutually exclusive powers cohabiting within the civic boundaries; equally, literary correspondence bears witness to the innumerable disputes waged over the limits of rival authorities—sometimes between the dean and bishop, as at Salisbury in 1683, 1684, and again in 1686,<sup>1</sup> and sometimes between the cathedral

<sup>1</sup> For a general notice of these protracted proceedings between Dr. Thomas Pierce, the dean, and Bishop Ward, see W. Pope, *The Life of the Right Reverend Father in God Seth, Lord Bishop of Salisbury* (London: Printed for William Keblewhite, at the Swan in St. Paul's Church-yard, 1697), 171, 181–2. Pierce basically objected to Ward's visitatorial jurisdiction over the Cathedral, which he erroneously claimed was a Chapel Royal and therefore exempt from the diocesan's authority. See Cambridge University Library, MS. Dd. 13.31 and The Diocesan Record Office, Salisbury, 'Miscellanea collected by Dr. Thomas Pierce, Dean of Salisbury, 1675–1691', 107–9, 110–12, 112–14, 114–15, 116–20. The dispute was to culminate in a metropolitical visitation held in 1686, after James II referred it to the Primate, P.R.O. S.P.44/53, p. 174: James's reference, Whitehall, 29th May, 1685. For Sancroft's visitation, see my 'William Sancroft, as Archbishop of Canterbury, 1677–1691' (unpublished Oxford dissertation), 295–307.

## THE PRIVILEGES OF CHRISTCHURCH, CANTERBURY

clergy and citizens, as at Bristol in 1678<sup>2</sup> and at Chichester in 1680<sup>3</sup>—all these incidentally indicate the existence of exempt jurisdictions, areas of day-to-day authority that lay outside and beyond the normal controls provided by the episcopate in the church and municipal corporations in the state.<sup>4</sup> Though the survival of such places, however, may not be in doubt, their exact extent and significance is; for what we lack most is detailed reliable evidence of what these exemptions amounted to in practice, and why it was that intelligent men placed so much importance on retaining them. The contemporary statement examined and published below is, therefore, doubly welcome, because it comes to us from an authoritative hand and from a period of comparative stability in municipal government, after the upheavals of the Restoration Settlement<sup>5</sup> and before the massive *quo warranto* campaign of the 1680s in which not a few cities forfeited their charters of incorporation and were regulated in the best interests of the Crown and its allies.<sup>6</sup>

The statement concerns the privileges of the metropolitical church of the Southern Province, namely Christchurch, Canterbury, and was

<sup>2</sup> The dispute between Guy Carleton, bishop of Bristol, and the City began over the uncanonical prayers used by the Corporation's select preachers before their sermons to the citizens. See Carleton's statement in Bodleian Library, Tanner MSS. 129, ff. 37-8: 'The state of business now in controversie between the Lord Bishop of Bristol and the Maior and Aldermen of that City.' Sancroft received a sizeable correspondence on the matter, see *ibid.*, ff. 136, 140, 139, 142, 138, 135, 47, 82, 144; 39, 41. Unless stated to the contrary all manuscript citations refer to the Bodleian Library collections. I have extended abbreviations and used modern punctuation in all quotations from documentary sources.

<sup>3</sup> At Chichester, to which see Bishop Carleton had been translated in November 1678, the dispute concerned the levying of local rates and taxes from the Cathedral by the next door parish of St. Peter the Great. See Carleton's letters to Sancroft, Chichester, 9th February, 1679/80, 14th November, 1681, and 17th September, 1682, in Tanner MSS. 149, f. 138 and Tanner MSS. 148, ff. 51; 65-6. Cf. below, p. 91.

<sup>4</sup> Widespread abuse of the privileges attaching to exempt jurisdictions attracted not only the criticism of the bishops but of the civilians, government officials, and members of Parliament. For the views of the eminent church lawyer, Sir Leoline Jenkins, see Addit. MSS. C 307, f. 172. He advised their union to the dioceses; and both Sheldon and Sancroft favoured his recommendation. See the 1668 scheme, 'For the better regulation of ecclesiastical affaires; some things to be provided for by the act of Parliament', especially *cap.* 8, with Sancroft's notes 'supplied out of other copies and draughts, postill'd with Sir L. Jenkins's hand etc.', in Tanner MSS. 315, ff. 102-6; cf. *ibid.*, ff. 98-101. Drafts of bills survive in Tanner MSS. 447, ff. 125-6 and All Souls College, MSS. 244 (no pagination). For Sancroft's later proposals (c. 1688), see Tanner MSS. 300, ff. 143-4. The interested parties were opposed to change, see Dr. Thomas Pierce's 'Certain memoires of things pleadable for all peculiar jurisdictions vested in the deanes of Old Foundation', Diocesan Record Office, Salisbury, 'Miscellanea', 87-90.

<sup>5</sup> See J. H. Sacret, 'The Restoration Government and Municipal Corporations', *English Historical Review*, xlv (1930), 232-59.

<sup>6</sup> See D. Ogg, *England in the Reign of Charles II*, 2nd edn., 2 vols., Oxford, II, 634-9.

made by Dr. Thomas Turner, the great Cavalier Dean, a man who had suffered grievously for his allegiance to the House of Stuart and his devotion to the episcopal party.<sup>7</sup> Nominated to the Deanery as long ago as January 1644, by Charles I, whose domestic chaplain he was and whom he faithfully attended during his imprisonment in the Isle of Wight, he had been unable to enter upon his preferment until August 1660, several months after the restoration of the dynasty.<sup>8</sup> Safely installed at Canterbury, Turner immediately began the work of resettling the life, worship, fabric, and estates of the Dean and Chapter. It was a colossal undertaking, but one which was pretty well accomplished by his death.<sup>9</sup> His statement of his Church's privileges, composed in the new year of 1672, was drawn up in response to a set of enquiries addressed to him by his diocesan, Archbishop Sheldon, the ecclesiastic who before all others has just claims to be accounted the architect of the Church of England's re-establishment. Appointed to the primacy by Charles II on the death of the venerable Juxon in the summer of 1663, Sheldon was the powerful figure who for the next fourteen difficult years was to preside over the fortunes of the Church with vigour and dedication. Neither the fall and flight to France of his friend and former patron, Lord Chancellor Clarendon, in 1667, nor his own consequent eclipse at Court, robbed him of his personal and official ascendancy in the counsels of Anglicanism. As time was to tell, the King's sentiments, wayward and inconstant, could weaken but never fundamentally impair the Primate's hold on church affairs. His enquiry into the privileges of the Church of Canterbury, and the use to which that enquiry was afterwards put, show how, even at the height of the King's espousal of religious toleration, he declined to abdicate his general responsibility for the welfare of the Church. What he could no longer achieve at cabinet level, he was content patiently to work for on the less spectacular, yet often more meaningful plane of local politics; there he was not without support, and he could depend on a fair degree of co-operation. The entire episode of the *libertates ecclesiae* was to demonstrate his grip on political realities, his firmness of purpose in the service of the Church, and his skill in the art of managing an adverse situation.<sup>10</sup>

<sup>7</sup> A. G. Matthews, *Walker Revised*, Oxford, 1948, 60-1.

<sup>8</sup> J. Le Neve, *Fasti Ecclesiae Anglicanae*, 3 vols., Oxford, 1854, I, 33: 3rd January, 1643/4. Turner had previously been Dean of Rochester, not of Oxford as Le Neve states.

<sup>9</sup> The best accounts of Turner, both somewhat defective from the point of view of his administrative achievements, are J. Meadows Cowper, *The Lives of the Deans of Canterbury, 1541 to 1900*, Canterbury, 1900, 94-107, and the *D.N.B.* article.

<sup>10</sup> This judgment is based on the work I have done so far in preparing an edition of Sheldon's primatial correspondence. V. Staley's *The Life and Times of Gilbert Sheldon*, London, 1913, is based on the older authorities: E. Cardwell,

## THE PRIVILEGES OF CHRISTCHURCH, CANTERBURY

Sheldon's articles of enquiry, forwarded to the Dean by his Commissary in the archdiocese, Sir Leoline Jenkins<sup>11</sup> (who, among many other commitments, was also Judge of the Prerogative Court of Canterbury, as we can see from the address on Turner's reply<sup>12</sup>), were highly characteristic of his protectorship of the Church. Prompt and decisive in his methods, and imperious in his manner of acting, Sheldon was every inch a prince of the Church. The phrasing of the enquiries, blunt and economical in expression, illustrate this aspect of his personality. He had the habit of authority, and had little of the obliging grace of his predecessor, Juxon, and none of his successor Sancroft's humility. His covering letter to Turner was similarly terse, business-like almost to the extreme of peremptoriness. It told him all he needed to know; no more, no less than was strictly necessary for the performance of his task, and to stop him from worrying on account of his own cathedral. His assistance was required in order that his brethren, the Dean and Chapter of Gloucester, might be relieved of certain 'usurpations which they conceive are made upon them' and their rights by the local magistracy.<sup>13</sup>

We can gain some impression of these 'usurpations' from a paper submitted to Joseph Williamson<sup>14</sup> on 9th December, 1671, by Dr. Thomas Vyner, the recently appointed Dean of Gloucester.<sup>15</sup> 'The desires of the Deane and Chapter of Gloucester for remedie of theyr former greivances' provides us with a fascinating account not merely of the Church's request for relief, but of the extraordinarily depressing state of affairs that obtained in that city. The Corporation's high-handed imposition of taxes; its invasion of the prebendal stalls, so that even the Sub-Dean—'the cheife authority of this Church *in absentia Decani*'—was displaced from his proper seat in the quire; the riotous assembly

*Documentary Annals of the Reformed Church of England*, 2 vols., Oxford, 1839, II, 270-91, and D. Wilkins, *Concilia Magnae Britanniae*, 4 vols., London, 1737, IV, 578-99. Sheldon's political role at the Restoration has been dealt with by R. S. Bosher, *The Making of the Restoration Settlement*, London, 1957, 88 ff.

<sup>11</sup> Jenkins's rise as a lawyer and administrator was sponsored by Sheldon, first as bishop of London and later as archbishop, see my note 'The character of a Restoration prelate: Dr. John Dolben', *Notes and Queries*, new series, 17 (1970), 419. His patent as Commissary of Canterbury is registered in Lambeth Palace Library, Faculty Act Book II, 90.

<sup>12</sup> For Sheldon's patent making him Judge, Master, Keeper or Commissary of the Prerogative Court of Canterbury, see *ibid.*, II, 163.

<sup>13</sup> Brit. Mus., Harleian MS. 7377, f. 30, printed below as *Annexe* No. I.

<sup>14</sup> Williamson was Arlington's secretary, and was much used by him in his capacity as Secretary of State; Evelyn records how Arlington 'remitted all to his man Williamson'. For Williamson, who was a dependable churchman as well as an industrious civil servant, see *D.N.B.*, and J. R. Magrath, *The Queen's College*, 2 vols., Oxford, 1921, 43-50.

<sup>15</sup> Vyner was installed on 23rd July, 1671. Le Neve, *Fasti Ecclesiae Anglicanae*, I, 444. He had held a Gloucester prebend since 1665. J. and J. A. Venn, *Alumni Cantabrigienses*, part I, 4 vols., Cambridge, 1922-7, IV, 305; J. Foster, *Alumni Oxonienses*, early series, 4 vols., Oxford, 1891-2, IV, 1549.

of hundreds of townfolk in the Close, making it impossible for the clergy to hold evensong at the usual hour, combined with the utter impotence of the cathedral staff to enforce law and order inside the precincts: these were glaring indignities which, as Dean Vyner rightly observed, no other cathedral groaned under.<sup>16</sup> In addressing themselves to Lord Arlington, foremost minister in the controversial Cabal administration,<sup>17</sup> the Chapter had no qualms in laying claim to royal support. They made a deliberate point of contrasting their sorry state with the power and repute of their patron, the King. The injurious actions of the City, they complained, 'render us soe farr sunke below the advantages of a Royal Patron that we seeme not partakers of the common justice that others enjoy'; moreover, they went on, 'the service of God alsoe becomes despicable and the good government of this place much impeded'.<sup>18</sup> A ministry which set great store by the crown's prerogative and publicized its concern for domestic peace could not be expected to tolerate such encroachments, especially when they occasioned heats.

Vyner had astutely chosen his moment to intervene with the Secretary of State, for an opportunity for redress was already in sight; it was hoped that the pending negotiations of a new charter for the citizens of Gloucester would allow them a chance to correct abuses and re-assert the privileges of the Church.<sup>19</sup> Archbishop Sheldon, himself an erstwhile member of the Chapter at Gloucester,<sup>20</sup> now called upon Dean Turner to inform him as to the precise relationship between the Cathedral and City at Canterbury, so that he might manage the outcome of the negotiations in London to the advantage of the Church of Gloucester. The fact that Christchurch, besides being the metropolitan church of the South, was also of Henry VIII's New Foundation, meant that an account of its relations with the municipality would be most valuable in clarifying the confused and unsatisfactory situation

<sup>16</sup> Vyner's paper of requests, printed below as *Annexe* No. IV, was enclosed in his letter to Williamson, The College, Gloucester, 9th December, 1671: P.R.O. S.P.29/294, f. 240. The paper is in Vyner's hand and is undated, *ibid.*, f. 242.

<sup>17</sup> Arlington's position in the administration is covered by M. Lee, *The Cabal*, Urbana, 1965, 70-118, though the study is more concerned with his diplomatic activities and foreign policy.

<sup>18</sup> Dean Vyner, Anthony Andrews, the Sub-dean, Thomas Washbourne and Abraham Gregory to Arlington, The College, Gloucester, 9th December, 1671. P.R.O. S.P.29/294, f. 245.

<sup>19</sup> Ogg, *England in the Reign of Charles II*, II, 518. For the forfeiture, see Privy Council Register, P.R.O. P.C.2/63: 3rd November, 1671.

<sup>20</sup> Sheldon's acquittance for the assessment which he paid as a prebendary of Gloucester towards Charles I's service in the North, 3rd August, 1641, survives at Tanner MSS. 147, f. 210. His fines and seals paid at the Dean and Chapter audits, 1637-41, *ibid.*, ff. 161, 168, 169, 170, 174. See also A. L. Browne, 'Archbishop Sheldon and the Dioceses of Gloucester and Bristol', *T.B.G.A.S.*, lxi (1939), 280.

## THE PRIVILEGES OF CHRISTCHURCH, CANTERBURY

at Gloucester. Sheldon in any case, like Laud before him, tended to regard his own cathedral as the standard to which all other capitular foundations should conform.<sup>21</sup>

It is not always possible to bring together two separate halves of a seventeenth-century correspondence, particularly in the sphere of ecclesiastical administration, where we almost invariably have either the out-going letter of an archbishop and no answer, or the reply to an altogether unknown missive from Lambeth. Luckily, in this instance, Sheldon's original set of enquiries, as well as his accompanying letter to Dean Turner, has survived, albeit in draft form, in one of the Archbishop's letterbooks in the hand of his secretary, the trusted Miles Smyth.<sup>22</sup> The draft, which is unsigned, was probably one of Smyth's last clerical acts for he died in February 1672.<sup>23</sup> The letterbook is now in the British Museum, and is catalogued as Harleian MS. 7377. Though undated, it seems reasonable to assign the enquiries to late 1671; probably to December 1671.<sup>24</sup> Turner's answer is dated 5th January, 1671/2, and apologizes for the tardiness of his response. The Dean, we may note in passing, was careful to excuse his delay. The reason which he advanced was impeccable. Thorough to the last, as befitted a *protégé* and disciple of Archbishop Laud, he had commissioned a transcript to be made for Sheldon's convenience of 'a larger tract touching our Churches priviledges', a tract which had been composed, presumably since the Restoration, by Canterbury's most celebrated antiquary, William Somner.<sup>25</sup>

Somner, a latterday 'chorographer'—one of those scholarly Renaissance discoverers that helped to put England on the map of modern Europe<sup>26</sup>—had first come to public notice as the author of *The Antiquities of Canterbury*, a work published in 1640 and dedicated to Laud.<sup>27</sup>

<sup>21</sup> Cf. Laud's attitude to the revision of cathedral statutes. See Nicolas Battely's edition of W. Somner, *The Antiquities of Canterbury. In Two Parts*, London, 1703, pt. II, 121.

<sup>22</sup> For Smyth, see *D.N.B.*, where he is noticed under his kinsman of the same name, Miles Smith [*sic*], bishop of Gloucester. The article is not wholly accurate.

<sup>23</sup> I owe this point and the correct date of his demise to E. A. O. Whiteman, 'Two letter books of Archbishops Sheldon and Sancroft', *The Bodleian Library Record*, iv (1952-3), 210. The same article contains a discussion of the provenance of one of the volumes on which I have drawn, namely Brit. Mus., Harleian MS. 7377, to which it forms an indispensable introduction.

<sup>24</sup> The enquiries and Sheldon's covering letter are printed below as *Annexe* No. I.

<sup>25</sup> Addit. MS. C 307, ff. 176, 177v, printed below as *Annexe*, no. II. Somner's contribution to scholarship is reviewed in D. C. Douglas, *English Scholars, 1660-1730*, 2nd rev. edn., London, 1951, 55-7, and *D.N.B.*

<sup>26</sup> Cf. H. R. Trevor-Roper, 'Britain's Chorographer', *The Listener* for 13th May, 1971.

<sup>27</sup> W. Somner, *The Antiquities of Canterbury. Or A Survey of that ancient Citie, with the Suburbs, and Cathedral* (London, Printed by I. L. for Richard Thrale, and are to be sold at his Shop at Pauls-Gate at the signe of the Crosse-

More important for our purposes than his early scholarship was his conduct during the hostilities of the Civil War and the Cromwellian Interregnum. During that time of near-fatal disturbance, which saw the abolition of episcopacy and the dismantling of capitular foundations, he succeeded in salvaging from 'sacrilege and rapine' many of the precious archives and ornaments of the Cathedral. Here, as in other and better known sectors of the Revolution, a discreet undercurrent of conservation accompanied the most violent changes in the *ancien régime*. At the Restoration he not only gave back to the Dean and Chapter the muniments and goods which he had snatched from puritan destruction,<sup>28</sup> but also placed at the disposal of the restored clergy his greatest treasure—the erudition of a lifetime lovingly spent in the investigation of the history of Canterbury and Kent. We know for certain that he generously volunteered instruction to those that wanted it: to the new generation of church officials who were not always sure of pre-war practice and diplomatic precedents, and to the survivors whose memories had been dulled by age, rustiness, and suffering. A mark of his affection to the old Church of England, it was, in addition, a vote of confidence in those labouring to re-establish the Church in the plenitude of its legal rights.<sup>29</sup> Unfortunately, Somner died in 1669 before he had leisure to bring out a second edition of his *Antiquities*; that had to wait until 1703 when Nicolas Battely produced a much augmented folio edition of the book.<sup>30</sup> Whether the tract which Dean Turner promised Sheldon was eventually despatched to Lambeth we do not know, nor has the original been traced as yet among Somner's literary remains at Canterbury.<sup>31</sup> It may have been sizeable, for we do know that it took longer to transcribe than the Dean had anticipated. So much so that he was forced to supply Sheldon with a shorter interim

Keyes, 1640). This work was to be of practical use in the post-1660 period, allowing archbishops to verify some of their rights, e.g., Archbishop Sancroft in maintaining his power to appoint rural deans in the archdiocese against the pretences of his Archdeacon, Dr. Samuel Parker. Tanner MSS. 125, f. 13v.

<sup>28</sup> See White Kennett's appreciative 'Life of Mr. Somner', prefixed to Somner, *A Treatise Of the Roman Ports and Ports in Kent* (Publish'd by James Brome . . . Oxford, Printed at the Theater, 1693), 92-4, 99.

<sup>29</sup> He was esteemed by Dean Turner as 'a Patron and protector of all the regular Clergy', whom he informed on a wide range of issues, including *formulae*, official privileges, customary jurisdictions, and the whereabouts of 'all their late alienated lands'. *Ibid.*, 99, 100-1.

<sup>30</sup> *The Antiquities* were reissued from old stock with a new title-page in 1662.

<sup>31</sup> C. E. Woodruff, *A Catalogue of the Manuscript Books . . . in the Library of Christ Church, Canterbury*, Canterbury, 1911, 42-51. For a Latin treatise of the prerogatives of the archbishops of Canterbury, dating from the fifteenth century, see item 96, *ibid.*, 49. Cf. the earlier list of 'Mr. Somner's Posthumous Manuscripts, now in the Library of Christ's-Church Canterbury', printed in Somner, *A Treatise Of the Roman Ports and Ports in Kent*. The list occupies two unnumbered pages immediately following p. 118. For a sixteenth-century *exemplificatio* of the liberties of the Dean and Chapter (6th July, 1562), see MS. Rawlinson B 234, ff. 21-35 (Latin), ff. 37-54 (English).



## THE PRIVILEGES OF CHRISTCHURCH, CANTERBURY

account of his own devising; it is this document which we publish below.<sup>32</sup>

Turner's 'answer to the paper of enquirys' and his personal note to Commissary Jenkins are both to be found in Additional MS. C 307 in the Bodleian Library, one of a small group of volumes containing a mass of the Archbishop's in-coming correspondence.<sup>33</sup> Courteous and polite, Turner still contrived to write an autograph letter to Jenkins, even though years and infirmity—he was already turned eighty—had taken their toll, making writing at any length painful for him. When it came to the more formal part of business, he availed himself of the fluent pen of his eldest son.<sup>34</sup> Dr. Francis Turner, Master of St. John's College, Cambridge, and a rising star in the Anglican firmament.<sup>35</sup> Francis Turner was obviously taking the opportunity presented by the Christmas vacation to visit the family home in distant Canterbury. As father and son were unusually close to one another, it was only natural that he wished to see his ailing father. And it was well that he did, because the brave old Dean did not last out the year. He died on 8th October, 1672, a tireless and much-regretted 'Assertor . . . of the publick Good'.<sup>36</sup>

The enquiries which the Dean was called on to answer were in themselves brief and to the point. There were five of them in all, covering the main topics that might be expected to occasion, and in Gloucester were currently occasioning, contention between the local heads of church and state.<sup>37</sup> Sheldon was, as we have seen, not a man to mince matters; he went straight to the heart of the problem, without wasting time and energy on the pursuit of inessentials. His first enquiry in many ways posed the central question by asking whether the Mayor and Corporation claimed any jurisdiction inside the Cathedral Close. Turner replied that the City neither had nor claimed any jurisdiction in the precincts. On the contrary, appearances at Canterbury suggested quite the opposite, for the sword and mace of the Corporation—what

<sup>32</sup> Addit. MS. C 307, ff. 174, 175, printed below as *Annexe* No. III.

<sup>33</sup> W. D. Macray, *Annals of the Bodleian Library*, 2nd edn., Oxford, 1890, 314–15. See also the notes supplied to nos. 28473 and 28181 in F. Madan, *Summary Catalogue of Western Manuscripts in the Bodleian Library*.

<sup>34</sup> Francis Turner wrote the whole of the Dean's reply, saving only the attestation and date, which was written by his father.

<sup>35</sup> His career is outlined in my article, 'The Commission for Ecclesiastical Promotions, 1681–84: An Instrument of Tory Reaction', *The Historical Journal*, x (1967), 20, 26–30, 32.

<sup>36</sup> P. Barwick, *The Life Of the Reverend Dr. John Barwick, D.D. Sometime Fellow of St. John's College in Cambridge; And immediately after the Restoration Successively Dean of Durham, and St. Paul's*, London, 1724, 308. Cited below as *The Life of Barwick*.

<sup>37</sup> The complaints of the Dean and Chapter of Gloucester seem largely to have determined the framework of Sheldon's enquiries. Cf. *Annexe* Nos. I and IV.

Charles I had accurately styled 'the ensignes of their authority'<sup>38</sup>—were lowered and veiled within the Cathedral and surrounding Liberties, whereas abroad in the town they were carried erect before the Mayor and Aldermen. This symbolic gesture, seemingly no more than a quaint piece of ritualism, a picturesque custom, was done in acknowledgement that the Church and Close constituted a law to itself and lay outside the competence of the city magistrates.<sup>39</sup>

Sheldon's second article desired Turner to inform him in what manner the King's writs were executed in the precincts; whether by the Mayor and Corporation and their servants, or by the High Sheriff of Kent and his under-officers; or, if not by them, whether by the Dean and Chapter, their Steward, or any other deputy of theirs. He also asked whether the Church commanded the services of a bailiff. To these queries Turner again replied with an assertion of the extraterritoriality of the Close, emphasizing that no such writ could run unless prior application had been made to the Steward of the Liberties to grant his 'precept or warrant', empowering the civil authorities to proceed. Apparently, there was no bailiff of the Close; at any rate, the Dean did not say that there was. The arrangement at Canterbury offered a neat compromise, and one that lessened the possibilities for friction: in insisting on the application to the Steward, it saved the face of the local ecclesiastical powers, while, in admitting the exercise of secular justice in the Close, it prevented a recurrence of the abuses associated with that notorious and unforgotten target of anticlericalism—the rights of sanctuary.<sup>40</sup>

The third and fourth of Sheldon's articles of enquiry broke fresh ground, dealing in turn with the procedures governing finance and

<sup>38</sup> Charles I to Lord Mayor, Recorder, and Aldermen of York, Greenwich, 2nd July, 1637. Tanner MSS. 150, f. 48. The order is endorsed by Sancroft, who had been Dean of York, 'Lord Mayor and Aldermen's seat in the Quire', *ibid.*, f. 48v.

<sup>39</sup> Restoration church authorities variously estimated the importance of this ceremonial act, according to local circumstances. At Exeter the cathedral authorities insisted 'that the Swordbearer should att the Quire door turn down his Sword'. See the certificate of 30th November, 1684, signed by Bishop Anthony Sparrow of Norwich, relating to the agreement 'made in his time' as bishop of Exeter. Dean and Chapter Library, Exeter, MS. 4536/4/5/1 and MS. 3499/263 (copy). It was a recurrent dispute, culminating in Bishop Ofspring Blackall's ruling of 16th July, 1708. MS. 4536/4/6. The stages can be followed in MSS. 4536/4/1-4, 4536/4/5/2-3. The same matter occasioned enormous controversy at Bristol in the late '70s and early '80s, though Bishop Gulston held the lowering of the sword to be an 'indifferent' thing with regard to the status of the Cathedral. Tanner MSS. 129, f. 66: Gulston to Sancroft, Bristol, 26th October, 1681. For the controversy, see *ibid.*, ff. 49, 64-8, 82, 83-4 ff.

<sup>40</sup> That Dean Vyner still feared to raise the ghost of anticlericalism may be seen in his writing to Williamson: 'We have examined many old records to find our priviledges, but they run in soe high a sanctuary-striene that we dare not let our modest hopes take theyr flight from soe lofty a pitch', P.R.O. S.P.29/294, f. 240: The College, Gloucester, 9th December, 1671.

etiquette. The Archbishop wished to know how his Cathedral related to the normal machinery for apportioning and collecting public taxation, such as parliamentary subsidies and royal aids. Did Christchurch count as part of the City or as part of the County of Kent? We must remember that in public taxation cathedral cities usually enjoyed county status and their bailiffs shrievalty. Once more, Turner was able to reply that the Church and Close fell outside the statutory limits of the City of Canterbury, and that for tax purposes the Liberties were reckoned to be part and parcel of the 'out-county', that is the County of Kent.<sup>41</sup> In consequence the City had not the least pretence to assess the inhabitants of the Close and their properties, or to levy taxes of them; that right belonged solely to the revenue commissioners appointed to administer the County of Kent. Fiscal immunity from the authority of a neighbouring municipality or parish was prized by the hierarchy as much after 1660 as before the onset of the Puritan Revolution.<sup>42</sup> The prelates of the Restoration period resisted attempts to trespass on the privileged 'out-county' status of their churches, a status which put them outside the civil jurisdiction of the parish as well as outside that of the city fathers.<sup>43</sup> And for their stubborn resistance to municipal encroachment they had ample precedent in the sturdy partnership of Laud and Bishop Juxon of London in the 1630s; one at least of their number, Bishop Carleton of Chichester, based his stand in 1681 on the reassurance which he derived from the example of 'those former famous pillars of the Church', and pleaded their actions in defence of himself and his see against the claims of the local Whigs.<sup>44</sup>

Sheldon's fourth enquiry concerned the accommodation provided by Dean Turner for the Mayor and Corporation when they attended cathedral prayers in their formalities. Here, as he appreciated, there

<sup>41</sup> The term 'out-county' was used to distinguish Kent from the City and County of Canterbury; sometimes the comparable expression 'the county at large' was used, see Bishop Carleton of Chichester to Sancroft, Chichester, 14th November, 1681. Tanner MSS. 149, f. 51.

<sup>42</sup> In the assessment and levying of ship money there had been attempts by the local magistracy to invade the authority of the High Sheriff of the 'out-county', as at Chichester, where Charles I and his Council intervened and caused the Mayor to repay to the Dean and Chapter the money he had received. *Ibid.*, f. 21; order in Council, Whitehall, 17th January, 1635/6. Archbishop Laud headed the list of Councillors present.

<sup>43</sup> Bishop Carleton objected to the claim made by the churchwardens and overseers for the poor of St. Peter the Great to assess the Bishop and Cathedral for 'poor taxes'. Carleton to the Mayor of Chichester [no date], *ibid.*, f. 52, in which he stressed that 'Such demands in this place are but of late; and no cathedrall that I have heard of in England, nor in all Christendome, is taken to be in a parish as a part or member of it, and it is not easie to imagine how the constitution of this antient church should be different from all others'. For the parish's claim see *ibid.*, f. 49.

<sup>44</sup> Carleton to Sancroft, Chichester, 14th November, 1681, *ibid.*, f. 51; cf. Tanner MSS. 148, ff. 65-6; same to same, Chichester, 17th September, 1682.

existed fertile ground for an abundance of disagreement and petty bickering.<sup>45</sup> The claustrophobic atmosphere of an historically-minded community did not always favour peace and quiet, especially when, compared with the antiquity of the Church and its dignitaries, the civil magistracy looked rather brash and *arriviste*. The clergy, moreover, despite their addiction to politics, occasionally demonstrated their deficiency in the political arts; charity, tact, and persuasion could, and did from time to time, escape them. Not that the blame was simply theirs; far from it, in fact. Civic pride, oversensitive and often overweening, was quick to imagine slights where none were intended, and prompt to take affront where official dignity did not meet with instant recognition by the cathedral clergy. Ideally, of course, the hierarchy fostered cordial relations, the giving and receiving of mutual respects; in that way, the Church could profit best from the political advantages accruing from its legal establishment; it needed the goodwill of the leaders of lay society to function most smoothly and beneficially.<sup>46</sup> Civic attendance at the services of the Church underlined the bond between church and state that was so prominent a feature of the Clarendonian constitution. Yet antagonisms did occur, and, perhaps surprisingly when one considers their triviality in modern eyes, questions of *placement*, along with differences of opinion about the grandeur of the mayoral chair, were among the commonest causes of dissension. They provoked a string of disputes in the Restoration Church—for instance at York in 1663,<sup>47</sup> at St. Paul's in 1663–64,<sup>48</sup> at Gloucester in 1671,<sup>49</sup> at Exeter in 1684,<sup>50</sup> and at York again in 1684 and 1685<sup>51</sup>—some of which were settled on the spot, others only after primatial intervention backed by the law officers of the Crown.

Mercifully, as Turner's answer proved, affairs at Christchurch were more deftly managed. The Mayor and Aldermen of Canterbury were placed 'in the uppermost stalls and seates' of the quire, or alternatively

<sup>45</sup> Sancroft attached as much importance to this as Sheldon, see 'Quaeries to be consider'd of in the case of the Lord Bishop and Mayor of Bristol', *cap.* 4, prepared by his secretary, Dr. Robert Thompson. Tanner MSS. 129, f. 42.

<sup>46</sup> The point has been made in a different context in my article, 'Cathedral Furnishings of the Restoration Period: A Salisbury Inventory of 1685', *W.A.M.*, lxxvi (1971), 150–1.

<sup>47</sup> At York the archdeacons seem to have allowed the corporation to sit in their stalls, according to Sancroft's draft chapter acts in Tanner MSS. 150, ff. 44, 47, 127; cf. pre-Civil War directives from Charles I, and from Lord Keeper Coventry and Archbishop Neile, *ibid.*, ff. 48, 39.

<sup>48</sup> See my article, 'Church and State in Old St. Paul's: Dean Barwick's assertion of the Church's rights against the City', *The Guildhall Miscellany*, iv (1972), 161–74.

<sup>49</sup> See *Annexe* No. IV.

<sup>50</sup> See my 'William Sancroft', 123–5.

<sup>51</sup> Archbishop Dolben narrated some of the proceedings to Sancroft. Tanner MSS. 32, ff. 182; 242, 241v.

## THE PRIVILEGES OF CHRISTCHURCH, CANTERBURY

on the south side of the Church, 'among the gentlemen', both positions, we may presume, calculated to satisfy magisterial self-esteem. Nevertheless, Turner made it plain to Sheldon that it was the Dean and Chapter's permission, not any decision of the Corporation's, that ordained it so. This accords with what we know of Turner's part in supporting Dean Barwick at St. Paul's, London, against the potentially harmful actions of the Lord Mayor, Sir Anthony Bateman. Although on this occasion the intentions of the secular authorities were innocent enough, in contrast to the blatant aggressiveness of other mayors, Turner had deliberately sided with Barwick in resisting even the imputations of weakness and dependence; they wished to avoid unhappy precedents and the threat of future inroads on the autonomy of the Dean and Chapter.<sup>52</sup>

Fifthly and finally, Sheldon asked to what extent the Church of Canterbury was free from the jurisdiction of the City, and whether the City held any privileges over or shared any with the Cathedral. Turner certified that the Church and Close were 'wholy and altogether exempted from it, and that by their owne Charter'. James I's charter of 1608, which was still operative after the Restoration and was to remain so until the *quo warranto* proceedings of 1684, certainly included a decent salvo of 'the scite and precinct of the Cathedral and Metropolitan Church of Christ in Canterbury', and of 'any right or title of any liberties, franchises, exemptions, or jurisdictions of . . . the Dean and Chapter of the Cathedral and Metropolitan Church of Christ in Canterbury'.<sup>53</sup> As for civic privileges, Turner averred there were none. In short his 'answer to the paper of enquirys' amounted to a return of *non inventus*: an absolute denial of municipal authority over the Cathedral, its members, and precincts. It was precisely what Archbishop Sheldon, bent on saving the Church of Gloucester from intimidation, had hoped for.

Turner's interim statement must just have reached the Archbishop in time to be of use to him in fortifying his efforts to relieve Dr. Vyner and his brethren of the Chapter. The business of the new charter was already in train, and he had, it seems, begun to consider the choice of men with whom to staff the regulated corporation. He drew up one list of names, though with many alterations, on 17th January.<sup>54</sup> Ten

<sup>52</sup> When the issue first arose Dean Barwick was away ill, and Turner was left in charge as *locum tenens Decani*. St. Paul's Cathedral Library MS. F.C.1, p. 66: 29th January, 1663/4.

<sup>53</sup> E. Hasted, *The History and Topographical Survey of the County of Kent*, 4 vols., Canterbury, 1778-99, IV, 396-8.

<sup>54</sup> Addit. MS. C 303, ff. 180, 181v.: list, endorsed 'Nomination of the New Corporation of the City of Gloucester', signed by Sheldon.

days later, on 27th January, 'A list of persons to be established at present mayor, aldermen, common councill-men, and officers in the new charter of the City of Gloucester' was referred by the King to the adjudication of Sheldon, Sir Orlando Bridgeman, the Lord Keeper, and Sir Thomas Clifford, 'Treasurer of His Majestie's Houshold', or any two of them.<sup>55</sup> Strangely the Marquess of Worcester, Lord Lieutenant of Gloucestershire and the biggest magnate in the region, was dropped from this reference, though he had been included in a previous draft of the same instrument.<sup>56</sup> In the event, and in obedience to royal command, the determination fell to Sheldon, Bridgeman, and Clifford, who duly conferred at Essex House about the nomination of the remodelled corporation and the settling of the respective jurisdictions of Church and City.<sup>57</sup> Sheldon and Clifford took pains also to review such related points as the composition of the commission of the peace and the size and make-up of the *quorum*.<sup>58</sup> They evidently found no difficulty in concerting matters, if we may judge from their joint recommendations preserved in the State Papers Domestic and Sheldon's official papers. The details of the persons recommended to the nomination of the Crown need not detain us; suffice it to say that Sheldon, briefed by information sent to him from his friends in Gloucester, had a part to play in selecting the new magistrates. The supply of qualified worthies was not so plentiful that there was room for much manœuvring, and fierce as were the objections of churchmen to certain candidates they were not necessarily overriding;<sup>59</sup> still, the worst offenders against Cavalier orthodoxy—out-and-out rebels and traitors—were kept out of office. In spite of the Act of Indemnity and Oblivion which had been passed to dampen down old animosities the memories of a largely enclosed society could not be smothered;<sup>60</sup> they were memories which Sheldon shared and respected. Gloucester had after all quickly forsaken its allegiance to Charles I in the Civil War, and remained, well after 1662, a hotbed of dissent and faction.

<sup>55</sup> *Ibid.*, f. 58.

<sup>56</sup> P.R.O. S.P.29/302, f. 224 (no date). The Marquess did, however, submit a list of recommended persons, *ibid.*, f. 227.

<sup>57</sup> *Ibid.*, ff. 225v-6; list signed by all three referees. Cf. S.P.44/34, ff. 138, 140.

<sup>58</sup> Addit. MS. C 303, f. 60. Bridgeman's approval is not noted along with the others.

<sup>59</sup> There are several lists whose exact relationship to one another is difficult to establish. In one, perhaps the basic list, the names of the present councillors are arranged in columns of 'irregular electors', some of whom are marked 'yett of more moderate principles'; persons of quality now freemen; and 'loyall cittizens of sufficient estates' offered to the King for nomination—these being further distinguished as being 'certified for by the Bishopp of Gloucester and Mr. Justice Moreton, the recorder, under both their hands'. *Ibid.*, ff. 225v-6; cf. ff. 227v-8v.

<sup>60</sup> E.g. the paper endorsed 'Observations for my Lord's Grace of Canterbury', containing recommendations and objections to personnel should the Marquess of Worcester 'not bee satisfied without alteration' to the signed list. *Ibid.*, f. 65.

## THE PRIVILEGES OF CHRISTCHURCH, CANTERBURY

More relevant to our theme was the 'Agreement betweene the Towne and Church of Gloucester in relation to the New Charter of that City'; this, too, has been found in a volume of Sheldon's papers, Bodleian Library MS. Additional C 303. It is an instructive document, and one which was consented to by 'the Citizens of Gloucester', led presumably by Henry Fowler, their Mayor,<sup>61</sup> and by Dr. Vyner, the Dean, 'on the behalfe of the Bishop and Deane and Chapter of the said Church'. It was agreed:

'That by the New Charter of the said City the scite of the said Cathedrall Church, the Bishop's Palace, the houses of the Deane, Prebends, Quiremen, and Officers of the said Church, and all the houses and ground within the walls and precincts of the said Cathedrall Church, or Colledge, and Bishop's Palace, shall be declared and made a distinct Liberty within the County of the City of Gloucester; and shall have the *returna brevium* within the said Liberty; and a bayliffe or bayliffes for the execution of processe, to be appointed by the Bishop and Deane and Chapter for the time being, from time to time.

That the clause in the Old Charter touching Justices of the Peace be altered in the New to this effect, *viz* that the Mayor, the Lord Bishop of Gloucester, the Deane of the said Cathedrall Church of Gloucester, the Recorder, and Aldermen, and two of the Prebends, such as His Majesty shall thinke fitt, shall be Justices of the Peace within the said City and County of the said City; and any three or more of them are to be a *quorum* to hold a Sessions, so as the Mayor, Lord Bishop, Deane, and two Prebends aforesaid, Recorder, or some of the foure senior Aldermen, be two. The said Bishop, Deane, and two Prebends for the time being to be thereunto authorised from time to time by His Majestie, his heires, and successors, by commission under the Great Seale of England, to be renewed from time to time at the pleasure of His Majesty, his heires, and successors.'

The clause of exemption, which had the approbation of Archbishop Sheldon and Clifford, embodied the main items of Turner's account of the privileges of Christchurch, Canterbury: the liberty of the Cathedral and Close, including the properties of its inhabitants, and a reservation of the *returna brevium* and the execution of legal processes there to the church and its officers. Provision was also made for appointing a bailiff to act within the Liberties.<sup>62</sup>

In the process of preparing the actual charter this agreement was considerably abbreviated to produce a more generally worded salvo, more in keeping with that found in the Canterbury charter of 1608.

<sup>61</sup> For Fowler, see R. Austin, 'The City of Gloucester and the regulation of corporations, 1662-63', *T.B.G.A.S.*, lviii (1936), 273. He was continued as Mayor, and was in close touch with Williamson. P.R.O. S.P. 29/294, ff. 247, 330: 9th, 23rd December, 1671.

<sup>62</sup> Addit. MS. C 303, f. 60.

It ran as follows in the charter issued by Charles II to Gloucester on 18th April, 1672:

'Always provided that . . . this said Charter and Grant of Liberties and Privileges, or any thing in them contained, be not any way prejudicial to the Dean and Chapter of the Cathedral Church of the City aforesaid, or their Successors. But We will, and by these Presents declare Our Royal Intention, that the said Dean and Chapter, and their Successors may from time to time for the future for ever hold and enjoy all such Rights, Privileges, Franchises, Jurisdictions and Immunities whatsoever as the said Dean and Chapter do now lawfully enjoy, and are rightfully due and belonging to the said Church, any thing in these Presents contained to the contrary notwithstanding.'<sup>63</sup>

The wording of the proviso was couched in the jargon of the professional lawyer, rather than in the concrete terms favoured by the citizens and clergy of Gloucester, yet it made the substantive point none the less, namely that the Cathedral Church of the Holy and Undivided Trinity at Gloucester was free from the jurisdiction of the Mayor and Corporation. Of that there was no shadow of doubt.

The emendation of the clause in the old charter of 1664 relating to the administration of justice in the town guaranteed the dignified clergy a voice in the judicial life of the City, if and when they chose to exercise it. Here, the new charter of 1672 followed closely the line taken by Vyner and the citizens, and approved by Sheldon and Clifford; it admitted the Bishop, Dean, and two Prebendaries to the commission of the peace, and made the Bishop, Dean, and 'one of the said two Prebendaries' members of the *quorum*. Their legal authorization and renewal was left, of course, to the discretion of the Crown.<sup>64</sup> These alterations put the church authorities in a position from which to uphold the threatened discipline of the Cathedral. The Dean and Chapter of Gloucester had good reason to thank Archbishop Sheldon, and to be grateful for his timely application to Dean Turner of Canterbury for 'some light to guide them' in the vindication of their privileges.<sup>65</sup> It was a light which continued to shine long afterwards, and one which must have helped to guide the steps of Archbishop Sancroft in the busy years of the Tory Reaction with its flood of *quo warranto* writs. Of one fact we may be sure. Sancroft was conversant with the methods of his vigilant predecessor, many of whose papers bear the unmistakable

<sup>63</sup> Sir Robert Atkyns, *The Ancient and Present State of Glostershire* (London: Printed by W. Bowyer for Robert Gosling at the Mitre, near the Inner-Temple Gate, in Fleetstreet. 1712), 118. W. H. Stevenson, *Calendar of the Records of the Corporation of Gloucester*, Gloucester, 1893, 48.

<sup>64</sup> There were a number of variations between what had been agreed on by the citizens and Dean Vyner, and approved by Sheldon and Clifford, and what was embodied in the charter of 1672. Cf. Atkyns, *The Ancient and Present State of Glostershire*, 106-7 and the 'Agreement' printed above, p. 95.

<sup>65</sup> For the phrase, see *Annexe* No. I.



## THE PRIVILEGES OF CHRISTCHURCH, CANTERBURY

signs of his having systematically worked through them.<sup>66</sup> It was a valuable exercise, as his conduct was later to declare.

### *Annexe*

No. I: Archbishop Sheldon to Dr. Thomas Turner, Dean of Canterbury [draft], no date.

I desire that with all possible speed you will send me a returne to these enclosed enquiries. The occasion of making them is not from anything that I know that your Church is at present more particularly concerned in them, but your brethren of the Church of Gloucester are aggrieved by some usurpations which they conceive are made upon them; against which (at this time that the charter of the City of Gloucester is to be renewed) they have hope to be releived, and therein may have some light to guide them, by the practise in other cathedrall<sup>67</sup> churches of the New Foundation, as they are. So expecting a speedy answer hereunto, I rest.

Enquiries concerning some privileges of your Church

First Whether the Mayor and Corporation of your City have any jurisdiction, power, or authority within the Precincts of your Church; and, if they have or pretend to have, then what is it, and how farre doth it extend; and whether by charter, or custome, or upon what other ground?

Secondly Are the King's writs executed within the Precincts of your Church by warrant or authority from the City Corporation, and by the ministry of their serjeants or bayliffes, or by warrant and authority of the High Sheriffe of the County, and the ministry of his bayliffes; or else, are you or any of you authorised by yourselves, or your Steward, or other officer of your owne, to execute the King's writts; and have you a bayliffe or bayliffes of your owne by whom such writs are to be executed within your Precincts?

Thirdly In the case of assesses and publique taxes have you power to asseste and taxe yourselves, or are you taxed by the Corporation of the City, or by the Justices of the County?

<sup>66</sup> Sancroft's autograph enumeration, entered up in typical fashion on the reverse of the last sheet of each item, shows that he was familiar with Sheldon's care in the case of Gloucester's regulation. Examples are found at Addit. MS. C 303, ff. 226v, 228v, 60v, which bear his numbers, xxxiv-xxxvi. Some of his numbers have almost completely disappeared under the paste-downs which secure the folios to the gathering of the volume, e.g. f. 180. That he was interested in even earlier instances of municipal aggression is shown by his transcript of a letter from Bishop Cotton and the Dean and Chapter of Salisbury to Lord Treasurer Salisbury, Sarum, 12th July, 1609. Sancroft heads it, 'The Cittisens of Sarum attempt upon the Liberties of the Church'. Tanner MSS. 129, f. 2.

<sup>67</sup> *M.S.*, cathedralls.

ROBERT BEDDARD

Fourthly Whereabouts, or in what part or stalls of your Quire, doe the Mayor and Aldermen of your City sitt when they come to prayers in your Quire?

Lastly and in generall How farre are you exempted from the jurisdiction of your City Corporation; or what privileges have they over you, or have you in common with them?

No. II: Dr. Thomas Turner to Sir Leoline Jenkins, Canterbury, 5th January, 1672.

Honoured Sir,

May it pleas you to present my most humble duty and service to my Lord's Grace of Canterbury, together with my answere to the paper of enquiries, which you sent mee.

That it comes soe slowly to you, the reason is this: I am transcribing a larger tract touching our Churches priviledges composed by Mr W. Somner deceased. I intended to send that with this, but I cannot make it reddey till next week; and then my sonn, Dr [Turner], whoe is now with mee and humbly salutes you, will, God willing, putt it into your hands. In the interim I rest, Sir,

Canterbury,

Your humble servant,

January 5, 1671[2].

Thomas Turner.

To the much honoured Sir Leolin Jenkins, Judg of the Prerogative Court, at his lodging at Exeter House in the Strand, in London, these.

No. III: Dr. Thomas Turner's reply to Archbishop Sheldon's enquiries, Canterbury, 5th January, 1672.

An answer to the paper of enquirys concerning the  
Churches priviledges

To the first I certify that I know not of any jurisdiction, power, or authority, the Mayor and Corporation of the City of Canterbury hath over us, or within the Precinct of our Church, either by charter, custome, or uppon any other ground whatsoever. They themselves claime not any, nor pretend to any there, but, in acknowledgment of our power, the sword and mace which is alwaies borne and carried upright before the Mayor within their owne City and Liberty is vail'd and carried aslaunt within our Church and Liberties.

To the second I further certify that I know not of any power or authority the Mayor and Corporation of Canterbury, or any their ministers, searjeants and bayliffs, by warrant from them, have or ever had to execute any the King's writts, or any other writts, within the Precinct and Liberty of our Church; neither of any power or authority the Sheriffe of the County, or any his ministers or bayliffs

## THE PRIVILEGES OF CHRISTCHURCH, CANTERBURY

have to execute any there, but by virtue of a precept or warrant first had upon every such writt from the Steward of our Libertys.

To the third In the case of assesses and publiqu taxes the Citty and Corporation of Canterbury, being a County of it's selfe, have a power granted them by Act of Parliament to assess and tax themselves, but they have no power to tax and assess us, wee being alwaies assessed and taxed by the Commissioners for the County of Kent.

To the fourth The Mayor and Aldermen of Canterbury by our permission and appoyntment, not by any power of their owne, are seated and placed in the uppermost stalls and seates of our Quire or the south side thereof among the gentlemen.

To the fifth and last As to the jurisdiction of the Citty Corporation wee are wholly and altogether exempted from it, and that by their owne Charter; and for matter of priviledge they have none over us; neither have wee any in common with them.

witnes my hand,  
Thomas Turner, Dean of Christ's Church,

Dated January 5, 1671[2].

Canterbury.

No. IV: Dr. Thomas Vyner's request for the preservation of the privileges of the Church of Gloucester [9th December, 1671].

The desires of the Deane and Chapter of Gloucester for remedie of theyr former greivances are:

First That the Mayor and Aldermen *etc.*, of the City of Gloucester may have noe powre to levie upon our estates when subsidies, royal aydes, *etc.*, shal be graunted, because such powre by them acted hath tempted them to be too kind to themselves and most injurious to us, as we have found by deare experience; whereby our condition hath beene more despicable then the poore contriman's, whose landlord in such case doth usually stand by him to see justice done him.

Secondly That they may not presume in future to dispose of our seats or stalls in the Church, which with an high hand they have insisted upon to the displacing of the Sub-deane (the cheife authority of this Church *in absentia Decani*), whose stall they have affected and enjoyed of late yeares for the Mayor, though they have beene offered a more honourable seate with canopie cloath and cushion in a convenient place of the Quire right against the Bishop's faldisteire.<sup>68</sup> In this they have continually of late yeare diminish't us and usurped

<sup>68</sup> A variant of faldistory, from medieval Latin, *faldistorium*, a word usually applied to the seat or throne of a bishop inside the chancel.

over our just right in such manner as noe other mayor hath offered to any other cathedral that we can heare of.

Thirdly That for as much as that the want of a visible owned authority within the precincts to punish people of il behaviour hath imboldened many loose people to riotous and unpeaceable carriage of themselves daily within the precincts, and especially in time of Divine Service, we pray that the Bishop and some others (in case of his absence) of the Church, and one or more of the gentlemen that live within the precincts of the Colledge, may be justices to act within the said precincts for the punishing of such offenders and offences as ordinarily justices of the peace are impowred to doe.

For want of such powre within the precincts of this Church many 100's of il govern'd people have beene and are stil soe impiously disquiet and riotously prophane in times of Divine Service, in these darke nights of winter especially, that we are at present forced, for prevention of them in some measure, to wave the usuall cathedral howre of prayer at 4 a clocke in the evening, and goe to prayer at 2 in the afternoone.

Fourthly Touching the charter of the City we desire that the authority of the Mayor *etc.*, may be confined to theyr owne bounds, and expressly forbidden to take the precincts of the Deane and Chapter to be within theyr liberties. For the inclosed copie of some clauses in our charter wil shew we are distinct corporations, having our distinct bounds of jurisdiction, and have beene soe ever deemed.

Our council hath often times pleaded it, and particularly Sir John Bridgeman<sup>69</sup> used to assert that we were neither within the limitts of the City or In-county, but to be esteemed as part of the Out-county; and therefore:

- (i) when we are to be levied for subsidies *etc.*, our rates to be proportioned by our selves or the gentlemen of the Out-county for us, we or some of us being in commission with them.
- (ii) al writts to be executed upon persons within our precincts to come from the High Sherif of the County.

Kent Archaeological Society is a registered charity number 223382

© Kent Archaeological Society

<sup>69</sup> He was chief justice of the Court of Session for the County Palatine of Cheshire, and of Sudbury, Gloucestershire. Foster, *Alumni Oxonienses*, early series, I, 180.