

chapter headings illustrate the breadth of the book itself: A Pattern of Change; Criteria for Developing an Access Strategy; Circulation Strategies; Design Considerations; Vertical Circulation; and Cultural Monuments. Indeed, it will be invaluable to anyone considering the question of disabled access. The one caveat that should be noted is that, although the law is mentioned, it is cursorily dealt with, partly no doubt as Donhead already publish *Legislation for the Built Environment* by P. Cooling.

As to the *Encyclopaedia of Architectural Terms*, its scope is precisely as suggested by the title. Not only are the terms themselves clearly and concisely defined, but this book too is embellished with photographs, sketches and plans. I confess to a previous ignorance about uppers, wythes and margents,¹ to name but a few. For me it will be invaluable. An excellent present for any friend who is equally ignorant — or, of course, for oneself!

Editor's Note — Readers may also be interested in three reprints recently issued by Donhead: *Mortars and Cement* by L. J. Vicat (first published 1837; reprint 1997; 352 pp (£30) ISBN 1-873394-26-8); *Observations on Limes* by C. W. Pasley (first published 1838; reprint 1997; 160 pp (£23) ISBN 1-873394-27-6); and *Treasures on Earth, A Good Housekeeping Guide to Churches and their Contents* by Peter Burman (first published 1994; re-released 1997; 320 pp (£19.95) ISBN 1-873394-10-1). *Treasures on Earth* was reviewed in 3 Ecc LJ 344. Donhead books may be ordered direct from the publishers, Donhead Publishing Ltd, Lower Coombe, Donhead St Mary, Shaftesbury, Dorset SP7 9LY.

¹ Respectively, fir-poles used for crude roofing; partitions between flues in a chimney stack; and strips of floral or foliate forms hanging downwards, often from a mask or ring.

CATALOGUE OF ENGLISH LEGAL MANUSCRIPTS IN CAMBRIDGE UNIVERSITY LIBRARY by J.H. BAKER with J.S. RINGROSE. The Boydell Press, Woodbridge, 1996. xc + 828 pp (incl. Indexes). (£95 hardback) ISBN 085115 3763

A review by the Revd Thomas G. Watkin

John Moore (1646–1714) was Bishop of Ely and a bibliomaniac. During his life, he had, according to Professor Baker's introduction to this volume, hoarded manuscripts of every description, 'keeping rough notes and commonplace books of little or no value alongside priceless medieval volumes of acknowledged importance', collecting printed books with the same enthusiasm and lack of discretion. At his death, he had acquired what was probably the most important private library in England at that time and, although some interest in its acquisition was shown by the University of Oxford, the library was instead purchased by the king, George I, and given to the University of Cambridge. Hence, the collection was known as the Royal Library. Among the items which Cambridge received as the result of this royal munificence were manuscripts relating to English law. Indeed, the majority of the legal manuscripts in the University Library came to it from the King's gift, and thus from Bishop Moore's collection.

The sources from which Moore himself assembled his library are difficult to trace. Professor Baker believes that the majority were purchased by Moore in London during the first ten years of his residence there, which began in 1686. A small number, five or six, can be traced to the considerable library of Sir Thomas Knyvett of Norfolk, which Moore acquired while Bishop of Norwich from 1691 to 1707. A quarter of Moore's collection of legal manuscripts can be traced to five earlier collections which he acquired, namely those of William Fletewoode (d. 1594), Francis Tate (d. 1616), Robert Nicholas (d. 1667), Sir Geoffrey Palmer (d. 1670) and Bulstrode Whitelocke

(d 1675), all of whom were at some time Benchers of the Middle Temple. Professor Baker believes that the Middle Temple connection is however coincidental, and that the reason for all of the collections coming into Moore's hands was that they had somehow been brought together before he got them, at least two apparently having been brought together by Whitelocke, who was also, in Professor Baker's words, 'a significant hoarder of manuscripts'.

The English legal manuscripts which the University of Cambridge acquired as part of the Royal Library form what is probably the second most important collection of such manuscripts in the world, only that of the British Library being superior and only Harvard Law School being able to mount a quantitative challenge for second place, a challenge to which Professor Baker would not be prepared to yield for qualitative reasons. At the time of the acquisition of the Royal Library in 1715, the University Library apparently had only two manuscripts relating to English law in its possession — both collections of mediaeval statutes. This is hardly surprising given that English law was not taught at the University, legal education having focused rather upon the Civil Law of Rome and, until the sixteenth century, the Canon Law of the Western Church. The University Library has collections of manuscripts relating to both of these legal traditions, but they are not included in this catalogue. As Professor Baker states in his preface, they require their own catalogue. He notes in passing that no such catalogue currently exists, Professor Hermann Kantorowicz having declined the invitation to compile one as long ago as 1932. The exclusion of Civilian and Canonical materials from this catalogue caused its compilers problems of categorisation along the way, largely in relation to collections of English ecclesiastical precedents, and the solution, Professor Baker states, has been to mention them with summary descriptions.

Of especial interest to the ecclesiastical lawyer among the items listed is, in addition to the precedents and formularies, a collection of cause papers mostly from the Court of Arches and the Audience Court of Canterbury, relating to libels, allegations, interrogatories and other matters, many of which have a West Country origin. It is believed this collection was made by one George Harrison, proctor in the Court of Arches in the mid-sixteenth century (Dd 9.1). There is also a text dealing with the University's jurisdiction over recusant preachers (Dd 3.83 (18)), and a commonplace containing materials regarding ecclesiastical benefices, which draws on sources from the *Corpus Iuris Canonici* as well as English statutes (Dd 9.29). A manuscript of *Trumbull's Reports of Succession Cases* from the 1660s and 1670s is also included (Add 8866), containing 'a wealth of citation from continental texts'. Many of the ecclesiastical items containing precedents and formularies are from the Cambridge University Archives, where there are also a number of manuscripts of Francis Clarke's *Praxes*. While this material from the University archives is included, it is important to stress that this work is a catalogue of manuscripts in the University Library, and does not extend to those manuscripts which are held by the individual colleges at Cambridge.

There can be no concealing that Professor Baker, with the assistance of Miss Jayne Ringrose, Under-Librarian at the University Library, who provided the codicological descriptions of the early manuscripts, has completed a prodigious task. As his preface to the volume makes clear, it is a task which has in part occupied him for over two decades. Earlier attempts to achieve this result had foundered, but the end product presented here has in every way been worth waiting for. As well as the catalogue itself, and the numerous indexes, appendixes and other tabular aids accompanying it, Professor Baker has contributed an introduction which is in itself a substantial essay on the importance of the manuscript tradition as an indicator of the manner in which education in English law was pursued during the Middle Ages.

The catalogue is undoubtedly, on publication, an invaluable and indispensable reference guide for anyone wishing to prosecute research on English legal history

involving the manuscript sources. Sadly, for ecclesiastical and canon lawyers, as mentioned earlier, there is no equivalent volume for those wishing to pursue research in the Civilian or Canonist sources. It is to be hoped that it will not be too long before someone is prepared to accept this challenge which Professor Kantorowicz declined over sixty years ago, and the even greater challenge now of producing a volume which can complement the work reviewed here.

CLANDESTINE MARRIAGE IN ENGLAND 1500–1850 by R. B. OUTHWAITE.
London, The Hambledon Press, 1995 (£25) ISBN 1-85285-130-9

A review by the Revd Roger L. Brown

In his introduction, Outhwaite makes quite clear this is not a history of marriage. His concerns are narrower. Rather 'They focus on the law relating to the formation of marriage, a law that tolerated clandestine ceremonies; on the sustained efforts of church and state to enforce upon society more public modes of entry into marriage; and on the determination of many English couples to marry in private, away from the public gaze.'

Clandestine marriage was a continual problem to the Church until the Clandestine Marriages Act 1753, which, Outhwaite clearly demonstrates, was a consequence of the problems associated with these irregular marriages. Indeed, his book is a study of the interaction between society and law about what constituted marriage; perhaps not marriage as such, but rather as to which marriages would be supported by the state. The distinction is a necessary one, and caused much theological heart-searching at the time of that Act, for the church had followed Roman law which saw consent as the essence of marriage, and although it had endeavoured to regulate the performance of matrimony it was never able to proclaim, as the 1753 Act did, that any ceremony contravening its requirements would be regarded as null and void.

A large section of the book is a study of these clandestine marriages. The majority of people interested in this subject would readily point to the Fleet [Prison] marriages as the major example, but recent research has indicated that such marriages could be obtained at many other regional centres, such as Fledborough in Nottinghamshire, while local clergy were not averse to obliging their parishioners in this way. There were also considerable abuses in the granting of marriage licences by surrogates. An estimate is quoted that between half, and possibly three quarters, of all marriages in London by the 1740s were clandestine in origin.

Although the reasons why these marriages were popular were often genuine enough (in general the convenience of a quick and possibly private ceremony, although the need for secrecy in the case of minors and apprentices or of pregnancy, together with a dislike of banns, were also significant), they caused so many personal and family tragedies that the courts were forced to take notice. A marriage once entered, however base its origin and unequal its partners, could not be ended if the principle of free consent could be proved. The abuses in the Fleet registers (though not emphasised sufficiently by Outhwaite), by which good marriages could be erased and false marriages inserted, attracted considerable judicial comment and was, I believe, the main concern of Lord Chancellor Hardwicke in his campaign to outlaw them.

Outhwaite notes the many attempts made by both church and state to end this state of affairs, which culminated in the successful passing of the 1753 Act. He details the course of the parliamentary debates on the Bill, and the substantial opposition made against it; many seeing it as an aristocratic plot designed to ensure that the wealth of the country passed into the hands of a limited number of families. It