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Club Law

Originally written and staged in the late sixteenth century, Club Law was published for the first time more than three centuries later. A colourful satire, the play captures the spirit of a bygone era. Club Law playfully reconstructs the heated debate between the University 'Academicks' and the town council, who were viciously at odds. Though characters' names had been changed, the play was so true to life in its depiction of contemporary politics that much uproar followed its performance at Clare Hall (now Clare College), Cambridge about 1599. Found titleless and missing some pages and scenes, the play was pieced back together by G.C. Moore Smith in 1907. A detailed introduction outlines the play's setting and historical context, and draws parallels between this satirical Elizabethan play and contemporary society. Comprehensive notes and an index are also included.

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A Comedy

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CLUB LAW

A COMEDY

ACTED IN CLARE HALL, CAMBRIDGE
ABOUT 1599—1600

NOW PRINTED FOR THE FIRST TIME
FROM A MS. IN THE LIBRARY OF ST JOHN'S COLLEGE
WITH AN INTRODUCTION AND NOTES

BY

G. C. MOORE SMITH, LITT.D.

PROFESSOR OF ENGLISH LANGUAGE AND LITERATURE IN THE
UNIVERSITY OF SHEFFIELD

Cambridge:
at the University Press
1907

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PREFACE.

I TAKE this opportunity of thanking the Registry of the University of Cambridge for giving me facilities to copy the *Acta Curiae* and other documents preserved in the Registry: the Town Clerk of Cambridge for giving me similar facilities in regard to documents now in his charge: the Librarian and Sub-librarian of St John's College for the kind arrangements made for me in their Library: and Dr J. R. Green, Librarian of Downing College, for putting the Bowtell MSS. at my disposal at some inconvenience to himself.

I have to thank Mr J. R. Wardale and Mr H. M. Chadwick, of Clare College, for their kind readiness to help me and for their interest in my work. It is, however, a matter of regret to me that I have not had the opportunity of seeing the Bursarial Accounts of Clare College for the period in which *Club Law* was produced. Whether they contain any clue to the date of the play is very doubtful, but, at least, possible.

As my Notes show, I owe many hints and illustrations of the language of the play to the ever ready kindness and minute knowledge of my friend Mr R. B. M^cKerrow, the editor of Nashe, and I return him my warmest thanks.

G. C. M. S.

SHEFFIELD,
22 June, 1907.

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INTRODUCTION.

I. THE MANUSCRIPT OF *CLUB LAW*.

I. FULLER in his *History of the University of Cambridge* (1655) gives an amusing account of the production of a play called *Club Law* at Clare Hall in one of the last years of the 16th century. The play, we are told, which was written in English, was ‘merry (but abusive),’ being intended by the young scholars who composed it as a piece of revenge on the townsmen of Cambridge by whom they considered themselves wronged. Individual members of the corporation were personated to the life with their characteristic gestures and expressions, and, though many of the incidents of the play were imaginary, some came ‘too near to truth’ to be pleasant to the persons travestied, who had been invited to the performance and were constrained by their hosts to see it out¹.

It is not clear that Fuller had ever read the play, and I am not aware of any other reference to it in the 17th century.

In the 18th century we hear of a supposed manuscript of the play (without a title) which was in the possession of Dr Richard Farmer, Master of Emmanuel. In the Catalogue of Dr Farmer’s library, issued previous to its sale in May, 1798, we have the following entries:

- ‘744I The famous Tragedie of King Charles I. *imperfect*.
 Ditto 1649.
 *744I Club-Law, a merry but abusive Comedy, MS. Acted
 at Clare-Hall 1597—8.’

The two items, according to two priced catalogues which I have seen, were sold together for five shillings.

¹ See the passage quoted pp. xxxix—xli.

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Although rather strangely printed, I understand the word 'Ditto' to mean that the MS. of *Club Law*, like the printed Tragedy, was 'imperfect.'

This MS. of Dr Farmer's had been referred to by J. S. Hawkins in 1787 in his edition of *Ignoramus*, p. lxxii, as follows: 'Dr Farmer is in possession of a manuscript play, without a title, which from its tendency to expose the Mayor and Corporation of Cambridge, has been supposed to be *Club Law*: but as it is wholly founded on the expectation of a visit from King James, and refers to events which happened in his reign, it does not seem probable that it can be the *Club Law* which was performed in the reign of his predecessor.'

If the facts mentioned by Hawkins were correct, one might well accept his conclusion. It is clear, however, that the MS. after Dr Farmer's death was still considered to be a copy of the play mentioned by Fuller, and I am inclined to dismiss as erroneous all that Hawkins says on the Jacobean character of Dr Farmer's manuscript play.

After Dr Farmer's sale, his supposed manuscript of *Club Law* disappeared from view, and the play for more than a century was practically lost.

2. In June, 1906, when examining manuscripts of Latin academic plays in the Library of St John's College, Cambridge, I asked to see one which had been described by the late Dean Cowie in his Catalogue of the Manuscripts of the College, printed about 60 years ago, in the following terms: 'S. 62. Translation of some Latin Play (I conjecture). MS. Folio paper. The beginning is wanting.'

On examination it seemed clear that the play before me was not a translation from the Latin, but an original English play, and one that dealt with the relations of University men to the corporation of a town. For the moment I had to leave the matter there, but on reading soon afterwards Fuller's account of the play *Club Law* it occurred to me that the Cambridge manuscript was probably that comedy. In August, 1906, I

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transcribed the manuscript, and it became at once clear that the lost *Club Law* had come to light.

The Cambridge MS.—like that which belonged to Dr Farmer—is unfortunately imperfect. It has no title, four or five leaves are torn away at the beginning, so that we have nothing before the concluding sentence of Act I. Sc. 3, and one leaf is torn out in Act IV. containing all Sc. 3 and parts of Sc. 2 and Sc. 4 of that act. The MS. is clearly written, in a hand which may be contemporary with the play, but contains careless repetitions, omissions and distortions of words, so that in various places its interpretation presents great difficulty.

It appears—from an earlier hand-written catalogue of the MSS. of St John's College—that this MS. did not come into the possession of the College before the latter part of the 18th century. I am, therefore, inclined to think that it is the identical manuscript which belonged to Dr Farmer, and that Hawkins' account of the contents of the latter was incorrect.

It does not seem likely that St John's College purchased the MS. at Dr Farmer's sale, as otherwise the College would have probably been in possession of the printed 'Tragedie of King Charles I' which was sold with it, and this seems not to be the case. But the College may well have bought the MS. from a bookseller soon after the sale.

In the text of the play here given, the letters 's,' 'j' and 'v' have been substituted for 'f,' 'i' and 'u' of the MS. in accordance with modern usage, and contracted words expanded, including 'Mr' in some cases ('master'). The symbol ζ at the end of words, which may be read as 's' or 'es,' has been printed 's' (e.g. 'vassalls,' 'lodgings,' 'maks,' 'magistrats,' 'thats,' 'letts'), except in the case of 'priviledges' (l. 2776), where it makes a syllable. All words inserted in the text have been enclosed in square brackets, and all words omitted or altered have been mentioned in footnotes.

All deviations from the punctuation of the MS. have been mentioned in a list appended to the text.

s.

b

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II. TOWN AND GOWN AT CAMBRIDGE AT THE END OF
 THE 16TH CENTURY.

1. Our play *Club Law* owed its origin to a long-standing feud between the University and the town of Cambridge, which at the close of the 16th century had become specially acute. Before we can place it, we must therefore understand the circumstances out of which it arose. The ground of the quarrels which so often occurred between the two bodies was the possession by the University of extraordinary privileges which had descended to it from the Middle Ages.

The first of such privileges was the power to regulate the supply and price of provisions in Cambridge by exercising its own jurisdiction over 'Regraters, Forestallers and Ingrossers¹.' This power was derived from a charter granted to the University by Henry III (22nd February, 1267²), of which the third article ran as follows: 'quod nullus Regratarius emat victualia in villa Cantabrig. vel extra versus villam venientia, nec aliquid emat vt iterum vendat ante horam tertiam, et si fecerit, amercietur secundum quantitatem et qualitatem delicti.'

By a charter of King Edward II dated 14th February, 1314³, previous grants to the University were confirmed, and the following privilege added. We quote Cooper's translation³:

'VII. That whenever the mayor and bailiffs should take their oath of fealty in their Common Hall, the Corporation should forewarn the Chancellor of the day in order that he (by himself or by some other person) might be present if he would, (which oath as far as regards the scholars should be that they, the said mayor and bailiffs will maintain to the best of their power

¹ Strictly, a 'regrater' was one who bought to sell again, a 'forestaller' one who bought goods before they came into the market, an 'ingrosser' one who bought up goods with the view of getting practically a monopoly. But the terms are often used with little distinction of meaning.

² Cooper's *Annals*, I. 50.

³ Cooper, I. 75.

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the liberties and customs of the University as concerning the keeping of the King's peace and the assise of bread and beer and other victuals, and that they will not wilfully or maliciously impugn the other liberties and lawful customs of the University) and that otherwise the oath of fealty should be of no avail: but if the Chancellor after being forewarned would not be present by himself or his Proctor, the said oath should nevertheless be taken.'

This provision was confirmed by charter of King Edward III dated 20th March, 1338¹.

A new charter, still more comprehensive and explicit, was granted by Richard II, 17th February, 1381².

This provided that the University authorities should have 'the custody of the assise of bread wine and beer and the punishment of the same³', and should 'have power to inquire and take conusance of forestallers and regrators, and of putrid...flesh and fish, in the town and suburbs, and to make due punishment thereupon.'

A further charter, granted by the same King on 10th December, 1383⁴, provided that the Chancellor for the time being and his vice-gerent 'should for ever have before their conusance of all and all manner of personal pleas as well of debts, accounts and all other contracts and injuries, as of trespasses against the peace and misprisions whatsoever done within the town of Cambridge or the suburbs (mayhem⁵ and felony only excepted) where a Master, scholar or scholar's servant or a common minister of the University should be a party.' (Hence arose the troublesome class of 'privileged persons' against whom action in most cases could only be taken in the Vice-Chancellor's court.) 'That no justice, judge, sheriff, mayor, bailiff or any other minister, should interfere in the pleas aforesaid, or put any party to answer before them, unless

¹ Cooper, I. 88.

² Cooper, I. 124.

³ *i.e.* the power of fixing by proclamation from time to time the price at which bread, wine and beer should be sold, and of punishing those who demanded more than the price permitted.

⁴ Cooper, I. 127.

⁵ 'Mayhem' (or 'maim') means an injury causing privation of some essential part.

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the Chancellor or his vice-gerent should be found defective in administering justice....' 'That the Chancellor and his successors or their vice-gerents might imprison all persons convicted before them in the Castle of Cambridge, or elsewhere in the town, at their discretion.'

Under 1386 Cooper tells us¹ that the Chancellor claimed to have the correction and punishment of those who sold candles and fuel, under the grant conferring on him the government of victuals, and the King declared by letters patent that chandlers and hostellers should in future be reputed victuallers and should be subject to the Chancellor's correction.

In consequence of frequent disputes between the town and University both parties in 1502 besought the amicable interference of Margaret, Countess of Richmond and Derby, the King's mother. She advised them to appoint arbitrators to determine their respective claims. The award—made under their seals and the seal of the Countess—was, in 1503, reduced to the form of an indenture of covenant between the two corporations². But Cooper adds 'the disputes between the two bodies were renewed, even during the life of the Countess of Richmond.'

The privileges of the University were confirmed by a new charter granted by Queen Elizabeth, 26th April, 1561³, one clause of which provided that the authorities of the University 'as well by day as by night, at their pleasure, might make scrutiny, search, and inquisition, in the town and suburbs, and in Barnwell and Sturbridge, for all common women, bawds, vagabonds, and other suspected persons...and punish all whom on such scrutiny, search, and inquisition, they should find guilty or suspected of evil, by imprisonment of their bodies, banishment, or otherwise as the Chancellor or his vice-gerent should deem fit.' The Mayor and other officers of the town were commanded not to impede such search, but on request of the Chancellor or his vice-gerent to aid and assist therein.

¹ Cooper, I. 131.

² Cooper, I. 258, 260, etc.

³ Cooper, II. 165—168.

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The privileges given by the various royal charters were confirmed to the University by Act of Parliament in 1571¹.

Under these charters the University had great powers of interference with the trade of the town and of entrance into the houses of the townsmen: it could summon offenders before its own courts and commit them to prison, whereas members of the University and their servants could not be brought before the courts of the town except for the sole crimes of mayhem and felony: it had the further right of exacting an oath from every incoming Mayor of Cambridge that he would preserve the University's privileges.

2. Every occasion was thus given for disputes between the two bodies. The townsmen—feeling themselves not to be masters in their own house—were apt to rebel against the restrictions laid on them: and members of the University were equally ready to resent the least infringement of the rights they had enjoyed for so many centuries.

We need not go back to an earlier point than the year 1586—7, a year marked by events which anticipated those of 1596 and the years following with which we are more immediately concerned.

The Mayor, John Edmunds—although the son of a previous Vice-Chancellor—on his entering on office at Michaelmas, 1586, contrived that scarcely anyone should be present when he took the oath to the University except himself and the Town Clerk. Six months later the Mayor impounded some hogs belonging to one Hammond, bailiff and brewer of Jesus College: and in consequence on 27th May, 1587, the Vice-Chancellor and the major part of the Heads of Colleges and other Doctors then in the University, made a decree prohibiting, under a penalty of 100 shillings, any scholar or person having scholar's privilege to buy, sell, contract or communicate with the Mayor on account

¹ Cooper, II. 274.

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of his ingratitude to the University. Such a decree was and is called one of 'discommoning'.¹

Meanwhile, the Vice-Chancellor having arrested two persons for impounding the hogs, and having kept one in prison, had been served at the Mayor's instigation in a very offensive manner with two writs of *habeas corpus* to remove the delinquents and their causes to the Court of Queen's Bench.

It was alleged by the Mayor that the pound had been twice sawn asunder by multitudes of riotous persons with clubs and the hogs delivered, and that the rioters threatened with clubs to beat into their doors all such persons as came out to see who they were².

¹ After the discommoning the following Grace was submitted (British Museum Additional MSS. 5852, fo. 82, etc.—Cole's copy of a MS. lent him by Dr Farmer):

'Junii 12, 1587. Oppidani suspensi in gratiam non nisi a senatu recipiendi.

'Cum superioribus hisce Diebus quidam Oppidani propter Demerita sua et intollerabilem adversus Academiam et Academicos Ingratitudinem a Contubernio Scholarium sunt suspensi, et Scholares et eorum Famuli cum eisdem quovis modo contrahere aut negotiari stricte et sub gravi mulcta sunt interditi, Placet vobis ut hujusmodi antedicta Decreta et in inposterum decernenda vestra auctoritate rata et firma teneantur et inposterum non rescindantur sine consensu et assensu totius Senatus, etc.'

The University based its right to 'discommon' on its possession of ecclesiastical jurisdiction. Cp. a passage in 'A Projecte conteynge the state, order, and manner of Governemente of the University of Cambridge' [in 1601], printed by Cooper (*Annals*, II. 602—611):

(p. 609) 'The University is authorized to use or exercise jurisdiction ecclesiastical, as appeareth by the grant of King Richard the Second, in the 7th yeare of his raigne, and by his writts of prohibition...sent to the Courte of the Arches, and...to the Official, or Commissary unto John Bishop of Ely...prohibiting those Courtes from the sending forth of any inhibitions or citations to the Chancellor of the University of Cambridge; which is also confirmed by the continual practice of the University ever since the said time, as may be shewed by the probate of the Wills or Testaments of priviledged persons dyinge within that Body: *By the excommunicating of divers Maiors of the Towne of Cambridge for impugning the knowne priviledges of the University, contrary to their othe*; and by the ordinary censuring of Incontinencie...the party there offending being of the priviledge of the University.'

² Cooper, II. 437—441. MS. in Registry, 37. 2. 62.

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On 4th September Henry Clarke, an Alderman, was also discommoded for having withdrawn his custom from Hammond, and John Jenkynson, late bailiff of the town, for having tried to dissuade others from dealing with Hammond. Alderman Clarke subsequently submitted himself and was forgiven.

On 5th July all persons enjoying University privileges were forbidden to sell or give to the town lands or houses belonging to the University or Colleges—this being done in retaliation for an ordinance of the Corporation prohibiting the transference of property of that body to others than burgesses, and on 13th October a Grace was passed that all privileged persons who had taken the oath to the University and had afterwards become members of the Corporation of the town should be *ipso facto* separated from communion with the scholars for ever¹.

In 1589, after many years of fruitless negotiation, the University and the town came to an agreement as to the terms of their respective charters in regard to Sturbridge Fair. But the concordat did not give complete satisfaction to the townspeople, and the Mayor, Nicholas Gaunt, who had assented to the University's charter, was considered to have betrayed the town. In consequence he was 'shortlie after putt of his Aldermanship and lived the remaynder of his life in great want and miserie and hatefull to all the townesmen².'

In 15⁸⁹/₉₀ letters were received by Mayors of towns from the Privy Council concerning the killing of flesh in Lent, and the Mayor of Cambridge took upon him to take bond for the due observing of the order from certain butchers and victuallers. As the University claimed that any such proceeding was entirely in its own province, it sent a protest to Lord Burghley. It complained especially against Lord North (Lord Lieutenant of the county and High Steward of the town) for supporting the town in thus infringing University privileges³.

In September, 1591, one Richard Parish of Chesterton attacked

¹ Cooper, II. 448.

² Cooper, II. 466—475.

³ Cooper, II. 481—483.

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and wounded some scholars. A complaint having been made, the Vice-Chancellor issued a decree for the man's arrest, which was executed as he was in attendance on Lord North and other justices returning from the sessions. He was rescued by Lord North's retinue, but 'the scholars raised the cry of clubs which was promptly responded to and an affray took place in which Lord North appears to have been placed in some little peril.' He preferred a complaint to the Privy Council. The matter was investigated by the Privy Council on 23rd November, but it does not appear how it ended¹.

About the year 1596 the townsmen drew up articles of complaint against the University. In these were recited various acts of oppression committed within 15 or 20 years preceding, generally by the Taxors or Proctors in the exercise of their right to enter houses in search of criminals or loose women or to stop the conveyance out of Cambridge of candles or corn or the selling of wine without a licence. They also included charges against the University officials of accepting money for permission to do things otherwise forbidden. Article 31 runs as follows: 'They have brought back againe with force divers vessells laden with corne of sondrie persons lawfullie licenced by the Justices, mysseusinge the Corne with wetinge yt and dasshinge yt, and thrustinge a greate deale thereof into the River, and without money will not suffer it to passe².' We shall find a similar occurrence in our play.

This year the University took great offence at the issuing of a commission of the peace in which the name of the Mayor, who was appointed *Custos Rotulorum*, was placed before that of the Vice-Chancellor³.

The Mayor elected at Michaelmas of this year, Robert Wallis, refused to take the oath for the conservation of the University's privileges. Complaint having been made, the matter was referred on the part of the two Corporations to Lord Keeper Egerton as

¹ Cooper, II. 493—508.

² Cooper, II. 548—556.

³ Cooper, II. 557.

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Recorder of the town and Lord Burghley as Chancellor of the University, who made an order on 12th November directing that notice should be given to the Vice-Chancellor two days before the Mayor and bailiffs took the oath of fidelity and that the oath should thereafter be taken in the presence of the Vice-Chancellor¹.

On the 13th December at a meeting of the two bodies in St Mary's the Mayor again refused to take the oath, alleging that the order made was prospective only and charging Lord Burghley with overruling the matter against all law and right. On which the University again complained to the Chancellor².

¹ Camb. Univ. MSS. Mm. 1. 35. 2.

‘November 12. 1596

‘The ordre for the Mayors oath.

‘Whereas by the Charter graunted to the Universitie by Kinge Edward the second, & divers tymes since confirmed, It doth appeare that the Commynalty of the Towne of Cambr: should premonere Cancellarium vel per se vel per certas aliquas personas, intersit prestationi Juramenti fidelitatis Majoris et Ballivorum as by the sd. Charter more at large appeareth. And whereas the Vicechan: of the Universitie for the tyme being hath been accustomed by himselfe or such as he hath assigned, to minister an oath to the sd Mayor & Bayliffs for the tyme being, according to the sd Charter, viz: quod ipsi Major et Ballivi libertates et consuetudines universitatis predictae quoad conservationem pacis nostre et assise panis et cervisie ac victualium pro viribus conservabunt et quod alias libertates et consuetud: eiusdem Universitatis debitas, quatenus sibi de eisdem constiterit indebite seu malitiose non impugnabunt. And yet notwithstandinge of late the Mayor & Bayliffs of Cambr. have moved some question, as well concerning the sd premonition, as also concerning the ministring of y^e sd. oath, we therefore the L. Keeper of the great Seale of Englande now Recorder of ye Towne of Cambr, & the L High Tre—r of England, being the Chancellour of the Universitie of Cambr: respecting the good and quiet both of y^e Universitie & Towne...do ordre and determine, that from hence forth premonition shall be given to the Vicechan: or his Deputie for the tyme beinge, by the Commynalty of the Towne of Cambr: two dayes before the Mayor and Bayliffs shall take y^r oath of fidelity: and that the Mayor & Bayliffs for the tyme being, & all y^r successors shall for ever hereafter take the sd oath (accordinge to the sd. Charter as is before expressed) beinge read by the Proctors of the Universitie or y^r Deputies, as heretofore hath bene accustomed, in the presence of the Vice Chan: for the tyme beinge; or in the presence of two Doctors, or two Heades of Colledges in the sd. Universitie, to be specially in y^r behalfe appoynted.

.....
 Tho: Egerton C.S.

W. Burghley.¹

² Cooper, II. 558.

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Meanwhile on the 13th November the townsmen send to the Lord Keeper and Lord Burghley fresh articles against the University. Among other things they complain of discommoning, they say the Court of the Consistory of the University is rightly called by the University-men the townsmen's scourge and they make a statement of ill-usage suffered by the Mayor, to which we shall have occasion to refer later¹.

On the 19th January Dr Jigon the Vice-Chancellor complained to Archbishop Whitgift that the Mayor and his brethren had taken occasion of the receipt of letters from the Privy Council concerning the assising of the price of grain in markets and the correction of victuallers, to interfere in matters which were the prerogative of the University².

On the preceding 28th September two maltsters named Nicholson and Rose had been fined in the University leet for ingrossing corn. We shall hear more of this case later³.

At the town sessions held on 24th May, 1597, a dispute took place between Dr Jigon, the Vice-Chancellor, and the Mayor and other Justices with regard to the jurisdiction of the University over townsmen accused of forestalling and ingrossing and its sole jurisdiction over its own members and 'privileged persons.' In consequence the townsmen preferred a complaint to Lord Burghley the Chancellor, and the Vice-Chancellor submitted a reply to it on 23rd June.

In his letter to Lord Burghley enclosing the reply, Dr Jigon speaks of 'the quarrelous disposition and insolent behavior of our neighbours of the Towne, beinge (as is observed by the ancycntest and gravest amongst us) more factious and stirringe now of late then in former tymes, making choise of suche to be governoures amongst them, as are most boulde and forward in attemptes against this University.' On the same day the Vice-Chancellor and the Heads officially frame a complaint against 'the mayor and townsmen of Cambridge': 'They summon our

¹ Cooper, II. 559—561.

² Cooper, II. 565.

³ Cooper, II. 566, 567.

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known privileged persons to their town sessions; they award process against them; they daily commit them; they openly discharge victuallers; they take scholars' horses to serve post upon ordinary commission; and generally they adventure to do any thing against our charters with such unwonted boldness and violence, that we shall be driven of necessity to seek relief extraordinary.'

Some of the townsmen having on their part complained to Lord Chief Justice Popham of high-handed and irregular proceedings on the part of the University, he wrote a severe letter to the Vice-Chancellor on 4th July. It was one element in the situation that in resisting the privileges conferred on the University by charter the townsmen generally had the sympathy of those who administered the common law of the land¹. Lord Burghley also advised the Vice-Chancellor to 'carry himself in temperate sorte towards the mayor and his company.' In return however the Vice-Chancellor on 26th July sent to Lord Burghley a series of 'articles of grievances done by Mr Maior of Cambridge against the Universitie.' The last article is of special interest to us.

'II. Hughe Jones, sometimes servaunt to the Taxer of the Universitie, discharged that Universitie service, and banished that bodie for his corrupt dealinge and other misdemeanour in his service, att the suite and petition of Mr Clarke Alderman, is now by this Maior preferred to be Sergeant unto the towne, being a man manie wayes infamous, as being a fitt instrument to deale (as he notoriouslie doth) against the Universitie.'

In a new complaint against the Mayor and townsmen made

¹ Thus the solicitor for the University, Mr Philip Stringer, writes to Dr Jegon from London on 3rd November, 1597:

'My Lord Cheife Justice...is preemptorie in this, that our Charter doth not give us cognisance of any thinge wth is not triable at the Common Lawe of England, or that it can be an offence in Cambridge betwixt subjecte & subjecte & there punishable, eyther by lawe or custome, wth is not an offence & so unpunishable in other partes of the Lande: & must therefore be (as he sayth) a meere usurpac'on & not a right use of our Charter.' (Baker MSS.)

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to Lord Burghley on 27th September the following article perhaps refers to the same action :

‘3. Notoriousse lewde persons by consent of the Vice-Chancellor and heades thrust out from serving the Universitie officers, for abusing some cheife men of the towne, and for corrupt dealinge under their maisters, are made officers and free burgesses of their bodie, to nourishe (as we suppose) occasion of dislike and contention betwene us.’

Another clause runs as follows :

‘Lastlie whereas we have received diverse lettres from...hir Majesties privie Counsell for reformation of Ingrossers of Corne, and thereupon have bine very carefull to enquire and amerce in our Leete or Laweday such offenders accordinge to our Charter and auncient Custome, the Townesmen (offenders in that behalf) are so farr from reforminge themselves, as that not onlie they doe soe still : but alsoe take exceptiones against our proceedinges, Threateninge Indictmentes of premunire &c.¹’

Robert Wallis was re-elected Mayor for 1597—8 and took his oath on Michaelmas Day for the conservation of University privileges but in an irreverent manner, keeping his head covered. Fresh complaints to Lord Burghley followed².

Dr Jegon, who was re-elected Vice-Chancellor, having committed to prison William Nicholson for refusing to pay his debt to the Proctors and three other persons for other reasons, writs of *habeas corpus* were sued out of the Court of King’s Bench, and on the last day of Michaelmas term the Court adjudged the Vice-Chancellor’s returns bad, and in spite of his humble submission by the mouth of his counsel amerced him in £20 for his returns and in a further sum of £20 for the false imprisonment of the parties³.

This was a triumph for the town, as we see from a letter written by the Vice-Chancellor and Heads to Lord Chief Justice Popham apparently on 1st January, 1597⁷, ‘our Adversaries so greatly triumphe in that displeasure which (they give out) they

¹ Cooper, II. 572—579.

² Cooper, II. 582.

³ Cooper, II. 585.

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have wrought us with your Lordship, that the meanest people here (by their Encouragement) doe beginne to resist us in all our courses of government.' They protest against having to plead their charters in court and ask that the Lord Chief Justice would hear their cause in private.

Their position was more clearly expressed in a letter to Lord Burghley of 15th March, in which they write: 'the wordes of our Charter, as we take it, doe utterly free us from those Courtes, neither are we to aunswere our proceedinges before any Judge or Justice but yourselfe our Chancellour (except for maheme and fellonie)¹.'

From a letter of Dr Jegon's of 8th May it would seem that he thought that he had satisfied the Court of King's Bench of the validity of his proceedings against Nicholson and the others who had sued out writs of *habeas corpus*². The result however seems to show that he was under some error.

Lord Burghley having died on 4th August, the University on the 10th elected the Earl of Essex to the Chancellorship, and during the following months made efforts to enlist him actively in its cause. He satisfied it in one respect, as the following shows:

'I do set down this judgment as earl marshall of England and judge by my office of all places and precedencies that the vice chancellor of Cambridge is to be in commission before the mayor.
 'ESSEX³.'

Soon after Lord Essex became Chancellor he visited Cambridge. The Attorney General Coke seems to have been there at the same time and to have allowed himself to be convinced of the justice of the University's pretensions⁴.

About this time the University again formulated complaints

¹ Cooper, II. 589, 590.

² Cooper, II. 590, 591.

³ Cooper, II. 594.

⁴ Letter of Dr Jegon and the Heads to Lord Essex, 28th October, 1598: 'our knowne priviledges, (so deemed vpon a deliberate Hearinge in y^r owne presence by M^r Attorney General).' (Baker MSS. xxiv. 378.)

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against the town and Robert Wallis the Mayor. Those against Wallis were as follows:

‘1. who set at libertie Jo. Tiddiswell, Geor. Pretty and Edw. Hurste—being in execucion upon the Vicechancellours sentence.

‘2. who imprisoned Jo. Longworth the late Proctors man for misdemeanoure in his behaviour towards the said Wallis.

‘3. who called together a company of his owne spirit and faction for ye disfranchisinge of the burgesses aboue mencioned [*sc.* in the earlier part of the complaints] & did effect it accordingly.

‘4. who hath attempted in open sessions with ye assistance of M^r Francis Brakin their deputie Recorder and a towne-borne man to infringe ye knowne priuiledges of the universitie by summoning of victuallers thether.

‘5. who beinge app^d. a commissioner for the subsidie did purposely forbear to appointe any scholler &c to haue the truste of a sessor.

‘6. and lastly who not longe since in thende of his Maioralty hath most ambitiously procured himselfe and one Jo: Yaxley a yonge Bencher¹ as they call him, and a man of his owne humor and discretion to be put into the commission of ye peace, y^t so howsoeuer any other of the Towne stand affected, they may still take occasion to disturbe the quiet of that place; and to hinder any thinge well intended there as was very apparent in the first Sessions after thei were placed in y^t commission, at which meetinge ye said Yaxley most insolently affirmed y^t vpon his owne knowledge he durst undertake to say y^t it was intended by ye last Statute de anno 39 Eliz concerning the releife of ye pore that none should haue to doe therein but the Mayor of the Towne², and y^t he would not for his owne parte be ordered by any other notwithstanding yt the whole company (except his fellowe Wallis) thought otherwise of it³.’

¹ That is, Alderman. Cp. Cooper, III. 47 ‘the bench and the form.’

² Yaxley with Wallis had represented Cambridge in the Parliament summoned on the 24th October, 1597, and dissolved on the 9th February, 1598.

³ ‘Letters...in the tyme of D^r Jegen’ in the University Registry.

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The last clause introduces us to a character who was perhaps a more violent opponent of the University than Wallis had been.

James Robson was elected Mayor for 1598—9 and Dr Jegon re-elected Vice-Chancellor. From the following document¹, which is probably to be dated December, 1598, we see the anxiety of the University to have Wallis and Yaxley removed from the Commission of the Peace.

‘Directions for the renuinge of the Commission of the Peace for the Universitie & Towne of Cambridge.

‘First that my L. the Earle of Essex be placed in the Commission...who was not in the last Commission procured in June last by Wallys and Yaxley.

‘...That special suite be made with the privity of our Ho: Chan: & by his Lps direction for the removinge of Wallis & Yaxley out of the commission, for that they were put into it by y^r owne ambitions, seeking thereof to disquiet the goverment of the universitie & of the Towne also, as we have found to our great charge, & would be found also by the best sorte of the Towne, if they were therin examined: both the Universitie & Towne having cause so to thinke, by such conference as the goverment of those Bodyes have had for the good of the Towne since Wallys left to be Mayor there; & are of opinion, that if it should be thought meete to have more of the Townsmen in Commission, that other amongst them might be found farr meeter for that purpose then eyther Wallys or Yaxley, as namely the Mayor for the tyme beinge whose name is James Robson, & one M^r Medcalfe, who hath bene mayor long since, who are knowne to be men of quieter spirits, & every waye more meete then the other for that service.’

In Trinity term, 1599, judgment was given in the Court of Common Pleas in an action for assault and false imprisonment on 23rd September, 1597, brought by William Nicholson, maltster,

¹ Cambridge University Library, MS. Mm. 1. 35 (xxx) fo. 386.

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against the late Vice-Chancellor, Dr Jegon, and Benjamin Pryme, the inferior bedell of the University.

‘The defendants...alleged that the University was a Corporation by prescription, and had a Court of Record at which the inhabitants ought to enquire of forestallers, regrators and engrossers,...and that they had a right to imprison on non-payment of fines and forfeitures imposed in such Court. They then set out the Queen’s charter of 26th April 1561 and the confirmation thereof by parliament, and averred that on 1st Aug^t. 1596 the plaintiff engrossed three quarters of barley, buying it out of the market of divers persons with intent to sell it again, and that at the Leet held on 28th Sept. following, before Lionel Duckett and Thomas Cooke, proctors, the plaintiff was fined 20s. for that offence, and refusing to pay was imprisoned. To this plea the plaintiff demurred, and the Court gave judgment in his favour.’ The damages were assessed at £40 and the costs taxed at £7¹.

In a paper in the Record Office² called ‘A breife of articles [against the town] answeres [by the town] and replies [by the University] examined at Lambeth A^o dni 1599 Eliz. 41. (*i.e.* before November 20th),’ one grievance of the University is summarised ‘Resistance of search by Wallis and Slegge’ (Slegge was the Town Clerk). This was justified by the town ‘1^o because no tipping howse, 2^o because no suspected persons,’ to which the University replied by a reference to the Act of Parliament of 1561 which gave the Chancellor a right of search ‘per se per suos etc quandocunque atque ubicunque infra villam etc visum fuerit.’

In the autumn of this year John Yaxley became Mayor for 1599—1600, and Dr Soame of Peterhouse Vice-Chancellor. We have a fairly complete list of the Mayor, Aldermen and ‘Four and Twenty’ or ‘Brethren’ at this time as we find that on the 4th December, 1599, John Yaxley, Mayor, John Edmonds, William Wulfe, Thomas Metcalfe, Robert Wallis, John Norkot, James

¹ Cooper, II. 596.

² *State Papers*, Domestic Series, Elizabeth, vol. 273.

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Robson, Jeremy Chace, John Jenkinson, William Nicholson, and Edward Potto, Aldermen, chose the following into the number of the Four and Twenty:

John Tiddeswell,	Miles Goldsborow,	John Andrewes,
Thomas Manninge,	Richard Bembridge,	Hugh Rose,
Thomas Emons,	John Hawkins,	Godfrey Twelves,
Richard Jones,	John Fidlinge,	William Archer,
John Holmes,	John Haselopp,	John Dawson,
William Andrewes,	Thomas Tomson,	John Wickstedd,
Martyn Wharton,	Thomas Smart,	John Durant,
John Goodwyn,	Peter Whaley,	Thomas Frenche ¹ .

Yaxley as Mayor seems to have made himself very obnoxious to the University.

A contemporary writes²:

‘1600. This year first were most of our Boddy cessed by the meanes of M^r Yaxley, being Maior, at Lands, for the Subsidy, hoping therby to make us Contributors. This year did the same man M^r Yaxley proclame hymself sole Governer in Sturbrydg Fayre, & tooke away the Scalles one Honny Hill [in the fair], wich afterward he was glad to set them³ agayne⁴.’

And a year later Chief Justice Popham, writing to the then Mayor of Cambridge, Mr Chase, on the subject of a joint contribution from the Town and University to the poor of three parishes⁵, remarks:

‘I did well like that the Towne & Vniversitie did ioyne together in these...services. But must needes myslyke with the course held by your predecessour M^r Yaxley who did impugne a good & necessarie ordre continued afore by his predecessours for the relefe of the poore and am very sory that you will followe his pre-

¹ Cooper, II. 597 (from Metcalfe MS. in Downing Coll.).

² British Museum Add. MSS. 5852, fo. 89 (a transcript by Cole of papers lent him by Dr Farmer).

³ ? ‘there.’

⁴ See the Queen’s letter of 27th August, 1601 (Cooper, II. 612).

⁵ Cp. Cooper, II. 594 top.

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sident....Mr Yaxley did other wise then was warrantable by lawe & withall is suspected to haue bene a meane to nourish vnkindenes betwene the Towne & the Vniversitie which for my owne parte I would be glad to be at vntie that the publique service be not, be the crosse humours of some, neglected.

‘Bury, 3 Ap. 1601¹.’

The *Acta Curiae* of the University show that on one occasion at least the hostile feeling provoked by Mr Yaxley as Mayor took an overt form. On the 14th December George Bubworth, brewer, and two of his servants was sued ‘for certaine misdemeanours and outrages by them done last nighte, especially against M^r Maior of Cambridge.’ The Vice-Chancellor committed Bubworth to the Tolbooth to remain there during his good pleasure. However, on 11th January the Mayor signified to the Vice-Chancellor that Bubworth had been with him that morning and had made his submission, and that he was now satisfied; and on the 25th the Vice-Chancellor, after enjoining Bubworth to pay 6s. 8d. for the use of the poor of St Michael’s parish (in which Mr Yaxley lived), and seeing the money paid, terminated the proceedings.

In the autumn of 1600 Mr Yaxley was succeeded in the mayoralty by Mr Jeremy Chace and Dr Soame by Dr Jegon, who was now Vice-Chancellor for the fourth time.

Things had not improved during the year of his interregnum. Within a few days of his entering on office he writes that Bedell Pryme has been imprisoned ‘per grassantem oppidanorum injuriam’: complains of ‘the greate insolencie of our Townesmen,’ and says, ‘They now adventure to break our Charters in all thynges and proclayme themselves sole governors in this place, whereupon execucion of Justice, releefe of y^e poore and all good discipline is so much neglected that I fearfully forethinke what is likely to followe, the multitudes of both bodies being so much intemperate².’

On 10th February, 1600⁰, a statement of grievances was sent to

¹ ‘Copies of diverse letters...’ vol. II., in the University Registry.

² Letters of Dr Jegon of 7th, 8th and 19th November, 1600, in the University Registry.