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THE TEXTUS ROFFENSIS IN CHANCERY  
A.D. 1633.

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EX-CHAPTER CLERK OF ROCHESTER CATHEDRAL.

It is within the general knowledge of all who care for Rochester, for its cathedral and its history, that the *Textus Roffensis*, that "venerable monument of antiquity," as it has well been called, has in its time encountered various perils, by land as well as by water. It was once accidentally submerged for some hours in the river Thames, and on another occasion was virtually stolen ('conveyed' the wise call it) by a certain physician; Dr. Thomas Leonard of Canterbury, who knew its great value. He detained it for at least two years. The fact itself was notorious, as also that the book was ultimately recovered by the Dean and Chapter and restored to their library in Rochester Cathedral. No details of the painful story have, however, so far as I know, been hitherto published; and the recent discovery of some records of the suit in Chancery, which the Dean and Chapter found themselves forced to institute against the culprit, enables us to throw some light on the circumstances.

The book must have been lent by the Dean and Chapter, probably to a learned person who desired to make use of some of its treasures; at any rate, it was in London in or about the year 1630, and, as it happens that Sir Henry Spelman is known to have had access to it about that time, and had been making transcripts for his *Glossary* which he had just published, and was also taking materials from it for his *Concilia et Decreta Ecclesie Britannica* which was published a few years afterwards, it is not improbable that he was the individual to whom the book had been lent.

The abstract of the Bill in Chancery and of the Defendant's Answer to it, the only record of the suit which at present has come to hand, and for which we have to thank Mr. F. M. R. Holworthy of Bromley, are printed in full after these introductory notes. They shew that the *Textus* being in London at the time mentioned above, that is about the year 1630, it was desired to get it back to Rochester, and that one Mr. Thomas Somer, described in the Bill of Complaint (in which he was made to take the leading part of plaintiff, or Orator) as one of the Clerks of Edward Robinson, Esquire, then one of the "Six Clerks" of the Court of Chancery, being in possession of it, upon trust to deliver it to the Dean and Chapter, understanding that one John Larkin, clerk, one of the Prebendaries of Rochester Cathedral, was within a short time to go to Rochester, he had desired that gentleman to take charge of the book, which the latter undertook to do, and had appointed Somer to bring it to his lodgings in Fleet Street. Somer accordingly did so, but the Prebendary being away at the time, he left the book with the wife of the landlord of the lodgings, "a haberdasher of hatts," or with his servant—he appears afterwards to be doubtful which of them it was—and then it seems certain that this Doctor Thomas Leonard, happening to be lodging in the same house, found the precious volume lying about, took it up, and either actually stole it, or, which was much the same thing, gave the landlady, or some one in the house, five shillings, or some such sum, and then carried it off.

Nothing is known of Mr. Thomas Somer, but I think we may assume that he had been employed by Sir Henry Spelman, or by whoever had the care of the book at the time, to copy from it. He was a clerk in the office of the Six Clerks, who were high functionaries of the Court of Chancery, discharging duties similar, I think, to those afterwards performed by the Masters of the Court, and, at the present day, by the Registrars; no doubt but that being in such an occupation he was an expert in caligraphy, accustomed to copy ancient documents, and just the right

person to be employed to make the required transcripts from the *Textus*; anyhow, it would seem that he was engaged in some such way with this book, and so it was in his lawful possession at the time, and on that ground, I suppose, he was made the plaintiff, as it was he, and not the Dean and Chapter, who had entrusted the book to the landlady of the lodgings, and had made the arrangement for its delivery by her husband to the Prebendary of the Cathedral, who was to take it to Rochester. In the Bill this gentleman is called John Larkin, but his true name was Lorkin. He was a Prebendary of Rochester Cathedral from 1625 to 1654, when he died. He was also at this time Vicar of St. Nicholas, Rochester.\*

It is observable that Somer in his Bill of Complaint, which bears date the 18th November 1633, avers that the transaction took place about "fower" years before, but that the defendant in his answer, which is dated (strange to us who have heard so much of the delays of Chancery!) on the 25th of the same month, says that it had happened only two years before. The latter period also agrees with the memorandum which the Dean recorded, as will be presently stated, on the *Textus* itself, when the book had been brought back in triumph to its proper home. The Defendant's Answer speaks for itself. It is contradictory in its statements and altogether unsatisfactory. The Lord Chancellor must have made short work of it, and have done justice by ordering the immediate return of the book. It is to be regretted that not more of the pleadings in the suit are obtainable; we have not the judgment, or decree; it is not even certain that the defendant was condemned to pay the costs—one can only hope that it was so; but however that may have been, the Dean's memorandum shews that the expense of the suit, falling on the Church, was by no means light.

It is certainly a matter of surprise that Dr. Leonard should have been suffered to detain the book for so long as two years, or it may have been for a longer time, and

\* Fielding, *Records of Rochester Diocese* (1910), p. 465.

stranger still that it should have been so, as no secret could have been made as to its whereabouts, for it was at this very time that Sir Edward Dering had access to the book, and himself made a copy of many of the articles in it; it was indeed from his copy that Hearne afterwards wrote and published his well known work, *Textus Roffensis* (Oxford, 1720), in the Latin preface to which (p. vi), after much eulogy of Sir Edward and explaining that he had made use of his copy, he expressly states that Sir Edward had 'fallen in' with the book—the word he uses is *inciderat*—at Dr. Leonard's house, and further that he had made a note of that fact at the beginning of his copy. The exact words of the preface are as follows: "In hunc codicem inciderat in ædibus cujusdam doctoris Medicinæ, hinc ad initium apographi hanc notam ponendam curavit. *Textus Roffensis Liber antiquissimus et dignissimus qui dudum Ecclesiæ Roffensi pertinuit sed hodie in manu . . . Leonard medicinæ doctoris, 1632.*" Thus Sir Edward in his note, while he states that the book formerly (or a short time since) belonged to the Church of Rochester, does not say that it now belongs to Leonard, but simply that it is 'to-day in his hands.' He must have suspected the Doctor's right to hold it.

Finally, and before the end of the year, the book got back to Rochester, and the Dean, the Very Reverend Walter Balcanquel, wrote this note, in his own hand, on the leaf of parchment or vellum which then lined the wooden cover of the book: *Venerandum hoc antiquitatis monumentum, per integrum biennium desideratum, surrepto tandem detecto, ac restitutionem strenue negante, decreto supremæ curie, quam Cancellariam vocant, non exiguis hujus ecclesiæ sumptibus, recuperavit, reddique pristinis dominis curavit Gualterus Balcanquel, hujus Ecclesiæ decanus, Anno post natum incarnatum 1633.*

It was about eighty years after this adventure that the book was nearly lost altogether, by being accidentally submerged in the Thames during its passage from or to London. Dr. John Harris, who was using the book for his *History of Kent* at the time, was in some way responsible for

this, and subsequently he made with his own hand a copy of Dean Balcanquel's note and entered it on folio 2 of the *Textus*, which happened to be a blank page, and attested it by this further note: *This is written on the wooden cover of this book and thence copied by J.H. D.D. P.R.* (that is 'John Harris, Doctor of Divinity, Prebendary of Rochester'). This must have been written by Dr. Harris about the year 1719; since then the book has been re-bound in dark red Russia leather. The wooden cover has gone, but Dean Balcanquel's memorandum which he wrote upon it has been cut out and carefully preserved, being pasted or fixed on the same folio 2 which has Dr. Harris' note. The Dean's note is written compactly and in small characters, and the Latin words are so much contracted that it occupies a very small space, so much so that I think a coin of about the size of a half-crown would about cover it. As I read it to-day (24th June 1913) by the courtesy of the Chapter Clerk and under proper precautions, I could not help recalling to my mind that pregnant piece of advice which the learned Mr. Pegge gave in his account of the *Textus*,\* in these words: "The book has been in perils both by land and water, and I presume this last escape will prove a sufficient warning to the Dean and Chapter not to suffer it to go any more out of their custody."

Now we come to the abstract of the Bill and Answer.

#### CHANCERY PROCEEDINGS.

Charles I. Bundle S., 95/24.

Bill dated 18 November 1633. To the Rt. Hon. Thomas Lord Coventrey. Humbly complayninge sheweth your Orator Thomas Somer, gent., one of the Clerks of Edward Robinson Esquire, one of the sixe Clerks of this Most Honble Court. That whereas about fower yeares since Orator was lawfully possessed of a "certaine auntient booke commonlie called and knowne by the name of

\* See Pegge's account of the *Textus Roffensis* (*Bibliotheca Topographica Britannica* and *Archæologia*, vol. i., 1770), also the late Mr. Pearman's references to it in his *History of the Diocese of Rochester* (S.P.O.K., 1897), and a Paper by the present writer in *Archæologia Cantiana*, Vol. XXIII., pp. 94-112.

Textus Roffensis, or soe instituted [*sic*, for intituled?] being a Manuscript in quarto, the leaves thereof being all or many of them of parchment written part in the Saxon, and part in the Latine Tongues contayning in it manie Antiquities concerning the Cathedrall Church of Christ and the blessed Virgin Marie of Rochester, and other things and places in the countie of Kent; In which booke are many read [*sic*, for red] Rubrickes or letters, and the cover thereof being of boards was then covered with Leather or velum," upon trust and confidence and to the intent and purpose that your said Orator should deliver the same to the Deane and Chapter, in regard the said booke did principallie concerne the possessions of that Church; and your Orator understanding that one John Larkin, Clarke, one of the Prebends of the said Church was in London, and perceiving that he was then within a short time to goe to Rochester, desired him to take care of the safe delivery of the said booke, which he willingly undertooke to do, and appointed Your Orator to bringe same to his lodgings at the house of one Thomas Walker, "an haberdasher of hatts, dwelling in Fleete Streete, London," and Orator did forthwith carrie same to the said lodging, and at coming there he delivered same to Jane wife of the said Thomas Walker, or to George Etherington his servant, and desired them to deliver same to the said John Larkin. But so it is that one Thomas Leonard of the Cittie of Canterburie, Doctor in Phisicke, then lodginge at the same house, and finding the said book, and understanding the value thereof, for some small consideration gayned the booke from the said Jane, or by some other meanes possessed himself thereof, promising her withall that after he had made some short perusal thereof he would restore it to her; but the said Thomas Leonard havinge possessed himselfe thereof did resolve that he would deteine and carrie same into the countrey, and he kept same private, but yet privatelie shewed the said booke to divers of his friends; whereupon your Orator considering that he was compellable to be answerable for the booke, and taking notice that the said Thomas Leonard had devulged the having thereof, but in such sort as that Orator could make noe exact prooffe thereof did acquainte some of his friends with what he had heard, whereupon one of them had conference with the said Thomas Leonard whoe did not onlie confesse the havinge of the said booke but promised to restore same, only desired that he might have the use for some short time; but he did not restore same according to his promise; the said friend after meeting him pressed him againe

to make restitucon thereof, whereupon the said Leonard desired to keep the booke sixe weeks longer, after which sixe weeks being reminded, said he ment not to tye himselfe by his promise, but his meaninge was after sixe weeks to give an account thereof, and being requested to deliver the said booke affirmed that he could be contented to gratifie the said Deane, but in regard the said Chapter were strangers unto him, he held himselfe not bound to restore the same without some gratuitie. And accordingle to the intent that the said booke may be obscured [*sic*], and although on the second of this month of November had the booke in his custodye, doth nowe pretend that the same is not in his custodye, and that he knoweth not where it is, and refuseth to make known to whom he delivered it, and denieth that he ever possessed himselfe of any booke in the house of the said Thomas Walker. Asks for Writt of Subpena to be directed to the said Thomas Leonard.

ANSWER of Thomas Leonard, dated 25 November 1633.

That the matter for which reliefe is sought by plaintiff be not worthy of the Dignity of this Court, which defendant humbly conceiveth it is not. And for that this defendant did never buy of the said Thomas Walker but one booke onely, for which he did not give or paye above the somme of 5s., for which cause the said booke, if at all it concerned plaintiff, by reason of the petty value paid for it is not worthy the dignity of this Court, nor ought any suite by the rules of this Court bee admitted in this hoñable Court, for a lesse somme or under the value of tenn poundes, humbly demandeth the judgement of this Court whether defendant ought by the rules to be impleaded for the same. The defendant doth not know that the plaintiff was possessed of the booke, nor doth he know of the delivery of same to the said John Larkin, nor of the plaintiff leaving the booke at the house of the said Walker. But true it is that this defendant did about two yeares since lodge at the said Walker's house, and did about that time finde a certaine booke in the house, and supposing that it might conteyne somethinge that might advance him in knowledge as usually may be found in ancient manuscriptes, and likeinge thereof did buy same of the said Thomas Walker in his shopp and did for the same pay not above 5s., but the certaine somme, he nowe remembreth not; but that this defendant promised to redeliver or did then or doth yet knowe that the booke soe bought belonged to plaintiff or to the said Deane and Chapter



this defendant doth not knowe; and having bought the booke in manner aforesaid, defendant doth detayne it as is lawfull for him to do, havinge bought the same; and this defendant did neither promise to restore any booke to plaintiff, neither did defendant confesse the havinge of any booke that appertayned to plaintiff or the said Deane and Chapter; but defendant sayeth that beinge demanded concerninge a certaine booke did saye he would be within some short tyme after ready to give an auswere concerninge their demand, but did never acknowledge the havinge of the said booke or saye that with or without a gratuity he would lett the plaintiff or the Deane and Chapter have any booke; this defendant conceiveth hee may demand and have his owne price for it before he part with it, for he doth [not] conceive himselfe lyable either in Lawe or equity. That the booke is in defendant's custody, but that the booke is called Textus Roffensis this defendant doth denye, or that the title of the booke onely if soe it were, doth or can in any wise entitle plaintiff or the Dean and Chapter to the same.