

**THE NEWDIGATE
FINE**

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The Newdigate fine by W. T. R. Marvin

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W. T. R. MARVIN, LITT. D.

FOREWORD

THIS paper was prepared by Dr. Marvin at a time when he knew that in all probability he would be unable to read it before the Society. It was completed only a few weeks before his death.

With no previous experience in such transcription, with failing sight and strength, Dr. Marvin spent hours in patient and painstaking study, and finally arrived at a practically complete and substantially accurate translation. Being obliged to work from a photographic copy of the original which is too cumbersome to handle, and being confined to his home, he was limited in his resources, and therefore there were certain omissions and errors in his translation which he was unable to correct. Through the courtesy of Mr. Frederick L. Gay, of Brookline, a member of the Society, the paper was sent to a professional scrivener in London, who has revised and completed the transcriptions and translation.

As the article is now printed it is accordingly the work of Dr. Marvin, checked and corrected by a competent authority. The result is an accurate deciphering of one of the most interesting legal documents in the country.



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AMONG the collections relating to the history and antiquities of Boston in the possession of our Society, is a curious old document, framed, written on parchment, twenty-seven inches wide and twenty-one deep, to which is attached a large seal, four inches in diameter, with the Royal Arms. In the upper left corner is a portrait of King James the Second, of England, adorned with elaborate pen and scroll-work, his title, in large Old English letters, running across the top, with a very ornate border of foliage above, animals of wondrous form, etc., conventionally drawn after the fashion of the times, and a much simpler border at the sides. Similar

parchment blanks were evidently a part of the usual stock in trade of the law-stationers and scribes of the period; they served to furnish a suitable heading or prefatory page for documents deemed of more than ordinary importance. The location of the shop of the stationer from whom this was purchased appears in a line of small script, below a threatening dragon, near the lower part of the border, and reads, "*Sold in Cliffords Inne Lane.*"

The language in which this document is written is the peculiar Latin used in the Courts of the time; as engrossed, it is full of contractions, — conventional abbreviations, in the custom of the professional scribes (then a body of much importance), and in the style of penmanship which they affected, — many of the letters, especially the capitals, being entirely unlike those in business use. How the ordinary layman, when handed such a document by his counsel, could discover its meaning without an interpreter, is a mystery. It was doubtless the difficulty of deciphering this manuscript, when not only the mode of procedure under which it was drawn, but the language in which it was written, — the old "law-Latin, flavored with Norman French," — had passed almost entirely from use at the bar, that led to the misstatements as to what it really was when it was presented to the Bostonian Society. Perhaps we cannot do better than reprint the description as it appeared in the Society's Catalogue of its possessions.

NATHANIEL NEWDIGATE'S "FINE," or grant of land at Rumney Marsh, June 15; recorded Dec. 21, 1687, "for his Majesty, James II's territory and dominion of New England;" given by Governor Andros to replace the deed declared void after the overthrow of the first charter of the Massachusetts Bay Colony; an original deed, beginning, "Jacobus Secundus," written in black-letter on a sheet containing the portrait of the King, printed in scroll-work, and a border of animals, with the written words, "Sold at Clifford's Inn Lane;" at the bottom, the signature of the King and an impression of the Great Seal in wax; probably the only such original conveyance in America. Given by WILLIAM W. GREENOUGH.

The numerous errors in the foregoing (some of which were pointed out by Judge Mellen Chamberlain in the first volume of his "History of Chelsea")* cannot justly be attributed to Mr. Greenough, but must have originated in the attempt of some inexperienced person to preserve the traditions concerning this interesting document, when it was given to the Society. It is correctly called "Nathaniel Newdigate's Fine." The "grant of land" (so-called, but improperly, according to an old

* "This document, the text of which is in Latin, and the script old style and very ornate, seems to have been incorrectly labelled and catalogued. The seal attached is neither the private seal of Andros, . . . or the seal of New England . . . All but the first page is missing; it appears to be the judgment or fine of the Court of Common Pleas at Westminster, England, in a common recovery to bar the entail." (Vol. I., footnote p. 80).

authority), was not "given by Governor Andros to replace the deed declared void, etc.," but came from the Court of King's Bench at Westminster, and has the official signature of the King, probably not an autograph, but placed there by the proper Court officer (the official chirographer who also signs), and the special Royal seal set apart to be used for such purposes, which must have been attached in London.

The story that it was given by Andros to replace an earlier deed, probably grew out of one of the well-remembered slurs on the early Indian grants to the Colonists. When the haughty Royal Governor declared that those old deeds were worth no more than the scratch of a bear's paw, the alternative to the proprietors was resistance to Andros, or petitioning for new deeds.

"Nathaniel Newgate, owner of the great Newgate farm at Rumney Marsh . . . was among the first to perfect his title by petition* . . . June 1, 1687, an Indenture was signed between Nathaniell Newdigate *akas* Newgate of London, merchant, and John Shelton and Nicholas Brattle, also of London, according to which Newgate agreed to levy a 'ffine sur Conusans de droit come ceo &c.' during 'this p'sent Trinity Term' in the Court of Common Pleas at Westminster for his lands in Charlestown . . . unto said Shelton and Brattle,

* Chamberlain, *History of Chelsea*, I, pp. 79, 167, 168.