

# SOME NOTES ON THE COURT OF THE ARCHDEACONRY OF BUCKINGHAM IN THE EIGHTEENTH AND EARLY NINETEENTH CENTURIES

CANON W.A. PEMBERTON, B.D., Ph.D.

Until recent years the records of archdeacons' courts in the post-Reformation Church in England have been neglected as sources of ecclesiastical, social and economic history and for the study of canon law.<sup>1</sup> It was not until 1924 when F. S. Hockaday published his valuable 'Practice', based upon his intensive examination of the papers of the consistorial court of Gloucester that any serious interest in this type of record was aroused.<sup>2</sup> And then the interest was mainly confined to the colourful period before 1640, after which the Tudor politico-religious totalitarian system collapsed.<sup>3</sup> Little work has been done upon such records in respect of the Restoration Church, for it has been concluded that, with the abolition of the oath *ex officio* in 1662 and the passing of the Toleration Act in 1689, ecclesiastical courts had had their day. As a consequence, the records of the archidiaconal courts of the eighteenth and early nineteenth century still remain almost totally ignored as a source for that period.

It is here intended to show how, and to what extent, the extant visitation books, volumes of instance cases and acts of the court of the Archdeaconry of Buckingham illustrate the main characteristics of the Church in that period.<sup>4</sup> Other types of documents associated with that court, such as those of probate and inventory, have survived in quantity, together with church inventories and terriers; but these have no immediate bearing on the working of the court and so for this purpose have been disregarded.

The jurisdiction of the Archdeacon of Buckingham extended to 191 parishes in the county. Exempt from this jurisdiction were the peculiars of Buckingham and Aylesbury, wherein archidiaconal jurisdiction was exercised under prebendaries of the capitular foundation of Lincoln; the peculiar of Bierton, with its dependent chapelries of Buckland and Stoke Mandeville, which appertained to the Dean and Chapter of Lincoln; the four parishes of Aston Abbots, Granborough, Little Horwood and Winslow in the archdeaconry of St. Albans, which itself was a peculiar in the diocese of London; and the parishes of Halton, Monks Risborough, Wotton Underwood and Little Brickhill which were peculiars of the Archbishop of Canterbury.<sup>5</sup> Now as the Officials of the Archdeacon and the Registrars of the court were usually also the Officials and Commissaries and Registrars of the peculiars of Buckingham, Aylesbury and Bierton, it is not uncommon to find that the proceedings of the archidiaconal and peculiar courts were entered into one and the same volume. This was notably so in the early nineteenth

century when the business of the courts was very small.

Within the archdeaconry were seven deaneries; Buckingham, Burnham, Mursley, Newport, Waddesdon, Wendover and Wycombe. The archdeacon held his visitations for the several deaneries at traditional centres; the parish churches of Aylesbury, Amersham, Beaconsfield and Newport Pagnell, and the chapel of Stony Stratford, after it had been restored and beautified by Browne Willis in 1730. The deaneries of Mursley, Waddesdon and Wendover met at Aylesbury; at Amersham the deanery of Wycombe; at Beaconsfield the deanery of Burnham; and at Newport Pagnell, or Stony Stratford, the deaneries of Buckingham and Newport. The registry was at Aylesbury and for occasional business, such as that of the absolution of an excommunicate, the court might meet in the Registrar's office,<sup>6</sup> in a room in the White Hart<sup>7</sup> or the King's Head<sup>8</sup> in that town, or a chamber in the Swan Inn at Newport,<sup>9</sup> when sometimes the Official himself would preside.

In the third and fourth decade of the century the archdeaconry must have been unique in the distinction of its chief personnel. First was the archdeacon, Nicholas Claggett, collated on 1 Sep. 1722, who held his office for twenty years. He was appointed to the Deanery of Rochester in 1724, and in 1733 consecrated Bishop of St. David's. Not only was he then holding a bishopric, deanery and archdeaconry simultaneously, but also the benefices of Overton, Heacham and Brington, which were each in a different diocese and very distant from each other. Although on his translation to the see of Exeter in 1742, he resigned from his Midland archdeaconry, he obtained the archdeaconry of Exeter and a canon's stall in his new cathedral, as that bishopric was regarded as a poorly endowed one.<sup>10</sup> Although so much beneficed he was far from indolent. In 1732 he published his Enquiries to the clergy and churchwardens of his jurisdiction. From time to time he personally attended his court, and preached at his visitations; in addition to the occasion of his primary visitation he preached also at all the centres of his visitation in 1728, which would have been remarkable for an archdeacon in any age.<sup>11</sup> Claggett was a gifted and a zealous supporter of efforts for the furtherance of religious education.<sup>12</sup>

Two of his Officials were most eminent lawyers in the church. John Bettesworth L.L.D. was also Commissary of the bishop, as the offices of Official and Commissary were usually combined, and moreover Dean of the Arches and Judge of the Prerogative Court of Canterbury,<sup>13</sup> but did not disdain to preside on occasion in his lowly court.<sup>14</sup> The other was Charles Pinfold L.L.D., Commissary of Westminster, and an Advocate of Doctor's Commons.<sup>15</sup> And one of the surrogates, George Lee, D.D., rector of Hartwell, was a member of a distinguished family of lawyers;<sup>16</sup> he was uncle of George Lee D.CL., then an Advocate in Doctor's Commons, who was to succeed Bettesworth in his highest offices, and to be knighted for his services to the royal household.<sup>17</sup>

Moreover the court was well staffed by surrogates upon whom the Official could call in his absence. John Bettesworth, for example, appointed no fewer than twenty nine of the clergy as surrogates for the deaneries, 'to do everything which by virtue of his patent for his office of Commissary and Official might do if he was personally present'.<sup>18</sup>

But ever since the Toleration Act the inferior ecclesiastical courts had ceased to attract those who, as notaries public, could act as proctors; for it was seen that no substantial financial rewards could be expected, owing to the great decline in business among them, except for matters testamentary and probate. So at times there was not

even the requisite number of proctors available in the court to effect its operation in a contested cause. As early as 6 Nov. 1712, appeared the following entry in respect to a cause for defamation, '..... John Burnham (the proctor) ..... ought to give security for payment of costs to White in case he should be condemned therein ..... there being no proctor in this court but what was concerned in this cause against the said White and that he must be put to fetch a proctor at least twenty miles to defend the same which was a great hardship to the subject, and upon these grievances he appealed from this court'.<sup>19</sup> Actually the last contested suit in the court appears to have been in December 1780.<sup>20</sup> Happily the court was able to function for so long as a court of first instance because John Burnham and his son, Joseph, served in it faithfully for a period of seventy years both as deputy registrars and proctors, whilst Hugh Barker Bell, also a notary public, practised in it for over thirty years.

But even when many acts were still sped in the court, which met every month (there being, for example, nineteen causes on 26 Feb., 1707) the proctors were not always confident of being paid their fees by the condemned parties, and the legal costs involved in seeking a remedy from a higher court would have been far more than the fees that were owed. In 1711 John Burnham was prosecuting for fees due to him in five causes, and four years later he was still trying to recover them.<sup>21</sup> Clearly the court held little terror.

By the end of the fourth decade of the century the discipline of the Church, as illustrated in the archdeaconry, had drastically declined. Churchwardens' presentments had become a mere formality and 'Omnia Bene' was the usual return to all articles of enquiry. At the Easter visitation of 27 June, 1733, there were only three presentments from the deanery of Newport.<sup>22</sup> At the Michaelmas visitation in 1734 the churchwardens of the deaneries of Buckingham and Newport made only two and five presentments respectively.<sup>23</sup> From the deaneries of Buckingham, Mursley, Waddesdon and Wendover, there were no presentments at all at the Michaelmas visitation of 1742, and the three from Newport deanery related only to bastardy.<sup>24</sup> It was the second time in three consecutive visitations that there had been no presentments from the deanery of Wendover.<sup>25</sup> And when the court met on 31 Dec. 1741 it was only to extend the term probatory for the single suit that was before it.<sup>26</sup> During this period there was a singular indifference in the entering up of the acts of court. In the years 1725 to 1740 there were many suits for defamation but only the nature of the cause was recorded, without any specification as to the words used.<sup>27</sup> And the number of those who remained impenitent excommunicates increased: there were fifty four in 1742; writs *viis et modis* had been taken out against thirty four of them.<sup>28</sup> In 1728 there were fifty eight causes for bastardy, fornication and common fame of the same; of these the defendants in nineteen, failing to appear, were excommunicated. In 1737, fifty three persons were excommunicated, mostly for failing to appear or perform the penances enjoined for these sexual offences; only eight of them later sought to comply with the injunctions of the court and ask for absolution.

The officers of the court themselves were clearly influenced by the lack of respect for ecclesiastical discipline. This is to be distinctly observed in the wide variation of penalties imposed upon sexual offenders. A mere admonition and dismissal were not infrequent. In 1728 two men suspected of bastardy were simply said to have been absolved and dismissed, the judge admonishing one man not to associate with the

woman, except in church or in a public place.<sup>29</sup> On the other hand there were the few public penances: on 16 Oct. 1730, all who had confessed to fornication were ordered to perform their penances in church 'in solitis vestibus', that is, in their customary apparel. In the same year, a penance was to be performed after any evening service before midsummer,<sup>30</sup> no day being specified. It was upon female offenders, especially the older ones, that the penances imposed were the most severe and full. On 12 Oct. 1737, Ann Carter of Marlow was enjoined to perform the schedule, in a white sheet and wand, on the feast of St. Andrews.<sup>31</sup> But usually a young offender was treated very mercifully; on 9 Oct. 1741, Mary Waugh, also of Marlow, was allowed 'in compassion of her youth and repentance' to execute her penance in the Chamber of the registry.<sup>32</sup> On 20 Sep. 1759, Sarah Duncombe of Hogshaw appeared in the court and confessed that she had been delivered of a bastard child, and desired to make her penance, and there being no church at Hogshaw she underwent it in the presence of 'the Rev. Mr. Stevens, Surrogate, Hugh Barker Bell, Joseph Burnham, Henry Jackson and Ann Duncombe', who no doubt was one of her relations, and paid 11s. 2d., out of which Jackson received his fee as the apparitor.<sup>33</sup> It seems clear that the court imposed only those penalties which it believed would be carried out, and so modified its sentences accordingly. Very few penances were imposed upon male offenders, suspect or actual. Such was the execution of ecclesiastical discipline in an age which had no strong moral or authoritative sanction in society.

In the early years of the century there are several instances of the once usual process of compurgation for reputed paternity or for common fame of fornication, as in 1716, when a suspect was required to produce four compurgators.<sup>34</sup> After this date no similar instance appears. Causes for the restitution of conjugal rights were few;<sup>35</sup> likewise suits arising from presentments of unmarried persons living together as man and wife, though one such case, in which the parish registers were produced as exhibits, lasted for over a year.<sup>36</sup> There were few other types of causes for misconduct and the majority of these also appear before 1740. For cursing and swearing in a profane manner in the vestry room of Marlow church, John Lawes was subsequently excommunicated for his open defiance of the court.<sup>37</sup> An interesting example of how easily the court would mitigate a sentence or remit it altogether is that of John Penn, (parish unknown) whom his fellow warden, Richard Greenwood, had presented for cursing, swearing and drunkenness. But it was Greenwood himself who behaved noisily and violently in the court urging the judge to confirm a church rate which had not been signed by the minister. On the other hand, Penn, behaving himself more humbly and submissively and heartily confessing to his crime, was dismissed because of his poverty.<sup>38</sup>

There still survived a few isolated suits relating to offences for breaches of the canons governing the observance of the Sabbath. But they too showed the common contempt for ecclesiastical discipline. James Weatherley, the keeper of the Castle Inn in Chesham, presented on Oct. 9, 1734 for keeping a disorderly house and drawing liquor in time of divine service, simply ignored the court and defied excommunication.<sup>39</sup> The Act of Toleration had implied that all citizens of the realm should attend the public services of the Established Church unless they were certified as members of a licensed meeting house for dissenters. But attempts to enforce attendance generally met with failure; and by the end of the fourth decade had ceased altogether. The last recorded in the acts of the courts shows the utter contempt shown to a now outworn ideal: '1739



May 1 Great Linford. John Pinkhard for neglecting to come to his parish church to attend divine service he not being we know of any other communion: note Jan 24. Pinkhard being cited thrice called and appearing was asked for a certificate of his having qualified himself according to Act of Parliament and that he refused to give any other answer but in language defying the court bid them do their worst. Later alleged himself to belong to the Presbiterian Meeting house at Newport Pagnell and exhibited under the hands of several members of the congregation owning him, whereupon he was admonished to qualify himself according to Act of Parliament'.<sup>40</sup> Pinkhard ignored the injunction and was excommunicated, an act which, for him, would hold no terrors whatsoever.

It might be assumed that, as a source of information regarding the clergy, in particular their neglect of duty, and on the defective state of the fabric and furnishings of churches, the records of the court should be less scanty. For over these matters the court long continued to exercise at least a partially effective jurisdiction. This is far from being the case however, though the disastrous effects of clerical non-residence are made plain in the unusually full presentment for Wexham on 26 Oct. 1730.<sup>41</sup> Yet respecting the clergy themselves there does not appear to have been a single cause in the century, or afterwards, relating to any act of immorality. Only one instance of contempt of ecclesiastical discipline on the part of a minister seems to have been recorded: Matthew Herbert, the curate of Kings Sutton, failed to appear at the triennial visitation in 1733 of Bishop Reynolds of Lincoln; this was an occasion when the act book of the archdeacon's court contained proceedings of the consistorial court. Having been suspended by it, Herbert appeared and made his submission.<sup>42</sup> Two causes only of non-residence are recorded: James Barclay, the rector of Fulmer, confessed to it, excusing himself on the plea that being a Canon of Windsor he was not obliged to reside,<sup>43</sup> and the churchwardens of Brill and Boarstall presented Morgan Lysons, their curate, for being non-resident in either benefice. Lysons never seems to have attended the court and the cause was prolonged for three years, at the end of which the judge decreed that the licence originally granted to Lysons should be revoked, as far as it related to Boarstall.<sup>44</sup> As to neglect of pastoral duties three causes only are recorded. The office of judge was promoted against John Amy, vicar of Wyrardisbury: but the actual nature of the offence was not specified and the defendant appealed to a higher court to which the suit was removed.<sup>45</sup> John Wright, rector of Great Hampden, presented for 'neglecting and refusing' to christen a child, who subsequently died, appeared before the surrogate, confessed the charge to be true and declared that his inability to perform the duty had been due to lameness, which had confined him to bed; whereupon, having been admonished to take care for the future, he was dismissed.<sup>46</sup> Fletcher, of Bletchley, charged with failing to perform the services appointed for Ash Wednesday, pleaded that he had been hindered by sickness and likewise was dismissed. This was in 1752 and the last of such causes.<sup>47</sup> Not until the next century does an entry relating to clerical misbehaviour appear and the two entries that then occur do not concern immorality, but the sequestration of benefices for debt. In 1815 James Piggott, of Grendon Underwood, had incurred debts to the amount of £1,200 and in 1820 Henry Atkinson of Barton Hartshorne and Chetwode, debts of £200. In both cases the sequestration was by King's Writ.<sup>48</sup>

The records do not afford much evidence respecting the state of parsonage houses.

In the years 1739 to 1741 there were only two presentments: the house and buildings at Fawley were out of repair and the vicarage house at Wendover had been taken down and not rebuilt.<sup>49</sup>

Nor do the presentment bills offer much information respecting the condition of the fabric and furnishings of churches and chapels. Between 1728 to 1742 the churches of Bow Brickhill and Fawley were said to be out of repair,<sup>50</sup> and likewise the seats at Linslade, the clock at Whaddon, and the steeple at North Marston.<sup>51</sup> There were instances of refusal to make sufficient repairs by the legally responsible persons. The public gallery in the church of Princes Risborough was in danger of falling down through the neglect of the parishioners.<sup>52</sup> Some individuals treated their parish churches as their own private chapels and flouted all authority. Jonathan Smith, of Datchet, stopped up the west door of his parish church in order to put up a large pew for himself against the door, and even removed the font.<sup>53</sup> Others profaned the burial ground by keeping open a common sink and laying dunghills in the churchway.<sup>54</sup> The lay impropiator of Hambledon would not repair part of the churchyard fence nor repair the windows of the north aisle, for all of which he was responsible.<sup>55</sup>

Because of the inability of the spiritual court to exercise discipline, at least over the laity, or even, through the normal procedure of enquiry by presentment, to ascertain the condition of a fabric and ensure its decent maintenance, the archdeacon was now compelled to make personal visitations of each church and chapel within his archdeaconry. He would then order the clergy and churchwardens to make the necessary repairs and renew such furnishings as the canons required. So it is that in the eighteenth and early nineteenth century the surviving visitation records constitute a valuable source of information respecting the state of churches and parsonage houses. Dr. John Taylor, the archdeacon, made his primary visitation in 1754.<sup>56</sup> Only one folio of his minute book survives, but it is sufficient to prove that he made a thorough investigation.<sup>57</sup>

In the early nineteenth century the records are a useful source of information relating to the enhanced social and economic status of the clergy, as they are the depositories of applications for faculties for the building of more substantial residences. The income of many rural benefices was increased by enclosure awards and the improved value of glebe land, which incumbents were able to let out at very favourable rents to investors anxious to employ the latest methods of agriculture. Rectors, especially, were able to lay out money, or secure loans, by the provisions of the Gilbert Acts, for the purpose of rebuilding their houses. Slapton rectory was rebuilt on a more ambitious scale;<sup>58</sup> the outbuildings of Bletchley were removed to the allotment recently awarded to the benefice by the Enclosure Commissioners;<sup>59</sup> at Whaddon a new house was erected upon a piece of meadow added to the glebe land by the Governors of Queen Anne's Bounty;<sup>60</sup> John Mansel, the rector of Ellesborough, applied to lay out dilapidation money arising from the demolition of certain cottages on the glebe, and to enlarge the rectory house to make it a fit residence for the incumbent.<sup>61</sup>

As the condition of the clergy improved there arose a desire on the part of benefactors, clerical and lay, to improve and beautify their places of worship. Indeed there were signs of a quickening of spiritual life under the influence of the Evangelicals, reflected in the need to provide additional seating. At Olney, as early as 1765, it was necessary to erect a new gallery,<sup>62</sup> and also, seven years later, at Weston Turville.<sup>63</sup>

In 1773 Aylesbury was provided with one of the finest peals of bells in the country when six of the existing bells were exchanged for eight new ones, the largest being 22 cwts., the tenor bell and others being in the proper succession of weight and pitch.<sup>64</sup>

The early nineteenth century witnessed a steady revival of Church life. Applications for grants of faculties for the erection of both private and public galleries grew in number. At Beaconsfield, for example, James Dupré obtained a faculty in 1811, for building a gallery, staircase and small pew for his family and servants.<sup>65</sup> In 1829 William Mussage, the incumbent, followed his example.<sup>66</sup> Already a small organ had been installed there, ten feet high, three feet two inches in depth and five feet seven inches wide;<sup>67</sup> for this was the age when instrumentalists were being gradually displaced. But the most striking example of a faculty issued for what was certainly a seat in a most pretentious style was that granted to John Penn, of Stoke Poges, in 1818, which included a private entrance and a covered passage to it.<sup>68</sup> These examples, unfortunately, testify to profound class distinctions which ran counter to, and yet existed side by side with, efforts to fulfil the principles of corporate worship envisaged in the Book of Common Prayer.

At the same time, however, there were more publicly minded benefactors. The galleries of Amersham church were all extended in 1827.<sup>69</sup> In 1823 the singing gallery at Stony Stratford had been enlarged and additional pews erected therein for the accommodation of the Girls' Sunday School.<sup>70</sup> Six years later a gallery was set up at the west end of Drayton Parslow church for the same purpose.<sup>71</sup> But the most ambitious reconstruction within a church was at Aylesbury in 1831, when a faculty was issued for the taking down of three galleries, one of them, south of the organ loft, belonging to the Duke of Buckingham, and the erection of a new one to accommodate the Duke's tenants, the entire new pewing of the Church, and the fitting up of a library at the east end of the north transept for the purpose of providing a suitable meeting place for the ecclesiastical court.<sup>72</sup>

Although most of the petitions for faculties made by the wealthy and influential met with little protest, there were occasions when objections were lodged. An instructive example related to the proposed replacement of a lead covering by one of slate. On 8 Dec. 1818, the Rev. John Dell, the impropriator of Whitchurch, sought leave to take off and dispose of the old lead covering the chancel and replace it with slate. To this the vicar, Thomas Archer, and one of the churchwardens, objected that lead was not a conductor of sound, as was slate, for which reason lead had been substituted for stair carpeting in many public hospitals. Further, slate was not a substantial covering; it was liable to be displaced by wind and broken by stones, and was therefore uneconomical. They even postulated a theological argument: it was not decent to have axes and hammers continually about the house of God; churches had been built with stone and covered with lead, in order that they might not often require workmen about them. Slate would destroy the appearance of the church, there being few village churches equal to theirs in point of size and appearance. And they argued that the general opinion and wishes of the parishioners ought not to give way to the wishes of an individual. This spirited and sensible protest caused the matter to be adjourned<sup>73</sup> and no faculty seems to have been issued.

Entries relating to faculties for restoration and rebuilding undertaken at the

inspiration and at the charge of wealthy benefactors now became prominent. Thus, in 1809 a licence was granted to the trustees appointed under the will of the late Dr. Radcliffe to pull down the old church of Wolverton and erect a new one.<sup>74</sup> In 1817 there followed the rebuilding of the old ruinous church of Calverton at the request of Lord Arden, the patron of the rectory, and of the Rev. George Butler, D.D. and the churchwardens.<sup>75</sup> On the same day Sir John Aubrey was granted permission to alter and improve the parish church of Boarstall. A faculty was also granted to the Rev. Richard Midgeley, the perpetual curate of St. Martin's Chapel, Fenny Stratford, and others, for rebuilding and enlarging the south front;<sup>76</sup> but the project was for some reason postponed, as two years later there was a second petition, by John Fleming and the leading inhabitants, for the same purpose.<sup>77</sup> At Farnham Royal it was proposed to take down the whole body of the church between the tower and the chancel to rebuild and extend it six feet every way, both north and south, and put up new pews.<sup>78</sup> Faculties were issued also for rebuilding the churches of Taplow and Great Marlow in 1828 and 1831 respectively.<sup>79</sup>

These records are also indispensable for tracing the expansion of dissenting bodies, by means of the licences, granted to them for places of worship and recorded in the acts of the court. In the later decades of the eighteenth century there was a marked revival in protestant dissent as a whole, as a consequence of the evangelical ministry of the Wesleys and their followers. The volume containing the acts of court from 1780 to 1811 include for each year between eight and twelve certificates of registration of houses for dissenting worshippers. Thus, for example, 'Chesham July 9 1780. We whose names are hereunder written Protestants dissenting from the Church of England certify to the Archdeacon of Bucks that we have appropriated a place of worship in the house of Wm. Harwood in the hamlet of Bellenden (Bellingdon) and parish of Chesham, Bucks and request that the same may be registered in the said archdeacons court as the act directs. James Sleap Minister' (and seven other names).<sup>80</sup>

Not until after the Methodists had finally separated from the Established Church in 1799 would the ecclesiastical authorities denominate them as sectaries; and even then some only with reluctance. It is not, however, easy to distinguish the denomination of the various sects as the records simply denoted them as 'Protestant dissenters.'. On a rare occasion, however an applicant would describe his denomination, such as 'I Jo. Williams, Methodist Minister.....' who certified that the building denoted as the Wesleyan Chapel in the parish of Brickhill was intended to be used as a place of religious worship by an assembly or congregation of Protestants.<sup>81</sup> There were barns as well as dwelling houses among the premises registered. In 1824-5 for example, a barn and house were registered at Bledlow, houses at Wolverton, Ilmer and Hanslope, a barn at Haddenham, and chapels at West Wycombe, High Wycombe and Brill.<sup>82</sup> This was an era when the Established Church was most unpopular, and the voices demanding the reform of its abuses were many and strong. As a consequence there was a renewed vitality among dissenting sects. Within the county of Buckingham the figures tell the tale; in 1826-7 twelve dissenting places of worship were registered and in 1828-9 no fewer than twenty one.

The records afford some useful illustrations of the cognisance and scope of the court. In a cause of the office of the judge against Richard Dell, the parish clerk of Wendover, John Burnham, acting as proctor on his behalf,



'.....alleged that the articles ought not to be admitted for drunkenness for that the crime of stirring up sedition & Rebellion & proposing the Pretender's health is not of Ecclesiastical Cognisance but punishable in the Temporal Courts & therefore the articles ought to be rejected'.<sup>83</sup>

In a cause of dilapidations at Newton Longville, the Rector, the Revd. James Edmonds, could not be cited in the court of the Archdeaconry of Bucks., because he was living in Suffolk, and letters of request had to be sent to the Archdeaconry of Sudbury, asking that he be cited there.

A common procedure in this period was the creation of commissions for dealing with and deciding upon matters concerning parsonage houses and glebe lands. To quote examples; a commission of five clerks in holy orders and two gentlemen were elected on 30 May 1803, to inspect the vicarage house at Bradwell and a farm house on the glebe and to consider pulling down and rebuilding the house so as to render it fit for the habitation of a vicar. The commissioners decided that it should be demolished and rebuilt.<sup>85</sup> On 2 May 1806, a commission was appointed to examine and inspect the glebe lands belonging to the perpetual curacy of Lathbury and also the lands of Mansell Dawking Mansell Esq. which it was intended to exchange in lieu of such glebe lands, and to weigh and consider whether the exchange would be for the benefit of the curacy. The commissioners agreed that the exchange would be beneficial.<sup>86</sup>

The Court also preserved agreements on tithe awards or corn rents which had followed upon enclosures. At Sherington 206 acres had been enclosed, in 1797, and the commissioners for the enclosure had awarded an annual corn rent of £47.16.1 to the rector. A copy of the agreement was entered in the court books of 1829 so that if the lands should become the property of different persons it should be lawful for the owners to divide up the liability for rent in proportion. In fact, so anxious were the authorities to preserve a copy of the agreement for the sake of a perpetual record and ensure the continual payment of the rent that a duplicate copy was also entered.<sup>87</sup>

Despite the fact that the archdeacon's court had now ceased to be one of first instance and had lost all disciplinary power over the laity, the articles of enquiry, addressed to the ministers and churchwardens of every parish before a visitation, remained in general content the same as they had been for centuries. In 1823, Luke Heslop,<sup>88</sup> the archdeacon and commissary, not only enquired as to the condition of the fabric, the provision of furniture, pews, books, and vessels, the state of the churchyard, the sufficiency and residence of the minister or, in his absence, of a duly licensed curate, the condition of the parsonage house, the benefactions that had been left, and whether the parishioners made their wills, but also asked: 'Are there any such persons in your parish who lie under a common fame or vehement suspicion of Adultery, Fornication or Incest, who are common Swearers or Drunkards, who behave disorderly in the Church, or absent themselves from Morning or Evening Service therein on the Lord's day, who keep open shop, suffer persons to tipple in their houses, follow their callings or ordinary labour on the Lord's Day or compel or permit their children or Servants so to do, or who refuse to pay their Rates towards the Repair of the Church, and the providing such things as are necessary therein for the service of Almighty God'.<sup>89</sup>

The decline and virtual disappearance of ecclesiastical discipline in the eighteenth

century were due to a variety of causes. First, there was the temper of the age, which, conceding toleration as an ideal, no longer countenanced the effective realisation of any close connection between Church and State. With the complete disappearance of the doctrine of the divine right of Kings there disappeared also the sanctity of the State. Civil power no longer depended upon a religious basis for its existence, and was reluctant to complete the censures of the Church issuing writs 'de excommunicato capiendo'. Even if these were issued the wealthy suitor could obstruct them, and go unpunished. Ministers and churchwardens were always fearful of prosecuting presentments. Not only would they naturally incur the odium of being persecutors, but they themselves would have to bear the very high costs of legal processes, and there was a far too easy appeal either to the Court of Arches or to the courts of common law, which would eagerly issue writs of inhibition against the spiritual courts.<sup>90</sup> For this was now the age of Common Law, which in the last century had fought a winning battle against them. As the power of the church courts declined, so did the number of trained proctors diminish. Hence it was only the higher church courts that attracted the profession of ecclesiastical lawyers; and these in turn, in order to make a living, were also trained in the common and civil law. The church courts as a whole ceased also to exert a firm discipline over the clergy; and as regards non-residence, that was accepted as being of the nature of the Establishment. For a study of these changes, the records of the archdeacon's courts are an essential source.

## NOTES

1. E. R. Brinkworth, "The Study and Use of Archdeacons' Court Records: Illustrated from the Oxford Records (1566-1759)". *Transactions of the Royal Historical Society* Vol. XXV, 1942 p.93.
2. *Transactions of the Bristol and Gloucestershire Archaeological Society* Vol. XLVI, 1924 pp. 195-287.
3. Brinkworth, *op cit*, pp. 95-98.
4. Now in the Buckinghamshire County Record Office, Aylesbury, and catalogued as follows:  
D/A/C/17 - Acts of Court of the Registry held in the Church of Aylesbury (1709-1724);  
D/A/C/18 - Acts of Instance Cases (1725-40); D/A/C/19 - Minutes of Archdeacons' Court (1740-1780); D/A/V/13 - Visitation Book (1728-1811); D/A/C/21 - Acts of Court (1811-1823); D/A/C/22 - Acts of Court (1825-41); D/A/C/20 - Mainly grants of faculties.
5. Daniel and Samuel Lysons, *Magna Britannia* vol. 1 1806 p. 457.
6. eg D/A/V/13, f. 75 (May, 1739).
7. *Ibid* f. 71 (June 29, 1739).
8. *Ibid* f. 28 (May 20, 1736); fol. 56 (May 30, 1737).
9. *Ibid* f. 56 (June 30, 1737).
10. C. Moor, 'Fasti Lincolniensis', 1941, MS in Lincolnshire Archives Office, The Castle, Lincoln. vol. 2 p. 31; *Dictionary of National Biography* vol. IV pp. 366-367; *Gentleman's Magazine*, 1746 p. 668; Le Neve, *Fasti* (Hardy) i 304, 383, ii 71, 578.
11. D/A/V/13 f. 5-8.
12. C. J. Abbey, *The English Church and its Bishops, 1700-1800*, Vol. II, 1881, p. 71.
13. *Alumni Cantabrigiensis*, ed. J and J. A. Venn, 1922. Pt. I (to 1751) vol. II p. 145.
14. D/A/V/13, f. 20 (Sep. 1728).
15. *Ibid* fol. 47 (Oct. 2, 1734); *Alum. Cantab.* Pt. 1 Vol. III p. 367.
16. *Ibid* fol. 23 (Oct. 16, 1730).
17. *Alum. Cantab.* Pt. 1 Vol. III p. 62; E. W. Kemp, *An Introduction to Canon Law in the Church of England*, 1956, pp. 41-42.
18. D/A/C/19 f. 27 (Mon, Feb 24, 1752).
19. D/A/C/17 f. 45.
20. D/A/C/20 (Dec 9, 1780).
21. D/A/C/17 f. 29-33, 76.
22. D/A/V/13 f. 42.
23. *Ibid* f. 47.
24. *Ibid* f. 79, 80.
25. D/A/V/13 f. 76.
26. *Ibid* f. 285.
27. D/A/C/18 passim.
28. D/A/C/19 f. 8.
29. D/A/V/13 f. 12 (May 30).
30. *Ibid* f. 56.
31. *Ibid* f. 58.
32. D/A/C/19 f. 5.
33. *Ibid* f. 50.
34. eg D/A/C/17 f. 86.
35. eg D/A/C/18.
36. eg D/A/C/17 f. 70 (Jul 22, 1714).
37. D/A/V/13 f. 21 (Sep 26, 1729).
38. *Ibid* f. 67 (Oct 10, 1737).

39. *Ibid* f. 49 (Oct 9, 1734).
40. *Ibid* f. 74 (May 1, 1739).
41. *Ibid* f. 25; See Appendix A.
42. *Ibid* f. 41.
43. *Ibid* f. 62.
44. D/A/C/19 f. 116, 112 (Jul 21, 1737).
45. *Ibid* f. 86 (Dec 13, 1733).
46. *Ibid* f. 71 (Jun 7, 1738).
47. *Ibid* f. 27 (Feb 16, 1752).
48. D/A/C/21 f. 104, 224.
49. D/A/V/13 f. 75 (May 4, 1739) f. 76 (Oct 12, 1741).
50. *Ibid* f. 2 (May 20) f. 75 (May 4, 1739).
51. *Ibid* f. 5 (May 21, 1728 f. 6 May 22, 1738).
52. D/A/V/13 f. 4 (May 22, 1728).
53. *Ibid* f. 54 (May 6, 1734).
54. *Ibid* fol. 17 (May 30, 1728).
55. *Ibid* fol. 75 (May 4 1739).
56. LL.D. of St. John's College, Cambridge, 1741; Chancellor of Lincoln 1744–66; Collated Archdeacon of Buckingham 3 Jan. 1753; Alum Cantab 1727. Born at Shrewsbury, the son of a barber-surgeon, he married the daughter of Bishop John Thomas (*vide* D.N.B.) and became, when Thomas went to Salisbury, Prebendary of Bishopton, and also Chancellor of Salisbury. Obit 4 Apr. 1766 aged 63, and buried in St. Paul's Cathedral, of which he was a Prebendary, *vide* C. Moor, 'Fasti Lincolniensis', 1941 vol. 2 p. 32. Not to be confused with Revd. John Taylor DD, Archdeacon of Bedford, 1745–1756; nor with the Rev. John Taylor LL.D, the school fellow and friend of Samuel Johnson, with whom D.N.B. (vol. XIX pp 442–3) confuses him when stating that the latter was rector of Lawford, Essex in 1751.
57. See Appendix B.
58. D/A/C/22 f. 167 (Oct 1, 1832).
59. D/A/C/21 f. 55 (Feb 3, 1813).
60. *Ibid* f. 137 (Sep 16, 1817).
61. *Ibid* f. 179 (May 5, 1819).
62. D/A/C/19 f. 60b (Jun 27, 1765).
63. *Ibid* f. 76 (Aug 11, 1772).
64. *Ibid* f. 77 (Apr 8, 1713).
65. D/A/C/21 f. 2 (Feb 2, 1811).
66. D/A/C/22 f. 103 (Jun 23, 1829).
67. D/A/C/21 f. 2.
68. *Ibid* f. 145 (Mar 18, 1818).
69. D/A/C/22 f. 38 (Jan 16, 1827).
70. *Ibid* f. 235 (May 28, 1823).
71. *Ibid* f. 77 (Jan 20, 1829).
72. *Ibid* f. 140 (Jan 5, 1831).
73. D/A/C/21 f. 152.
74. D/A/C/20 f. 122 (May 10, 1809).
75. *Ibid* f. 131 (May 28, 1817).
76. D/A/C/21 f. 160 (May 5, 1819).
77. *Ibid* f. 188 (Aug 23, 1821).
78. *Ibid* f. 187 (Mar 21, 1821).
79. D/A/C/22 f. 77 (Jun 27, 1828); f. 153 (Sep 29, 1831).
80. D/A/C/19 f. 86.



81. D/A/C/22 f. 1 (Mar. 13, 1824).
82. *Ibid* ff. 2–17.
83. D/A/C/17 f. 100 (May, 1716).
84. D/A/C/19 ff. 56–7 (Oct 16, 1760).
85. D/A/C/20 f. 74.
86. *Ibid* f. 89.
87. D/A/C/22 fols. 45, 46.
88. Born at Middleham, Yorkshire, 1738.  
Admitted sizar, Corpus Christi College, Cambridge, 1760. Senior Wrangler & BA 1764. M.A. – 1767, Fellow – 1769. Rector of Addington and Rector of Adstock, Bucks. Rector of Bothall, Northumberland (A1. Cantab.) Rector St. Peter le Pols, London – 21 Jun. 1775 till obit. Prebend of Holborn in London 28 Sep. 1776. Collated Prebend of Heydour 3 July and Archdeacon of Bucks 2 Sep. 1778. Rector of Fulmer, Bucks 30 Jul, 1804. Vicar of St. Augustine's, Bristol 7 Feb. 1810. Rector of Marylebone 1810 till obit 23 Jun, 1825, aged 87 buried at Marylebone. C. Moor *op. cit* vol. 2 p. 32; D.N.B.
89. D/A/C/21 f. 1.
90. George Every, *The High Church Party*, 1956, pp. 148–150.

#### APPENDIX A

Visitation Book (D/A/V/13)

##### *Presentment for Wexham*

Our rector is not resident upon his benefice: neither hath he a curate constantly residing.  
 The youth of the parish are not catechised.  
 Our sick unvisited by consequence of our wanting some priest to be resident among us.  
 Many absent themselves from church.  
 Seats of our Church are in a scandalous repair and inconvenient.  
 No font of stone.  
 There wants a new carpett.  
 There wants a new linnen cloth for the elements.  
 No bason for the Offertory.  
 No flaggon.  
 No coffer with three keys.  
 No Hood.  
 No table of marriages.  
 The Ten Commandments are blindly pencilled upon the rotten canvass & want new repairing.  
 No sentences upon the walls of our church.  
 Our walls want to be new plaistered.

#### APPENDIX B

Parochial Visitations 1754 (1 extant folio only).  
 fol. 46.

Observations made in person by the Revd. John Taylor, Doctor of Laws, Archdeacon of the Archdeaconry of Bucks at his parochial visitation of the Deaneries of Buckingham and Newport holden at the places and on the days hereafter mentioned & likewise the presentments made at the said times and places by the respective churchwardens.

Adstock a very bad Bible the chest not having three locks – chwds admonished to provide a new Bible and a chest with three locks & to certify at the next visitation pr. all well.

Addington admonished chwds to provide a new carpet and linen cloth for the communion table.  
 pr.

Akeley admonished to have the walls of the chancell whitewashed and made decent the Floor to be made even and good being now totally out of order, the Rectory seats to be repaired, the parsonage house to be put in thorough repair being now totally out of repair.

The chest to have three locks and keys.

pr. all well.

Barton admonished to provide a new carpet for the communion table the present being very bad and to repair the chancell all now much out of repair.

pr. all well.

Chetwood — all well.

Edgcott admonished to repair the windows and floors, very much out of repair.

pr. all well.

Foxcott admonished Mr. Fisher to repair the chancell.

pr. none, churchwardens absent.

fol. 46b 11 Oct. 1754.

Hilsden Admonished to provide a New Prayer Book.

pr. all well.

Caversfield admonished to repair the Lord's prayer, creed and Ten Commandments, the plaistering of the walls and the outside of the steeple.

Neither Minister or churchwardens appeared.

10th Oct. Leckhampstead — admonished churchwardens to repair the windows and Mr. North the Rector being present was admonished to make the walls of the chancell decent totally to repair and make the parsonage house being now much otherwise.

pr. all well.

10th Oct. Lillingston Dayrell, leave given to close in the Belfry.

10th N[ov], Maidsmorton, admonished to whitewash the walls and clean the windows pr. all well.

12th Marsh Gibbon pr. all well.

10th Padbury, admonished to have the communion table new made.